

Mille Lacs Band Statutes Annotated

Amendments received through: February 7, 2014

TITLE 6 - GOVERNMENT EMPLOYEES

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Cross References

Administration Policy Board, see 4 MLBSA § 8.
Band government identification cards, see 22 MLBSA § 308.
Employee credit union, see 17 MLBSA § 1 et seq.
Personal income tax, see 22 MLBSA § 701.
Suits against Band officials, see 24 MLBSA § 701.
Violation of orders or opinions, see 24 MLBSA § 1212.

CHAPTER 1

PERSONNEL POLICY AND PROCEDURES

Historical and Statutory Notes

The title of Ordinance 14-10 is:

“An ordinance adopting a **Personnel Policy and Procedures Manual** for the Mille Lacs Band of Ojibwe and amending Title 6 of the Mille Lacs Band Statutes Annotated and for related purposes”

The preamble of Ordinance 14-10 provides:

“Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of adopting a Personnel Policy and Procedures Manual and amending Title 6 of the Mille Lacs Band Statutes Annotated and for related purposes. In conjunction with the adoption of the new Personnel Policy and Procedures Manual, Title 6 of the Mille Lacs Band Statutes Annotated is amended to repeal Chapter 1, entitled “Personnel Policy Manual,” as well as Chapter 6 entitled “Drug Free Work Place.”

Section 2 of Title I of Ordinance 14-10 provides:

“Chapter 6, entitled “Drug Free Work Place,” of Title 6 of the Mille Lacs Band Statutes Annotated is repealed in its entirety. The Band’s Drug and Alcohol policy, as set forth in the MLBO Personnel Policy and Procedures Manual adopted in accordance with Section 1 above, is hereby approved.”

Section 3 of Title I of Ordinance 14-10 provides:

“The Band Assembly reserves the right to amend the MLBO Personnel Policy and Procedures Manual at any time.”

The title of Ordinance 33-12 is:

“An Ordinance amending Title 6 of the Mille Lacs Band Statutes Annotated entitled Government Employees to do the following: (1) exempt the MLBO Police Department from the government personnel policies; (2) remove the Nay-Ah-Shing School employees from the exemption list; (3) clarify that the Nay-Ah-Shing School Board is subject to removal according to Band law; and (4) adopt the amended MLBO Personnel Policy and Procedures.”

The preamble of Ordinance 33-12 provides:

“The Band Assembly of the Mille Lacs Band of Ojibwe believes that the establishment of a fair and uniform system of policies for employees working within the three branch government is in the best interest of the Band. It is the intent of the Band Assembly to provide a fair set of standards for government employees and to exempt those employees whose duties fall outside of the customary and usual activities of Band business. These exempt employees shall follow the set of standards and policies duly established and adopted for such individual departments.”

The title of Ordinance 15-14 is:

“An ordinance amending Section 3(a) in Title 6 of the Mille Lacs Band Statutes Annotated; amending Sections 2, 4, 6 and 10 in Title 18 of the Mille Lacs Band Statutes Annotated; amending Chapter 5 of Title 18 in the Mille Lacs Band Statutes Annotated; and repealing any inconsistent Indian Preference language in any other Band law or policy, including any Corporate Commission policy, in order to create consistency in Band law and policy.”

The preamble of Ordinance 15-14 provides:

“It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending Section 3(a) in Title 6 of the Mille Lacs Band Statutes Annotated; Sections 2, 4, 6 and 10 in Title* in the Mille Lacs Band Statutes Annotated; amending Chapter 5 of Title 18 of the Mille Lacs Band Statutes Annotated (the Band’s Indian Employment Rights Ordinance or ‘TERO’); and repealing any inconsistent Indian Preference language in Band law or policy, including any Corporate Commission policy, in order to create consistency in Band law and policy.”

*So in original. Probably should be Title 18.

Cross References

Employee parking, see Admin.Comm.Order 22-85.

Gaming Commission employees, compliance with provisions of law, see 15 MLBSA § 403.

Code of Federal Regulations Staffing with Bureau of Indian Affairs employees, see 25 CFR 275. 1 et seq.

Section

1. Adoption and Amendment of Personnel Policy and Procedures Manual.
2. Exempt Personnel.
3. American Indian Preference.
4. Employee and Appointee Trade Transactions.

§ 1. Adoption and Amendment of Personnel Policy and Procedures Manual

(a) The Mille Lacs Band of Ojibwe Personnel Policy and Procedures Manual dated January 6, 2010, is hereby adopted and made applicable to all employees of the Mille Lacs Band of Ojibwe and its agencies and subdivisions except as provided in section 2 of this Chapter 1. Hereafter, it shall be the duty of the Employment Law Specialist, Solicitor General’s Office, and Legislative Counsel to ensure that the MLBO Personnel Policy and Procedures Manual is amended on an annual basis or, as needed, to comply with federal and Band law and Band policy. Such amended Personnel Policy and Procedures Manual shall be

approved by duly enacted legislation of the Band Assembly prior to implementation.

(b) The Mille Lacs Band of Ojibwe (MLBO) Personnel Policies and Procedures, as amended and approved on February 22, 2012, are hereby adopted. A copy of said Personnel Policies and Procedures Manual is attached to Band Ordinance 33-12 as Exhibit A.

Historical and Statutory Notes

Source: Band Ordinance 14-10, Title I, § 1; Band Ordinance 33-12, § 2.

§ 2. Exempt Personnel

(a) The following positions shall not be subject to the provisions of the MLBO Personnel Policy and Procedures Manual:

- (1) The Chief Executive;
- (2) Secretary-Treasurer/Speaker of the Assembly and three (3) District Representatives;
- (3) Employees of the Corporate Commission and its subsidiaries;
- (4) Employees of the Gaming Regulatory Authority;
- (5) Employees of the MLBO Police Department; and
- (6) Employees hired under contract for a particular purpose.

(b) Appointed officials of the Band are subject to all provisions in the MLBO Personnel Policy and Procedures Manual except to the extent those provisions conflict with other applicable provisions of Band law.

