

## EXECUTIVE ORDER

2021-09 (CTH)

### DIRECTING EXECUTIVE BRANCH DEPARTMENTS TO CONDUCT A COMPREHENSIVE WAGE STUDY FOR CHEROKEE NATION GOVERNMENT EMPLOYEES, RECOMMEND IMPLEMENTATION OF SUCH STUDY, EXAMINE GENDER INEQUITIES, CREATE GRADUATED PLAN TO RAISE MINIMUM WAGE TO \$15 PER HOUR BY 2025 and IMPLEMENT A PILOT BASIC INCOME SUPPORT PROGRAM

#### *Short Title:* EXECUTIVE ORDER ON RAISING EMPLOYEE COMPENSATION

1. **AUTHORITY:** The Constitution and laws of the Cherokee Nation.
2. **POLICY:** It is in the national interest of the Cherokee Nation government operations to maintain a competitive position in the labor market and to ensure that its employees enjoy a high standard of living through their earnings in service to the Cherokee Nation. In recent decades evaluations of employee compensation has occurred largely in isolated fashion. A comprehensive study of government employee compensation, utilizing third-party expertise, will enable the executive branch to make informed determinations on compensation adjustments and for the Council of the Cherokee Nation to exercise appropriate oversight, guidance and appropriation for employee compensation.

Cherokee Nation must also adjust the employee entry-level compensation, as the current minimum wage (\$11.00 per hour) was increased in August 2019 through Cherokee Nation Executive Order 2019-01-CTH. Market forces, federal policy and the need to maintain a suitable living wage package for entry-level employees warrants the establishment of a \$15.00 minimum wage target by fiscal year 2026 (October 1, 2025). It is also anticipated the minimum wage increase will incrementally increase toward that target during each fiscal year.

It should be the express policy of the Cherokee Nation to ensure gender wage equity for government employees. Any compensation analysis should review current pay structures, ensuring compensation is equal, and if gaps are identified recommend steps to eliminate them.

It is further in Cherokee Nation's national interest to address the negative economic impact of the COVID-19 pandemic on Cherokee Nation's minimum wage employees. Utilization of the Cherokee Nation Respond, Recover and Rebuild Plan funds for anti-poverty efforts

should be used to raise the standard of living for Cherokee Nation employees compensated under \$15 per hour, established under a Basic Income Support Program.

To these ends, in coordination with the Chief of Staff, the Human Resources and Finance departments, and any other departments specifically referenced herein, are ordered to take action consistent with this order according to the time frames set forth herein.

3. **Definitions:**

a. **Employee:** Any individual employed by Cherokee Nation, excluding any Cherokee Nation entities and excluding appointed officials, members of the Principal Chief's cabinet. Further exclusion are employees directed by the Judiciary or employees directed by the Council of the Cherokee Nation, unless the presiding officers of either of those branches of government requests in writing for such employees to be included for the purposes of this Order.

b. **Cherokee Nation Entities:** Any entity wholly owned by the Cherokee Nation as well as the Housing Authority of the Cherokee Nation.

4. **Comprehensive Compensation Study:** By the end of fiscal year 2022 (September 30, 2022), Cherokee Nation's departments of Human Resources and Finance shall work together with external experts to conduct a comprehensive compensation study of Cherokee Nation government employees (hereafter "Compensation Study"). Such analysis shall be observant of the incremental \$15 minimum wage target in this order. Such analysis shall further include recommendations including: employee pay and benefits adjustments, analysis of gender wage equality and recommendations to address any disparity. The aforementioned departments shall coordinate with the Chief of Staff during this study to ensure the Principal Chief and Deputy Principal Chief are informed of the progress on the study. Said Compensation Study shall be deemed and marked "confidential" and exempt from public disclosure unless expressly required by Cherokee law and subject to the full disclosure of an executive summary, discussed below.

5. **Compensation Implementation Group:** Upon completion of the Compensation Study, a Compensation Implementation Group shall examine said Compensation Study. Within 90 days thereafter, the group shall reach consensus for implementation of the Compensation

Study's recommendations, titled "Compensation Study Implementation Report," hereinafter "Implementation Report." The Group shall consist of:

- Deputy Principal Chief (Chairperson)
- Chief of Staff (Assistant Chairperson)
- Secretary of State (Second Assistant Chairperson)
- Treasurer of the Cherokee Nation
- Executive Director of Human Resources
- Speaker of the Council (invited)
- Additional Council Member, designated by the Speaker of the Council (invited)
- Such support staff as the Chief of Staff may designate to assist in the completion of the Implementation Report.

