# SHINGLE SPRINGS BAND OF MIWOK INDIANS

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SHINGLE SPRINGS RANCHERIA
(VERONA TRACT), CALIFORNIA
5281 HONPIE ROAD, PLACERVILLE, CA 95667
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## CASINO TRIBAL EMPLOYMENT PREFERENCE ORDINANCE

### Section 1. Purpose

In accordance with Section 12.3(f) of the Amended and Restated Tribal State Compact between The State of California and the Shingle Springs Band of Miwok Indians, this Ordinance is created to effectuate the Tribe's right to give preference in employment at the Gaming Facility to members of federally-recognized Indian Tribes.

### Section 2. Definitions

Wherever used in this Ordinance the terms defined in this section shall have the following meaning.

A. **"Compact"** - refers to the Amended and Restated Tribal-State Gaming Compact Between The Shingle Springs Band of Miwok Indians and The State of California;

B. **"Employment Discrimination Claim"** - means a claim brought seeking recompense under the Tribe's Casino Employment Discrimination Ordinance for employment discrimination that occurred in connection with employment by the Gaming Authority at the Tribe's Gaming Facility;

C. **"Gaming Authority"** – refers to the Shingle Springs Tribal Gaming Authority, a governmental entity of the Tribe that is authorized by Tribal ordinance to operate the Tribe's Gaming Facility;

D. **"Gaming Facility"** - refers to the Red Hawk Casino;

E. **"Ordinance"** - means this Casino Tribal Employment Preference Ordinance;

F. **"Tribal Council"** - means the Shingle Springs Tribal Council, the Tribe's governing body as established by the Tribe's Articles of Association;

G. **"Tribe"** - refers to the Shingle Springs Band of Miwok Indians, a federally-recognized Indian tribe, or an authorized official or agency thereof.

All other terms not defined in this Ordinance shall have the definition assigned to them in the Compact.

**Section 3. Sovereign Immunity**

The sovereign immunity of the Tribe is in no manner waived by this Ordinance. Neither is sovereign immunity waived by any action of the Tribal Council, Gaming Authority, or staff of the Tribe acting pursuant to this Ordinance.

**Section 4. Establishing Preference**

Before an applicant may receive preference in employment at the Gaming Facility, it must first be established that he/she meets the qualifications as stated in the job announcement/description.

**Section 5. Preference**

It is the policy of the Gaming Authority to hire the most qualified applicant. However, when candidates for an open position are determined to be equally qualified, Native American candidates will have preference for hiring purposes. This means that if the qualifications of the best candidates are comparable, the Native American candidate is given preference. The following order of preference shall be adhered to when hiring qualified applicants at the Gaming Facility.

1. Members of Shingle Springs Band of Miwok Indians
2. Spouses of the Shingle Springs Band of Miwok Indians
3. Parents of children of the Shingle Springs Band of Miwok Indians
4. All other documented Native Americans
5. El Dorado County Residents
6. All other applicants

If there are multiple qualified applicants at the same preference level, then the decision-maker shall have discretionary authority to pick among the highest preference applicants.

**Section 6. Employment Discrimination**

Any employment preference given in accordance with this Ordinance shall not be subject to an Employment Discrimination Claim.

**Section 8. Amendments**

This Ordinance, or any section herein, may be amended by a majority vote of the Tribal Council.

**Section 9. Severability**

If any part of this Ordinance is found void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein.

**Section 10. Effective Date**

This Ordinance shall take effect on the date it is approved by the Tribal Council and shall replace all existing Tribal Members Employment Preference Ordinances.

## CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 22nd day of August, 2013 at which time a quorum of 6 was present, this policy was duly adopted by a vote of 6 FOR, 0 AGAINST, 0 ABSTAINED, and said policy has not been rescinded or amended in any form.

Harold N. Hand — 8-22-13

Tribal Council Chairperson — Date

ATTEST

Kathleen G. Fu — 8-22-13

Tribal Council Secretary — Date

**SHINGLE SPRINGS BAND OF MIWOK INDIANS**
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# RESOLUTION 2013-50

**SUBJECT: APPROVAL OF THE CASINO TRIBAL EMPLOYMENT PREFERENCE ORDINANCE.**

**WHEREAS,** the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

**WHEREAS,** the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

**WHEREAS,** on July 23, 2013 the Amended and Restated Gaming Compact (the "Compact") between the Tribe and the State of California was approved; and

**WHEREAS,** Sections 12.3(f) of the Compact requires the Tribe to adopt an ordinance in order to give Tribal members preference in employment at the Gaming Facility; and

**WHEREAS,** the Tribe desires to give preference in employment to members of the Tribe and their families, members of federally recognized Indian Tribes and their families and El Dorado County residents; and

**WHEREAS,** the Tribal Council has reviewed the Casino Tribal Employment Preference Ordinance, a copy of which is attached, and has found adoption necessary to give preference in employment at the Gaming Facility.

**NOW THEREFORE, BE IT RESOLVED** that the Tribal Council hereby enacts and adopts the attached "Casino Tribal Employment Preference Ordinance," as an Ordinance of the Tribe, and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under; and

**BE IT FURTHER RESOLVED,** that this Tribal Employment Preference Ordinance supersedes and replaces all previous ordinances or resolutions in conflict with this one; and

**BE IT FURTHER RESOLVED,** that this resolution shall take effect immediately.

## CERTIFICATION

*As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 22nd day of August, 2013 at which time a quorum of* 6 *was present, this resolution was duly adopted by a vote of* 6 *FOR,* 0 *AGAINST,* 0 *ABSTAINED, and said resolution has not been rescinded or amended in any form.*

Harold H. Shaw
Chairperson

8-22-13
Date

*ATTEST:*

Kathleen A. [illegible]
Secretary

8-22-13
Date