

Cherokee Nation Code Annotated

Title 28: Ethics

Chapter 4: Whistleblower Protection Act

§ 403. Definitions

Cite as: 28 CNCA § 403

A. **"Employer"** means the Cherokee Nation and the public body defined herein; employer also means any individual, partnership, association, corporation or any person or group of persons acting directly or indirectly on behalf of the Cherokee Nation, and shall also include any public or privately owned corporation that provides goods or services as a result of contractual relations with the Cherokee Nation. It applies to all branches of the Cherokee Nation Government, and or any Corporation, Commission, Board, or any other political subdivision of the Nation; it includes any Cherokee Nation authority, commission, or board or any other agency or instrumentality thereof. Employer shall also include agents, contractors or subcontractors of an employer.

B. **"Employee"** means any individual who performs service for or under the control and direction of an employer for wages or other remuneration. Employee shall also include applicants for employment, former employees or an authorized representative of an employee.

C. **"Official"** means any elected or appointed individual of the Employer

D. **"Public Body"** means the government of the Cherokee Nation:

- a. The Legislative, the Council of the Cherokee Nation and their employees,
- b. The Judiciary, the Cherokee Nation Supreme Court and the district courts of the Nation and their employees,
- c. The Executive, the Principal and Deputy Principal Chiefs' offices, and any organizational unit of the Executive including regulatory and non-regulatory organizational unit of the Executive including regulatory and non-regulatory Commissions and Boards organized and approved by the council of the Cherokee Nation and their officials and employees.
- d. Any corporation or commission organized for profit or non-profit purposes that is owned or organized in whole or part by the Cherokee Nation.

E. **"Supervisor"** means any individual within employer's organization who has the authority to direct and control the work performance of the affected employee or who has authority to take corrective action regarding the violation of the law, rule, or regulation of which the employee complains.

F. **"Retaliatory Action"** means the discharge, suspension, demotion, harassment, blacklisting or the refusal to hire an employee, or other adverse employment action taken against an employee in the terms and conditions of employment, or other actions which interfere with an employee's ability to engage in protected activity set forth in 28 CNCA § 406 as a result of the employee's engagement in a protected activity.

Historical Data

LA 13–04, eff. April 19, 2004. Amended LA 20–16, eff. August 17, 2016.