LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS

WAGANAKISING ODAWAK

LEGISLATIVE BRANCH OPERATIONS GOVERNMENTAL EMPLOYEE PERSONNEL POLICIES HANDBOOK

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INTRODUCTORY STATEMENT

This handbook has been designed to provide you with information about working conditions, employee benefits, and some of the situations affecting your employment. It is your obligation to read, understand, and comply with all procedures and provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Little Traverse Bay Bands of Odawa Indians (LTBBOI) Legislative Branch to benefit its employees. Our objective with the handbook is to provide a work environment that is beneficial to both personal and professional growth.

As the Legislative Branch continues to grow, the Tribal Council reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, be notified of such changes to the handbook as they occur. Any such changes will be communicated to the employees before any action can be taken following an elimination or addition to a portion of the handbook. As a sovereign nation, LTBBOI retains its inherent authority to change this policy at anytime.

MISSION

The mission of the Legislative Office is to exhibit the highest level of integrity and fairness while representing the needs of the Tribal Citizens. We will strengthen and further protect Tribal Sovereignty by assisting Tribal Council as they provide leadership through the passage of Legislation.

TRIBAL COUNCIL

The Tribal Council is authorized to represent and provide leadership responsibilities on behalf of the Tribe's Citizens, according to the terms and limitations defined in the Tribal Constitution.

The Legislative Office Manager is responsible for the day-to-day administration of Legislative Offices, and for carrying out any and all legislative and administrative duties as may be directed by the Legislative Leader. The Tribal Council has delegated the Legislative Leader and the Legislative Office Manager to implement and administer these personnel policies.

I. EMPLOYMENT

A. HIRING: In accordance with Waganakising Odawak Statute 2002-04 Indian Preference in Tribal Employment, training and advancement opportunities within the Legislative Office will be offered to a qualified individual without regard to race, religion, color, ancestry, gender, age, marital status, sexual orientation or national origin. These

procedures govern all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

1. Tribal Preference:

    a. All job openings shall be open to Indian applicants. Non-Indians may be hired by signing an Employment Agreement, for a period up to two (2) years of continuous employment, in cases where no qualified Indian applicants are available. LTBBOI reserves the right to grant an employment preference for hiring, promoting and training to the following persons in the following order:

        1. Citizens of the Little Traverse Bay Bands of Odawa Indians.
        2. Members of other federally recognized North American Indian Tribes.

    b. Indian Hiring

        In cases where a qualified Indian applicant and a qualified non-Indian applicant are considered for the same position by the interview committee, the qualified Indian applicant will be hired.

        In cases where a qualified LTBBOI Citizen and a qualified member of a different federally recognized North American Indian Tribe are considered for the same position by the interview committee, the qualified LTBBOI Citizen applicant will be hired.

        In all other cases where Indian Preference does not apply, the most qualified applicant as determined by the interview committee will be hired. This is not intended for non-qualified applicants to be interviewed nor hired for posted positions.

2. Qualified Applicant: A qualified applicant is a person who meets the minimum qualifications of the job posting which include work experience, background, abilities and education. This will be determined by reviewing the applicants work experience, verifying the level of education achieved, satisfactory completion of a background review, and the results of an interview conducted by an interview committee to determine if the applicant has the ability to complete the duties assigned in the job description (see Section C. Hiring Process, sub section 5).

3. Discrimination Policy: LTBBOI Legislative Branch prohibits discrimination in recruitment, selection, appointment, training, compensation or any aspect of Personnel Administration. Except as allowed under Tribal Law, no person shall be discriminated against in regard to age, gender, race, religion, color, ancestry, marital status, sexual orientation, national origin, or physical disability in any

conditions of employment unless age, sex or freedom from physical disabilities constitutes a bona fide occupational qualification.

4. Immediate Family Member Employment: With regard to nepotism, immediate family for the purposes of this policy provision shall mean husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, son-in-law, daughter-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister in-law.

    a) Anyone who is directly related to, or living with a candidate for any position within the Legislative Branch, shall not be involved in the interview or selection for that position.

    b) Immediate family members of persons currently employed by the Legislative Branch may be hired only if they will not be working directly for or supervising an immediate family member. Employees cannot be transferred into such a reporting relationship.

