

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

WHEREAS, the Tribal Council has enacted 159 Ordinances; and

WHEREAS, the Tribal Council has reviewed and enacted five of the proposed revised tribal codes; specifically:

1. the Domestic Code
2. the Education Code
3. the Game and Fish Code
4. the Government Code
5. the Judicial Code

and

WHEREAS, there remains approximately 69 active ordinances that have not been incorporated into the approved codes; and

WHEREAS, the Legal Department has advised the Tribal Council of the difficulties in identifying and accessing the current tribal law due to the partial enactment of the revised code and the uncodified ordinances; and

WHEREAS, the Legal Department has codified the remaining 69 ordinances into the following titles:

1. Business Code
2. Criminal Code
3. Health and Safety Code
4. Housing and Construction Code
5. Juvenile Code
6. Labor Code
7. Land Code
8. Livestock Code
9. Probate Code
10. Tax Code

and

WHEREAS, the Tribal Council has been advised that the ordinance codification is not revised law and does not preempt the revised tribal code but merely provides for a temporary uniform systemization of current approved tribal law until such time as the Tribal Council has reviewed and enacted the remaining proposed revised codes; and

WHEREAS, the Tribal Council is further advised that no changes have been made to the existing tribal law through the codification of the active ordinances, except to categorize the ordinances into an applicable code and assign appropriate and uniform section numbers and identification of each section through a section title; and

WHEREAS, the following ordinances have been codified as the White Mountain Apache Labor Code:

Ordinance 151: Tribal Labor Relations (rescinds TERO Ord. 103 and Ord. 116); enacted November 14, 1986.

Ordinance 154: Amends and rescinds Section 6 of Ord. 151 - Employment Rights Fee; enacted June 18, 1987.

Ordinance 123: Minimum wages; enacted July 15, 1982.

Ordinance 80: Fraudulent receipt of Unemployment Benefits; enacted March 6, 1968.

Ordinance 147: Adoption of Arizona Workers Compensation Laws; enacted August 14, 1985.

and

WHEREAS, the Tribal Council has reviewed the codification of the foregoing ordinances and concludes that said ordinances should be codified as the White Mountain Apache Labor Code until such time as the Tribal Council has had the opportunity to thoroughly review and enact the proposed revised Labor Code.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the codification of the foregoing ordinances as the White Mountain Apache Labor Code.

BE IT FURTHER RESOLVED by the Tribal Council that the sections of the foregoing ordinances shall be renumbered and identified pursuant to the outline attached to and made a part of this resolution.

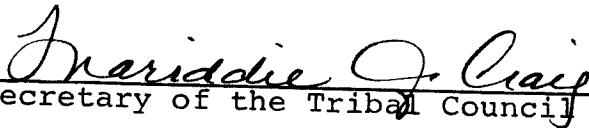
BE IT FURTHER RESOLVED by the Tribal Council that the codifi-

cation of the foregoing ordinances does not constitute any amendment or repeal of the existing tribal law and therefore, it is not mandatory that the codification be posted for public comment.

The foregoing resolution was on March 1, 1989, duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).



Chairman of the Tribal Council



Secretary of the Tribal Council

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MAR 10 1989

Port Apache Indian Agency
Whittier, Arizona

ORDINANCE NO. 151:

LABOR CODE

CHAPTER ONE
LABOR RELATIONS

Section 1. Purpose and Intent

Section 2. Definitions

Section 3. Labor Relations Department

Section 4. Employment Requirements

Section 5. Implementation Authority of
Labor Relations Department

Section 6. Employment Rights Fee

[Section 6. is amended and rescinded
by Ord. 154]

Section 7. Sanctions for Non-Compliance

Section 8. Agency and Office Coordination

Section 9. Tribal Government Compliance;
Reports

SECTION 1.1 PURPOSE AND INTENT

SECTION 1.2 DEFINITIONS

SECTION 1.3 LABOR RELATIONS DEPARTMENT

SECTION 1.4 EMPLOYMENT REQUIREMENTS

SECTION 1.5 IMPLEMENTATION AUTHORITY OF
LABOR RELATIONS DEPARTMENT

SECTION 1.7 SANCTIONS FOR NON-COMPLIANCE

SECTION 1.8 AGENCY AND OFFICE COORDINATION

SECTION 1.9 TRIBAL GOVERNMENT COMPLIANCE;
REPORTS

SECTION 1.6 EMPLOYMENT RIGHTS FEE

ORDINANCE NO. 154:

[Amending Ord. 151: Section 6]

Section 6. Employment Rights Fee

ORDINANCE NO. 123:

WHITE MOUNTAIN APACHE TRIBE
MINIMUM WAGE ORDINANCE

SECTION I. PURPOSE AND INTENT

SECTION II. DEFINITIONS

SECTION III. SCOPE OF ORDINANCE

SECTION IV. EXEMPTIONS

SECTION V. ENFORCEMENT AUTHORITY

SECTION VI. EMPLOYER COMPLIANCE WITH
TERO REGULATIONS

SECTION VII. SANCTIONS FOR NON-COMPLIANCE

CHAPTER TWO
MINIMUM WAGES

SECTION 2.1 PURPOSE AND INTENT

SECTION 2.2 DEFINITIONS

SECTION 2.3 SCOPE OF CHAPTER

SECTION 2.4 EXEMPTIONS

SECTION 2.5 ENFORCEMENT AUTHORITY

SECTION 2.6 EMPLOYER COMPLIANCE WITH
TERO REGULATIONS

SECTION 2.7 SANCTIONS FOR NON-COMPLIANCE

ORDINANCE NO. 123 (cont'd):

SECTION VIII. CIVIL PENALTY

SECTION IX. SEPARABILITY

ORDINANCE NO. 80:

SECTION I

SECTION II

ORDINANCE NO. 147:

BE IT ENACTED ... that it hereby adopts as tribal procedure and tribal law the Worker's Compensation laws of the State of Arizona...

- 1) All references in the Arizona laws and procedures...
 - a) The Judge of the Tribal Court is hereby authorized...
- 2) Any tribal laws or procedure...
- 3) Nothing in this Ordinance...

BE IT FURTHER ENACTED that...does not...

BE IT FURTHER ENACTED that upon the filing...

BE IT FURTHER ENACTED that the interpretation of the Woerkers Compensation Laws...

CHAPTER TWO (cont'd):

SECTION 2.8 CIVIL PENALTY

CHAPTER FIVE - GENERAL PROVISIONS

SECTION 5.1 SEVERABILITY

CHAPTER THREE
UNEMPLOYMENT BENEFITS

SECTION 3.1 FRAUDULENT RECEIPT OF BENEFITS; PENALTY

SECTION 3.2 RESTITUTION

CHAPTER FOUR
WORKERS COMPENSATION

SECTION 4.1 ADOPTION OF WORKERS COMPENSATION LAWS

SECTION 4.2 REFERENCE TO ARIZONA LAWS AND AGENCIES

SECTION 4.3 VISITING JUDGE AUTHORIZED

SECTION 4.4 INCONSISTENT LAWS

A.

B.

SECTION 4.5 SOVEREIGN IMMUNITY PRESERVED

SECTION 4.6 COPY OF COMPLAINT TO CARRIER

SECTION 4.7 INTERPRETATION OF LAWS