Resolution # 09-1210-341

Approval for Equivalent Compensation (Paid Days Off) for All Employees of the Gaming Commission for December 28, 2009 thru December 31, 2009

WHEREAS, the Tribe’s status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. § 1300k et seq.); and

WHEREAS, the Tribe adopted a Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band of Ottawa Indians and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(i) to take action, not inconsistent with the Constitution or Federal law, which is necessary and proper to carry out the sovereign powers of the Tribe; and

WHEREAS, the Tribal Council has, pursuant to Gaming Commission Ordinance #04-400-04, created a Gaming Commission and delegated to such Commission the authority to regulate all gaming activities authorized by the Tribe and to enforce all Tribal and federal laws governing the conduct of Tribally-licensed gaming activities;

WHEREAS, Gaming Commission Ordinance #02-400-04 Section 6.11 directs the Gaming Commission to hire and manage employees in accordance with the Tribe’s personnel ordinances or regulations; and

WHEREAS, the Government Operation’s Personnel Manual states that work schedules are set according to the needs of the Tribe and the program; and

WHEREAS, the Gaming Commission Department which includes Compliance, Licensing, Internal Audit and Surveillance and is a department required to have various employees on duty 24 hours a day / 7 days a week; and
WHEREAS, the Tribal Ogema has granted all Tribal Government employees Monday, December 28, 2009 thru Thursday, December 31, 2009 off as a means of showing appreciation for everyone’s sacrifice and commitment to the Tribe; and

WHEREAS, due to the nature of the gaming regulatory requirements and its 24/7 status, many Gaming Commission employees are required to work and while the Gaming Commission has scheduled employees to allow them time off during this period it is impossible to allow all employees the said time off during that time frame; and

WHEREAS, previous authorization and variance from the personnel manual was given by Tribal Council to those employees required to work when other Tribal employees were granted days off during the holidays of 2006 (Resolution #06-1213-836 - Holiday Season Office Closure); and

WHEREAS, previous authorization was given by the Tribal Ogema thru the execution of Executive Order #1129-07-02 in November of 2007 for the sole purpose of compensating those employees of the Tribe that were scheduled to work during the period that the Ogema had given all Tribal employees off; and

WHEREAS, the Gaming Commission approved the request for compensation at the November 17, 2009 Gaming Commission meeting by Resolution #GC09-1117-30.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River and of Ottawa Indians hereby approves PTO time (equivalent to the number of days granted all other Tribal Government employees during the week between Christmas and New Years) to those Gaming Commission employees required to work during this timeframe, and

IT IS FURTHER RESOLVED THAT employees that are required to work during this time would be given four days of personal time off to be used at their convenience.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with _6_ FOR, _0_ AGAINST, _0_ ABSTAINING, and _3_ ABSENT, at an Emergency Session of the Little River Band of Ottawa Indians Tribal Council held on December 10, 2009, at the Little River Band’s Dome Room in Manistee, Michigan, with a quorum being present for such vote.

Janine M. Sam, Council Recorder

Stephen Parsons, Council Speaker

Attest:
Distribution: Council Records and Tribal Ogema