

1 **WAGANAKISING ODAWAK STATUTE**

2 **PROTECTION OF EMPLOYEES FROM SUPERVISORS THAT HAVE COMMITTED**
3 **A CRIME OF DOMESTIC VIOLENCE OR SEXUAL HARASSMENT STATUTE**
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6 **SECTION I. PURPOSE**
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8 The purpose of this statute is to protect employee from persons in supervisory or management
9 positions that have committed a domestic violence crime or Sexual Harassment. The Tribe
10 recognize employees working for the Tribal government or enterprise may be harmed from
11 persons in management or supervisory positions who have committed a crime of domestic
12 violence or an act of Sexual Harassment.
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15 **SECTION II. DEFINITIONS**
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18 **A. “Crimes of Domestic Violence”** means such crimes as set forth in WOS 2015-018,
19 Domestic Violence Statute.
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21 **B. “Enterprise or Business”** means an economic enterprise, including related ancillary
22 enterprises and activities that is wholly owned by the Little Traverse Bay Bands of Odawa
23 Indians.
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25 **C. “Sexual Harassment”** means such acts as set forth in WOS 2008-011, Fair Employment
26 Statute.
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28 **D. “Tribal Government”** means the Executive, Legislative and Judicial branches of the
29 Little Traverse Bay Bands of Odawa Indians government.
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31 **E. “Tribe” or “LTBB”** shall mean the Little Traverse Bay Bands of Odawa Indians.

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SECTION III. APPLICATION

A. Any person who has been convicted of a crime of domestic violence in any competent jurisdiction shall not be hired or promoted to a position of manager or supervisor, or a position that has managerial or supervisory duties over another person within the Tribal government or enterprises within seven (7) years of such conviction.

B. Any person who has been held responsible for sexual harassment by either a formal proceeding which may include an agency hearing, mediation or arbitration, or in a court of competent jurisdiction shall be not be hired or promoted to a position of manager or supervisor, or a position that has managerial or supervisory duties over another person within Tribal government or enterprises, within seven (7) years of such finding.

SECTION IV. BACKGROUND CHECKS

Any person or department who has the authority or duty to hire, assess, promote, investigate or license an employee, shall immediately complete a background check of all persons who are either being promoted or hired as a manager or supervisor to determine whether or not they are prohibited from holding such position in accordance with this Statute and shall take necessary actions to comply with this Statute.

SECTION V. REGULATIONS

Any regulations promulgated or required in accordance with this Statute shall follow the Administrative Procedures Act and be submitted to Tribal Council for approval.

This draft statute was formerly titled as: Protection of Vulnerable People in Employment

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Reposted 03/07/19

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SECTION VI. SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION VII. EFFECTIVE DATE

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

SECTION VIII. OTHER RELATED STATUTES

See Waganakising Odawak Statute (WOS) 2015-007 Tribal Government Human Resources Department, Waganakising Odawak Statute (WOS) 2011-005 Gaming Regulatory Statute, WOS 2014-005 Ziibimijwang, Inc. Statute, WOS 2009-018 Tribal Traditional Burial Board Statute, WOS 2018-014 Odawa Construction Corporation Statute, WOS 2009-024 Odawa Economic Development Management Inc. Statute, WOS 2015-018, Domestic Violence Statute, WOS 2008-011, Fair Employment Statute, or as may be amended.