



EARN THRP  
RECERTIFICATION



# National Native American Human Resources Association

DrummondWoodsum

## Tribal Human Resources Professional (THRP) II

**May 6-9, 2024**

Downstream Casino Resort | Quapaw, OK

### PROGRAM FACULTY:

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NNAHRA and Drummond Woodsum have joined forces once again to provide more of the Tribal Human Resources Professional (THRP) training that HR Professionals have come to benefit from and enjoy.

**THRP II is here!** This 3.5 day course builds on the concepts covered in THRP I and provides HR Professionals with in depth legal and practical knowledge and skills to help them handle the unique employment challenges facing tribal governments and their enterprises. The topics covered in THRP II include the legal and practical issues related to hiring, onboarding, employee privacy, employee benefits, employment contracts/agreements, and HR ethics, as well as the way in which these issues are affected by sovereignty and sovereign immunity.

This workshop will provide lectures and group exercises to reinforce learning. Its goal is to provide an understanding of many of the underlying laws and practical and concrete solutions to the challenges that HR professionals face daily.

**Please note:**

Participants must complete our level one THRP course before registering for THRP II. For more information about upcoming THRP I sessions, please visit [dwmlaw.com](http://dwmlaw.com) or call us at 800.727.1941.

Visit [nnahra.org](http://nnahra.org) or [dwmlaw.com](http://dwmlaw.com) to register

# THRP II TRAINING CURRICULUM

## Day 1 | Monday, 9:00 am - 4:00 pm

### HR's Role in Sovereignty and Sovereign Immunity

- The power of self-governance
- Threats to sovereignty in employment
- How does sovereignty affect good HR practices?
- How can HR support sovereignty?
- What is a limited waiver of immunity, and why grant one?
- Does sovereign immunity impact HR advice giving? Should it?

### Legal Issues Related to Hiring and Onboarding

- Legal framework around vacancies, job postings, background checks, interviews and hiring decision
- Tribal preference and HR's role
- Job descriptions/essential functions
- Transfers vs. hiring vs. promotion
- Setting pay rates
  - Equal Pay Act
  - Discrimination Issues
  - Laterals
- Employee background checks under the Indian Child Welfare Act
- HR's role in defending hiring decisions – internally/courts/arbitrators
- Onboarding – wage issues, training, and integration with workforce

### Employee Privacy/Search and Seizure

- Legal basis for employee privacy: Tribal law – Constitution/ordinance/court decision/ICRA/US Constitution (1, 4, and 5 amendments)/federal law – including Wiretap Act and Computer Fraud and Abuse Act
- Tribal policies
  - Recommended policies
  - Policies to avoid
- Privacy issues – cameras, audio, and computer use in the workplace, employee rights, and Tribal laws/policies

## Day 2 | Tuesday, 9:00 am - 4:00 pm

### Drug Testing and Marijuana

- Effects of marijuana legalization on Tribal workplaces
- Drug testing, applicable laws, and the real world – policies and practice
- Enforcement of policies on drug use – policy and practice
- Discipline and/or rehabilitation?

### Employment Contracts/Agreements/Promises

- Employment contracts vs. offer letters
- Legal provisions to include and exclude from contracts
- Enforceability of contracts, letters, and promises
- Confidentiality, covenants not to compete and non-solicitation provisions
- Copyright/proprietary information provisions
- Employee release of claims/indemnity

### Employee Benefits and Employment Tax Issues

- Health Insurance: Affordable Care Act, changes in plans, gender identity issues
- General discrimination issues
- Can there be different levels/quality of benefits?
- Savings and retirement plans: ERISA and other applicable laws
- Common tax issues in employment
- How to handle tax paperwork mistakes
- Deferred compensation laws
- Reporting to the IRS, penalties and consequences

### Advanced Employee Pay Issues

- Applicable laws – Tribal law (Constitution, discrimination), Tribal policies, Federal Equal Pay Act
- The legal/practical effect of hiring of laterals
- Practical equal pay issues
- Creating and use of employee pay scales
- Pay incentives – efficacy and impact
- Exempt status, commissions, and incentives/bonuses

*(Continued on next page)*

# THRP II TRAINING CURRICULUM, cont.

## HR Ethics

- Role of HR within Tribal government/enterprise
- Responsibility to Tribal leadership, Tribal laws and policies
- HR fiduciary duty to Tribe
- Responsibility to self and resolving conflicts in loyalties
- What steps can/should HR take when a conflict in loyalty exists?

