

Waganakising Odawak

Little Traverse Bay Bands of Odawa Indians

Frank Ettawageshik, Tribal Chairman

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Executive Veto of Tribal Resolution 111807-02 As passed by Tribal Council on November 18, 2007

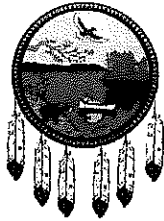
On December 18, 2007, I vetoed Tribal Resolution 111807-02 *Compliance to the Indian Preference In Tribal Employment Statute*. I agree with the spirit and intent of the Tribal Preference Statute WOS 2002-04. I believe that we have been following the letter, spirit and intent of this statute.

Since WOS 2002-04 Tribal Preference became law, both the Executive Branch and the Tribal Council understood a “qualified applicant” to be a person who fulfilled experience, background, abilities and education requirements because it is with this combination of qualifications that citizens are in the best position to excel. The primary purpose of Tribal preference is to give qualified Tribal citizens greater opportunities for employment. This philosophy gives preference in hiring to “qualified” Tribal citizens because it is not in the best interest of the citizens we serve or the citizens we hire to place people in situations where they are more likely to fail than succeed.

Since the passage of the Tribal Preference Statute, the Executive has consistently acted with the understanding that a person must meet experience, background, abilities and education to be considered a “qualified applicant.” The Executive has sought to hire only persons that have met all the listed requirements. Accordingly, the achievement of the practice speaks for itself. In the Tribal government, 62% of our employees on the Tribal Government side are citizens, 10% are Natives from other tribes. With this practice, Tribal citizens are given the opportunity to succeed.

The Executive Branch understanding is a common sense approach because any other interpretation of Tribal Preference allows for unreasonable results. For example, if a citizen claimed she had the *ability* to be a nurse, but did not have nursing experience or education, under the recent Resolution’s proposed interpretation this citizen would have to be considered qualified to work in the Tribal health clinic with our children and elders as a nurse. That would not only be a disservice to the citizen who would undoubtedly be overwhelmed with the realities of nursing, but it ultimately could place the Tribal Clinic’s most vulnerable patients at risk.

While the Executive Branch actions have consistently shown an inclusive understanding of “qualified applicant,” Tribal Council has gone even further to support this same understanding. Tribal Council has recently voted as a policy matter for the same interpretation of Tribal Preference. Tribal Council’s Employee Handbook states, “*A qualified applicant is a person who meets the minimum qualifications of the job posting which include work experience, background, abilities and education. This will be determined by reviewing the applicants work experience, verifying the level of education achieved, satisfactory completion of a background review, and the results of an interview*



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conducted by an interview committee to determine if the applicant has the ability to complete the duties assigned in the job description.” Tribal Council put in writing the same understanding as the Executive Branch that a person must have the work experience, background, abilities and education before being considered a qualified job applicant.

While the “Therefore Be It Resolved” portion of the resolution at hand is completely acceptable and outlines the full intent of the Executive Branch, there are several statements within the recitals in the body of the resolution that we do not feel accurately reflect the interpretation and practice regarding Tribal Preference as practiced by either the Executive Branch or the Tribal Council.

Due to the concerns laid out above I issued a veto for this resolution.

Prepared and signed December 18, 2007

Frank Ettawageshik, Tribal Chairman

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
7500 Odawa Circle
Harbor Springs, MI 49740

TRIBAL RESOLUTION # 111807-02

**COMPLIANCE TO THE INDIAN PREFERENCE IN
TRIBAL EMPLOYMENT STATUTE**

WHEREAS the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance;

WHEREAS the Little Traverse Bay Bands of Odawa Indians is a federally recognized Indian Tribe under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621);

WHEREAS the Tribal Council passed the *Waganakising Odawak Statute 2002-04, Indian Preference in Tribal Employment* on July 2, 2002;

WHEREAS this Statute mandates that the *Tribe and Tribal Business Enterprises shall grant Employment Preference for hiring, promotion and training to the following persons in the following order:*

1. *Members of the Little Traverse Bay Bands of Odawa Indians,*
2. *Other federally recognized members of North American Indian Tribes;*

WHEREAS the Statute defines "*Qualified applicant*" as a person who meets minimum qualifications, experience, background, abilities or education;

WHEREAS currently there are job postings for the Tribe and the Casino that do not comply with the language of the *Waganakising Odawak Statute 2002-04, Indian Preference in Tribal Employment Statute*;

WHEREAS these job descriptions are requiring a person to meet both the education and experience in order to be considered a qualified applicant;

WHEREAS the *Waganakising Odawak Statute 2002-04, Indian Preference in Tribal Employment Statute* prescribes that a person only needs to meet experience, background, abilities or education to be a qualified applicant.

THEREFORE, BE IT RESOLVED that all employees of the government or enterprises shall comply with the Indian Preference in Tribal Employment Statute and shall comply with the Employee Handbook on Progressive Disciplinary Course of Action.

CERTIFICATION

As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held November 18, 2007 at which a quorum was present, by a vote of 5 in favor, 3 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.				X
Melvin L. Kiogima		X		
Dexter McNamara	X			
Marvin Mulholland		X		
Shirley Oldman	X			
Alice Yellowbank		X		
Gerald V. Chingwa	X			
Regina Gasco Bentley	X			
Beatrice A. Law	X			

Date: 11/18/07 Beatrice A. Law
Beatrice A. Law, Legislative Leader

Date: 11-18-07 Regina Gasco Bentley
Regina Gasco Bentley, Secretary

Received by the Executive Office on 11-19-07 by Rosi Flynn

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 12-18-07 Frank Ettawageshik Tribal Chairperson

VETO