

Ordinance 19-08

An Ordinance amending the minimum wage standard for workers within the territorial jurisdiction of the Mille Lacs Band of Ojibwe in order to comply with the federal guidelines.

The District I Representative introduced the following Bill on the 22nd day of July, 2008.

Preamble

It is enacted by the Band Assembly of the Mille Lacs Band of Ojibwe for the purpose of amending the minimum wage standards for workers within the territorial jurisdiction of the Mille Lacs Band of Ojibwe.

Minimum Wage

Section 1. Payment of Minimum Wages

(a) **Definitions.** For purposes of this Act, the terms defined in this paragraph have the following meanings:

- 1.) "Large Employer" means an enterprise whose annual gross volume of sales made or business done is not less than \$500,000.00, 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 \$500,000.00, 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.
- 4.) "Salary" means wages paid periodically in contrast to wages based on an hourly rate.

(b) Except as may otherwise be provided for in this Act, every "Large Employer" or the "Band" must pay wages to each employee in the minimum amount of \$7.50 per 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 wages to each employee in the minimum amount of \$6.55 per 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, that employs students enrolled in educational classes is expressly exempt from the provisions of this section.

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 amount of 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 for employees of this type.

Section 3. Sharing of Gratuities.

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

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

Section 4. Expenses that are not reimbursed that may be deducted.

Deductions, direct or indirect, from wages or gratuities not authorized under this section may only be taken as otherwise authorized by law. Deductions, direct or indirect, up to the full cost of an individual's uniform or an individual's piece of work equipment, as listed below, may not exceed fifty dollars and no cents (\$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 clothes required by the employer, due to the nature of the employment or by law as a condition of the employment, which are not generally appropriate for use except in that employment;

(b) Purchased or rented equipment used in employment, except as tools of trade, motor vehicle or any other equipment which may be used outside the employment;

(c) 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) An employer may not employ an employee for a work week longer than (40) hours, unless the employee receives compensation for employment in excess of (40) hours at a rate of at least 1½ times the employee's wage. An employer may also grant compensatory time off at the rate of 1½ 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 work week, to accept a work period of (14) consecutive days in lieu of a work week of (7) consecutive days. In such an arrangement, overtime compensation 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 shall receive 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 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 Midewin 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 July 24, 2008.

Ordinance 19-08

Introduced to the Band Assembly on this
Twenty second day of July in the year
Two thousand eight.

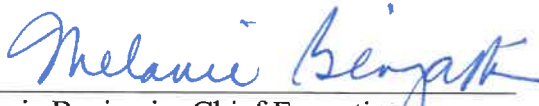
Passed by the Band Assembly on this
Twenty second day of July in the year
Two thousand eight.



Herb Weyaus, Speaker of the Assembly

APPROVED

Date: July 29, 2008



Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND