

KIOWA TRIBE

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OFFICE OF THE LEGISLATURE

KIOWA TRIBE RESOLUTION NO. KL-CY-2018-002

NEPOTISM PREVENTION ACT OF 2018

At a duly called Session of the Legislature of the Kiowa Tribe held this 13th day of January 2018, the following Resolution and Law were adopted.

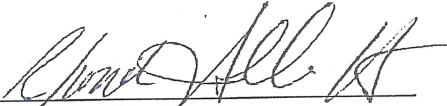
WHEREAS; the Legislature is vested with the authority to pass laws and resolutions pursuant to Article VI, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS; the Legislature has determined that it is in the best interests of the Tribe to prohibit an employee or official of the Tribe from hiring a close relative (in the first degree), or to directly supervise a close relative, in order to ensure the integrity of the personnel and management systems, and to otherwise avoid any appearance of impropriety;

NOW THEREFORE IT BE IT RESOLVED; that the Legislature hereby enacts the attached law entitled, "NEPOTISM PREVENTION ACT 2018".

CERTIFICATION

The foregoing resolution KL-CY-2018-002 was duly voted upon by the Legislature on January 13, 2018, at a Session with a vote of (7) in favor and (0) opposed, (0) abstaining, and (0) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.


Rhonda J. Ahhaity
Secretary of the Legislature



LEGISLATURE - RESOLUTION NO. KL-CY-2018-002:

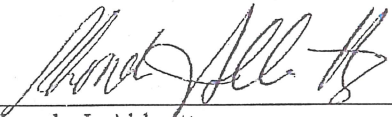
SPONSOR: Modina Waters, Legislator

CO-SPONSOR(S): Ben Wolf

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Renee M. Plata	X			
Rhonda J. Ahhaitty	X			
Ronald C. Poolaw, Sr.	X			
Dave Geimausaddle	X			
Anita Onco Johnson	X			
Modina Waters	X			
Ben Wolf	X			

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2018-002 was presented to the Chairman of the Kiowa Tribe on the 18th day of January, 2018, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.


Rhonda J. Ahhaitty
Secretary of the Legislature

CHAIRMAN'S ACTION:

APPROVED

VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _____, 2018.

Matthew M. Komalty
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _____, 2018.

LEGISLATURE'S ACTION:

Override of Chairman's veto:

YES

NO

LEGISLATORS	YES	NO	ABSTAIN	ABSENT
Renee M. Plata				
Rhonda J. Ahhaitty				
Ronald C. Poolaw, Sr.				
Dave Geimausaddle				
Anita Onco Johnson				
Modina Waters				
Ben Wolf				

CERTIFICATION

The foregoing resolution KL-CY-2018-002 was duly voted upon by the Legislature on January, 2018, at a meeting with a vote of _____ in favor and _____ opposed, and _____ abstaining pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Rhonda J. Ahhaitty
Secretary of the Legislature

Section 1.1 Short Title

This enactment shall be known as the "NEPOTISM PREVENTION ACT OF 2018" ("Act").

Section 1.2 Purpose

The purpose of this Act is to prohibit a Director or employee of the Tribe from hiring a Close Relative, or to directly manage or supervise a Close Relative, in order to ensure the integrity of the personnel and management systems, and to otherwise avoid any appearance of impropriety.

Section 1.3 Findings

The Legislature finds that:

- (a) The Tribe currently employs hundreds of people in its governmental and business operations;
- (b) The Constitution of the Tribe requires the Tribe to provide "equal protection, application, and opportunity under the law", including the Tribe's employment laws;
- (c) The Legislature has received complaints about Directors and others hiring and/or supervising Close Relatives thereby creating the appearance of impropriety;
- (d) The Legislature does not intend to prohibit the hiring of Close Relatives of existing employees; however, the Legislature intends to create a system that provides for the fair and unbiased evaluation of candidates for employment opportunities in the Tribe.

Section 1.4 Definitions

- (a) "Close Relative" shall mean a family relative in the first degree, which shall be limited to a mother/father, brother/sister, son/daughter, husband/wife, aunt/uncle to a nephew/niece, and first cousins.
- (b) "Hiring Authority" shall mean any person or persons with the authority to make a hiring decision.

Section 1.5 Hiring

- (a). Upon review of the candidates applying for a job with the Tribe, the Hiring Authority shall not make any decision to hire a Close Relative, and the person or persons serving as the Hiring Authority shall recuse from the decision, notwithstanding any law or policy to the contrary.

- (b). For all new hires after the effective date of this Act, the Hiring Authority shall not include any Close Relative of any candidate for employment.

Section 1.6 Supervision and Management of an Existing Employee who is a Close Relative

- (a) No Executive Branch official or employee of the Tribe shall directly manage or supervise a Close Relative.
- (b) Upon the effective date of this Act, any employee who is serving as a manger or supervisor of a Close Relative shall notify the Chairman in writing, and the Chairman shall take steps to reorganize the line of authority between the manager or supervisor and the employee to eliminate any direct management or supervision of a Close Relative, notwithstanding any law or policy to the contrary.