

WAGANAKISING ODAWAK STATUTE 2000-15

WHISTLE BLOWER PROTECTION

SECTION I. PURPOSE

The purpose of this Statute is to protect the interests of Tribal employees and the Tribe by prohibiting retaliatory action against employees who report violations of the law.

SECTION II. DEFINITIONS

A. "Employee" means any person employed on a full or part time, salaried or hourly basis, by the Tribal Governmental administration of the Little Traverse Bay Bands of Odawa Indians or by any Tribally owned economic enterprise.

SECTION III. RETALIATION PROHIBITED

A. No employee shall be terminated, demoted, penalized or disciplined in any way as a direct result of the employee's reporting of activity, over which the employee has actual knowledge and which the employee reasonably believes to be in violation of any applicable law, to a supervisor, tribal law enforcement official, or the Tribal Council.

B. Cause of action. Any employee who is subject to retaliatory action based on good faith and reasonable reporting as described in subsection (A) shall have standing to bring a cause of action in Tribal Court against his/her individual supervisor or other individual alleged to have acted in violation of subsection (A). If the Court finds the employee to have acted in a good faith and reasonable fashion in reporting possibly illegal activity, and to have been subject to negative action as a result of such reporting, the Court shall order reinstatement of the employee's position and back pay if appropriate. The Court may also order a party that it finds to have taken such retaliatory action to pay the employee's Court costs and attorney's fees.

C. False Reporting. An employee who knowingly or recklessly makes a false report to a

supervisor, law enforcement official or to the Tribal Council may be subject to disciplinary action as appropriate under the applicable personnel policies.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on November 5, 2000, at which a quorum was present, by a vote of seven (7) in favor, zero (0) opposed, and zero (0) abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u> x </u>	_____	_____	_____
Gerald Chingwa	<u> x </u>	_____	_____	_____
Dorothy Gasco	<u> x </u>	_____	_____	_____
Janet Shomin	<u> x </u>	_____	_____	_____
Rita Shananaquet	<u> x </u>	_____	_____	_____
Susan Wysocki	<u> x </u>	_____	_____	_____
Alice Yellowbank	<u> x </u>	_____	_____	_____

Date: 11-19-00

Gerald Chingwa, Tribal Chairman

Dorothy Gasco, Tribal Secretary