(c) According to 9 MLBSA sec. 6, elected Nay-Ah-Shing School Board members are subject to removal from office as determined by 3 MLBSA sec. 25.

Historical and Statutory Notes

Source: Band Ordinance 14-10, Title I, § 1; Band Ordinance 33-12, § 1.

§ 3. American Indian Preference

(a) The American Indian preference provisions in the MLBO Personnel Policy

and Procedures Manual shall be construed in a manner that is consistent with the requirements of Chapter 5 of Title 18 of the Mille Lacs Band Statutes Annotated (the Band’s Indian Employment Rights Ordinance or “TERO”) and shall supersede all other provisions of Band law.

(b) Assuming equal qualifications, the Personnel Policy and Procedures Manual provides American Indian preference will be given in employment recruitment, hiring, promotions, training and development in the following order:

- (1) Band Members, defined as enrolled members of the Mille Lacs Band of Ojibwe Indians;
- (2) Other Indians, defined as enrolled members of any other federally recognized tribe; and
- (3) All others.

Historical and Statutory Notes

Source: Band Ordinance 14-10, Title I, § 1; Band Ordinance 15-14, Title I, § 1.

§ 4. Employee and appointee trade transactions

No employee or appointee of the Band shall be allowed to have any personal interest or concern in any business that sells services or goods to any Band entity, except as authorized with written permission by the Chief Executive.

Historical and Statutory Notes

Source: Band Ordinance 14-10, Title I, § 1.

CHAPTER 2

SENIOR EXECUTIVE STAFF POLICIES

[See Ordinance 39-98 – Travel regulations]

Section

1001. Payroll.

1002. Salary status.

1003. Travel mileage.

1004. Per diem.

1005. Fringe benefits – [Repealed and replaced by Ordinance 45-98]

1006. Effect of resignation or removal – Repealed and replaced by Ordinance 45-98]
1007. Avoiding conflict of interest.

[Additional Fringe benefits ordinance – Ordinance 47-98]

§ 1001. Payroll

(a) The Mille Lacs Band Assembly has determined that each appointed member of the government shall have a payroll check prepared after they submit and sign an authorized time sheet.

(b) The Mille Lacs Band Assembly has determined their payroll is to be issued each Friday at 10:00 a.m. for the previously ended pay period of Friday.

Historical and Statutory Notes

Source: Band Statute 1099-MLC-8, Gov. Pol., §§ 1, 1.2.

§ 1002. Salary status

(a) All appointed members of the government are on salary.

(b) Compensatory time shall not be available for Senior Executive Staff appointees of tribal government.

Historical and Statutory Notes

Source: Band Statute 1099-MLC-8, Gov. Pol., §§ 1.3, 1.4.

§ 1003. Travel mileage

Historical and Statutory Notes

Repealed: Band Ordinance 39-98, § 2.

§ 1004. Per diem

Historical and Statutory Notes

Repealed: Band Ordinance 39-98, § 2.

§ 1005. Fringe benefits

Historical and Statutory Notes

Repealed: Band Ordinance 45-98, § 2

§ 1006. Effect of resignation or removal

Historical and Statutory Notes

Repealed: Band Ordinance 45-98, § 2.

§ 1007. Avoiding conflict of interest

- (a) Senior Executive Staff appointees of tribal government shall not use their appointed position for their own personal financial benefit or the financial benefit of family members.
- (b) Appointed officials of tribal government shall not order the preparation of any type of check in which they/or an immediate family are to be the payee.
- (c) Senior Executive Staff appointees of tribal government shall not be loaned program/corporate funds under any circumstances provided that all programs follow the same policy.

Historical and Statutory Notes

Source: Band Statute 1099-MLC-8, Gov. Pol., §§ 4.03 to 4.05.

Cross References

Leases of restricted lands under Band jurisdiction, see 6 MLBSA § 11.
Trade involving employees and appointees of Band, see 6 MLBSA § 10.

CHAPTER 3 TRAVEL POLICIES

Section:

- 1101. Purpose
- 1102. Definitions
- 1103. Interpretation
- 1104. Per Diem; Elected Officials Traveling on Business
- 1105. Per Diem; Appointed Officials Traveling on Official Business
- 1106. Mileage and Related Allowances
- 1107. Allowable Travel Expenses
- 1108. Airfare
- 1109. Advancements and Deductions
- 1110. Application of this Chapter

Unknown
Field Code

Historical and Statutory Notes

The Preamble to and §§ 2 and 15 of Band Ordinance 39-98 (this Chapter) provide:

“Preamble. It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of establishing a body of law governing travel for officials of the Mille Lacs Band of Ojibwe. The Band Assembly determines that it is in the Band’s best interest to provide a uniform set of protections and safeguards for Band assets by enacting effective and efficient travel policies. This Act repeals and replaces Title 6 of the Mille Lacs Band Statutes Annotated in its entirety.”

“**Section 2. Repeal.** Title 6 of the Mille Lacs Band Statutes Annotated is hereby repealed and replaced in its entirety to the extent that it is inconsistent with this Act.”

“**Section 15. Effective Date.** This Act shall become effective (30) consecutive days after it is enacted.”

§ 1101. Purpose

This Chapter is intended to establish a body of law governing travel for Elected Officials and Appointed Officials of the Mille Lacs Band of Ojibwe. The purpose of this Chapter is to provide a uniform set of regulations governing travel that will allow officials of the Band to represent the interests of the Band to the best of their abilities and to manage resources of the Band effectively and responsibly.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 1

§ 1102. Definitions

(a) Actual Expenses. Out of pocket expenses paid by a traveler when traveling on official Band business that may be reimbursed to the traveler.

(b) Appointed Officials. For purposes of this Chapter appointed officials of the Mille Lacs Band shall include but not be limited to, the Commissioner of Administration, the Assistant Commissioner of Administration, the Commissioner of Education, the Commissioner of Finance, the Commissioner of Health and Human Services, the Commissioner of Community Development, the Commissioner of Natural Resources, the Solicitor General, the Justices and Judges of the Court of Central Jurisdiction or any other person designated as a Senior Executive Staff employee.

