



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #ABQ-03-122

Title: To Support Settlement of the U.S. Equal Employment Opportunity Class Action in *Crazythunder v. DHHS*

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WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, tribal governments are responsible for providing for the health, safety, and welfare of tribal citizens, and to ensure that all tribal members employed by federal agencies are treated fairly and justly so that their jobs are secured and protected from the effects of unlawful discrimination; and

WHEREAS, the NCAI, is aware of the U.S. Equal Employment Opportunity (EEOC) class action, titled *Sara Crazythunder, et al., v. Secretary, Department of Health and Human Services*, EEOC Case No. 120-97-4104X, filed on behalf of herself and all others similarly situated and pending before the Baltimore District Office of the EEOC. *Crazythunder* seeks to correct discrimination toward American Indian and Alaskan Native women in professional, technical and administrative positions above GS-7, who, since April 12 1996, the Indian Health Service (IHS) has:

- Failed or refused to promote due to disparate treatment;
- Including the failure to provide them with the opportunity to compete for vacancies which are routinely filled non-competitively through the reassignment of males or non-Native Americans;
- Pre-selection;
- Generally classifying women lower than men who are doing the same or similar work; and
- By subordinating their qualifications by not selecting them when they are most qualified to fill vacant positions.

WHEREAS, NCAI is aware that the IHS and Class Agent Sara Crazythunder has engaged in settlement discussions in an administrative class action that has gone on for over 7 seven years and that the IHS has offered, on November 10, 2003, to settle the action by payment of \$25,000 to all class members including the Class Agent; and

WHEREAS, NCAI expresses its concern that the IHS does not acknowledge the existence of a class of American Indian and Alaskan Native women, potentially numbering 2,500 class members above GS-7 and that the amount offered by the IHS in settlement of compensatory damages to the class is woefully adequate and unreasonable; and

WHEREAS, NCAI supports Class Agent Crazythunder's desire to create and establish a system of monitoring the employment and promotion practices of the IHS toward the class members so that further discrimination will be identified and promptly corrected; and

WHEREAS, Class Agent Crazythunder was not able to meet the October 27, 2003 date for submitting this Resolution at the NCAI 2003 Annual Session because of the unanticipated low figure offered, on November 10, 2003, by the IHS; and

WHEREAS, NCAI recognizes that the *Crazythunder* class action is national in scope and affects the rights of thousands of American Indian and Alaskan Native women employed by the IHS since 1996 to be secured and protected from unlawful discrimination by the Agency that affects their well-being and that of their families.

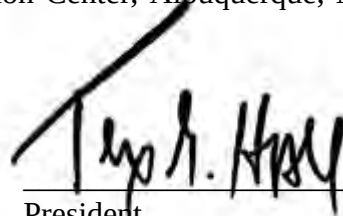
NOW THEREFORE BE IT RESOLVED, that NCAI does hereby support the efforts of Class Agent Crazythunder to use her class action to promote the delivery of quality health care to our Native American families though the creation of a work environment within the IHS free of unlawful discrimination toward American Indian and Alaskan Native women; and

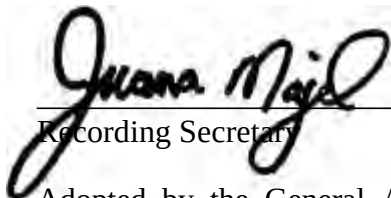
BE IT FURTHER RESOLVED, that NCAI supports a reasonable settlement of those claims of discrimination against Sara Crazythunder and others similarly situated that will recognize that members of the Class have suffered serious injury to their lives and careers by preventing them from advancing within the IHS on an equal basis as male IHS employees; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 60th Annual Session of the National Congress of American Indians, held at the Albuquerque Convention Center, Albuquerque, New Mexico, on November 21, 2003 with a quorum present.



President**ATTEST:**

Recording Secretary

Adopted by the General Assembly during 60th Annual Session of the National Congress of American Indians, held in Albuquerque, New Mexico, from November 17-21, 2003.