The Compensation Implementation Group shall communicate its recommendations to the Principal Chief, Deputy Principal Chief and the Council upon completion of its work, consistent with that set forth in paragraph 6 of this Order.

6. **Public Disclosure:** The Compensation Implementation Group, as an executive branch internal work group, is not a public body under Cherokee law. The Compensation Implementation Group, upon completion of its work, shall cause an executive summary of the Compensation Study to be disclosed to the public and the Council. Additionally, notwithstanding the confidential nature of the full Compensation Study, members of the Council of the Cherokee Nation shall be entitled to a full review, subject to a non-disclosure requirement. Further disclosure of the Compensation Study may be made by waiver signed by the Principal Chief in order to assist in effectuating the purposes and policies of this Order.

7. **Minimum Wage Plan:** The Human Resources and Finance departments are hereby ordered to develop an incremental plan to raise the Cherokee Nation government employee minimum wage to \$15 per hour by October 1, 2025 (Fiscal Year 2026). The Minimum Wage plan shall be completed by the end of Fiscal Year 2022 (September 30, 2022) and forwarded to the Compensation Implementation Group. The Compensation Implementation Group shall, within 90 days thereafter, reach consensus as to the implementation of said Minimum Wage Plan and communicate its written summary recommendations to the Principal Chief, Deputy Principal Chief and the Council.

8. **Cherokee Nation Entities:** By this Order, Cherokee Nation entities are notified of Cherokee Nation's general intent to increase compensation of the government workforce as may be recommended by the Compensation Study and minimum wage target. Accordingly, Cherokee Nation entities are encouraged to undertake their own compensation analyses consistent with the time frames discussed herein.
  
9. **Internal Review of Program Participant Compensation:** By the end of fiscal year 2022 (September 30, 2022) the Chief of Staff, Secretary of State and Treasurer shall review the compensation of participants in various Cherokee Nation job training programs administered by Career Services and Language departments and make recommendations for adjustment to compensation to ensure greater equity in compensation within these programs. Said recommendations shall be provided to the Principal Chief and Deputy Principal Chief.
  
10. **Pilot Basic Income Support Program:** The Human Services, Career Services, Commerce and Finance departments are directed to develop a voluntary Basic Income Support Program (BISP) for minimum wage Cherokee Nation employees based on recommendations from the Principal Chief's Anti-Poverty Task Force. The wage support shall provide Cherokee Nation employees, compensated under \$15 per hour, a periodic BISP Premium Payment that effectively raises their net pay to substantially equivalent of \$15 per hour. Said BISP Premium Payment shall be adjusted in accordance with any pay adjustments experienced by the participating employee. Participation in said program shall be conditioned on participation in a study on the impact of the program on their quality of life, spending power, savings, and other relevant information and any requirements of that program. Said BISP program shall be done in a manner consistent with standards set forth by the Cherokee Nation Institutional Review Board. The BISP shall dissolve upon the implementation of a \$15 per hour minimum wage. Funding for BISP shall be from the "Bridges" anti-poverty component of the Cherokee Nation Respond, Recover and Rebuild Plan, subject to availability of Council appropriated funds. The BISP shall commence no later than April 1, 2022.
  
11. **Interim Compensation Adjustments Permitted:** Nothing herein shall operate to suspend or otherwise impede employee compensation reviews and adjustments prior to the conduct and implementation of any studies or actions required by the Order. Departments are

ordered, however, to keep the Chief of Staff apprised of any such adjustments so as to better inform the studies and actions required by this order.

12. **ORDER:** Cherokee Nation departments referenced herein shall take all necessary actions to adjust Cherokee Nation employee compensation and otherwise raise their standard of living consistent with the purposes and policies of this order.

13. **EFFECTIVE DATE:** This Order is effective immediately on this 15th day of November, 2021.

A handwritten signature in black ink, appearing to read 'CHUCK HOSKIN, JR.', written over a horizontal line.

Chuck Hoskin, Jr.  
Principal Chief  
Cherokee Nation