5. Outside Employment: If the Legislative Leader determines outside work interferes with performance or the ability to meet the requirements of the job, the employee may be required to terminate the outside employment if the employee wishes to remain in their present position.

6. Dual Employment: No Legislative Office employee, may work for any Tribal entity which operates under the same Federal Identification number as the Tribal Government.

B. HIRING PROCESS FOR TEMPORARY POSITIONS: Temporary employment positions will require the approval of the Legislative Leader or Legislative Office Manager. The Legislative Office will use the Human Resources Department services and wage scale for the "temporary pool" employee.

C. HIRING PROCESS FOR FULLTIME EMPLOYEES

1. Posting a vacancy: The Legislative Leader or Office Manager shall initiate the hiring process by providing information to the Human Resources Director that a vacancy exists within the Legislative Office, and that salary requirements shall be met in the Tribal Council budget prior to starting the hiring process. Within the posting all necessary background-check information and acceptable minimum standards that apply to the particular job will be included.

2. Job Description: The job description is a crucial part of the hiring process, and shall be developed by the Legislative Leader, Legislative Office Manager, and Human Resources Director.

3. Posting requirements: The position shall have a required time defined for posting. Posting shall run for a minimum twenty one (21) calendar days or until the position is filled. The posting may be re-evaluated, and extended by two (2) week intervals as necessary. Job Postings shall be published in all LTBBOI Publications posted on the Web Site, forwarded to all Tribal Departments, Tribal Enterprises, and other Media by the approval of the Tribal Council by way of the Human Resources Department. Postings shall be forwarded to all Tribal Departments and Tribal Enterprises, with the title JOB POSTING. Legislative Leader and Legislative Office Manager may recruit employees by forwarding all information to the Human Resources Department.

4. Resumes and letters of interest: Letters of interest shall be addressed to the Human Resources Department. A joint review by the Legislative Leader or Legislative Office Manager and Human Resources Director may be scheduled to review all resumes. All resumes shall be retained in the Human Resources Department for a period of six (6) months. The Human Resources Director shall not negotiate pay grid, chain of command or future advancements with the prospective employee without prior approval of the Legislative Leader or Office Manager. The Human Resources Department has the responsibility to provide clarification on job postings to potential applicants. The Human Resources Department may contact the Legislative Leader or Legislative Office Manager to answer questions and provide the information to the applicant. The Legislative Leader and Legislative Office Manager may select up to five individuals who meet the minimum requirements within the job description.

5. Job Applications: The job application form shall not request unnecessary background information that is not within the posted position and minimum requirements for the position, nor shall it ask for non-applicable information such as expunged records, sealed court documents or dismissed court cases.

6. Scheduling Interviews: The Legislative Office shall notify the individuals selected to schedule the interviews after the closing of the job posting. The Legislative Leader and Legislative Office Manager shall develop interview questions.

   a) The Legislative Leader and Legislative Office Manager shall be the Interview Committee for non-exempt and exempt support staff positions.

   b) The Legislative Leader, Tribal Council Secretary and one Tribal Councilor shall interview for the Legislative Office Manager.

   c) The Tribal Council shall interview for the Legislative Attorney.

7. Selecting a Candidate: The Interviewers shall determine a primary candidate and may select a secondary candidate for hiring. The Legislative Leader or Legislative Office Manager shall contact the primary candidate and offer the position to him

or her. The candidate will have up to seventy two (72) hours to accept the position.

a) Another candidate may be notified in the event the primary candidate has declined the offer, or fails to meet pre-employment requirements. The Legislative Leader or Legislative Office Manager shall notify all candidates in writing, within fourteen (14) days of the hiring.

8. New Employees: Employees shall submit to, and successfully pass, a background check to be performed by the Human Resources Department.

D. SALARY AND WAGE: Starting wages will be within the approved range on the current LTBBOI wage scale. The Legislative Leader and Legislative Office Manager will determine the starting wages.

1. Contractual employees' salary and wage will be according to the contract.
2. Employees may not exceed the maximum pay on the wage scale for their position level.

