

## TITLE 9 – EMPLOYMENT AND CONTRACTING

### CHAPTER 9-7 WORKERS' COMPENSATION

#### 9-7-1 Applicability.

This Code shall apply to the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (Tribes), every entity of the Tribes that is an employer, and to all employees of the Tribes and its entities. For purposes of this Code, “every entity of the Tribes” includes every political subdivision, subordinate organization, corporation, economic enterprise, commission, and authority organized under tribal law. This provisions of this Code shall provide Tribal employees with their exclusive remedy for, and on account of, personal injuries or death, arising out of and in the course of and scope of their employment with the Tribes and no other benefits, damages, penalties, interest, fees, or compensation outside of the remedies available under this Code shall be provided by the Tribes.

#### 9-7-2 Purpose

The purpose of this Chapter is to establish a Tribal Workers' Compensation program which provides similar protection from liability to the employer, and similar benefits to the employee, as are provided under the Oregon State workers' compensation laws administered by the State of Oregon Department of Consumer and Business Services. This Code, and all provisions of Oregon state law incorporated herein by reference as tribal law, shall be interpreted to fulfill that purpose; provided that only Oregon State statutes shall be incorporated as provided for in CLUSITC 9-7-3.

#### 9-7-3 Incorporation of Oregon State Law

Except as otherwise provided herein, all of Chapter 656 - except Sections 656.403 to 656.455; 656.504-656.536; 656.552-656.566; 656.602-656.644 and 656.702-656.794 - of the Oregon Revised Statutes, and any future amendments to Chapter 656, unless otherwise provided for by Tribal Council resolution, are hereby adopted as Tribal law, provided that such laws shall be construed and interpreted in favor of the Tribes as employer. The adoption of these provisions by reference does not create, provide or recognize the jurisdiction of the State of Oregon or any of its entities, including but not limited to its courts.

#### 9-7-4 Claims and Notices

The employer shall report accidents to, and employees shall file claims with, the insurer selected by the Tribes to provide workers' compensation insurance coverage.

#### 9-7-5 Initial Appeals

Any employee, beneficiary, employer, or other person or entity aggrieved by an initial decision of the insurer may appeal such decision pursuant to the internal appeal procedures established by the insurer.

#### 9-7-6 Appeals to Tribal Court

After an initial appeal pursuant to Section 9-7-5 of this Code has been decided, any employee, beneficiary, employer, or other person or entity aggrieved by the decision of the insurer may, within sixty (60) days of receiving notice of the decision, bring an action in the Tribes' Tribal Court, pursuant to the CLUSITC 1-1-90, Rules of Practice in Actions and Proceedings Before the Tribal Court, appealing the decision. The Tribal Court shall hear the matter de novo. The Tribal Court may grant only such relief as could be granted by the Oregon Workers' Compensation Board provided that statutes shall be construed and interpreted in favor of the employer. A decision of the Tribal Court may be appealed to the Tribal Court of Appeals pursuant to CLUSITC 1-16.

#### 9-7-7 Sovereign Immunity

To the extent and limit of the workers' compensation insurance purchased by the Tribes, the immunity from suit of the Tribes is waived in the Tribes' Tribal Court only and solely for purposes of implementing this Code.

Except as to claims that are wholly covered by workers' compensation insurance obtained by the Tribes, nothing in this Code, or in any state law incorporated herein by reference as tribal law or any interpretation of such state law, shall in any way waive or diminish the sovereign immunity of the Tribes.

APPENDIX A  
LEGISLATIVE HISTORY AND EDITORIAL CHANGES

WORKERS' COMPENSATION

**LEGISLATIVE HISTORY AND EDITORIAL CHANGES**

The Tribal Council of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians enacted the "Workers' Compensation" Code, Resolution 09-019, Ordinance No. 087, at a regular Tribal Council meeting on February 8, 2009. Vote was 6 (for), 0 (against), and 1 (abstaining).

The Tribal Council of the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians approved the "Workers' Compensation" Code, Resolution 08-111, Ordinance No. 087, at a regular Tribal Council meeting on December 14, 2008. Vote was 7 (for), 0 (against), and 0 (abstaining).