## Day 3 | Wednesday, 9:00 am - 4:00 pm

### Employee Safety Issues

- OSHA, Executive Orders, Medicare – what rules/laws apply?
- Mandated employee activity under Federal law
- Off work/on work – authority of Tribal employer
- Role of social media regarding enforcement of safety rules
- Are safety or attendance incentives legal – and do they work?

### Reasonable Accommodation

- Not just about not discriminating – can we help employees?
- Reasonable Accommodation – how far is too far?
- Employee obligation to trigger interactive process.
- Time off as a reasonable accommodation – how much?
- Remote work and other tricky accommodation issues

### Making and Defending Just Cause Discipline

- Where the obligation of “cause” is found in contracts, policies, and law
- Cause as a defense for discrimination claims – legal framework
- Preparing to defend employment decisions.
- Common issues in defending employment decisions including witness interviews, records, and determining applicable information
- Advocacy and making your best argument before the Tribe, Court, or Arbitrator

- Business records
- Social media
- Proving just cause in different forums
- HR as prosecutor – how to prepare

## Day 4 | Thursday, 9:00 am - 12:00 pm

### HR Training of Supervisors

- Prioritizing training
- Who should lead the training?
- What training actually works?
- Testing of training content
- Record keeping

### Summary and Overview

### On-Site Assessment

### *Adjournment at 12:00 pm*

# REGISTRATION

## Tribal Human Resources Professional (THRP) II

May 6-9, 2024

**Downstream Casino Resort**  
69300 East Nee Road  
Quapaw, OK 74363

**\$1,650** per person (includes daily breakfast & lunch)

**REGISTER ONLINE NOW**

Questions? Contact Adriana Grimes at [agrimes@dwmlaw.com](mailto:agrimes@dwmlaw.com)

## HOTEL ACCOMMODATIONS



Please contact the resort directly using the information below to book your stay. Please note that accommodations are not included in the course registration price.

### Downstream Casino Resort

69300 East Nee Road  
Quapaw, OK 74363  
(918) 919-6000 | [downstreamcasino.com](http://downstreamcasino.com)

**Reservations must be made by Sunday, April 14, 2024** in order to receive our special group rate of \$99/room/night (+ taxes, 10% Occupancy Fee, and \$5.00 Resort Fee).

**To make reservations, call (918) 919-6000.**

Reference the Group Code: **NNAHRA4** to receive the group room rate.



## REGISTER EARLY – SPACE IS LIMITED!

*Registration preference will be given to those employed by a Tribal entity.*

## About NNAHRA

The National Native American Human Resources Association is a non-profit organization comprised of HR professionals working for, or providing professional services to tribes.

NNAHRA started out as a grass-roots effort with four tribes meeting to network and share personnel issues and challenges. Today we have more than 1,200 members and are still growing.

## THRP II Training Team

NNAHRA's THRP II training is provided by Drummond Woodsum attorneys and consultants in collaboration with attorney Rick McGee. Our team has frequently presented at NNAHRA conferences and for individual tribes. We advise many tribes across the country on HR, labor and employment issues.

## Recertification Credits for THRP

Credit hours from this program qualify for recertification of your Tribal Human Resource Professional certification.

## Interested in hosting a THRP II training session in your region?

Contact Campbell Badger  
for more information:

800.727.1941 Ext. 514  
[sbadger@dwmlaw.com](mailto:sbadger@dwmlaw.com)

Visit [nnahra.org](http://nnahra.org) or [dwmlaw.com](http://dwmlaw.com) to register