E. NEW EMPLOYEE or APPLICANT BACKGROUND CHECKS: All new employees or applicants may be required to undergo a personal, employment, driving, education, criminal and credit history background check as it applies to their particular position. In addition, to ensure that individuals who join the LTBBOI Legislative Branch are well qualified and have strong potential to be productive and successful, LTBBOI Legislative Branch may check the past employment references.

Applicants or Employees that falsified, provided invalid information or failed to meet the acceptable minimum standards within the background check may be denied employment or terminated within 60 days of the discovery of a discrepancy. (Not applicable to sealed court documents, dismissed court cases or expunged records.)

F. RESPONDING TO EMPLOYMENT REFERENCE CHECKS

1. For reference requests sent to the LTBBOI Legislative Branch from other organizations, the Human Resources Director will respond, in writing only, to those reference check inquiries that are submitted in writing. Any reference about a former LTBBOI employee's work efforts will be reviewed by the Human Resources Director, Legislative Leader and Legislative Office Manager before it will be released and will be released only after receiving a written authorization, signed by the individual who is the subject of the inquiry.

2. Responses to such inquiries will confirm only dates of employment and position(s) held. No employment data will be released without a written authorization signed by the individual who is the subject of the inquiry.

G. PROBATIONARY PERIOD

1. Exempt and Non-exempt employees will be considered at-will employees during the probationary period, which is the first ninety (90) calendar days after their date of hire.

2. At any time during the probationary period, the Legislative Leader in consultation with Tribal Council may terminate an employee with or without cause. If an employee is terminated during the probationary period, this termination will not be subject to any prior progressive discipline action by the Legislative Branch. The employee will not be eligible for the termination grievance process.

4. Any excused absence one week or more will automatically extend the probationary period by the length of the absence.

5. Upon satisfactory completion of the probationary period, the employee will be evaluated and will then enter the "regular" employment classification. Subsequent to the regular classification, LTBBOI Legislative Branch must follow the progressive discipline action before an employee is terminated.

6. There shall be no wage increase given at the end of the probationary period.

H. CONTRACUAL EMPLOYEES

1. Contractual employees will follow the terms of employment outlined in their contract. Contractual employees will also follow all applicable provisions of the handbook to include policies regarding leave and benefit programs, unless otherwise stipulated in the terms of the contract.

I. TRANSFERS

1. To transfer to an open position within the Tribal Government, employees shall submit their notice via approved transfer form and be accompanied by a current resume. The transfer form shall list job related skills and accomplishments and be submitted to the immediate supervisor and Human Resources Director.

2. Any employee may transfer without loss of benefits (e.g. PTO, Yr's of service)

3. Transfers must be developed in conjunction with the Employee Classification System (level) and be in the best interest of the employee and the program goals.

4. When an employee transfers to a position in a lower classification (level), the employee shall be paid at a rate within the approved range for the lower classification.

5. All employees must have satisfactorily completed six (6) months of service in their current position and have the approval of their immediate supervisor to be eligible for a position transfer.

6. An employee who transfers from the Legislative Branch to Governmental Operations, if not successful in the new position can be terminated for unsatisfactory job performance. If this occurs, the employee may apply to open positions for which they meet the minimum qualifications, as described under *section 1 Employment: sub-section A. Hiring*.

7. Current employees who apply for and are selected for transfer must submit a two (2) week notice prior to changing positions, or as otherwise agreed upon by Legislative Leader or Legislative Office Manager.

J. RESIGNATION

1. The Legislative Office requests at least two (2) weeks written notice of resignation from non-exempt employees and four (4) weeks notice from exempt employees.

2. Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

K. EMPLOYMENT TERMINATION

1. The LTBBOI Human Resources Department shall schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, repayment of outstanding debts to LTBBOI, and return of LTBBOI owned property (keys, I.D. badge, computer files/passwords, beeper, cell phone, etc.)

2. All earned PTO time that is due and payable at termination will be paid on the next scheduled governmental payroll run and repayment of outstanding debts to LTBBOI will be deducted from employee’s final paycheck. Some benefits may be continued at employee’s expense if employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

L. ACCESS TO PERSONNEL FILES: LTBBOI maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, disciplinary actions and other employment records.

