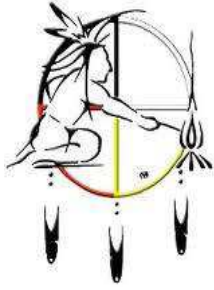


FOREST COUNTY POTAWATOMI RIGHT TO WORK ORDINANCE

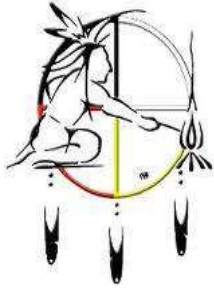
CHAPTER 1-9 (05/09/2015)



FOREST COUNTY POTAWATOMI RIGHT TO WORK ORDINANCE

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FOREST COUNTY POTAWATOMI RIGHT TO WORK ORDINANCE

§ 1. General

1.1. Purpose

The purpose of this ordinance is to establish a fair and equitable, legal process which regulates a person's right to work within an employment scope. The ordinance will address employer concerning grievances, wages, labor disputes and any other issues which relate to conditions of employment and will also allow for labor organization.

1.2. Authority

The Forest County Potawatomi General Council enacts this ordinance pursuant to its authority granted under the Forest County Potawatomi Tribal Constitution, Article IV, §1(d).

1.3. Effective Date and Title

This ordinance is hereby adopted immediately following the majority approval from the Forest County Potawatomi General Council and it shall be known as the Forest County Potawatomi Right to Work Ordinance.

1.4. Sovereign Immunity

The Tribe, by adoption of this ordinance, does not waive its sovereign immunity in any respect except in the limited circumstances expressly described herein.

1.5. Amendment or Repeal

This ordinance may be amended or repealed only by a majority vote of the Forest County Potawatomi General Council. All rules and regulations heretofore adopted by the Forest County Potawatomi General Council which are in conflict with the provisions of this ordinance are hereby repealed.

1.6. Jurisdiction

The Forest County Potawatomi Tribal Court shall have original jurisdiction over all proceedings under this ordinance.

1.7. Severability and Non-Liability

If any portion or section of this ordinance is adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remaining sections of this ordinance shall not be affected.

1.8. Others Voided

With the adoption of this ordinance, all preceding “Right to Work” laws or resolutions are hereby void.

§ 2. Definitions

For the purpose of this ordinance, the following words and phrases shall have the meanings given to them in this Section and by law:

“Labor Organization” shall mean any person, any organization of any kind, any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employer concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of employment.

“Person” shall mean any individual, corporation, partnership, limited partnership, limited liability company, trust, association or joint venture.

“Reservation” shall mean the Forest County Potawatomi Reservation.

“Tribal Court” shall mean the Forest County Potawatomi Tribal Court.

“Tribe” shall mean the Forest County Potawatomi Tribe.

§ 3. Administration and Agreements

3.1. Agreements Prohibiting Employment Because of Non-Membership in Labor Organization Prohibited

No person shall be required, as a condition of employment or continuation of employment with Forest County Potawatomi Tribe:

- (A) to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;
- (B) to become or remain a member of a labor organization;
- (C) to pay dues, fees, assessments or other charges of any kind or amount to a labor organization;
- (D) to pay to any charity or other third party, in lieu of such payments any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization; or
- (E) to be recommended, approved, referred or cleared by or through a labor organization.

3.2. Certain Contracts Declared Illegal and Void

Any act or any provision in any agreement which is in violation of any section of this ordinance shall be illegal and void. Any strike or picketing to force or induce any employer to make an agreement in writing and/or orally in violation of any section of this ordinance shall be for an illegal purpose.

3.3. Compelling a Person to Join a Labor Organization, to Strike, Against their Will; or Compelling them to Leave their Employment is Prohibited

It shall be unlawful for any employee, labor organization, or officer, agent or member thereof to compel or attempt to compel any person to join any labor organization, to strike against their will or compel them to leave their employment by any threatened or actual interference with any person, their family and/or property. For purposes of §3.3, family shall consist of spouse, children, parents, grandparents and siblings.

3.4. Liability for Damages

Any person who violates any provision of this ordinance, inclusive, or who enters into any agreement containing a provision declared illegal by any section of this ordinance, inclusive, or who shall bring about the discharge or the denial of employment of any person because of non-membership in a labor organization shall be liable to the person injured as a result of such act or provision. Any violator(s) may be sued therefore and in any such action any labor organization, subdivision or local thereof shall be held to be bound by the acts of its duly authorized agents acting within the scope of their authority and may sue or be sued in its common name. Damages in any action brought under any section of this ordinance shall include, but not be limited to, all costs and expenses of the action, including actual attorney’s fees.

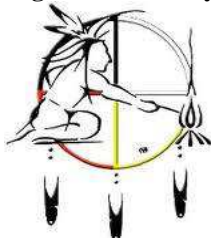
3.5. Injunctive Relief

Any person injured or threatened with injury by an act declared illegal by any section of this ordinance, inclusive, shall be entitled to injunctive relief therefrom.

3.6. Governing Law/Jurisdiction

All provisions of this ordinance shall be construed, governed and enforced under the original jurisdiction of Forest County Potawatomi Tribal Court.

Legislative History for Forest County Right to Work Ordinance:



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|---|------------|
| Approved by Executive Council | 02/01/2008 |
| Recommended by the Ordinance Department | 02/01/2008 |
| Approved by General Council | 05/09/2015 |