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3 **WAGANAKISING ODAWAK STATUTE #**
4 **CONSTITUTIONALLY MANDATED COMPENSATION -**
5 **JUDGES AND JUSTICES**
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7 **SECTION I. PURPOSE**
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9 The purpose of this Statute is to establish the compensation levels for Judges and Justices in
10 accordance with the Tribal Constitution and based on Constitutional duties. This Statute repeals
11 and replaces Waganakising Odawak Statute 2010-016 *Constitutionally Mandated Compensation*
12 *for Judges and Justices*, Waganakising Odawak Statute 2008-014 *Constitutionally Mandated*
13 *Compensation Statute*, Waganakising Odawak Statute 2003-05 *Tribal Council Compensation*,
14 and WOS 2005-04 *Constitutionally Mandated Compensation* and any previous Statute,
15 Resolution or Policy language with regard to compensation levels for such positions as stated in
16 this purpose.
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19 **SECTION II. DEFINITIONS**
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21 **A.** “*Annual Salary*” means the amount of annual compensation paid in equal increments the
22 same as that of Tribal Governmental Employees during the calendar year for performing the
23 function of a Judge or Justice and for carrying out the duties of a Judge or Justice as stated in the
24 Tribal Constitution and any relevant Statute.
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26 **B.** “*Attorney*” means licensed to practice in Tribal Court and courts of a state in the United
27 States.
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29 **C.** “*Compensation*” “*Compensation*” means the annual salary paid in equal increments the
30 same as that of Tribal Governmental Employees and any benefits allowed by this Statute.
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32 **D.** “*Tribal Constitution*” means the LTBB Constitution adopted by the Tribal Membership
33 February 2, 2005.
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35 **E.** “*Tribe*” shall mean the Little Traverse Bay Bands of Odawa Indians.
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1 **SECTION III. COMPENSATION CHANGE RESTRICTIONS**

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3 Any statute or statutory amendment changing the level of compensation for Judges and Justices
4 shall not decrease the amount of compensation during the individual appointed terms.
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7 **SECTION IV. COMPENSATION ESTABLISHED FOR JUDGES**

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9 A. In accordance with Article IX (G) of the Tribal Constitution, Compensation of the Chief
10 Judge is herein established. To fulfill the responsibilities of the Chief Judge as stated in the
11 Tribal Constitution and any relevant Statute, the Chief Judge shall be compensated and paid an
12 annual salary.
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14 1. The salary of the Chief Judge shall be negotiated by Tribal Council in
15 consultation with LTBB Human Resources Department utilizing the 2019 Compensation
16 & Classification as adopted for Tribal Governmental Employees following the table
17 below:

Years of Experience	0 to 5	6 to 10	10 or more
Wage Grid level if Not a licensed attorney	D71	D72	E91
Wage Grid level if a Licensed attorney	E92	E92	Negotiated

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19 B. In accordance with Article IX (G) of the Tribal Constitution, Compensation of the
20 Associate Judge(s) is herein established. To fulfill the responsibilities of the Associate Judge as
21 stated in the Tribal Constitution and any relevant Statute, the Associate Judge shall be
22 compensated and paid an annual salary.
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24 1. The salary of the Associate Judge(s) shall be negotiated by Tribal Council in
25 consultation with the LTBB Human Resources Department and utilizing the 2019
26 Compensation & Classification as adopted for Tribal Governmental Employees following
27 the table below:

Years of Experience	0 to 5	6 to 10	10 or more
Wage Grid level if Not a licensed attorney	B31	B32	C51
Wage Grid level if a Licensed attorney	C52	D71	D72

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29 D. Contributions to the Tribe’s retirement plan or a similar plan shall be allowed with the
30 same conditions and restrictions applied to Tribal employees and other contributors in the Tribal

1 Government Retirement plan.

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3 **E.** Health insurance, life insurance and other Tribal insurance programs at the same rate as
4 governmental employees.

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6 **F.** The compensation of the Judge(s) shall subject to federal and state taxation
7 where applicable, with tax withholdings handled in the same manner as for other LTBB
8 governmental employees.

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10 **G.** Compensation shall be paid in equal increments.

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12 **SECTION V. COMPENSATION ESTABLISHED FOR APPELLATE JUSTICES**

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14 **A.** In accordance with Article IX (G) of the Tribal Constitution, compensation of the
15 Appellate Justices is herein established. To fulfil the responsibilities of the Associate Judge as
16 stated in the Tribal Constitution and any relevant Statute, Appellate Justices shall be
17 compensated and paid an annual salary in the amount of \$15,000.00.

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19 **B.** The compensation of the Appellate Justices shall be subject to federal and state taxation
20 where applicable, with tax withholdings handles in the same manner as for other LTBB
21 governmental employees.

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23 **C.** Compensation shall be paid weekly in equal increments.

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25 **SECTION VI. TRAVEL EXPENSE REIMBURSEMENT**

26
27 **A.** Travel expenses shall be reimbursed at the same rate as allowed employees in the Tribal
28 Governmental Employees Travel Reimbursement Policy approved by Tribal Council.

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31 **SECTION VII. COMPENSATION PROHIBITIONS**

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33 **A.** Persons receiving compensation authorized by this Statute shall be prohibited from:

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35 **1.** Receiving unemployment compensation for any reductions or termination of said
36 compensation.

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- 2. Receiving any other type of payment as compensation not explicitly listed in this Statute, including stipends.
- 3. Receiving overtime pay or compensation.

SECTION VIII. 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 IX. EFFECTIVE DATE

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

CERTIFICATION