

CHAPTER 110 - [Reserved]

CHAPTER 111 – LABOR AND EMPLOYMENT

Subchapter 1 - RIGHT TO WORK

Sec. 111.1 Definitions

For the purposes of this Article the following terms shall have the following meanings:

A. “Labor organization” means any group of persons organized for the purpose of dealing with employers concerning working conditions, grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment.

B. “Employer” means any person, firm, association, corporation or other business, including any such entity wholly or partially owned by the Pueblo, lawfully operating on Santa Clara Lands.

Enacted by Res. No. 07-33, Oct. 16, 2007; approved by Sec’y, Mar. 21, 2008.

Sec. 111.2 Declaration of Policy

It is the policy of the Pueblo that the right of persons to work on Santa Clara Lands shall not be denied or abridged on account of membership or non-membership in any labor organization.

Enacted by Res. No. 07-33, Oct. 16, 2007; approved by Sec’y, Mar. 21, 2008.

Sec. 111.3 Prohibited Activities

A. No employer shall require any person to become or remain a member of any labor organization as a condition of employment or continuation of employment by such employer.

B. No employer shall require any person to abstain or refrain from membership in any labor organization as a condition of employment or continuation of employment by such employer.

C. No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor organization or to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.

D. No contract shall require that, to work for an employer, employees or applicants for employment:

1. must be or may not be members of a labor organization; or

2. must remain or may not remain members of a labor organization.

Any such contract shall be void.

E. No person shall make any representation to another person that membership or non-membership in a labor organization, or payment of dues, fees, or other charges to any labor organization, or to a third party in lieu of such payments, is a requirement for employment or continuation of employment on Santa Clara Lands.

Enacted by Res. No. 07-33, Oct. 16, 2007; approved by Sec'y, Mar. 21, 2008.

Sec. 111.4 Penalties

A. Civil Penalties. Any person who violates any provision of this Article shall be subject to a fine not exceeding \$1,000.00 or exclusion from Pueblo Lands, or both.

B. Criminal Penalties. Any Indian who violates this Article shall be punishable by a fine not to exceed \$1,000.00, by a term of imprisonment not to exceed six months, or both.

Enacted by Res. No. 07-33, Oct. 16, 2007; approved by Sec'y, Mar. 21, 2008.

Sec. 111.5 Civil Remedies

Any person injured as a result of any violation or threatened violation of the provisions of this Article shall be entitled to injunctive relief from the Tribal Court and may, in addition, recover from the person, firm, corporation, labor organization, or association, acting separately or in concert, such damages as he may have sustained and the costs of the suit, including reasonable attorney fees, resulting from the violation or threatened violation. If such person, firm, corporation, labor organization or association acted willfully or with reckless indifference to the rights of others, punitive damages may be assessed.

This remedy shall be independent of and in addition to any other penalties and remedies prescribed by applicable law.

Enacted by Res. No. 07-33, Oct. 16, 2007; approved by Sec'y, Mar. 21, 2008.

Sec. 111.6 Severability

The provisions of this Article are hereby declared to be severable, and if any provision is declared void, invalid, or unenforceable in whole or in part, then that declaration shall not affect the remaining provisions of this Article.

Enacted by Res. No. 07-33, Oct. 16, 2007; approved by Sec'y, Mar. 21, 2008.