

Cherokee Nation Code Annotated

Title 51: Officers and Employees

Chapter 10: Employee Access to Justice

§ 1009. Damages Allowed, Punitive Damages Disallowed

Cite as: 51 CNCA § 1009

A. Relief from a judicial finding of wrongful termination or wrongful demotion, shall be limited to the following:

1. Reinstatement of the employee to his or her former position, or a similar position at the same rate of base pay.
2. In the case of wrongful termination, an award of back-pay and benefits for the period of separation from employment, less any unemployment compensation or other wages that the former employee has received since termination. Provided that no such award shall exceed one (1) year of the former employee's salary and benefits.
3. In the case of wrongful demotion, an award of back-pay equivalent to the difference between the employee's former base pay and their current base pay from the time of the demotion. Provided that no such award shall exceed one (1) year of the employee's salary and benefits.
4. An award of reasonable costs and attorney's fees. Provided that in no event shall such an award of costs and attorney's fees exceed twenty percent (20%) of the amount of an award of back-pay and benefits.

B. Any award of punitive or exemplary damages against the Cherokee Nation or included entities is expressly disallowed.

Historical Data

LA 30-17, eff. November 21, 2017.