



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
5281 Honpie Road, Placerville CA 95667
P.O. Box 1340, Shingle Springs CA 95682
(530) 676-8010 Office; (530) 676-8033 Fax

RESOLUTION 2015-36

SUBJECT: APPROVAL OF THE CASINO EMPLOYEE WHISTLEBLOWER PROTECTION ORDINANCE.

WHEREAS, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Red Hawk Casino ("Casino") is owned by the Shingle Springs Tribal Gaming Authority, an entity of the Tribe; and

WHEREAS, the Tribe desires to adopt an ordinance that will provide protections and a procedure for Casino employees who wish to report information regarding possible theft and fraud related violations of Federal or Tribal law occurring at the Casino; and

WHEREAS, the Tribal Council has reviewed the attached "Casino Employee Whistleblower Protection Ordinance," and has determined that it is consistent with the Tribe's goals for operation of the Casino.

NOW, THEREFORE, BE IT RESOLVED that the Shingle Springs Tribal Council hereby approves the attached "Casino Employee Whistleblower Protection Ordinance" as an ordinance of the Tribe, and further authorizes the Tribal Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 21st day of May, 2015 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.

Chairperson

May 21, 2015

Date

ATTEST:

Secretary

May 21, 2015

Date



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SHINGLE SPRINGS RANCHERIA (VERONA TRACT), CALIFORNIA
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CASINO EMPLOYEE WHISTLEBLOWER PROTECTION ORDINANCE

Section 1. Purpose

The Shingle Springs Band of Miwok Indians establishes the Casino Employee Whistleblower Protection Ordinance in order to protect Casino employees from retaliation for reporting suspected violations of Tribal or Federal law, rules, regulations, or policies.

Section 2. Definitions

Wherever used in this Ordinance the terms defined in this section shall have the following meaning.

(A) **“Casino”** - refers to the Red Hawk Casino;

(B) **“Fraud”** – refers to the intentional act of misconduct, violation of trust, deception, concealment or misrepresentation resulting in a financial loss to the organization;

(C) **“Gaming Commission”** – refers to the Shingle Springs Tribal Gaming Commission, a governmental entity of the Tribe that is responsible for ensuring that Red Hawk Casino complies with all Federal, State and Tribal gaming laws;

(D) **“Ordinance”** - means this Casino Employee Whistleblower Protection Ordinance;

(E) **“Tip Hotline”** – refers to the designated phone number and/or email address setup by the Gaming Commission that employees may use to report suspected illegal behavior.

(F) **“Tribal Council”** - means the Shingle Springs Tribal Council, the Tribe’s governing body as established by the Tribe’s Articles of Association;

(G) **“Tribe”** - refers to the Shingle Springs Band of Miwok Indians, a federally-recognized Indian tribe, or an authorized official or agency thereof.

Section 3. Whistleblower Tip Hotline

(A) The Gaming Commission shall maintain a whistleblower Tip Hotline to receive information regarding possible theft and fraud related violations of Federal or Tribal law, rules, regulations, or policies. The Casino shall prominently display in lettering larger than 14 point type information regarding the Tip Hotline, including the phone number and email address and provide such information at all new employee trainings.

(B) The Gaming Commission shall keep confidential the identity of those providing information to the Tip Hotline, to the extent it is practical in completing its investigation.

(C) The Gaming Commission shall investigate all claims and information reported through the Tip Hotline that pertains to possible illegal activity or violations of theft and fraud related Federal or Tribal law, rules, regulations, or policies. Information reported regarding non-fraudulent matters will not be investigated by the Gaming Commission and will be sent to a designated person in the Casino's Human Resources Department for investigation.

(D) Upon completion of any investigations generated from information submitted to the Tip Hotline, the Gaming Commission shall meet with the Casino Management and Human Resources Department to discuss findings, provide supporting documentation regarding the investigation, and work together to resolve any investigation findings as appropriate.

Section 4. Whistleblower Protections

(A) Regulations. The Tribe or Casino, or any person acting on behalf of the Casino, shall not make, adopt, or enforce any rule, regulation, or policy preventing a Casino employee from disclosing information to the Tip Hotline, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any individual or organization conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of tribal or federal statute, or a violation of or noncompliance with tribal or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(B) Disclosing Information. The Tribe or Casino, or any person acting on behalf of the Casino, shall not retaliate against a Casino employee for disclosing information, or because the Tribe or Casino believes that the employee disclosed or may disclose information, to the Tip Hotline, to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of tribal or federal statute, or a violation of or noncompliance with a tribal or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(C) Retaliation for Activities. The Tribe or Casino, or any person acting on behalf of the Casino, shall not retaliate against a Casino employee for refusing to participate in an activity that would result in a violation of tribal or federal statute, or a violation of or noncompliance with a tribal or federal rule or regulation.

Section 5. Whistleblower Remedies

(A) Any individual that believes they have been a victim of retaliation specifically prohibited under this Ordinance may file a claim in accordance with the Casino Employment Discrimination Ordinance.

Section 6. Sovereign Immunity

The sovereign immunity of the Tribe is in no manner waived by this Ordinance. Neither is sovereign immunity waived by any action of the Tribal Council, Gaming Commission, or staff of the Tribe acting pursuant to this Ordinance.

Section 7. Amendments

This Ordinance, or any section herein, may be amended by a majority vote of the Tribal Council.

Section 8. Severability

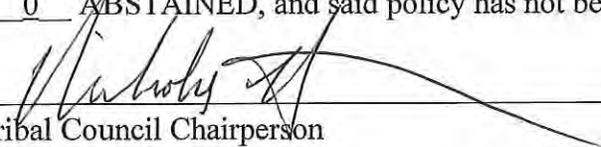
If any part of this Ordinance is found void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein.

Section 9. Effective Date

This Ordinance shall take effect on the date it is approved by the Tribal Council.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 21st day of May, 2015 at which time a quorum of 7 was present, this policy was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said policy has not been rescinded or amended in any form.


Tribal Council Chairperson

May 21, 2015
Date

ATTEST


Tribal Council Secretary

May 21, 2015
Date