

**AMENDMENT TO WAGANAKISING ODAWAK STATUTE 2008-013
MANAGEMENT AND LABOR RELATIONS**

**SECTION VII. REMEDIES BEFORE THE TRIBAL COURT FOR VIOLATIONS BY THIRD
PARTIES is repealed:**

2. b. *Damages.* If the Tribal Court finds a blatant employment rights violation, the Tribal Court may award punitive damages or fines as provided in this subparagraph.

- 1)** A complainant may recover punitive damages against an individual employee and/or manager if the complainant demonstrates that the individual employee and/or manager engaged in an unlawful employment rights violation with malice or with reckless indifference to the rights of an aggrieved individual protected by this Statute.

c. The total sum of punitive damages and/or fines may not exceed \$50,000, excluding the amount for actual loss of wages from each individual third party.

d. When a discriminatory practice involves the provision of a reasonable accommodation, damages may not be awarded when the employer demonstrates good faith efforts, in consultation with the person with the disability who has informed the employer that accommodation is needed, to identify and make a reasonable accommodation that would provide that individual with an equally effective opportunity and would not cause an undue hardship on the operation of the business.

And Replaced with:

**SECTION VII. REMEDIES BEFORE THE TRIBAL COURT FOR VIOLATIONS BY THIRD
PARTIES**

2. b. *Damages.* If the Tribal Court finds a blatant employment rights violation, the Tribal Court may award punitive damages or fines as provided in this subparagraph.

1) A complainant may recover punitive damages against a third party if the complainant demonstrates that the third party engaged in an unlawful employment rights violation with malice or with reckless indifference to the rights of an aggrieved individual protected by this Statute.

c. The total sum of punitive damages and/or fines may not exceed \$50,000, excluding the amount for actual loss of wages from each individual third party.

d. When a discriminatory practice involves the provision of a reasonable accommodation, damages may not be awarded when the third party demonstrates good faith efforts, in consultation with the person with the disability who has informed the third party that accommodation is needed, to identify and make a reasonable accommodation that would provide that individual with an equally effective opportunity and would not cause an undue hardship on the operation of the business.

SECTION VIII. STRIKES AND LOCKOUTS is repealed:

4. An employee shall be considered on strike, if the employee who, by concerted action with another and without the lawful approval of his or her supervisor, willfully absents himself or herself from their position, or abstains in whole or in part from the full, faithful and proper performance of his or her duties for the purpose of:

- a) including, influencing or coercing a change in employment conditions, compensation, rights, privileges or obligations of employment; or
- b) protesting or responding to an act alleged or determined to be an unfair labor practice committed by the employer,

And Replaced with:

SECTION VIII. STRIKES AND LOCKOUTS

4. An employee shall be considered on strike, if the employee who, without the lawful approval of his or her supervisor, willfully absents himself or herself from their position, or

abstains in whole or in part from the full, faithful and proper performance of his or her duties for the purpose of:

- a) including, influencing or coercing a change in employment conditions, compensation, rights, privileges or obligations of employment; or
- b) protesting or responding to an act alleged or determined to be an unfair labor practice committed by the employer,

SECTION IX. LICENSING AND REGISTRATION OF LABOR ORGANIZATIONS is repealed:

2. Subject to the requirements of Statute, the Gaming Regulatory Commission is authorized to enact such regulations as it sees fit to investigate and license any labor organization seeking to conduct business within the territorial jurisdiction of the Tribe.

And Replaced with:

SECTION IX. LICENSING AND REGISTRATION OF LABOR ORGANIZATIONS

2. Subject to the requirements of this Statute and the Administrative Procedures Statute (Waganakising Odawak Statute 2008-001, as may be amended or replaced) the Gaming Regulatory Commission is authorized to promulgate such regulations as it deems necessary to investigate and license any labor organization seeking to conduct business within the territorial jurisdiction of the Tribe.

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CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute Amendment was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on December 7, 2008 at which a quorum was present, by a vote of 6 in favor, 0 opposed, 0 abstentions, and 3 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: 12/7/08 Beatrice A. Law
Beatrice Law, Legislative Leader

Date: 12-7-08 Regina Gasco Bentley
Regina Gasco Bentley, Secretary

Received by the Executive Office on 12/8/08 by MP

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: 12-10-2008 Frank Ettawageshik
Frank Ettawageshik, Tribal Chairperson