(c) Elected Officials. For purposes of this Chapter elected officials shall be the Chief Executive, the Secretary/Treasurer of the Band Assembly, and the District Representatives of the Band Assembly.

(d) Joint Resolution. A resolution adopted by the Band Assembly that requires the concurrence of the Chief Executive to have the effect of law and which shall remain

in effect until altered by the enactment of law or joint resolution.

(e) Misconduct. Shall include but not be limited to unlawful behavior or other intentional and wrongful behavior other than negligence or carelessness.

(f) Necessary Expense. An expense that is helpful and appropriate in assisting a traveler in the performance of their duty. An expense does not have to be essential to be considered necessary.

(g) Per Diem. A payment made to a traveler for daily subsistence incurred for travel instead of payment made for the actual expense for subsistence while on travel.

(h) Senior Executive Staff. All individuals employed by the Mille Lacs Band or a political subdivision having the status of Senior Executive Staff, as designated by their personnel file, and who are not otherwise designated as Appointed Officials including but not limited to the Deputy Assistant to the Chief Executive.

(i) Subsistence. Lodging, meals, and other incidental expenses for the personal sustenance and comfort of the traveler.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 3

§ 1103. Interpretation

The provisions of this Chapter shall be interpreted and applied liberally to accomplish the purpose of this Chapter and if a court of competent jurisdiction adjudges any section, provision or portion invalid, the remainder of the Chapter shall not be affected thereby.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 4

§ 1104. Per Diem; Elected Officials Traveling on Official Business

(a) (1) Under provisions prescribed by this Chapter, an elected official, when traveling on official Band business shall be entitled to any of the following:

(A) Per Diem at a rate not to exceed that established by joint resolution of the Band Assembly including;

(i) Lodging for elected officials traveling on behalf of

the Band which shall be paid for with a Band credit card not to exceed an amount established by joint resolution of the Band Assembly;

- (ii) Elected officials shall receive payment for meals and incidentals at a rate pre-determined by joint resolution.

(B) Reimbursement for the actual and necessary expenses of official travel not to exceed an amount established by joint resolution of the Band Assembly; or

(C) Combination of payments described in subparagraphs (A) and (B) of this paragraph.

(2) For travel consuming less than ten hours in a single day, the payment prescribed shall be as set forth pursuant to this Chapter.

(b) (1) Under the provisions set forth in this Chapter, an elected official who abandons the travel assignment prior to its completion:

(A) Because of an incapacitating illness or injury is entitled to reimbursement for expenses of transportation to the elected officials designated post of duty, or home, as the case may be, and to payments pursuant to paragraph (a) of this section until that location is reached; or

(B) Because of a personal or family emergency (such as but not limited to serious illness, injury, or a death, or an emergency situation), the official shall be entitled to incur additional expenses to return to the designated post of duty or home, as the case may be.

(2) (A) Under provisions of this Chapter, an elected official who, interrupts the travel assignment prior to its completion for a reason specified in subparagraph (A) of subparagraph (1) of this paragraph, may be allowed (subject to the limitation provided in this section);

- (i) To incur transportation expenses to the location where necessary medical services are provided or the emergency situation exists;
- (ii) Payments pursuant to paragraph (a) of this section until that location is reached; and
- (iii) Reimbursement and payments or to incur expenses for the return to such assignment or location.

(B) The amount of additional expenses an elected official may incur, pursuant to subparagraph (2) shall be the elected official's actual cost of transportation to the location where necessary medical services are provided or the emergency exists, and return to assignment from such location, less the cost of transportation which the elected official would have incurred had such travel begun and ended at the elected official's designated post of duty, or home, as the case may be. The payments which an elected official may be allowed pursuant to subparagraph (A) of this paragraph shall be based on the additional time (if any) which was required for the elected official's transportation as a consequence of the transportation having begun and ended at a location on the travel assignment rather than at the elected official's designated post of duty, or home, as the case may be.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 5

§ 1105. Per Diem; Appointed Officials Traveling on Official Business

(a) (1) Under provisions prescribed in this Chapter, an appointed official, when traveling on official business from the appointed official's designated post of duty, or away from home, is entitled to any of the following;

(A) Per Diem at a rate not to exceed that established pursuant to paragraph (c) of this section or as otherwise amended by joint resolution; or

(B) Reimbursement for the actual and necessary expenses of official travel not to exceed an amount established pursuant to this Act or as amended by joint resolution of the Band Assembly; or

(C) Combination of payments described in subparagraphs (A) and (B) of this paragraph.

(D) Lodging for appointed officials traveling on behalf of the Band which shall be paid for with a Band credit card not to exceed an amount established by joint resolution.

(2) For travel consuming less than ten hours in a single day, the payment prescribed shall be as set forth in paragraphs (c) and (d) of this section.

(b) (1) Under the provisions set forth in this Chapter, an appointed official

who abandons their travel assignment prior to its completion;

(A) Because of an incapacitating illness or injury which is not due to an appointed official's own misconduct is entitled to reimbursement for expenses of transportation to the appointed official's designated post of duty, or home, as the case may be, and to payments pursuant to paragraph (a) of this section until that location is reached; or

(B) Because of a personal or family emergency (such as but not limited to serious illness, injury, or a death or an emergency situation), the official shall be entitled to incur additional expenses to return to the appointed official's designated post of duty or home, as the case may be.

(2) (A) Under provisions prescribed in this Chapter, an appointed official who, interrupts the travel assignment prior to its completion for a reason specified in this section, may be allowed (subject to the limitation provided in subparagraph (B) of this paragraph)-

- (i) To incur transportation expenses to the location where necessary medical services are provided or the emergency situation exists;
- (ii) Payments pursuant to paragraph (a) of this section until that location is reached; and
- (iii) Reimbursement and payments or to incur expenses for the return to such assignment.

