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Title 71

Labor Organization

Title 71

NOOKSACK INDIAN TRIBE LABOR ORGANIZATIONS ORDINANCE

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71.16.010 Definitions.

For purposes of this Ordinance:

- A. "Business agent" means any person who acts or attempts to act for or on behalf of any labor organization in:
 - 1. The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; or
 - 2. Soliciting or receiving from any employer any right or privilege for employees.
- B. "Council" means the Nooksack Tribal Council.
- C. "Employer" means any person, firm, association, corporation and other business entity lawfully operating on the lands within the jurisdiction of the Nooksack Indian Tribe.
- D. "Labor organization," means any organization of employees organized for the purpose of dealing with an employer concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and desiring to operate on all lands within the jurisdiction of the Nooksack Indian Tribe.
- E. "Ordinance" means the Nooksack Indian Tribe Labor Organizations Ordinance.
- F. "Person" means any individual, employer, labor organization, corporation, partnership, or other entity.
- G. "Tribal Court" means the Nooksack Tribal Court.
- H. "Tribal lands," means all lands within the jurisdiction of the Nooksack Indian Tribe.
- I. "Tribal Offense" means any action that violates the Nooksack Tribe Law and Order Code, as previously enacted. Such offenses include, but are not limited to, assault, assault and battery, breaking and entry, bribery, discharging of firearms, disorderly conduct, extortion, fires, and injury to property, malicious mischief, terrorist threats, and trespass.

J. "Tribe" means the Nooksack Indian Tribe, a federally recognized Indian Tribe.

71.16.020 Tribal Council findings.

The Tribal Council finds that:

- A. Every labor organization operating on tribal lands shall file a report with the Tribal Council Chair, on or before sixty (60)-days after this Ordinance is enacted by the Tribal Council, or with forty-eight (48)-hours of any subsequent first entry on tribal lands, and thereafter on or before December 31st of each year. The report, which shall be filed by the president or the business agent of the labor organization, shall contain the following information:
 - 1. The name and address of the labor organization.
 - 2. The names and addresses of the president, secretary, treasurer, and business agent of the labor organization.
 - 3. The name and address of the national or international organization, if any, with which it is affiliated.
 - 4. A copy of the collective bargaining agreement between the labor organization and an employer, if any.
- B. The president or the business agent of the labor organization shall file with the Tribal Council Chair a notice of any changes to the information required by Section 71.16.040(A) no more than ten (10) days after the changes are made, and provide any additional information requested by the Tribal Council Chair.

71.16.050 Business agents.

- A. No person shall be granted a license to act as a business agent on tribal lands if that person:
 - 1. Has been convicted of a felony and has not had his/her civil rights restored, or
 - 2. Is not a person of good moral character. All licenses shall be non-transferable and non-assignable.
- B. Any person desiring to act as a business agent on tribal lands shall first obtain a license from the Tribe by:
 - 1. Filing an application under oath with the Tribal Council,
 - 2. Paying a license fee of two hundred dollars (\$200.00);
 - 3. Submitting a full set of fingerprints of an applicant, which shall be taken by the Nooksack Tribal Police or other law enforcement agency authorized by the Tribal Council to do so; and
 - 4. Submitting a statement signed by the president and the secretary of the labor organization showing his or her authority to act as a business agent for the labor organization.
- C. The Tribal Council, in its discretion, may conduct or cause to be conducted an independent background investigation of the applicant to determine the applicant's eligibility for a license.
- D. Upon compliance with Section 71.16.050(B), the Tribal Council shall issue the license. If at any time after the issuance of the license, the Tribal Council receives reliable information based on the background investigation or other

source that the licensee is ineligible to hold a license hereunder, then the Tribal Council may suspend or revoke the license, in which case the licensee may within thirty (30) days appeal the suspension or revocation to the Tribal Court. The license shall run for the calendar year for which it is issued unless sooner surrendered, suspended, or revoked.

- E. All licenses shall expire at midnight on December thirty-one (31) of each year, but may be renewed by the Tribal Council on a form prescribed by the Tribal Council for that purpose and upon the payment of an annual renewal fee of two hundred dollars (\$200.00); however, if any license has been surrendered, suspended or revoked during the year, then the applicant must go through the requirements set forth in Section 71.16.050(B) as a new applicant.
- F. Grounds for denial, suspension, or revocation of licenses shall include, but not be limited to, false application.

71.16.060 Freedom of choice guaranteed.

- A. No person shall be required, as a condition of employment or continuation of employment on tribal lands, to:
 - 1. Resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
 - 2. Become or remain a member of a labor organization;
 - 3. Pay dues, fees, assessments or other charges of any kind or amount to a labor organization; or
 - 4. Pay to any charity or other third party, in lieu of such payments any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.
- B. Any actual agreement between any labor organization and an employer that violates the rights of employees guaranteed by the provisions of this Ordinance is hereby declared to be against the public policy of the Tribe and of no legal effect.
- C. No person, including any labor organization, employer, or employee, shall commit any tribal offense.

71.16.070 Violations of ordinance.

- A. It shall be a violation of this Ordinance for any person on tribal lands:
 - 1. To act as a business agent without having obtained a valid license.
 - 2. To solicit membership for or to act as a business agent of any labor organization without authority of the labor organization to do so.
 - 3. To make any false statement in an application for license.
 - 4. To unlawfully seize or occupy any property during the existence of a labor dispute.
 - 5. To coerce or intimidate any employee in the enjoyment of his or her legal rights; to coerce or intimidate any elected or appointed tribal official; or to intimidate the family, picket the domicile, or injure the person or property of any employee or tribal official.
 - 6. To engage in picketing in any manner that constitutes a tribal offense, including picketing in a manner to prevent ingress to an egress from

any premises, and picketing other than in a reasonable and peaceful manner.

7. To violate any other provision of tribal law.

71.16.080 Penalties.

Any person who, directly, or indirectly, violates any provision of this Ordinance shall be subject to a fine not exceeding one thousand dollars (\$1,000.00) for each violation, or exclusion from tribal lands, or both.

71.16.090 Civil remedies.

Any person injured as a result of any violation or threatened violation of the provisions of this Ordinance shall be entitled to injunctive relief from the Tribal Court against any person committing or threatening any violation, and may, in addition thereto, recover any and all damages, including costs and reasonable attorney fees, resulting from the violation or sovereign immunity of the Tribe, or of its enterprises, agents, employees or officials. The remedy shall be independent of an in addition to any other penalties and remedies prescribed by applicable law.

71.16.100 Severability.

The provisions of this Ordinance are hereby declared to be severable, and if any provision is declared void, invalid, or unenforceable in whole or in part, then that declaration shall not effect the remaining provisions of this Ordinance. However, nothing in this Ordinance is intended nor shall be construed to violate the Nation Labor Relations Act to the extent that it is applicable to the Tribe.

71.16.110 Sovereign immunity.

Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Tribe or its enterprises, agents, employees or officials.