

GBAC ©
INDIAN PREFERENCE IN EMPLOYMENT

A provision of the 1964 Civil Rights Act allows private and government employers on or near a federal trust Indian reservation to publicly announce and practice a policy giving preferential treatment in hiring to Indian candidates. Indian preference may supersede the equal employment opportunity laws contained in Subchapter VI, Chapter 21 (Civil Rights) of Title 42, U.S. Code.

Therefore, the following exceptions may apply, notwithstanding any other rule, regulation, or policy (e.g., GBA) of the Governing Board.

Indian means, for purposes of the District's Indian Preference in Employment policy, "any person who is presently an enrolled member of a federally recognized tribe."

As used in this policy, the term *Indian preference in employment* shall mean that in the selection process Native American candidates who meet or surpass qualifications for a position shall be given preference for positions established by the Governing Board. The preference standards for each position shall be outlined by the Governing Board prior to opening the position for interested applicants.

The Governing Board may waive any of the above requirements by a formal vote. Such waiver shall apply only to individual employment as determined by the Board on a case-by-case basis. In each case where a waiver of Indian preference occurs, the Board shall make a record of the occurrence, which shall be included in the official minutes of the Board.

Adopted: November 8, 2016

LEGAL REF.:

A.R.S.

[15-502](#)

[41-1463](#)

25 U.S.C. 450e

42 U.S.C. 2000e-2(1)

CROSS REF.:

[GBA](#) - Equal Employment Opportunity