



ATNI Annual 2023 Convention Grand Mound, Washington

RESOLUTION # 2023 - 57

PROTECTING TRIBAL NATIONS BY DEVELOPING A 21ST CENTURY WORKFORCE

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties and benefits to which we are entitled under the laws and Constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following Resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are the representatives and advocates for national, regional, and specific tribal concerns; and

WHEREAS, the ATNI is a regional organization comprised of American Indians/Alaska Natives and Indian tribal governments in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, creating opportunities for Indian Nations, preservation of tribal sovereignty and protection of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, the purpose of the Council for Tribal Employment Rights and its nationwide member Tribal Employment Rights Offices (TERO) is to raise issues with Indian Nations that affect the areas of tribal sovereignty, employment and employment rights; and

WHEREAS, the Council for Tribal Employment Rights did previously bring Resolution 2022-39 regarding employment protections for non-Indian Tribal employees to ATNI in 2022; and

WHEREAS, the Brackeen v. Haaland case also raises concerns on the TERO issue with regard to Indian preference, and the current political and judicial climate of the United States has also made equal workforce protection a more urgent issue for tribal governments; and

WHEREAS, the issue of equal workforce protection is also being taken up by federal agencies operating under Laws of General Applicability, which by definition DO NOT MENTION TRIBES AT ALL in their enabling legislation; and

WHEREAS, the Council for Tribal Employment Rights seeks to elevate this increased urgency with this follow-up Resolution and to suggest sovereign approaches for tribal governments to consider regarding equal workforce protection for non-Indian tribal employees under tribal law; and to elevate this increased urgency regarding federal agencies operating under Laws of General Applicability as well; and

WHEREAS, with the advent of increased tribal economic development, especially cannabis and gaming, there are now more non-Indian tribal employees working in Indian Country than ever before; and

WHEREAS, the Council for Tribal Employment Rights urges as a matter of protection of tribal sovereignty, that Tribal Nations consider reviewing their foundational documents that were written historically and may not have included jurisdiction over non-Indians. Such documents include, Tribal Constitutions (especially jurisdictional statements), Bylaws, Codes (especially those creating Tribal Courts), Administrative Procedures Acts, Human Resource and other employee-related policies (especially protections against employment discrimination, sexual harassment, etc.) to ensure that they include protections for both Indian and non-Indian tribal employees under Tribal law; and

WHEREAS, the Council for Tribal Employment Rights also urges as a matter of protection of tribal sovereignty, to consider reviewing and/or challenging the jurisdiction of federal agencies who take jurisdiction over administrative proceedings involving Indian Tribes when their enabling legislation does NOT specifically mention Indian Tribes at all; now

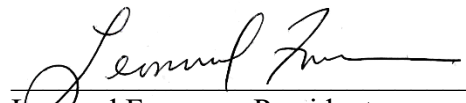
THEREFORE, BE IT RESOLVED, that ATNI concurs with the increased urgency of potential attacks on tribal sovereignty from the current political and judicial climate of the United States and from the fractured opinion resulting from the Brackeen v. Haaland case as applied to Indian preference in Tribal Employment Rights Offices (TERO); and

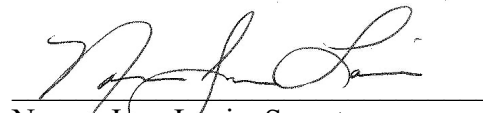
BE IT FURTHER RESOLVED, that ATNI does hereby encourage its member Tribal Nations to review the enabling legislation for federal agencies, including the National Labor Relations Board (currently handling 204 cases involving Indian Tribes), that are operating under enabling legislation that does not specifically give them jurisdiction over Indian Tribes; and

BE IT FINALLY RESOLVED, that ATNI does hereby encourage its member Indian Tribal Governments and Alaska Native villages to consider reviewing their founding legal documents, to ensure their tribal laws include employment protections for both Indian and non-Indian employees under tribal law, as doing so may avoid discrimination liability and will aid them in developing a truly 21st century workforce.

CERTIFICATION

The foregoing Resolution was adopted at the Affiliated Tribes of Northwest Indians 2023 Annual Convention held at the Great Wolf Lodge in Grand Mound, Washington on September 18-21, 2023, with a quorum present.


Leonard Forsman, President


Norma Jean Louie, Secretary