1. Personnel files are the property of LTBBOI and access to the information is restricted. The Human Resources Director and Legislative Leader control access to the personnel files.

    a) Original files shall be kept in the Human Resources Department.

2. An employee who wishes to review his or her own personnel file shall complete the personnel file request form with the Human Resources Department. Employees may review or obtain a copy of their own personnel file. Personnel files may not be removed from the Human Resources Department.

3. If the employee does not agree with any of the information in their personnel file, they may submit a written statement explaining their position to the Legislative Leader and the Human Resources Director which will become a part of the personnel file.

M. REPORTING PERSONAL DATA CHANGES: It is the responsibility of each employee to promptly notify the Human Resources Department of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments and other such information to keep the personnel file accurate and current at all times. Some benefit programs have a limited time by which you can make additions and changes.

II. EMLOYEE BENEFITS & COMPENSATION PROGRAM

A. INSURANCE BENEFITS & RETIREMENT PLANS: Eligible employees are provided a wide range of benefits. A number of the programs (such as Social Security and Unemployment Insurance) cover all employees in the manner prescribed by Federal & Tribal Law. Benefits eligibility is dependent upon a variety of factors and subject to all terms and conditions of the agreement between the LTBBOI and the insurance carrier.

1. Health Insurance – Medical, Dental, Vision

    a) LTBBOI Health Insurance Plan provides eligible employees and their dependents access to medical, dental, and vision care insurance benefits. Eligible employees may participate in the Health Insurance Plan. If both husband and wife work for LTBBOI Legislative Offices or Governmental Offices, only one Blue Cross/Blue Shield plan will be issued.

    b) A change in employment classification that would result in loss of eligibility to participate in the Health Insurance Plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). (See COBRA Section II, Paragraph A-6) (COBRA Appendix).

c) Continuation Riders for dependents who have attained the age of nineteen (19) and are not full time students, nor reliant on employee for full financial support, will not be included in the insurance plan offered to eligible employees. As a qualifying event under the Consolidated Omnibus Budget Reconciliation Act (COBRA), dependant(s) can continue coverage at their own expense. Continuation Riders for dependants need to be verified every six (6) months through the Human Resources Department.

2. Life Insurance: LTBBOI provides a Basic Life Insurance Plan for eligible employees. Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the Basic Life Insurance Plan.

3. Short Term and Long Term Disability Insurance: LTBBOI provides for short term disability insurance (STD) and long term disability insurance (LTD) for eligible employees. STD and LTD provide partial income replacement per the insurance policy in the case of an employee becoming disabled.

4. Supplemental Life Insurance: Eligible employees may purchase additional Supplemental and/or Dependent Life Insurance coverage. The premiums shall be paid via payroll deduction.

5. Supplemental Medical Coverage: LTBBOI offers eligible employees the option to purchase insurance that will supplement their basic insurance plan, i.e. AFLAC. Monthly premiums shall be paid via payroll deduction.

6. Workers' Compensation Insurance: LTBBOI provides a comprehensive workers' compensation insurance program. Subject to applicable legal requirements this program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers' Compensation Insurance provides benefits after a short waiting period.

   a) Employees who sustain work-related injuries or illnesses must inform their immediate supervisor immediately and provide a written report (LTBBOI Occurrence Report) to the Human Resources Departments Safety Coordinator. No matter how minor an on-the-job injury may appear, it is important that it be reported; and

   b) Neither LTBBOI nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity.

7. COBRA Rights: The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the LTBBOI Health Plan when a "qualifying event" would normally result in the loss of eligibility. Human Resources Director provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the LTBBOI Health Insurance Plan.

    a) Under COBRA, the employee or beneficiary pays the full cost of coverage at the LTBBOI group rates plus an administration fee in accordance with the Provider's provision.

8. 401(k) Plan: LTBBOI has established a voluntary 401(k) Savings Plan to provide employees the potential for future financial security for retirement. Both pre and after tax contribution options are available. Contributions to the 401(k) are payroll deducted. Eligible employees may participate in the 401(k) Plan subject to the terms and conditions of the plan.

    a) To be eligible to join the 401(k) Savings Plan, employees must complete three months of service and may join the plan or make contribution changes only during open enrollment periods (enrollment periods are subject to change).