(B) The reimbursement which an appointed official may be allowed pursuant to this subparagraph shall be the appointed official's actual costs of transportation to the location where necessary medical services are provided or the emergency exists, and return to assignment from such location. The payments which an appointed official may be allowed pursuant to subparagraph (A) of this paragraph shall be based on the additional time (if any) which was required for the appointed official's transportation as a consequence of the transportation having begun and ended at a location on the travel assignment (rather than at the official's designated post of duty, or home, as the case may be).

(c) The Mille Lacs Band determines that the per diem rate for appointed officials shall be at the same rate that the United States General Service Administration prescribes for federal employees, on a quarter basis, unless otherwise prescribed by joint resolution.

(d) Common carrier transportation shall be utilized for trips with a destination in

excess of two hundred miles from the appointed official's post of duty or home, when it is in the best interest of the Band to do so.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, §§ 6, 11(a), 11(a)(1)

§ 1106. Mileage and Related Allowances

(a) (1) Under provisions prescribed by this Chapter or as amended by joint resolution, an elected or appointed official traveling on official business for the Band is entitled to an established mileage rate instead of the actual expense of transportation, for the use of a privately owned vehicle when that mode of transportation is authorized or approved as more advantageous to the Band.

(2) Under provisions prescribed by this Chapter or as amended by joint resolution, an elected or appointed official traveling on official business for the Band is entitled to an established rate per mile, instead of the actual expense of transportation, for the use of a privately owned airplane or motorcycle when that mode of transportation is authorized or approved as more advantageous to the Mille Lacs Band.

(b) A determination that travel by a privately owned vehicle is more advantageous to the Band is not required under this section when payment on a mileage basis is limited to the actual cost of travel by common carrier including per diem.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, in any case in which an elected or appointed official who is engaged on official business for the Band chooses to use a Band owned vehicle in lieu of a privately owned vehicle, payment on a mileage basis is limited to the actual expense of travel when not otherwise paid for by the Band.

(d) In addition to the rate per mile authorized under paragraph (a) of this section, the elected or appointed official may be reimbursed for-

- (1) Parking fees; and
- (2) Ferry fees; and
- (3) Bridge, road, and tunnel costs; and
- (4) Airplane landing and tie-down fees:

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 7

§ 1107. Allowable Travel Expenses

(a) Except as otherwise permitted by this Chapter only actual and necessary travel expenses will be allowed for an elected or appointed official including but not limited to;

(1) Expenses for business related telephone or fax usage;

(2) Reasonable, actual costs for use of physical fitness facilities;

(3) The actual cost for transportation for governmental purposes when at the destination location such as but not limited to taxi fares, bus fares or car rentals and valet which shall not exceed a rate prescribed by law or as amended by joint resolution of the Band Assembly;

(4) The actual cost of cleaning or dry cleaning clothes not to exceed an amount prescribed by Band law or as amended by joint resolution of the Band Assembly;

(5) The expense of personal phone calls while on travel in excess of 10 hours not to exceed 15 minutes per day on any individual trip.

(6) Other actual and necessary expenses that may arise from time to time.

(b) An elected or appointed official traveling on official business is expected to exercise reasonable care in incurring expenses. Excess costs, circuitous routes, delays, or luxury accommodations and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Individual officials will be responsible for excess costs and any unnecessary expenses incurred for personal preference or convenience as determined by review of post-trip travel expense statements pursuant to section 1109(d) of this Chapter.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 9

§ 1108. Airfare

Rates for elected and appointed officials are to be based on coach except in the following instances;

(a) The rates do not exist or are unavailable within a reasonable time; or

(b) Less than first class would result in a higher costs because of routing, time urgency, or other unavoidable reasons; or

(c) Physical condition of the traveler necessitates use of the first class travel.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 13

§ 1109. Advancements and Deductions

(a) The Office of Management and Budget may advance, through the proper disbursing official, to an elected or appointed official entitled to per diem or mileage allowances under this Chapter, a sum considered advisable with regard to the character and probable duration of the travel to be performed based upon a pre-trip request form.

(b) Any elected or appointed official of the Mille Lacs Band when requesting a travel advance pursuant to paragraph (a) of this section must complete a pre-trip travel expense statement which shall include the following information:

(1) Name and title of the person requesting advance travel payment; and

(2) The date the post-trip expense form is submitted to the Office of Management and Budget; and

(3) Destination and purpose of the travel along with supporting documentation; and

(4) Method of transportation used; and

(5) Signature of the traveler; and

(6) Appropriate authorizing signature of;

(A) The Chief Executive or Commissioner of Administration or other designee for Executive Branch Officials; or

(B) The Secretary/Treasurer or designee for Legislative Branch Officials; or

(C) The Chief Justice or designee for Judicial Branch Officials;

(7) The estimated travel cost based on the number of quarters of per diem claimed and other estimated travel expenses.

(c) Notwithstanding any provisions to the contrary in this Chapter, a trip of ten hours or less occurring entirely in one calendar day by an appointed official is not eligible for advance payments.

(d) Any elected or appointed official when receiving Band funds for travel shall submit a post-trip travel expense statement which shall include the following information:

(1) The name and title of the person traveling; and

(2) The date the post-trip expense form is submitted to the Office of Management and Budget; and

(3) The destination and purpose of the travel; and

(4) The method of transportation used; and

(5) The signature of the traveler; and

(6) The appropriate authorizing signature of;

(A) The Chief Executive or the Commissioner of Administration or designee for Executive Branch Officials;

(B) The Secretary/Treasurer or designee for Legislative Branch Officials;

(C) The Chief Justice or designee for Judicial Branch Officials;

(7) The traveler must account for all advanced payments received pursuant to paragraph (a) of this section except for meals and incidentals and provide receipts in order to be reimbursed for any other allowable expenses.

(e) Post-trip travel expense statements are due in the Office of Management and Budget within (30) consecutive days following the completion of the travel.

(f) A sum advanced or not used for allowable travel expenses is recoverable from the official or his/her estate by;

(1) Set off against accrued pay, retirement credit, or any other amount due the official;

(2) Deduction from any amount due from the Mille Lacs Band; and

(3) Such other method as provided for by law.

