

Cherokee Nation Code Annotated

Title 40: Labor and Employment

Chapter 1: General Provisions

§ 103. Definitions

Cite as: 40 CNCA § 103

A. **"Administration"** shall mean the Executive Branch of the Cherokee Nation as provided in the Cherokee Nation Constitution.

B. **"Cherokee Nation Indian Country"** shall mean the territorial boundaries of the Cherokee Nation as defined within the Cherokee Nation 1999 Constitution, Article II.

C. **"Cherokee Nation Government"** shall mean the officials and employees of the Cherokee Nation and its programs or commissions wherever located. **"Cherokee Nation"** shall mean the government of Cherokee citizens, authorized by the Act of Union of 1839.

D. **"Contractor"** shall mean any person, company or other entity engaged in work with the Cherokee Nation, its entities or wholly-owned corporations. The term **"contractor"** includes Cherokee Nation, its entities and wholly-owned corporations, and includes contractors, and subcontractors thereof. This term shall not include federal, state, or county government agencies to the extent prohibited by federal or state law.

E. **"Core Crew"** shall mean an owner of the firm, or an employee of a company who is in a supervisory or other key position such that the employer would face a serious financial damage or loss if that position were filled by a person who had not previously worked for the employer, contractor or subcontractor.

F. **"Council"** shall mean the Tribal Council of the Cherokee Nation as established pursuant to the Cherokee Nation Constitution.

G. **"Debarment List"** shall be a list of contractors which have previously provided poor performance or engaged in behavior in non-compliance with contract provisions, rules, regulations, or laws.

H. **"EEOC"** shall mean the Equal Employment Opportunity Commission of the United States.

I. **"Emergency"** means any condition that places an extreme physical or emotional condition or financial burden on a Cherokee Citizen. (After all reasonable efforts have been made to contact a TERO Vendor).

J. **"Employer"** shall mean (i) Cherokee Nation, its entities and wholly-owned corporations, (ii) any person, company, contractor, subcontractor or other entity engaged in work on a Project with the Cherokee Nation, its entities or wholly-owned corporations or (iii) any person or entity employing two or more persons located within Cherokee Nation Indian Country that has applied for or received certification with the TERO Office. The term **"Employer"** shall not include companies that are engaged in government contracting or other activities where the application of this law may violate applicable federal or state laws.

K. **"Engaged in Work"**. An employer is **"engaged in work"** if, during any portion of a business enterprise or specific project, contract or subcontract, the employer performs work under contract with the Cherokee Nation, its entities and wholly-owned corporations and/or the work is performed on Cherokee Nation Indian Country.

L. **Reserved**

M. **"Indian"** shall mean a person who is a member of a federally recognized Indian tribe.

N. **"Indian Organization"** shall mean the governing body of any Indian Tribe or entity established or recognized by such governing body in accordance with the Indian Financing Act of 1974 (88 Stat. 77, 25 U.S.C. § 1451).

O. **"Indian-Owned Economic Enterprise"** shall mean any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than fifty-one percent (51%) of the enterprise, and the ownership shall encompass active operation and control of the enterprise. No Business that is more than forty-nine percent (49%) owned by a trust shall be included.

P. **"Indian Tribe"** means an Indian Tribe, pueblo, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. § 1601), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Q. **"Locally Owned"** means a business that has its headquarters and majority of its employees residing within the jurisdictional boundaries of the Cherokee Nation, as described in Article II of the Cherokee Constitution, or counties contiguous to those boundaries.

R. **"Located within Cherokee Nation Indian Country"**. An employer is **"located within Cherokee Nation Indian Country"** if, during and in connection with any portion of a

business enterprise or specific project, contract or subcontract, the employer maintains a temporary or permanent office or facility on or performs work on Cherokee Nation Indian Country.

S. **"Major Cherokee Employer"** shall mean an Indian owned business that employs at least fifty (50) Cherokee Citizens as either part of the core crew or project crew, or has at least seventy-five percent (75%) of its workforce comprised of Cherokee Citizens as certified by the TERO. A business may be certified as Indian Owned, major Cherokee Employer, or both.

T. **"Nation"** shall mean the Cherokee Nation.

U. **"OFCCP"** shall mean the Office of Federal Contract Compliance Programs of the United States.

V. **"One Stop Business Center"** means a centralized location where Cherokee Owned businesses can obtain information regarding procurements, training, and financing.

W. **"Secretary"** shall mean the United States Secretary of the Interior or his or her duly authorized representatives.

X. **"Tribal Citizen"** shall mean any person who is a duly enrolled member of the Cherokee Nation.

Y. **"TERO"** shall mean the Tribal Employment Rights Office.

Z. **"TERO Staff"** shall mean employees assigned to the TERO Office by the Executive Branch of the Cherokee Nation.

AA. **"Project"** shall mean any construction, alteration, or repair of buildings or structures performed for Cherokee Nation or its entities.

Historical Data

LA 38–05, eff. November 17, 2005. Amended LA 30–12, eff. September 12, 2012; LA 01–14, eff. March 21, 2014; LA 05–16, eff. April 21, 2016; LA 17–16, eff. July 13, 2016.