

## **Chapter 15. Protection of Employees From Supervisors That Have Committed A Crime of Domestic Violence or Sexual Harassment Statute**

### **9.1501 PURPOSE**

The purpose of this statute is to protect employee from persons in supervisory or management positions that have committed a domestic violence crime or Sexual Harassment. The Tribe recognize employees working for the Tribal government or enterprise may be harmed from persons in management or supervisory positions who have committed a crime of domestic violence or an act of Sexual Harassment.

(Source: WOS 2019-003, April 24, 2019, Section I)

### **9.1502 DEFINITIONS**

- A. “Crimes of Domestic Violence”** means such crimes as set forth in WOS 2015-018, Domestic Violence Statute.
- B. “Enterprise or Business”** means an economic enterprise, including related ancillary enterprises and activities that is wholly owned by the Little Traverse Bay Bands of Odawa Indians.
- C. “Sexual Harassment”** means such acts as set forth in WOS 2008-011, Fair Employment Statute.
- D. “Tribal Government”** means the Executive, Legislative and Judicial branches of the Little Traverse Bay Bands of Odawa Indians government.
- E. “Tribe” or “LTBB”** shall mean the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2019-003, April 24, 2019, Section II)

### **9.1503 APPLICATION**

- A.** Any person who has been convicted of a crime of domestic violence in any competent jurisdiction shall not be hired or promoted to a position of manager or supervisor, or a position

that has managerial or supervisory duties over another person within the Tribal government or enterprises within seven (7) years of such conviction.

**B.** Any person, if known, who has been held responsible for sexual harassment by either a formal proceeding which may include an agency hearing, mediation or arbitration, or in a court of competent jurisdiction shall not be hired or promoted to a position of manager or supervisor, or a position that has managerial or supervisory duties over another person within Tribal government or enterprises, within seven (7) years of such finding.

(Source: WOS 2019-003, April 24, 2019, Section III)

#### **9.1504 BACKGROUND CHECKS**

Any person or department who has the authority or duty to hire, assess, promote, investigate or license an employee, shall immediately complete a background check of all persons who are either being promoted or hired as a manager or supervisor to determine whether or not they are prohibited from holding such position in accordance with this Statute and shall take necessary actions to comply with this Statute.

(Source: WOS 2019-003, April 24, 2019, Section IV)

#### **9.1505 REGULATIONS**

Any regulations promulgated or required in accordance with this Statute shall follow the Administrative Procedures Act and be submitted to Tribal Council for approval.

(Source: WOS 2019-003, April 24, 2019, Section V)

#### **9.1506 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.

(Source: WOS 2019-003, April 24, 2019, Section VI)

### **9.1507 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 2019-003, April 24, 2019, Section VII)

### **9.1508 OTHER RELATED STATUTES**

See Waganakising Odawak Statute (WOS) 2015-007 Tribal Government Human Resources Department, Waganakising Odawak Statute (WOS) 2011-005 Gaming Regulatory Statute, WOS 2014-005 Ziibimijwang, Inc. Statute, WOS 2009-018 Tribal Traditional Burial Board Statute, WOS 2018-014 Odawa Construction Corporation Statute, WOS [2009-024 Odawa Economic Development Management](#) Inc. Statute, WOS 2015-018, Domestic Violence Statute, WOS 2008-011, Fair Employment Statute, or as may be amended.

(Source: WOS 2019-003, April 24, 2019, Section VIII)