(g) The Band may recover any travel funds or disallowed expenditures following the date the post-trip statement is due. Five working days prior to the initiation of any recovery process for funds due the Band, the Secretary/Treasurer or designee shall give written notice of any such recovery process to the official.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, §§ 8, 10, 11(a)(2), 12

§ 1110. Application of this Chapter.

Elected and appointed officials are prohibited from receiving travel payments or reimbursements for travel other than by the provisions of this Chapter.

Historical and Statutory Notes

Source:

Band Ordinance 39-98, § 14

**CHAPTER 4
FRINGE BENEFITS**

Unknown
Field Code

Subchapter

1. Elected Officials
2. Appointed Officials

**SUBCHAPTER 1
ELECTED OFFICIALS**

Section

1131. Purpose
1132. Definitions
1133. Allowable Fringe Benefits

Historical and Statutory Notes

The Preamble and § 2 of Band Ordinance 47-98 (this Subchapter) provide:

“Preamble. It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending the body of law governing fringe benefits and compensation for Elected Officials of the Mille Lacs Band of Ojibwe. The Band Assembly determines that it is in the Band’s best interest to provide regulations governing fringe benefits for Elected Officials of the Mille Lacs Band of Ojibwe.”

“**Section 2. Amendment.** Ordinance 38-98 of the Mille Lacs Band Statutes Annotated is hereby amended.”

§ 1131. Purpose

This Subchapter is intended to amend the body of law governing fringe benefits for Elected Officials of the Mille Lacs Band of Ojibwe. The purpose of this Subchapter is to provide regulations governing fringe benefits that support and recognizes the service of Elected Officials of the Mille Lacs Band of Ojibwe.

Historical and Statutory Notes

Source:

Band Ordinance 47-98, § 1

§ 1132. Definitions

(a) Annual Leave. For purposes of this Subchapter, annual leave shall include annual and personal leave days authorized by this Subchapter.

(b) Service. The amount of time an Elected Official has been on the payroll of the Mille Lacs Band of Ojibwe as an Elected Official.

Historical and Statutory Notes

Source:

Band Ordinance 47-98, § 3

§ 1133. Allowable Fringe Benefits

(a) Elected Officials shall accrue annual and sick leave based upon the number of years of service completed. Such leave shall be available at the beginning of each fiscal year. Leave for Elected Officials who assume office prior to the beginning of a new fiscal year shall be prorated based upon the number of full weeks that the Elected Official will work during that fiscal year.

	0 – 4 Yrs.	5 – 8 Yrs.	9 – 12 Yrs.	13+ Yrs.
Annual Leave	272 hrs.	288 hrs.	336 hrs.	400 hrs.
Sick Leave	160 hrs.	160 hrs.	160 hrs.	160 hrs.

(b) Elected Officials may carryover up to 160 hours of annual leave and up to 160 hours of sick leave.

(c) Elected Officials may be paid at the salary rate appropriate for all or any portion of their unused annual leave that they may have accrued, whether accumulated as an official or an employee of the Band.

(d) Should an Elected Official resign or be removed from office that official may be paid for unused annual leave that has been carried over from the previous year. Elected Officials may also be paid for annual leave for the current fiscal year prorated to the number of weeks in office.

(e) Elected Officials shall notify the Office Management and Budget prior to the end of the fiscal year how they wish to utilize any unused leave. If an Official chooses to be paid for any of their unused annual leave, OMB shall make such payment within 10 working days of receiving notice.

Historical and Statutory Notes

Source:

Band Ordinance 47-98, §4

SUBCHAPTER 2 APPOINTED OFFICIALS

Section

- 1141. Purpose
- 1142. Definitions
- 1143. Allowable Fringe Benefits

Historical and Statutory Notes

The Preamble and § 2 of

Band Ordinance 45-98 provide:

“Preamble. It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending the body of law governing fringe benefits for Appointed Officials of the Mille Lacs Band of Ojibwe. The Band Assembly determines that it is in the Band’s best interest to provide regulations governing fringe benefits for Appointed Officials of the Mille Lacs Band of Ojibwe.”

“**Section 2. Repeal.** 6 MLBSA §1005-1006 of the Mille Lacs Band Statutes Annotated is hereby repealed and replaced in its entirety.”

§ 1141. Purpose

This Subchapter is intended to amend the body of law governing fringe benefits for Appointed Officials of the Mille Lacs Band of Ojibwe. The purpose of this Subchapter is to provide regulations governing fringe benefits that support and recognizes the services of Appointed Officials of the Mille Lacs Band of Ojibwe.

Historical and Statutory Notes

Source:

Band Ordinance 45-98, § 1

§ 1142. Definitions

(a) Appointed Officials. For purposes of this Subchapter, Appointed Officials of the Mille Lacs Band shall include but not be limited to; the Commissioner of

Administration, the Assistant Commissioner of Administration, the Commissioner of Education, the Commissioner of Finance, the Commissioner of Health and Human Services, the Commissioner of Community Development, the Commissioner of Natural Resources, the Deputy Assistant, the Solicitor General, the District Court Judge or any other person designated as a Senior Executive Service employee.

(b) Annual Leave. For purposes of this Subchapter, annual leave shall include annual and personal leave days authorized by this Subchapter.

(c) Service. The amount of time an Appointed Official has been on the payroll of the Mille Lacs Band of Ojibwe as an Appointed Official.

Historical and Statutory Notes

Source:

Band Ordinance 45-98, § 3

§ 1143. Allowable Fringe Benefits

(a) Appointed Officials shall accrue annual and sick leave based upon the number of years of service completed. Such leave shall be available at the beginning of each fiscal year. Leave for Appointed Officials who assume office prior to the beginning of a fiscal year shall be prorated based upon the number of full weeks that the Appointed Official will work during that fiscal year.

	0 – 4 Yrs.	5 – 8 Yrs.	9 – 12 Yrs.	13+ Yrs.
Annual Leave	272 hrs.	288 hrs.	336 hrs.	400 hrs.
Sick Leave	160 hrs.	160 hrs.	160 hrs.	160 hrs.

