

Cherokee Nation Code Annotated

Title 40: Labor and Employment

Chapter 6: Enforcement and Remedies

§ 601. Penalties for violations of Title and rules, regulations or orders of the TERO or Administrative Appeals Board

Cite as: 40 CNCA § 601

A. Any employer, contractor, subcontractor or union who violates this Title or rules, regulations or orders of the TERO shall be subject to penalties for the violation, including, but not limited to:

1. denial of the right to commence or continue business within the jurisdiction of Cherokee Nation;
2. suspension of operations within the jurisdiction of Cherokee Nation;
3. payment of back pay and damages to compensate any injured party;
4. an order to summarily remove employees hired in violation of this Title or rules, regulations or orders of the TERO;
5. imposition of monetary civil penalties;
6. prohibition from engaging in future operations within Cherokee Nation boundaries;
7. an order requiring employment, promotion and training of Indians injured in the violation;
8. an order requiring changes in procedures and policies necessary to eliminate the violation;
9. an order making any other provision deemed necessary to alleviate, eliminate or compensate for any violation.

B. The maximum monetary penalty which may be imposed is Five Thousand Dollars (\$5,000.00) for each violation. The penalties will be graduated as follows:

1. The first violation will incur a fine of Two Hundred Dollars (\$200.00);
2. The second violation will incur a fine of One Thousand Dollars (\$1,000.00);
3. The third violation will incur a fine of Five Thousand Dollars (\$5,000.00).

C. Each day during which a violation exists shall constitute a separate violation.

D. Monetary penalties assessed by TERO may be tripled if it is shown that the violation occurred egregiously or with reckless or wanton behavior.

E. Attorney fees and costs of pursuing or defending an action of the TERO may be awarded to the prevailing party.

Historical Data

LA 38-05, eff. November 17, 2005. Amended LA 30-12, eff. September 12, 2012; LA 01-14, eff. March 21, 2014. Amended LA 27-24, eff. July 17, 2024.