

CHAPTER 35 - DEBT COLLECTION

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CHAPTER 35 -- DEBT COLLECTION

35.1 SECTION 1: GENERAL PROVISIONS

35.1.1 The Tribe may recover a debt, civil forfeiture or judgment debt owed by any Tribal employee to the Tribe or any tribal organization, corporation, board, committee or other tribal entity.

35.1.2 Deductions shall not exceed 25% of gross pay.

35.2 SECTION 2: NOTICE

35.2.1 The Tribe may recover the debt by mailing written notice to the Tribal employee stating its intent to deduct the debt from the employee's wage earnings.

35.2.2 All written notices to employee(s) shall be sent by certified mail with return receipt requested to constitute evidence of service.

35.2.3 All notices shall state the amount to be deducted out of each payroll check until the total amount of the debt is paid in full and the exact date said deductions would commence. The notice shall also state that an employee may contest the wage deduction pursuant to Section 35.3.1.

35.2.4 Employee payroll deductions shall not commence on or before a date at least twenty (20) days after service of notice or during the period when contested pending a hearing requested by the employee pursuant to Section 35.3.1.

35.3 SECTION 3: HEARING

35.3.1 A Tribal employee may contest the wage deduction by petitioning the Tribal Court for a hearing to show cause why the wage deduction is unjustified. If the deduction is for a civil forfeiture or other judgment debt entered by a Court, the hearing shall be limited to the issue of the amount of the deduction.

35.3.2 The petition for a hearing must be filed with the Court Clerk five (5) days before the commencement date of the employee's wage deductions.

35.3.3 When the petition for a hearing is filed the Court Clerk shall schedule a date for the hearing and promptly notify all necessary parties.

35.3.4 The Court shall make a determination whether employee wage deductions shall or shall not be commenced, and in what amount, provided that if the deduction arises from a civil forfeiture or judgment debt entered by the Tribal Court, the Court's determination shall be limited to the issue of the amount of the deduction.