(b) Appointed Officials may carryover up to 160 hours of annual leave and up to 160 hours of sick leave.

(c) Appointed Officials may be paid at the salary rate appropriate for all or any portion of their unused annual leave that they may have accrued, whether accumulated as an official or an employee of the Band.

(d) Should an Appointed Official resign or be removed from office that official may be paid for unused annual leave that has been carried over from the previous year. Appointed Officials may also be paid for annual leave for the current fiscal year prorated to the number of weeks in office.

(e) Appointed Officials may choose to donate any portion of their sick leave beyond 120 hours to any band employee who has exhausted their own sick leave due to sickness or disability.

(f) Appointed Officials shall notify the Office Management and Budget prior to

the end of the fiscal year how they wish to utilize any unused leave. If an Official chooses to be paid for any of their unused annual leave, OMB shall make such payment within 10 working days of receiving notice.

Historical and Statutory Notes

Source:

Band Ordinance 45-98, § 4

CHAPTER 5 ETHICS CODE

Unknown
Field Cod

Section:

- 1151. Purpose
- 1152. Intent
- 1153. Definitions
- 1154. Conduct
- 1155. Behavior
- 1156. Conflicts of Interest
- 1157. Prohibited Activities
- 1158. Recording of Gifts
- 1159. Public Relations
- 1160. Complimentary Services
- 1161. Unity
- 1162. Authority
- 1163. Responsibility

Historical and Statutory Notes

The Preamble of Ordinance 19-98 (this Chapter and Chapter 6 of this Title) provides:

“Preamble. It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of establishing a body of law governing ethics and conduct of Mille Lacs Band of Ojibwe officials. The Band Assembly determines that it is in the best interests of the Band to provide protections and safeguards for our resources and people by enacting restrictions and requirements for officials and establishing a safer drug-free work place.”

§ 1151. Purpose

The purpose of this code of conduct is to acknowledge that ethics is one of the foundations of our Ojibwe culture. The Band Assembly recognizes that the government of the Mille Lacs Band of Ojibwe can function much more effectively with the confidence and trust of the people, and to acknowledge that the Band membership is entitled to loyalty, integrity and accountability from their elected and appointed officials.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 1

§ 1152. Intent

The intent of this code of conduct is to maximize trust between Mille Lacs Band officials and the people they serve. The conduct of elected and appointed officials of the Mille Lacs Band, whether on or off duty, which adversely reflects on the Mille Lacs Band of Ojibwe is within the scope of this code of conduct.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 2

§ 1153. Definitions

(a) **Appointed Officials.** Means officials of the Mille Lacs Band, including but not limited to, the Commissioner of Administration, Assistant Commissioner of Administration, Commissioner of Corporate Affairs, Commissioner of Education, Commissioner of Community Development, Commissioner of Finance, Commissioner of Health and Human Services, Commissioner of Natural Resources, Solicitor General, staff members of the Office of the Chief Executive, the Justices and Judges of the Court of Central Jurisdiction, or any other person designated as a Senior Executive Staff employee or members of any board of an official Mille Lacs Band entity that are appointed by the Chief Executive or by Band Assembly members.

(b) **Immediate Family.** Means a spouse, biological or adopted child, or members of the same household, or the mother, father, sister, or brother of the official.

(c) **Elected Officials.** The Chief Executive, the Speaker of the Band Assembly, the District Representatives or members of any board of a Mille Lacs Band entity that are elected by Band members.

(d) **Mille Lacs Band or Band.** The Mille Lacs Band of Ojibwe or any political subdivision thereof or any entity the majority of which is owned by the Band.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 3

§ 1154. Conduct

The conduct of elected and appointed officials of the Mille Lacs Band reflects on the character and integrity of the entire membership. Band officials should conduct themselves in a manner that does not discredit their position, the Band, or the people they represent. Officials with good character enhance the credibility of the Band.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 4

§ 1155. Behavior

Officials of the Mille Lacs Band hold positions of honor and respect which place them in a position of high public visibility and provide them with the opportunity and responsibility to be positive role models for the people they serve today as well as for future generations.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 5

§ 1156. Conflicts Of Interest

It is the duty of all Mille Lacs Band officials to pursue and protect the best interests, needs, and welfare of the Band. Their personal interests or interests of their friends, immediate family, or businesses shall be subordinated to the larger, best interests of the Band. Basic honesty, sound judgment and common sense are requisite for avoiding conflicts of interest and perceived conflicts of interest.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 6

§ 1157. Prohibited Activities

The following activities are prohibited;

- (a) Misusing public office or position for private or personal gain.
- (b) Attempting to make or influence Mille Lacs Band or political subdivision decisions outside official processes.
- (c) Voting or participating in official decisions in matters where the official has a personal or economic interest greater than that of other Mille Lacs Band members or employees.
- (d) Soliciting or accepting Mille Lacs Band contracts for work without going through the prescribed procurement process.

- (e) Making unauthorized commitments or promises of any kind purporting to bind the Mille Lacs Band.
- (f) Improperly using Band resources for private or personal gain.
- (g) Practicing or supporting unfair employment or business practices, such as but not limited to nepotism, harassment or retaliation.
- (h) Improperly using their position to coerce or attempt to coerce anyone in order to further their personal interests or the interests of immediate family.
- (i) Interfering or attempting to interfere or inappropriately influence the Court in a pending case or case that may go before the Court.
- (j) Hindering, interfering or attempting to interfere in any civil or criminal investigation conducted by an appropriate official having jurisdiction to perform such an investigation.
- (k) (1) Soliciting or accepting any gift, gratuity or service with a value of more than \$100.
(2) An official shall not accept gifts, gratuities or services totaling in the aggregate more than \$500 in any fiscal year.
(3) Nominal gifts, gratuities or services with a value of less than \$25 will not be considered for purposes of paragraph (k)(2).
- (l) Receiving compensation for work performed from any person or entity other than the Mille Lacs Band of Ojibwe or political subdivision thereof that could reasonably be perceived by band members as conflicting with Mille Lacs Band interests.
- (m) Knowingly or intentionally violating any other Mille Lacs Band statute.
- (n) Using a Band credit card for unauthorized purposes or personal reasons other than those expressly authorized by Band law.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 7

§ 1158. Recording of Gifts

- (a) All elected and appointed officials of the Mille Lacs Band receiving gifts in goods or services in excess of \$25, whether intended as a gift to the official or to the Band, shall record or cause to be recorded such gift with the Band Assembly.

