



Little River Band of Ottawa Indians

375 River Street
Manistee, MI 49660
(231) 723-8288

Resolution # 09-0513-129

*Approving Amendments to Section 6.9 of the Employee Personnel Manual – Government Offices To Allow Employees to Transfer Unused PTO Time to Other Employees
And Directing the Executive Branch to Establish a PTO Bank Program
Within the Accounting Department*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (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

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, Section 6.9 of the Employee Personnel Manual – Government Offices, provides the mechanisms for granting and calculating personal leave, and additionally provides that personal leave is not transferable to another employee and that any accumulated leave in excess of 40 hours expires at the end of the year; and

WHEREAS, the Tribal Council has been requested to and has allowed for variances from Section 6.9 and has approved requests from employees to transfer unused personal leave time to another employee when circumstances have justified a transfer; and

WHEREAS, the Tribal Council believes that it is in the best interests of the Tribe and Tribal employees to establish a “Transferred PTO Bank Program” which will allow for transfer of personal leave time from one employee to another and provide for automatic transfer of unused personal leave time under certain circumstances.

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:

~~*Personal leave is not transferable to another employee. Unused personal leave may be carried over to the next year up to 40 hours, all personal leave accumulated in excess of 40 hours expires at the end of the year. Upon separation from employment, whether by termination, lay-off, resignation or other method, personal leave shall not be paid out to the employee.*~~

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 Tribal Council hereby establishes a "Transferred PTO Bank Program" which shall be administered by the Accounting Department with input by the Human Resources Department.

IT IS FURTHER RESOLVED THAT the Tribal Council directs the Accounting Department and the Human Resources Department to develop and establish guidelines to govern the Transferred PTO Bank Program, which shall include but not be limited to procedures for determining eligibility to receive transferred leave time, and to forward the procedures to Tribal Council within thirty (30) days from the date of this Resolution for review and comment.

IT IS FURTHER RESOLVED that the guidelines and procedures shall be presented to Tribal Council at a Regular Open Session Meeting within sixty (60) days from the date of this Resolution for approval.

IT IS FINALLY RESOLVED that during the interim period, all Tribal Government employees shall be allowed to transfer personal leave time to other employees who are either suffering a serious medical condition or are undergoing medical treatment which requires that employee to be absent from work for an extended period of time, or when an employee suffers the death of an immediate family member, provided that the employee receiving the transfer shall be required to first deplete all accrued PTO and/or Annual leave.

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 a Regular Open Session of the Little River Band of Ottawa Indians Tribal Council held on May 13, 2009, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.



Kimberly Alexander, Council Recorder



Don Koon, Council Speaker

Attest:

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