Resolution # 09-0708-186

Technical Amendment to Resolution #09-0513-129
Which Allows the Transfer of Unused PTO Time from one Employee to Another

WHEREAS, the status of the Gađ Číňi Ziibii Daawaa Aniškinaabek (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new 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) of the Constitution to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) of the Constitution to govern the conduct of members of the Little River Band and other persons within its jurisdiction; and

WHEREAS, the Tribal Ogema is authorized under Article V, Section 5(1) of the Constitution to enforce and execute the laws, ordinances and resolutions of the Tribal Council; and

WHEREAS, the Tribal Ogema is authorized under Article V, Section 5(2) of the Constitution, to oversee the administration and management of the Tribal government in accordance with the laws, resolutions and motions adopted by the Tribal Council; and
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WHEREAS, the Tribal Council has approved and adopted the Employee Personnel Manual – Government Offices and has approved and adopted revisions to the Personnel Manual from time to time by Resolution; and

WHEREAS, the Tribal Council approved Resolution #09-0513-129 which amended the Personnel Manual to include a provision allowing Tribal Government employees to transfer unused PTO time to other employees under limited circumstances; and

WHEREAS, Resolution #09-0513-129 requires that the recipient of transferred unused PTO time first exhaust all accrued PTO and annual leave prior to accessing transferred time; and

WHEREAS, Resolution #09-0513-129 requires a technical amendment deleting the requirement that recipient employees must first exhaust all unused PTO and annual leave prior to accessing transferred time.

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves deleting the last paragraph in Section 6.9 of the Little River Band Government Personnel Manual in its entirety, and replacing it with the following revised provisions:

Personal leave may be transferred by one employee to another upon written request from the transferring employee to the Accounting Department with a copy sent to the Human Resources Department. Personal leave shall be transferable when an employee is suffering from a medical condition or undergoing medical treatment which requires him/her to be absent from work for an extended period of time, or when an employee suffers a death of an immediate family member. The employee receiving the transfer shall be required to first deplete his or her accrued PTO and/or Annual Leave prior to accessing transferred time.

Unused personal leave may be carried over by an employee to the next year up to 40 hours. All personal leave accumulated by an employee in excess of 40 hours which has not been transferred to another employee by the end of the Tribe’s fiscal year shall be deposited into a “Transferred PTO Bank.” The Transferred PTO Bank shall be administered by the Accounting Department with input from the Human Resources Department under established guidelines which include procedures for determining eligibility to receive transferred leave time.

Upon an employee’s separation from employment, whether by termination, lay-off, resignation, or other method, personal leave time shall not be paid out to the employee, but shall instead be deposited into the Transferred PTO Bank.
IT IS FURTHER RESOLVED THAT all other provisions of Resolution #09-0513-129 shall remain in full force and effect.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 0 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on July 8, 2009, at the Little River Band’s Conference Room in Manistee, Michigan, with a quorum being present for such vote.

[Signature]
Janine M. Sam, Council Recorder

[Signature]
Stephen Parsons, Council Speaker

Attest:
Distribution: Council Records
Tribal Ogema
Tribal Court
Accounting Department
Human Resources Department