



TO: Legislative Operating Committee (LOC)  
FROM: Clorissa N. Santiago, Legislative Reference Office, Staff Attorney  
DATE: January 2, 2019  
RE: Whistleblower Protection Law: Public Meeting Comment Review

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On December 3, 2018, a public meeting was held regarding the proposed Whistleblower Protection law (“the Law”). The public comment period was then held open until December 10, 2018. This memorandum is submitted as a review of the oral and written comments received within the public meeting and public comment period.

On December 19, 2018, the Legislative Operating Committee reviewed and considered all oral and written comments received during the public meeting and public comment period. David P. Jordan, Jennifer Webster, Kirby Metoxen, and Ernest Stevens III were present for this consideration. This memorandum demonstrates the consideration of the oral and written comments received within the public meeting and public comment period.

#### Comment 1 – Thank you:

**Pat Campbell (oral):** Good afternoon, Pat Campbell, Gaming Employee Relations Representative. I’d just like to say I think you did a great job with it. The old policy was so confusing, especially for us as advocates when they were sending people to us. So, I think with the new Fraud Hotline and with the new policy, I think you did a great job. Thank you for making it easier for us, too.

#### *Response*

The commenter thanks the Legislative Operating Committee for the work done on the development of this Law, and states that the Law is much less confusing than the prior Employee Protection Policy.

There is no recommended revision based on this comment.

#### *LOC Consideration*

The Legislative Operating Committee appreciates the gratitude and agrees that there is no revision to the Law needed based on this comment.

#### Comment 2 – Training on the Whistleblower Protection Law:

**Barb Kolitsch (written):** Please don’t mandate training. Employee protection (current law) is covered in new employee orientation and supervisor training. Announcing a new law should include basic communication about the law to employees of the Nation. Please allow HR the

discretion as to how it would be best to communicate the new law. Just a note to further support this – we have a law in place right now that requires annual 4 hours of training, and it doesn't make sense to mandate training in a law.

### ***Response***

The commenter requests that the Law itself does not mandate training, and instead decisions on how or when to train on the provisions of the Law be left to the discretion of the Nation's Human Resources Department.

Currently, there is no provision in the Law that requires any mandatory training on the provisions of the Law.

It would be a policy decision of the Legislative Operating Committee to determine if any training should be required at the time of adoption of this Law.

### ***LOC Consideration***

The Legislative Operating Committee affirmed its decision to not include any form of mandatory training on this matter in the Law, and does not think that any additional training on the Law will be necessary.