

Band Assembly Bill 08-01-30-98

A bill providing for the general welfare of the people of the Mille Lacs Band by establishing a minimum wage for workers within the territory jurisdiction of the Mille Lacs Band.

The District I Representative introduced the following bill on the 1st day of July 1998.

Preamble

Be it enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of establishing minimum wage standards for workers within the territorial jurisdiction of the Mille Lacs Band.

Minimum Wage

Section 1. Payment of Minimum Wages

(a) For purposes of this Act, the terms defined in this paragraph have the meanings given them:

- 1.) "Large Employer" means an enterprise whose annual gross volume of sales made or business done is not less than \$500,000, exclusive of excise and sales taxes that are collected at the retail level.
- 2.) "Small Employer" means an enterprise whose annual gross volume of sales made or business done is less than \$500,000, exclusive of excise and sales taxes that are collected at the retail level.
- 3.) "Mille Lacs Band" or "Band" means the Mille Lacs Band of Ojibwe or any political subdivision thereof.

(b) Except as may otherwise be provided for in this Act every "large employer" or the "Band" must pay each employee wages of at least \$7.00 an hour unless a higher amount is required under applicable law.

(c) Except as may otherwise be provided for in this Act every small employer must pay each employee at a rate of at least \$6.50 an hour unless a higher amount is required under applicable law.

(d) A large employer must pay each employee at a rate of at least the minimum wage set by this section without the reduction for training wage or full-time student status allowed by federal law.

(e) Any governmentally funded program, whether Band, federal or state employing students enrolled in educational classes is expressly exempt from the provisions of this section.

(f) "Salary" means wages paid periodically in contrast to wages based on an hourly rate.

Section 2. Gratuities not applied.

(a) An employer may not directly or indirectly credit, apply, or otherwise utilize gratuities towards payment of the minimum wage set by this section or any other applicable law.

(b) Notwithstanding any provision of this Act to the contrary, an employer shall not be required to pay an employee receiving 30% or more of their earnings from tips or gratuities the Band's minimum wage rate prescribed in section 1. Instead such an employee shall be entitled to receive a minimum wage at the federal rate.

Section 3. Sharing of gratuities.

(a) All tips or gratuities may be retained by employees receiving tips and gratuities.

(b) Notwithstanding the provisions of subsection (a) of this section any tip or gratuity received by employees and deposited in a fund or pool operated for the benefit of such employees to be divided among such employees shall be permissible.

Section 4. Unreimbursed expenses deducted.

Deductions, direct or indirect, from wages or gratuities not authorized by this section may only be taken as otherwise authorized by law. Deductions, direct or indirect, for up to the full cost of an individual uniform or individual piece of equipment as listed below, may not exceed fifty dollars (\$50.00). No deductions, direct or indirect may be made for the items listed below which when subtracted from wages would reduce the wage below the allowable minimum:

- (a) Purchased or rented uniforms or specifically designed clothing required by the employer, by the nature of the employment, or by law as a condition of the employment, which is not generally appropriate for use except in that employment;
- (b) Purchased or rented equipment used in employment, except as tools of a trade, motor vehicle, or any other equipment which may be used outside the employment;
- (c) Consumable supplies required in the course of that employment;
- (d) Travel expenses in the course of employment except those incurred in traveling to and from the employee's residence and place of employment.

Section 5. Expense reimbursement.

An employer, at the termination of an employee's employment, must reimburse the full amount deducted, directly or indirectly, for any of the items listed in section 4 of this Act. When reimbursement is made, the employer may require the employee to surrender any existing items for which the employer provided reimbursement.

Section 6. Overtime.

- (a) Compensation required. An employer may not employ an employee for a workweek longer than 40 hours, unless the employee receives compensation for employment in excess of 40 hours in a workweek at a rate at least 1½ times the employee's wage. An employer may also grant compensatory time off at the rate of 1-½ hours for each hour worked in excess of 40 hours in lieu of monetary compensation.
- (b) An employer does not violate section 6 of this Act if the employer and employee agree before the performance of a workweek to accept a work period of fourteen (14) consecutive days in lieu of the workweek of seven (7) consecutive days for the purpose of overtime compensation and if for the employment in excess of eight hours in any workday and in excess of eighty (80) hours in the fourteen (14) day period the employee receives pay or compensatory time off at a rate not less than 1½ times the regular rate at which the employee is employed.
- (c) This section 6 shall not apply to employees receiving a salary.

Section 7. Work Breaks.

An employer must allow each employee a 15 minute break from work within each four consecutive hours of work.

Section 8. Meal Breaks.

- (a) An employer must permit each employee who is working for eight or more consecutive hours at least 30 minutes to eat a meal.
- (b) Nothing in this section requires the employer to pay the employee during the meal break.

Section 9. Authorized Leave

Any employee may not unreasonably be denied time-off from work to attend Me da win or Drum Society Ceremonies.

Section 10. Application.

The provisions of this Act shall apply within the territorial jurisdiction of the Mille Lacs Band of Ojibwe.

Section 11. Effective Date.

This Act shall become effective October 1, 1998.

Ordinance 30-98

Introduced to the Band Assembly on this
first day of July in the year one
Thousand nine hundred ninety eight

Passed by the Band Assembly on this
first day of July in the year
One thousand nine hundred ninety eight.

APPROVED

Date: 7/2/98

Date: _____

FILED

Date: 7-2-98



David Matrious, Speaker of the Assembly



Marge Anderson, Chief Executive

Vetoed



James Genia, Solicitor General

OFFICIAL SEAL OF THE BAND