        - Month of March (Payroll deductions effective fist pay of April)
        - Month of June (Payroll deductions effective first pay of July)
        - Month of Sept. (Payroll deductions effective first pay of Oct)
        - Month of Dec. (Payroll deductions effective first pay of Jan)

    b) The 401(k) Savings Plan allows employees to elect how much salary they want to contribute, up to the plan maximum. LTBBOI contributes an additional matching amount up to a maximum of 3% of gross income.

    c) Three Year Graded Vesting on Employer Matching Contributions

Years of Credited Service:	Vested Percentage
Less than 1	0%
1	50%
2	80%
3 or more	100%

B. LEAVES OF ABSENCE

1. Paid Time Off: Paid Time Off (PTO) is available to eligible regular employees for periods of temporary absences. This benefit is offered to eligible regular

employees who have successfully completed the probationary period. Employees are eligible to earn and use PTO as described in this policy. The amount of PTO is determined by continuous employment for the Tribe. Continuous employment for the Tribe will refer to employment with Tribal Government (Executive, Legislative, or Judicial Branches) as a regular full-time or regular part-time employee, employment with the Tribally-owned casino, or employment with one of the Tribally-owned enterprises. When an employee accepts a position with the Legislative Branch, their PTO accrual rate will reflect the years of service that they had with one of the afore mentioned entities, provided that the years of service were continuous and the employee was leaving their position with one of the Tribally-owned entities to take a position with the Legislative Branch. For purposes of Paid time off, continuous employment years are calculated by the employee's original date of hire. PTO is available for use as vacation, sick or personal time off. Temporary, internships and summer employees are not eligible for PTO.

The employee's official hire date with the Legislative Branch, for purposes of annual compensation and employee performance review, will be the date that the employee officially started working for the Legislative Branch.

a) Rate of Accrual - The amount of paid time off employees receive each year increases with the length of their employment as shown below and shall be paid at the employee's base pay rate at the time leave is taken.

b) PTO shall be accrued and capped in accordance with the PTO Accrual Rate Table. PTO will be accrued for all hours paid up to forty (40) hours per week. Exempt employees' PTO will be calculated on a forty (40) hour workweek. PTO will be accrued on a weekly basis throughout the year.

c) A maximum of eighty (80) hours of accrued PTO may be carried over from one calendar year to next. Any unused PTO over eighty (80) hours on December 31st will be lost. Earned PTO will be paid to an employee upon leaving the employment of LTBBOI on the next payroll run following the termination of employment.

ACCRUAL RATE TABLE		
YEARS OF SERVICE	Hours / Days / Weekly Rate	Cap
0-1	144.04 hours / 18 days/ 2.77	144.04
1-2	184.08 hours / 23 days/ 3.54	184.08
2-3	184.08 hours / 23 days/ 3.54	184.08
3-4	224.12 hours / 28 days/ 4.31	224.12
4-5	224.12 hours / 28 days/ 4.31	224.12
5-6	264.12 hours / 33 days/ 5.08	264.16

6-7	264.16 hours / 33 days/ 5.08	264.16
7-8	264.16 hours / 33 days/ 5.08	264.16
8-9	264.16 hours / 33 days/ 5.08	264.16
9-10	304.20 hours / 38 days/ 5.85	304.20
10-11	304.20 hours / 38 days/ 5.85	304.20
11-12	304.20 hours / 38 days/ 5.85	304.20
12-13	304.20 hours / 38 days/ 5.85	304.20
13-14	304.20 hours / 38 days/ 5.85	304.20
14-15	304.20 hours / 38 days/ 5.85	304.20
15+	344.24 hours / 43 days/ 6.62	344.24

d) The Tribe recognizes years of service for LTBBOI employees - If an employee is **laid off** and returns to work, PTO accrual will resume at the rate as if the employee continued working. An employee, who resigns or is terminated and is subsequently rehired, will accrue PTO as a new employee.

e) Military Service: Employees with prior military service will be credited year for year, up to five (5) years for their military service, as time worked for the Tribe, for purposes pertaining to PTO Accrual Rates.

f) Scheduling and Use of PTO - Scheduling is on a first-come, first-served basis. Requests may be denied when the absence would create an undue hardship on Tribal operations or service to the Tribal Citizenship. If PTO leave is denied, the employee will be given a response, in writing, by the Legislative Leader or Legislative Office Manager as to why it was denied.