(b) Any gift in excess of \$100 to an official may only be accepted as a gift to the Band.

(c) Gifts in goods or services from family members or pursuant to the customs and traditions of the Band are exempt from the provisions of this Chapter.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 8

§ 1159. Public Relations

Good public relations require that Band officials cannot be separated from the people they were chosen to represent. They are bound, the same as other persons, to tell the truth, to respect individuals and their property, and to abide by the requirements of the law. An orderly society cannot exist if individuals can choose to follow only the laws with which they agree.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 9

§ 1160. Complimentary Services

(a) All elected and appointed officials are to pay for all services, that they receive, including meals, at any facility owned by the Band or any political subdivision thereof including the Corporate Commission of the Band except as expressly authorized under Band law.

(b) Complimentary services may occur only under the following restrictions;

(1) When hosting vendors, potential vendors, dignitaries, officials of any non-Band government, guests of the Mille Lacs Band or for any other bona-fide Mille Lacs Band governmental purpose; and

(2) Under no circumstances shall Band officials provide complimentary services to another Band official or themselves unless governmental business is being transacted or another non-Band party is being hosted.

(c) All complimentary slips shall contain the following;

(1) name(s) of person(s) being hosted, if applicable;

(2) purpose/reason for the transaction;

- (3) entity the guest represents if applicable;
- (4) date;
- (5) program budget to be charged which must have sufficient funds available;
- (6) signature of the official authorizing the comp.

(d) The Chief Executive, and Executive Officers as defined in 4 MLBSA § 4 and as amended, as well as any full-time employee within the Executive Branch expressly authorized by the Chief Executive shall be permitted to sign complimentary slips.

(e) The Secretary/Treasurer, District Representatives of the Band Assembly and the Commissioner of Finance as well as any full-time employee within the Legislative Branch expressly authorized by the Secretary/Treasurer shall be permitted to sign complimentary slips.

(f) The Chief Justice as well as any full-time employee within the Judicial Branch expressly authorized by the Chief Justice shall be permitted to sign complimentary slips.

(g) Any complimentary slip not authorized or in conformity with this Act or any other law of the Band may be recovered from the official or employee as the case may be or their estate by;

- (1) Set off against accrued pay, retirement credit, or any other amount do the official/employee;
- (2) Deduction from any amount due from the Mille Lacs Band;
- (3) Such other method as provided for by law.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 10

§ 1161. Unity

Dedication and cooperation inspire unity. Unity is essential in order to ensure the long term survival of our culture, our people and our nation. In order to promote unity, Band officials must be committed to:

- (a) Demonstrating the highest standards of personal integrity, truthfulness and honesty in all their activities in order to inspire public confidence and trust.

(b) Constructively promoting and supporting open communications with the membership and employees in a positive and professional manner.

(c) Serving the membership with respect, concern, courtesy and responsiveness, recognizing that service to the Band and its membership is more important than service to oneself.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 11

§ 1162. Authority

(a) The Joint Session of the Band Assembly described in 3 MLBSA § 24 shall have the authority to issue oral or written reprimands or to suspend an official with or without pay for any violation of this code. Such authority shall not serve to infringe upon any other disciplinary, civil or criminal action that may otherwise be available.

(b) Any elected official of the Mille Lacs Band, found by a majority of the Joint Session, after appropriate hearing, to be in violation of this code may be subject to the provisions and penalties set forth in this code of conduct and to any and all other remedies that may otherwise be available.

(c) Any appointed official of the Mille Lacs Band found by a majority of the Joint Session, after appropriate hearing, to be in violation of this code may be subject to the provisions and penalties set forth in this code of conduct and to any and all other remedies that may otherwise be available.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 12

§ 1163. Responsibility

(a) It is the responsibility of all Mille Lacs Band officials and employees to report any violations of this code. A Joint Session shall be convened to hear matters involving violations of this code upon a written petition signed by three or more members of the Joint Session.

(b) It is the responsibility of all Band officials and employees to disclose waste, fraud, abuse or corruption to appropriate Mille Lacs Band authorities.

Historical and Statutory Notes

Source:

Band Ordinance 19-98, Chapter 1, § 13

CHAPTER 6

[RESERVED]

Historical and Statutory Notes

Section 2 of Title I of Ordinance 14-10 provides:

“Chapter 6, entitled “Drug Free Work Place,” of Title 6 of the Mille Lacs Band Statutes Annotated is repealed in its entirety. The Band’s Drug and Alcohol policy, as set forth in the MLBO Personnel Policy and Procedures Manual adopted in accordance with Section 1 above, is hereby approved.”

Section 3 of Title I of Ordinance 14-10 provides:

“The Band Assembly reserves the right to amend the MLBO Personnel Policy and Procedures Manual at any time.”

Cross References

Personnel Policy and Procedures, see 6 MLBSA Ch. 1.

CHAPTER 7

INDEMNIFICATION

Historical and Statutory Notes

The title of Ordinance 08-08 is: “An Ordinance adding Chapter 7 to Title 6 of the Mille Lacs Band Statutes Annotated (Government Employees) for the purpose of providing indemnification of elected and appointed officials.”

The preamble of Ordinance 08-08 provides:

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of adding Chapter 7 to Title 6 of the Mille Lacs Band Statutes Annotated (Government Employees) to be entitled “Indemnification.”

