



# MILLE LACS BAND OF OJIBWE

*Executive Branch of Tribal Government*

## COMMISSIONER'S ORDER 288-18

### A COMMISSIONER'S ORDER TO SUSPEND THE PRACTICE OF DIRECT HIRING

**WHEREAS**, pursuant to 4 MLBSA § 7(h), the Commissioner of Administration may issue Commissioner's Orders on any subject matter within his jurisdiction pursuant to authority conferred by Band statute; and

**WHEREAS**, pursuant to 4 MLBSA § 10, the Commissioner of Administration shall act as the Chief of Staff within the Executive Branch of government; and

**WHEREAS**, pursuant to 4 MLBSA § 9(b), the Commissioner of Administration shall chair the Administration Policy Board; and

**WHEREAS**, pursuant to Executive Order 182-18, the Chief Executive appointed Commissioner of Community Development Percy Benjamin to fulfill the duties of the vacant Commissioner of Administration position until the Chief Executive has nominated and the Band Assembly has confirmed a new Commissioner of Administration; and

**WHEREAS**, pursuant to 4 MLBSA § 8(a), the Administration Policy Board possesses the authority to employ any individual in fulfilling the mandates of the Executive Branch of government; and

**WHEREAS**, pursuant to 4 MLBSA § 8(d), the Administration Policy Board may regulate the performance of all employees, including the hiring and dismissal of any employee; and

**WHEREAS**, pursuant to 6 MLBSA § 1, the Mille Lacs Band of Ojibwe Personnel Policy and Procedures Manual applies to all government employees (except those who are statutorily exempt) and sets out certain hiring procedures, to include vesting discretion within Commissioners whether to post public notice of available job positions within their respective subject matter jurisdictions after a position becomes vacant due to an employee's transfer to another position; and

**WHEREAS**, "direct hiring" is the practice of a Commissioner or supervisor selecting an individual and offering employment to that individual without posting public notice of the job position's availability, inviting qualified individuals of the public to apply for the position, and interviewing applicants; and

**WHEREAS**, excessive use of direct hiring deprives the Band's qualified, enrolled members of opportunities to apply for and receive fair and equal consideration for available job positions.

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45749 Grace Lake Road • Sandstone, MN 55127  
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**NOW, THEREFORE, BE IT RESOLVED**, that the Acting Commissioner of Administration hereby reaffirms that the Administration Policy Board must approve all hiring of Executive Branch employees by majority vote during an Administration Policy Board meeting conducted pursuant to 4 MLBSA § 9; and

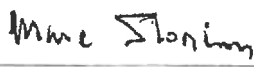
**BE IT FURTHER RESOLVED**, that the Acting Commissioner of Administration directs all Commissioners and Executive Branch supervisors to cease the practice of direct hiring.

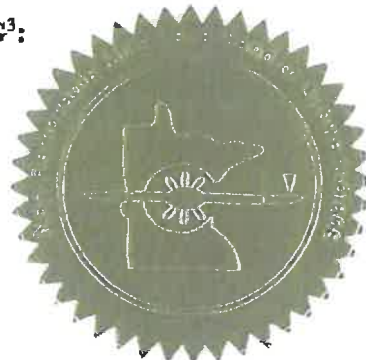
**DATED**, at Vineland, Minnesota, from within the sovereign territory of the Mille Lacs Band of Ojibwe, this 14<sup>th</sup> day of November 2018.

Effective Date: November 14, 2018  
Expiration Date: November 13, 2023

  
Percy Benjamin,  
MLB Acting Commissioner of Administration

**APPROVED AS TO FORM,<sup>1</sup> EXECUTION,<sup>2</sup> AND NUMBERING<sup>3</sup>:**

  
Marc Slonim,  
MLB Solicitor General



<sup>1</sup> The Office of the Solicitor General ("OSG") intended that the above attestation correspond with footnotes first appearing in a 2015 commissioner's order template. See DNR COMM'R ORDER 15-01 n.1 ("The commissioner's order conforms to standard resolution format. ROBERT'S RULES OF ORDER § 10, at 105-09 (Sarah C. Robert et al. eds., 2011); cf. 3 MLBSA § 9 ("All parliamentary decisions shall be rendered . . . in accordance with Robert's Rules of Order.")"). The above format includes modifications made pursuant to legislative recommendation.

<sup>2</sup> The Office of the Solicitor General must aid in the drafting of orders, 4 MLBSA § 18(e), and, hereby attests that this order includes the required statutory components. 4 MLBSA § 7(h); see also BLACK'S LAW DICTIONARY 649 (9th ed. 2009) (defining the verb, "execute," in relevant part, as: "To make (a legal document) valid by signing; to bring (a legal document) into its final, legally enforceable form."). This Commissioner's Order may be executed and delivered in counterparts by facsimile, each of which so executed and delivered counterpart is original, and such counterparts, together, shall constitute but the same instrument.

<sup>3</sup> The OSG intended that the above attestation correspond with footnotes first appearing in a 2015 commissioner's order template. See DNR COMM'R ORDER 15-01 n.3 ("Commissioner orders are numbered consecutively within each calendar year."). The above order number represents a modification made pursuant to legislative recommendation.