- PTO shall be used in increments of no greater than three (3) weeks or no less than one (1) hour and is subject to approval from the Legislative Leader or Legislative Office Manager based on business needs. All requests for PTO time shall be submitted on the appropriate PTO request form.
- Employees should request approval from the Legislative Leader or Legislative Office Manager two (2) weeks in advance if more than eight (8) hours will be used.
- If an employee is denied PTO and does not show up for work, then s/he shall be subject to disciplinary action and time lost will be considered as unpaid leave.
- All PTO shall be reported on the employee's timesheet.
- Upon termination of employment, employees will be paid for unused PTO that has been earned through the last day of work.

g) Earned PTO may be accumulated up to the established cap amount based on years of service. An employee who reaches the PTO cap will not earn additional time until they have used some of their earned PTO time. During periods of time when an employee has reached their cap and they are not earning additional PTO, PTO time will cease to accrue and will not be made up at a later date.

h) Emergency PTO Accounts – The emergency PTO accounts are established by the Legislative Leader in cooperation with the Executive Branch Operation's, to assist employees of the Legislative Branch with serious health conditions as defined by Family Medical Leave Act (FMLA). An employee must first exhaust all of their own PTO before utilizing any emergency PTO that is donated. The employee must apply for the assistance on the approved form and submit the request to the Legislative Leader for approval. The Legislative Leader or Legislative Office Manager will coordinate with the Human Resources Department who will use guidelines for approved leave that are outlined by the FMLA. Emergency PTO Accounts have a maximum total approval for any employee of 20 work days in any (12) twelve month period. This (12) twelve month period is calculated beginning with the first day that an approved Emergency PTO hour is used. Emergency PTO hours can only be used when no other form of leave is available to the employee (STD, LTD, employees PTO). An employee who is receiving payment on an approved emergency PTO account will not be eligible to accrue PTO during this time. An employee may only donate up to half of their available PTO hours. When an employee donates time to an Emergency PTO account, that donated time is unavailable to them unless it is not needed at the end of the approved Emergency PTO leave.

2. Bereavement Leave: Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately. (**Immediate family for purposes of this policy provision shall mean**; husband, wife, son, daughter, step-son, step-daughter, father, step-father, father-in-law, mother, step-mother, mother-in-law, brother, step-brother, brother-in-law, son-in-law, sister, step-sister, sister-in-law, daughter-in-law, child, step-child, grandparent, grandchild and any person living in the same household.)

   a) Eligible full-time employees shall be granted up to four (4) days of paid bereavement leave. Bereavement pay is calculated on the base pay rate at the time of absence.

   b) Employees may, with their supervisor's approval, use unpaid leave or any available PTO for additional time off.

3. Educational Leave, Fitness Leave and Professional Development Leave: Full-time employees, after completing their probationary period may attend classes up to

four (4) hours per week during work hours. Verification of enrollment is required (i.e. semester curriculum.) This benefit is provided to improve job skills pertinent to Tribal employment and is contingent upon the Legislative Leader or Legislative Office Managers approval. **All classes must be job related**. A maximum of four (4) hours per week of either or a combination of Educational Leave, Professional Development and Fitness Leave is available to employees.

4. Jury Duty Leave: Employees must show the jury duty summons to their supervisor as soon as possible so that the Legislative Leader or Legislative Office Manager may make arrangements to accommodate their absence. The employee is expected to report for work whenever the court schedule permits. LTBBOI will continue to provide insurance benefits, PTO accrual, and holiday benefits for the full term of the jury duty absence.

    a) Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day(s) of absence.

    b) Any compensation from the court for employee's time, other than mileage and/or expenses will reduce the amount of paid time.

