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OSAGE NATION CONGRESS

4th Session of the 1st Congress

BILL NUMBER ONCA 08-05

ENROLLED

April 8, 2008

SPONSOR: Raymond Red Corn

CO-SPONSOR(S): Shannon Edwards

An Act

To protect employees who report legal or regulatory violations from retribution by their employer.

Be it enacted by the Congress of the Osage Nation:

SECTION 1. SHORT TITLE

This Act may be cited as the "Osage Nation Whistleblower Act".

SECTION 2. FINDINGS; PURPOSES

- A. The Osage Nation Congress finds that it is in the best interest of the Osage Nation to learn of legal or regulatory violations by elected officials or employees of the Osage Nation as soon as they occur.
- B. The Osage Nation Congress further finds that employees who possess knowledge of legal or regulatory violations should not be punished or subjected to ridicule for reporting such violations to the Osage Nation.

SECTION 3. DISCLOSURE OF INFORMATION BY EMPLOYEES; PROHIBITED ACTION

- A. An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:
1. the employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal, state or tribal law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;

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2. the employee is requested by a public body or office to participate in an investigation, hearing, inquiry;
3. the employee refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any tribal, state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;
4. the employee, in good faith, reports a situation in which the quality of health care services provided by a health care facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm; or
5. a public employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a governmental body or law enforcement official.

- B. The disclosures protected pursuant to this section do not authorize the disclosure of data otherwise protected by law.
- C. The protections afforded to employees or those acting on behalf of employees shall extend to members of the employee's extended family who are also employees of the Osage Nation or its instrumentalities.

SECTION 4. APPEAL

The Osage Nation Executive Branch shall develop instructions and procedures for invoking the protections provided by this act and distribute those instructions and procedures to all employees of the Nation and its instrumentalities within sixty (60) days of the effective date of this act.

SECTION 5. DISCLOSURE OF IDENTITY

- A. The identity of any employee making a report to a governmental body or law enforcement official under Section 3(A)(1) or Section 3(A)(4), shall remain confidential. The identity of an employee providing information under Section 3(A)(2), shall remain confidential if:
 1. the employee would not have provided the information without an assurance that the employee's identity would remain private, because of a concern that the employer would commit an action

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prohibited under Section 3 or that the employee would be subject to some other form of retaliation; or

2. the tribal agency, federal agency, or Osage Nation instrumentality reasonably believes that the employee would not have provided the data because of that concern.

B. If the disclosure is necessary for prosecution, the identity of the employee may be disclosed but the employee shall be informed prior to the disclosure.

SECTION 6. FALSE DISCLOSURES

This section does not permit an employee to make statements or disclosures knowing that they are false or that they are in reckless disregard of the truth. Protections of this act shall not extend to false statements or accusations if they are proved to be false.

SECTION 7. CONFIDENTIAL INFORMATION


This section does not permit disclosures that would violate federal, state or tribal law or diminish or impair the rights of any person or the Osage Nation to the continued protection of confidentiality of communications provided by common law or contract with the Osage Nation.

SECTION 8. SEVERABILITY

If any provision of this Act or the application of such provision to any person, firm, association, corporation, or circumstance is found to be unenforceable by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of the Act shall continue in full force and effect.

ENACTED by the Osage Nation Congress on this 8TH day of April, 2008.

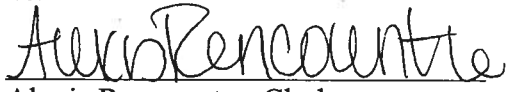
IN WITNESS WHEREOF, the Speaker of the Osage Nation Congress has hereto attached his signature.


Archie Mason, Speaker
Osage Nation Congress

137 I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE
138 EXTRACT FROM THE MINUTES OF THE Osage Nation Congress comprised of
139 twelve members and one ex-officio member with 12 members attending this meeting on
140 the 3RD day of April, 2008, and that the above is in conformity with the provisions therein
141 adopted by a vote of 11 in favor, 0 against, and 1 absent.
142

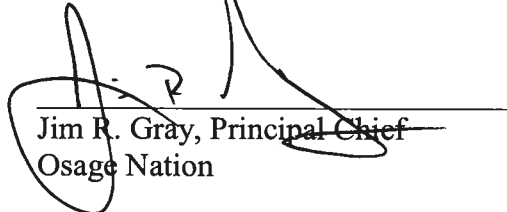
143	Faren Revard Anderson	yes
144	Jerri Jean Branstetter	yes
145	Shannon Edwards	yes
146	Mark Freeman	yes
147	Debra Atterberry	yes
148	Archie Mason	yes
149	Raymond Red Corn	yes
150	Eddy Red Eagle, Jr.	yes
151	Doug Revard	yes
152	Anthony Shackelford	yes
153	Mark Simms	absent
154	William Supernaw	yes

155
156 Said Bill has not been rescinded or amended in any way and the above is the
157 signature of the Speaker of the Osage Nation Congress.

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159 _____
160 Alexis Rencountre, Clerk
161 Osage Nation Congress
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164 **APPROVAL**

165
166 I, the Principal Chief of the Osage Nation, hereby affix my signature this 14th day of
167 April, 2008, to the above Bill No. ONCA 08-05 authorizing it to become
168 a law under the Constitution of the Osage Nation.
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171 _____
172 Jim R. Gray, Principal Chief
173 Osage Nation