Section

- 2001. Definitions
- 2002. Indemnification mandatory; standard
- 2003. Advances
- 2004. Reimbursement to witnesses
- 2005. Determination of eligibility
- 2006. Indemnification of other persons
- 2007. Scope

§ 2001. Definitions

For purposes of this Chapter:

(a) “Act or omission in the official capacity of a Band Official” means any act or omission under color of such person’s authority as a Band Official, without regard to any ultimate determination regarding the limits of such person’s actual authority as a Band Official.

(b) “Band governing body” means the Band’s Chief Executive and Band Assembly.

(c) "Band Official" means (i) each person holding the elective office as a member of the Band Assembly or Chief Executive of the Non-Removable Mille Lacs Band of Chippewa Indians, and (ii) any person serving in an appointive position with the Legislative Branch, Executive Branch, or Judicial Branch of the Band, who has been approved to receive indemnification pursuant to this Chapter by a majority of the Band governing body pursuant to Section 2003 of this Title.

(d) "Proceeding" means a threatened, pending, or completed civil, criminal, administrative, arbitration, or investigative proceeding relating to or arising out of a person’s acts or omissions as a Band Official, but shall not include any proceeding initiated by the Band.

(e) "Special legal counsel" means legal counsel selected by a majority of the Band governing body, who is not representing the Solicitor General whose indemnification is in issue.

Historical and Statutory Notes

Source: Band Ordinance 08-08, § 1.

§ 2002. Indemnification mandatory; standard

(a) The Band shall indemnify any present or former Band Official made or threatened to be made a party to a proceeding by reason of any alleged act or omission of such person in his or her official capacity as a Band Official against judgments, penalties, fines, settlements, and reasonable expenses, including attorneys fees and disbursements, incurred by such present or former Band Official in connection with the proceeding, if, with respect to such alleged acts or omissions, the present or former Band Official:

(1) has not been indemnified by another organization or entity for the same liability described in the preceding paragraph with respect to the same acts or omissions;

(2) acted in good faith and without actual knowledge that such act or omission was beyond his or her authority as a Band Official;

(3) received no improper personal benefit;

(4) in the case of a criminal proceeding, did not have reasonable cause to believe the act or omission was unlawful; and

(5) reasonably believed that the act or omission was in the best interests of the Band.

(b) The termination of a proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent does not, of itself, establish that the person did not meet the criteria in this Section.

Historical and Statutory Notes

Source: Band Ordinance 08-08, § 2.

§ 2003. Advances

(a) If a present or former Band Official is made or threatened to be made a party to a proceeding by reason of any alleged act or omission in the official capacity of

such person as a Band Official, such present or former Band Official is entitled, upon written request to the Band, to payment or reimbursement by the Band of reasonable expenses, including attorneys fees and disbursements, incurred by the person in advance of the final disposition of the proceeding:

(1) upon receipt by the Solicitor General of (a) a written affirmation by the person of a good faith belief that the criteria for indemnification in Section 2002 of this Title have been satisfied and (b) a written undertaking by the person to repay the amounts paid or reimbursed by the Band, if it is definitively determined by the Solicitor General, or the Court of Central Jurisdiction upon appeal pursuant to Section 2005 of this Title, that the criteria for indemnification have not been satisfied; and

(2) after a determination, pursuant to Section 2005 of this Title, by the Solicitor General or Court of Central Jurisdiction, that the facts then known would not preclude indemnification under this section.

(b) The written undertaking required by subparagraph (a)(1) of this section shall be an unlimited general obligation of the person making it, but need not be secured and shall be accepted without reference to financial ability to make the repayment.

(c) If the person seeking an advance under this section is the Solicitor General, the Solicitor General shall submit the documents described in subparagraph (a)(1) of this section to special legal counsel selected by a majority of the Band governing body. Special legal counsel shall then make the initial determination described in subparagraph (a)(2) of this section, subject to appeal to the Court of Central Jurisdiction pursuant to Section 2005 of this Title.

(d) If the person seeking an advance under this section is a former or present appointed official, it shall be the right of the majority of the Band governing body to decide whether such indemnification shall be approved.

Historical and Statutory Notes

Source: Band Ordinance 08-08, § 3.

§ 2004. Reimbursement to witnesses

This section¹ does not require, or limit the ability of, the Band to reimburse expenses, including attorneys fees and disbursements, incurred by a person, including a present or former Band Official, in connection with an appearance as a witness in a proceeding at a time when such person has not been made or threatened to be made a party to a proceeding.

Historical and Statutory Notes

Source: Band Ordinance 08-08, § 4.

§ 2005. Determination of eligibility

(a) Determinations as to (i) whether the criteria set forth in Section 2002 of this Title concerning indemnification of a present or former Band Official, other than the Solicitor General, have been satisfied, or (ii) whether such present or former Band Official is entitled to advances under Section 2003 of this Title shall be made:

(1) by the Solicitor General; or

(2) if an adverse determination is made by the Solicitor General, by the Court of Central Jurisdiction, upon application of the present or former Band Official and notice as the Court requires.

(b) Determinations as to (i) whether the criteria set forth in Section 2002 of this Title concerning indemnification of a present or former Solicitor General have been satisfied, or (ii) whether a present or former Solicitor General is entitled to advances under Section 2003 of this Title shall be made:

(1) by special legal counsel; or

(2) if an adverse determination is made by special legal counsel, by the Court of Central Jurisdiction, upon application of the present or former Solicitor General and notice as the Court requires.

Historical and Statutory Notes

Source: Band Ordinance 08-08, § 5.

¹ So in original. Probably should be “[t]his chapter”.

§ 2006. Indemnification of other persons

This section² does not limit the power of the Band to indemnify other persons.

Historical and Statutory Notes

Source: Band Ordinance 08-08, § 6.

§ 2007. Scope

This section³ does not apply to any proceedings to resolve conflicts within the Executive, Legislative or Judicial Branch nor does it apply to any proceedings between the three (3) branches of Band government, as described in Title 4, Section 19.

Historical and Statutory Notes

Source: Band Ordinance 08-08, § 7.

² So in original. Probably should be “[t]his chapter”.

³ So in original. Probably should be “[t]his chapter”.