



# MILLE LACS BAND OF OJIBWE

*Executive Branch of Tribal Government*

## EXECUTIVE ORDER 180-18

### **AN EXECUTIVE ORDER IMPOSING CONDITIONS/PROCESSES REQUIRED PRIOR TO DISMISSAL OF MILLE LACS BAND MEMBER EMPLOYEES**

**WHEREAS**, Pursuant to Title 4 MLBSA §6(e) the Chief Executive has the authority to issue an Executive Order on any subject matter within her jurisdiction; and,

**WHEREAS**, Pursuant to Title 4 MLBSA §4 and 7(i) the Chief Executive has the authority to take measures deemed necessary to protect the well-being of programs within her jurisdiction; and,

**WHEREAS**, Pursuant to Title 4 MLBSA §6(m) the Chief Executive may make rules and policies consistent with the provisions of Band Statute; and

**WHEREAS**, regulation of hiring, layoffs, dismissal and contracting of workers and employees is a function of the Executive Branch; and

**WHEREAS**, Executive Order 152-07 requires that "all commissioners and department heads of the Band government or their agents, and contractors performing services for the Band, shall make certain that "Indian Preference" selection be consistently made and applied when hiring, laying-off, dismissing or contracting Indian workers and employees, and Mille Lacs Band Members have first preference; and

**WHEREAS**, it is widely perceived among the Band community that there have been recent incidents in which senior Band Member employees have been dismissed from employment or termination processes have been initiated which have been carried out in a manner that does not appear to have sufficiently taken into account years of service, experience or individual health circumstances and challenges; and

**WHEREAS**, even when dismissal is immediately required pursuant to the circumstances delineated under the Summary Dismissal provisions of the Mille Lacs Band Personnel Policies (pg. 77-78), the manner in which dismissal is carried out must consistently reflect, across all departments, Anishinaabe values of compassion, respect and Band custom; and

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**WHEREAS**, recent incidents of just-cause dismissal appear to have been carried out by supervisors unfamiliar with the Band community in an impersonal and disrespectful manner and without verification by the commissioner that no other options are available; and

**WHEREAS**, it is therefore necessary to issue an Executive Order regulating dismissals to ensure that actions by supervisors who are unfamiliar with Band values and customs are subject to an additional level of scrutiny with regard to Band Member preference and values prior to authorization of any dismissal of Band Member employees.

**NOW THEREFORE BE IT RESOLVED**, that except in situations in which the general welfare of the Band or Band Members is in imminent risk as delineated under Summary Dismissal procedures, Mille Lacs Band Personnel Policies, Band Member employees may not be dismissed from employment by any Commissioner until he/she is able to demonstrate to the Commissioner of Administration or Assistant Commissioner of Administration that:

(1) In the case of poor performance, appropriate training/professional development has been provided to address any deficient skills/behavior

(2) In the case of attendance issues, meetings have taken place with the employee to determine whether any health/family obstacles exist that could be addressed through reasonable accommodations;

(3) In the event that a person was hired for a position without the skills to perform that position, other open positions with the Band have been identified which might suit the employee and the Commissioner has had a conversation with the employee recommending the other positions to the employee and every effort has been made to secure another position for the employee prior to dismissal so as to prevent any interruption of income; and,

**BE IT FURTHER RESOLVED**, the Commissioner of Administration or Assistant Commissioner of Administration will develop a formal process of documenting that all criteria in this Executive Order have been met and require all commissioners to follow this process prior to authorizing any dismissals; and

**BE IT FURTHER RESOLVED**, any dismissals from employment must be carried out by the appropriate Commissioner in conjunction with the supervisor and are authorized only after the Commissioner of Administration or Assistant Commissioner of Administration has verified that the criteria have been met; and

**BE IT FURTHER RESOLVED**, dismissal of elders for poor performance or attendance related issues due to age related health matters are unauthorized until the Commissioner of Administration or Assistant Commissioner of Administration verifies that an appropriate phase-out or retirement plan has been offered to the employee that respects the dignity of the elder and takes into consideration their long-term service to the Band; and

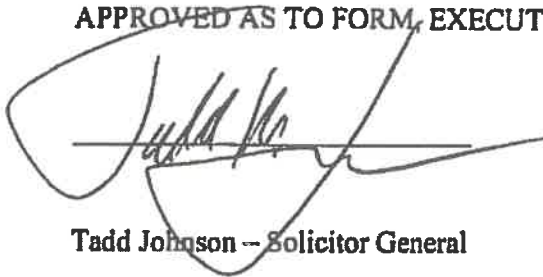
**BE IT FURTHER AN FINALLY RESOLVED** that until further notice, no dismissals may be carried out by any supervisor/Commissioner or added to the APB agenda unless the Commissioner of Administration or Assistant Commissioner of Administration has verified compliance with this Executive Order.



**Chief Executive Melanie Benjamin**

**Expiration Date: NONE**

**APPROVED AS TO FORM, EXECUTION AND NUMBERING**



**Tadd Johnson -- Solicitor General**

