



## **Little River Band of Ottawa Indians**

1762 U.S. 31 South  
Manistee MI 49660  
(231) 723-8288

Resolution No. # 00-1128-02

### **Approval of Overtime Compensation for Fiscal Year 2000 for the Surveillance Department of the Gaming Commission**

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.)(hereinafter "Little River Act"); 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 Tribal Council, pursuant to Article IV, 7 of the Constitution has the power to enact ordinances and resolutions to promote the general welfare of the Tribe and its members; and

WHEREAS, the Tribal Council, pursuant to Article IV, section 7(i)(2) of the Constitution, has the power to manage any funds within the exclusive control of the Tribe and to appropriate such funds for the benefit of the Tribe and its members; and

WHEREAS, the Tribal Operations Director, in consultation with the Tribal Ogema, has presented a proposal for revising the Overtime Policy to accommodate the staffing requirements in departments, whose responsibilities require coverage 24 hours a day, 365 days per year, or whose responsibilities may, on occasion, require non-exempt (hourly) employees to work more than 40 hours in a work week; and

WHEREAS, the Tribal Council has reviewed the proposed policy and believes that the amendments address the issues of employees working in excess of 40 hours per week on a long term basis and requires review and potential re-identification of the exempt or non-exempt status of every employee as identified by the Tribal Operations Director, and

WHEREAS, the Tribal Council believes that this review and re-identification of exempt or non-exempt status is an important and integral part of the Overtime Policy's implementation such that Tribal wide implementation is not yet necessary, and

WHEREAS, the Tribal Council has identified that addressing the specific and on-going concern of the Gaming Commission Surveillance Department is of immediate and primary importance,

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the interim policy that—

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Non-exempt employee positions in the Gaming Commission Surveillance Department shall be paid overtime as set forth by the Fair Labor Standards Act and related regulations which shall be retro-active to August 7, 2000 and that such retro-active overtime payment shall be made in a lump sum retro-active payment on or before the completion of Fiscal Year 2000.

IT IS FURTHER RESOLVED THAT the Tribal Council hereby approves the continuation of overtime pay as set forth in the Fair Labor Standards Act and related regulations for the Surveillance Department of the Gaming Commission by approval of the overtime by the Supervisor until such time as a Tribal-wide Overtime Policy can be adopted.

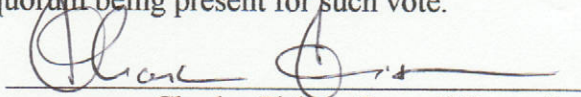
IT IS FURTHER RESOLVED THAT the Tribal Council hereby approves the retroactive payment of 'holiday pay' for the Gaming Commission Surveillance Department at the rate of two times the regular pay for work during a holiday for holidays during the period between August 7, 2000 until such time as a 'holiday pay' policy shall be established.

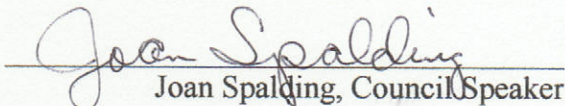
IT IS FURTHER RESOLVED THAT the Tribal Council hereby approves the payment of a bonus to the non-exempt employees of the Gaming Commission Surveillance Department which is equivalent to the overtime worked during the period between August 7, 2000 and the week ending December 2, 2000, including the 'holiday pay' as approved in this resolution as a recognition of their service during this period of transition and coverage of necessary shifts outside of the normal requirements asked of supervisory personnel.

IT IS FINALLY RESOLVED THAT the work period for the Gaming Commission Surveillance Department, which is now a weekly pay period (*40 hours in each pay period*) shall be adjusted to a 2 week pay period (*80 hours in each pay period*) on January 29, 2001 and overtime shall be adjusted to the 2 week pay period on that date.

#### 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, 1 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Community Center on November 28, 2000, with a quorum being present for such vote.

  
Charles Fisher, Council Recorder

Attest:   
Joan Spalding, Council Speaker