

Little Traverse Bay Bands of Odawa Indians
Tribal Council
7500 Odawa Circle
Harbor Springs MI 49740

TRIBAL COUNCIL'S LEGISLATIVE DIRECTIVE #080918-01

Amendment to

Legislative Branch Operations Governmental Employee
Personnel Policies Handbook #110917-01

In accordance with WOS 2015-019, Administrative Procedures Act, Tribal Council is authorized to use a "Legislative Directive" for operation of the Legislative Branch.

"Legislative Directive" means a directive issued by the Tribal Council that establishes basic internal rules of procedures, or guidelines for Tribal Council or Legislative employees and does not impact Tribal Citizens or entities out-side of the Legislative Branch.

Tribal Council has updated Legislative Branch Operations Governmental Employee Personnel Policies Handbook that reflects the Agreement with Michigan Indian Legal Services, approved by Tribal Council on June 28, 2018 and Tribal Resolution #062818-04, *Appropriation of Funds to the Legal Department in the amount of \$25,000.*

Tribal Council through this Legislative Directive approves this Amendment to Legislative Branch Operations Governmental Employee Personnel Policies Handbook #110917-01:

Repeal:

SECTION VIII. EMPLOYEE BENEFITS & COMPENSATION PROGRAM

- BA. Insurance Benefits and Retirement Plans. Eligible employees are provided a wide range of benefits. A number of the programs (such as Social Security and Unemployment Insurance) cover all employees in the manner prescribed by Federal, State and/or Tribal Law. Eligibility for benefits is dependent upon a variety of factors and is subject to all terms and conditions of the agreement between the LTBB and the insurance carrier or governmental agency.

Replace with:

SECTION VIII. EMPLOYEE BENEFITS & COMPENSATION PROGRAM

B. Insurance Benefits, Retirement Plans and Legal Benefit. Eligible employees are provided a wide range of benefits. A number of the programs (such as Social Security and Unemployment Insurance) cover all employees in the manner prescribed by Federal, State and/or Tribal Law. Eligibility for benefits is dependent upon a variety of factors and is subject to all terms and conditions of the agreement between the LTBB and the insurance carrier, governmental agency or Michigan Indian Legal Services, or its successor.

Insert at:

SECTION VIII. B. ¹⁰ Beginning January 1, 2019, LTBB will offer eligible employees a means of obtaining an initial legal assessment, investigation, settlement negotiations, final report and recommendation where warranted, of their allegations of discrimination or sexual harassment while being employed by the Legislative Branch.

- a. If an employee believes that they have been subject to either sexual harassment or employment discrimination they may contact Michigan Indian Legal Services (MILS) at 1-800-968-6877 to assess whether their allegations constitute a violation of any applicable law or policy.
- b. MILS will determine whether the facts that are allege contain the elements of a prima fascia case against the Tribe, and/or individuals under any applicable Tribal law. If MILS finds that there is an existence of a prima facie case, or that additional facts are needed to determine if a potential claim exists, it will conduct an investigation to assess the employee's potential claims. Upon completion of its legal assessment, and investigation when applicable, MILS will prepare a report for the employee that analyzes the legal claims and the results of its investigation if conducted.
- c. If an employee is successful in obtaining damages from the Tribe, and/or

individuals, the cost of the employee benefit will be reimbursed to the Tribe. MILS will prepare a statement of legal costs for the employee, so that if the employee litigate the claim, the employee will be aware of the cost that will need to be reimbursed to the Tribe if the claim is successful.

d. MILS will provide no further services to the employee after providing the statement of legal cost and the report. The employee may use the report as they deem fit, including taking it to a private attorney and/or using it to attempt to negotiate a settlement with their employer and/or individuals. The employee is not required to provide LTBB with the report, but LTBB may condition its willingness to enter into settlement negotiations on the employee providing a copy of the report.

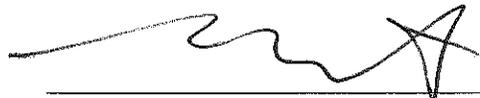
e. MILS will provide the Tribe a copy of the statement of legal cost upon request.

This Legislative Directive becomes effective upon the date of posting to the Little Traverse Bay Bands of Odawa Indians website and will remain in effect until rescinded by a subsequent Legislative Action.

CERTIFICATION

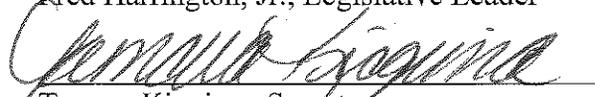
As Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Legislative Directive was duly approved by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held August 9, 2018 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, 1 absent as recorded by this certification as an official action on behalf of Little Traverse Bay Bands of Odawa Indians.

Date: 8.21.08



Fred Harrington, Jr., Legislative Leader

Date: 8-09-18


Tamara Kiogima, Secretary