Commissioner's Order 14-84

Administration
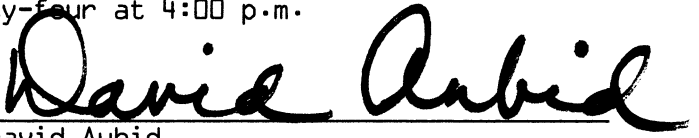
A Commissioner's Order to rescind the Consolidated Nay-Ah-Shing School Board's action to reduce an employee's wage.

WHEREAS, the Commissioner of Administration is authorized under Band Statute 1001-MLC-1, Section 7.02 to issue an order pursuant to his lawful duty; and,

WHEREAS, the Consolidated Nay-Ah-Shing School Board has the power of the employment and termination of employees and through the exercise of this power, employed Lanette Bellecourt on August 3, 1984 at a rate of $5.00/hr; and,

WHEREAS, at a School Board meeting held on August 7, 1984 the Consolidated Nay-Ah-Shing School Board did act to decrease above employee's wage from the set starting wage of $5.00/hr to $4.00/hr; and,

WHEREAS, present Band law does not expressly provide for demotion in the salary rate schedule for any employee; and,

WHEREAS, the Consolidated Nay-Ah-Shing School Board did not submit said action{s} of their August 7, 1984 meeting to the Chief Executive for his review in violation of Band Statute 1040-MLC-17, Section 11.
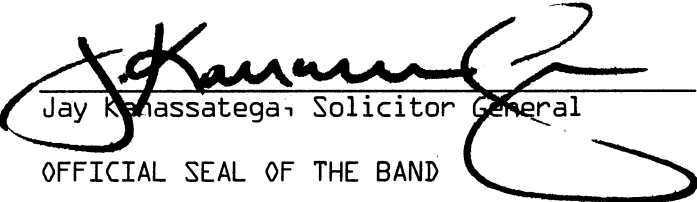
NOW THEREFORE, pursuant to the authority vested in me as Commissioner of Administration, I, David Aubid do hereby rescind the payroll change demotion and direct the Office of Management and Budget to issue a payroll check to Lanette Bellecourt at the rate of $5.00 an hour until such time as the legality of said action of the School Board may be determined under Band law.

BE IT FURTHER AND FINALLY ORDERED, that the Solicitor General prepare a legal defense of this Order as the interest of the Band to establish a unified body of personnel regulations outweighs the interest of the Consolidated Nay-Ah-Shing School Board's action which was entered without ratification of any personnel policy, all under provision of Band Statute 1040-MLC-18, Section 13.

DATED at Vineland, Minnesota this sixteenth day of August in the year one thousand nine hundred and eighty-four at 4:00 p.m.

David Aubid
Commissioner of Administration

APPROVED AND NUMBERED AS TO FORM AND EXECUTION

Jay K. Kassatega, Solicitor General

OFFICIAL SEAL OF THE BAND

EXPIRATION DATE

Open