



**RESOLUTION OF THE COMANCHE BUSINESS COMMITTEE APPROVING
TRIBAL EMPLOYMENT PREFERENCE LAW**

WHEREAS, the Comanche Nation is a federally recognized Indian Tribe with a constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, educational and health status of its members; and

WHEREAS, the Comanche Nation recognizes that jobs in the private sector on or near the jurisdictional area of the Comanche Tribe are an important resource for Indian people and Indians must use their rights to obtain their rightful share of such opportunities as they become available. Indians have unique and special employment rights and the Comanche Tribe has the inherent sovereign power to pass laws to implement and enforce those special rights on behalf of Indians; and


WHEREAS, the Comanche Business Committee is the duly elected official body designed to conduct business for and on behalf of the Comanche Nation; and

WHEREAS, the Comanche Business Committee has determined that it is in the best interest of the Comanche Nation to adopt the Comanche Tribal Employment Preference Law.

NOW THEREFORE BE IT RESOLVED that the Comanche Business Committee hereby adopts and codifies into law the Comanche Tribal Employment Preference Law.

CERTIFICATION

The foregoing resolution was adopted at a regular meeting of the Comanche Business Committee held on the 6th day of October, 2012, at the Comanche Tribal Complex, Lawton, Oklahoma, by a majority vote of 6, for, 0 against, and 0 abstaining, a quorum being present.

ATTEST:

Gary Tahmahkera, Secretary-Treasurer


Wallace Coffey, Chairman



COMANCHE TRIBAL EMPLOYMENT PREFERENCE LAW

1.1 **TITLE.** This Law shall be known as the Comanche Tribal Employment Preference Law.

1.2 **STATEMENT OF PURPOSE.** Like land, water, and minerals, jobs in the private sector on or near the jurisdictional area of the Comanche Tribe are an important resource for Indian people and Indians must use their rights to obtain their rightful share of such opportunities as they become available. Indians have unique and special employment rights and the Comanche Tribe has the inherent sovereign power to pass laws to implement and enforce those special rights on behalf of Indians. Indians are also entitled to the protection of the laws that the federal government has adopted to combat employment discrimination, and Tribal governments can and should play a role in the enforcement of those laws. The Comanche Tribe therefore believes it is important to create employment, training, and advancement opportunities for Comanche Tribal Members and other Indians.

1.3 DEFINITIONS

As used in this Law,

(a) The term "jurisdictional area" means those areas over which the Comanche Indian Tribe has jurisdiction, including all tribal lands held in trust or tribal lands held in fee for the Comanche Indian Tribe, dependent Indian Communities and trust allotments, as defined in 18 U.S.C. Section 1151. The jurisdiction of the Comanche Indian Tribe is concurrent with the Kiowa Indian Tribe and the Apache Indian Tribe with respect to the commonly held lands of the Kiowa, Comanche, and Apache Indian Tribes, such lands referred to as the KCA lands.

(b) The term "commerce" includes all trade, traffic, distribution, communication, transportation, provision of services, manufacturing, production, agricultural production, building, maintenance, construction, banking, mining, and energy production.

(c) The term "employer" includes any person engaged in commerce within the jurisdictional area of the Comanche Tribe and also includes any person acting as an agent, contractor, or subcontractor of any employer, directly or indirectly, and also includes the Comanche Tribe or any wholly-owned tribal enterprise.

(d) The term "employee" shall include any individual employed by an "employer" as defined herein.



1.4 INDIAN PREFERENCE IN EMPLOYMENT.

(a) Employment opportunities provided by the Comanche Tribe and its Enterprises exist for the benefit of Tribal Members, members of federally recognized Indian tribes, and tribal families. All employment activities conducted by the Comanche Tribe and its Enterprises shall apply Indian preference in accordance with the following preference hierarchy:

- (i) Comanche Tribal Members;
- (ii) Members of Federally Recognized Indian Tribes;
- (iii) Comanche Tribal Descendants;
- (iv) Comanche Tribal Spouses.

(b) All employers within the jurisdictional area of the Comanche Tribe shall give preference according to the hierarchy in 1.4(a) in the following aspects of employment:

- (i) initial hiring;
- (ii) training for advancement;
- (iii) promotions.

(c) Preference shall be given according to the hierarchy in 1.4(a) to those persons who meet the minimum qualifications for a particular job, regardless of any higher qualifications that non-Indians may have.

(d) Employers may adopt promotion policies which reward employees who perform at higher levels of performance and such employers will not be bound to promote Indians who meet only the minimum requirements of the job if these employees do not also meet the higher performance requirements set out in the promotion criteria of the covered employers' personnel policy. However, once the higher promotion criteria is met, preference shall be given to the preferred employee meeting that promotion criteria.

(e) No employer shall discriminate against any employee on the basis of gender, age, disability, or religion.

1.5 REPORTING REQUIREMENTS.

(a) All employers are required to submit to the TERO Director each quarter a report which sets forth the following:



- (i) The total number of position vacancies for that quarter;
 - (ii) The total number of Indians who applied for such vacancies;
 - (iii) The total number of qualified Indians selected to fill such vacancies;
 - (iv) The total number of advanced training opportunities for that quarter;
 - (v) The total number of Indians who were selected to participate in such advanced training opportunities;
 - (vi) The total number of employees who received promotions for that quarter; and
 - (vii) The total number of Indians who received promotions for that quarter.
- (b) Employers failing to submit the report required in 1.5(a) may be subject to fines and penalties to be established by the TERO Director, subject to the approval of the Comanche Business Committee.
- (c) The Comanche Tribal Administrator has the right to request from any employer specific information about the individuals affected by any particular hiring, training and promotion statistics included in any quarterly report.
- 1.6 EFFECTIVE DATE.** This Law shall be effective and enforceable immediately upon its approval by the Comanche Business Committee.