

Chapter 3. Indian Preference in Tribal Employment

14.301 PURPOSE

This Statute rescinds and replaces Waganakising Odawak Statute 1998015. This Tribal Employment Statute is hereby enacted to mandate the preferential employment, promotion and training of tribal members and other persons by the Tribe and its business enterprises, as permitted and promoted under federal law based on the unique political relationship between Indian tribes and the United States.

(Source: WOS 2002-04, July 7, 2002, Section I)

14.302 DEFINITIONS

- A. “Tribal Business Enterprise”** means any business owned, operated or licensed by the Little Traverse Bay Bands of Odawa Indians.
- B. “Employment Preference”** means a preference given to a job applicant or employee in hiring, promotion and training decisions when choosing qualified applicants or employees.
- C. “Qualified Applicant”** means a person who meets minimum qualifications, experience, background, abilities or education.

(Source: WOS 2002-04, July 7, 2002, Section II)

14.303 EMPLOYMENT PRACTICES

- A. Indian Preference.** The Tribe and Tribal Business Enterprises shall grant an 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 Indians Tribes.
- B. General.** Except for the Indian preference stated in Section III (A) employment, promotion and training opportunities within the Tribe and Tribal Business Enterprises will be

offered to qualified individuals without regard to race, religion, color, ancestry, gender, age or national origin.

(Source: WOS 2002-04, July 7, 2002, Section III)

C. Contractors and Subcontractors. This subsection repealed by WOS 2018-019, Section VIII(A-D).

(Source: WOS 2018-019, October 17, 2018, Section VIII)

14.304 POSTING OF NEW AND VACANT POSITIONS

All new and vacant positions shall be posted for a minimum of seven (7) calendar days and shall include the necessary qualifications of the job with clear description of experience, background, abilities, skills, and education that is needed in order to be successful in the position.

(Source: WOS 2013-006, June 14, 2013, Section IV, Repealed WOS 2013-006, Section IV)

14.305 INTERIM POSITIONS

A. Interim positions, also known as “acting” positions, are defined as a temporary position or performing services temporarily.s

B. Interim positions may only be utilized to fill a permanent position that cannot be left vacant.

C. Interim positions do not need to be posted and may be filled immediately. The interim period shall not exceed a six (6) month period. Only one interim position term can be used per permanent vacancy occurrence.

(Source: WOS 2013-006, June 14, 2013, Section V)

14.307 NEW POSITION VERSUS PROMOTION

A. A new position occurs when the job duties and qualifications significantly expand, and there is a significant pay increase.

B. A promotion occurs when the core job functions remains the same and the pay is within the same range.

C. If a position changes from part to full-time, the position shall be posted unless already filled by a Tribal Citizen in which case the Citizen may be promoted to full time status.

D. If a Tribal Citizen holds a position where job duties, pay level and qualifications increase, the new job is essentially an expansion of their current job, and they meet the expanded qualifications, the Tribal Citizen may be promoted without posting.

(Source: WOS 2019-011, August 30, 2019, Section IV)

14.308 EFFECTIVE DATE

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

(Source: WOS 2013-006, June 14, 2013, Section VI)