

**PRAIRIE ISLAND INDIAN COMMUNITY
IN THE STATE OF MINNESOTA
TRIBAL RIGHT TO WORK ORDINANCE**

Section 1. Title.

This ordinance shall be known as the Prairie Island Indian Community in the State of Minnesota Tribal Right to Work Ordinance.

Section 2. Purpose and Authority.

As a function of its sovereignty and its inherent right to self-governance, including the right of exclusion of persons from its territory, the Prairie Island Indian Community in the State of Minnesota hereby enacts this Tribal Right to Work Ordinance to regulate employment-related activities on the Tribe's Reservation and to establish for employees the rights, under tribal law, that are generally available elsewhere throughout the United States to employees as they relate to union workplace activity and the right to work under the National Labor Relations Act, which does not apply specifically to the Tribe.

Section 3. Findings of the Tribal Council

- A. the Tribe possesses the inherent power to exclude persons from Tribal lands, which includes the lesser power to place conditions upon entry, on continued presence, or on conduct on Tribal lands as recognized by the United States Supreme court in *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982);
- B. tribal enterprises and commercial activity are directly related to tribal self-sufficiency, tribal economic development and strong tribal government;
- C. consistent with tribal and federal law, certain tribal commercial activities are to be protected as an important means of generating tribal revenue, without which basic governmental functions such as providing emergency and police services, educational, health care and other essential services would be severely impaired, if not stopped entirely;
- D. no person or entity may enter Tribal lands in order to conduct labor organizing activities with employers who have lawfully entered Tribal lands, without the authorization of the Tribe;
- E. the unauthorized entry of entities and persons on Tribal lands threatens the political integrity, economic security and health, safety and welfare of the Tribe and its members;

F. the individual freedom of choice in the pursuit of employment on Tribal lands should be encouraged, both as a matter of public policy and Tribal law; and

G. the right to work shall not be subject to undue restraint, coercion, or infringement based upon membership in, affiliation with, or financial support of a labor organization, or upon the refusal to join, affiliate with, or financially or otherwise support a labor organization.

Section 4. Jurisdiction.

All persons who enter Tribal lands shall be deemed to have given implied consent to the jurisdiction of the Tribe and shall be subject to the provisions of this Ordinance.

Section 5. Definitions.

For the purposes of this ordinance, the following terms shall have the following meanings:

A. "Tribal Council" or "Community Council" means the elected President, Vice-President, Treasurer, Secretary and Assistant Secretary/Treasurer, which collectively constitutes the governing body of the Prairie Island Indian Community.

B. "employer" means any person, firm, association, corporation and/or other business entity lawfully operating on Tribal lands, including the enterprises, corporations or other subordinate economic organizations owned or operated by the Tribe.

C. "labor organization" means any group of employees organized for the purposes of dealing with an employer concerning hours of employment, rate of pay, working conditions, collective bargaining, or grievances of any kind relating to employment and desiring to operate on Tribal lands.

D. "Ordinance" means the Prairie Island Indian Community Tribal Right to Work Ordinance.

E. "Person" means any individual, employer, labor organization, corporation, partnership, or other entity.

F. "Secretary" means the Secretary of the Tribe.

G. "Tribe" or "Community" means the Prairie Island Indian Community in the State of Minnesota, a federally-recognized Indian tribe.

H. “Tribal Court” means the Prairie Island Indian Community Tribal Court.

I. “Tribal lands” means the Prairie Island Indian Community Reservation and all other lands subject to the jurisdiction of the Tribe.

Section 6. Freedom of Choice Guaranteed.

- A. No person shall be required as a condition of employment or continuation of employment on Tribal lands to:
1. resign or refrain from voluntary membership or affiliation, or financial support of a labor organization;
 2. become or remain a member of a labor organization;
 3. pay dues, fees, assessments or other charges of any kind or amount to a labor organization, or have such dues, fees, assessments or other charges paid by a third party in the person’s name; or
 4. pay to any charity or other third party, in lieu of such payments, any amount equivalent to a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.
- B. Any actual agreement between any labor organization and an employer that violates the rights of employees guaranteed by the provisions of this Ordinance is hereby declared to be against the public policy of the Tribe and of no legal effect.

Section 7. Violations of Ordinance.

It shall be a violation of this ordinance for any person on Tribal lands:

- A. to solicit membership any labor organization without the express written authority of the Tribe or labor organization to do so;
- B. to unlawfully seize or occupy any property during the existence of a labor dispute;
- C. to coerce or intimidate any employee in the enjoyment of his or her legal rights; to coerce or intimidate any elected or appointed tribal official; or to intimidate the family, picket the domicile, or injure the person or property of any employee or tribal official;

D. to engage in picketing in any manner that constitutes a violation of tribal laws or regulations, including picketing in a manner to prevent ingress to and egress from any premises, and picketing other than in a reasonable and peaceful manner.

Section 8. Violations of Tribal Law.

No person, including any labor organization, employer, or employee, shall violate any provision of this or any other Tribal law.

Section 9. Penalties.

Any person who, directly or indirectly, violates any provision of this Ordinance shall be subject to a fine not exceeding \$1,000.00, or exclusion from Tribal lands, or both.

Section 10. Civil Remedies.

Any person injured as a result of any violation or threatened violation of the provisions of this Ordinance shall be entitled to injunctive relief from the Tribal Court against any person threatening any violation, and may, in addition thereto, recover any and all damages, including costs and reasonable attorney's fees, resulting from the violation or threatened violation. The remedy shall be independent of and in addition to any other penalties and remedies prescribed by applicable law.

Section 11. Applicability

The provisions of this Ordinance shall not supercede and are subject to the provisions of the Prairie Island Indian Community Gaming Ordinance, the Minimum Internal Controls and other regulations implemented pursuant to the Gaming Ordinance and other applicable federal law.

Section 12. Severability.

The provisions of this Ordinance 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 Ordinance.

Section 13. Sovereign Immunity.

Nothing in this Ordinance shall be construed as waiving the sovereign immunity of the Tribe or its agents, employees or officials.