5. Family and Medical Leave: Employees who have been employed for a minimum of one year and who have worked for the LTBBOI Legislative Branch for at least 1,250 hours in the past twelve (12) months are eligible for Family Medical Leave up to a total of twelve (12) weeks of unpaid leave during any 12 month period for one or more of the following reasons:
    - A serious health condition of the employee
    - To care for a spouse, child or parent with a serious health condition
    - The birth and care of the newborn child of the employee
    - For placement with the employee of a son or daughter for adoption or foster care.

    a) A "serious health condition" means any illness, injury, impairment, or physical or mental condition that involves in-patient care in a hospital, hospice or residential medical care facility; or continuing treatment by a health care provider and/or Traditional Healer.

    b) The definition of "parent" does not include "in-laws".

    c) The definition of "child" does not include individuals' age eighteen (18) or older unless they are incapable of self-care due to a mental or physical disability.

    d) Employees must provide a thirty (30) day notice before the leave is necessary, if the need for the leave is foreseeable, as is the case of most

pregnancies and elective surgeries. However, if the employee cannot reasonably give thirty (30) days notice, the employee is nonetheless entitled to the leave.

e) Employees requesting family leave related to the serious health condition of a child, spouse or parent may be required to submit a Health Care Provider's Statement verifying the need for a family leave.

f) Any combination of family leave and medical leave may not exceed the twelve (12) week limit.

g) Employees will be required to use any accrued paid leave in conjunction with unpaid family leave. The paid time will be counted toward the total of the twelve (12) weeks of leave.

h) LTBBOI will maintain group health insurance coverage (provided the employee was on the plan prior to the leave) and all other benefits that would normally accrue during the leave on the same terms as if the employee continued to work. In some instances, the LTBBOI may recover premiums it paid to maintain health coverage for an employee who fails to return from Family Medical Leave.

i) Employees on family leave are requested to provide LTBBOI with at least two (2) weeks advance notice of the date the employee intends to return to work. The employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

j) If an employee fails to return to work on the agreed upon return date, LTBBOI will determine that the employee has resigned.

6. Military Leave: A military leave of absence will be granted to employees who are absent from work because of service in the U.S. armed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

   a) Employees will receive partial pay for two-week training assignments and shorter absences. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty;

   b) The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available PTO for the absence;

c) Continuation of health insurance and other benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible;

d) Paid time off (PTO) and holiday benefits will continue to accrue during a paid military leave of absence; and

e) Employees on military leave for up to thirty (30) days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave (deployment) must apply for reinstatement in accordance with USERRA.

7. Personal Leave: For extenuating circumstances, employees with six months or more of service may apply for an unpaid personal leave of absence, not to exceed thirty (30) days in any twelve month period. Before an employee may request an unpaid personal leave of absence, they must exhaust all of their accrued PTO time that is available.

a) The employee's immediate supervisor must approve personal leave. Requests must be documented and submitted with as much advance notice as possible. The request will include the reason for the leave of absence and the length of time requested.

b) Part-time employees who are not eligible for any of the leave programs offered in this handbook to regular full-time employees may request an extension of a personal leave of absence beyond the thirty (30) days. This request must be approved by the Legislative Leader or Legislative Office Manager. Extensions may be granted up to 30 days in duration with a maximum of ninety (90) days in any twelve (12) month period. This provision only applies to part-time employees. All regular full-time employees will follow the leave programs that are outlined in this handbook.

c) Requests for personal leave will be evaluated on a number of factors, including anticipated work requirements and staffing considerations, prior to authorization for leave.

d) LTBBOI will continue to provide benefits for the initial approved personal leave. (May be subject to the terms, conditions, and limitations of the applicable plans)

e) PTO will not accrue during unpaid personal leave.

f) For the duration of any unpaid personal leave, employees are required to make payment arrangements with the Human Resources Department for voluntary benefit premiums and 401(k) loans that are normally paid through payroll deduction. Payment arrangements must be made before the leave commences whenever possible.

g) A written medical release must be provided by an employee if the reason for requesting unpaid personal leave is medical related.

h) If an employee fails to report to work at the expiration of the approved leave period, LTBBOI will determine the employee has voluntarily resigned.

8. Fitness Leave: Full time employees after completing their probationary period may be granted four (4) hours per regular work-week to utilize the Tribal Wellness Center Programs or an approved fitness program by their immediate supervisor.

   a) A Fitness Leave Program must consist of a documented regular schedule of exercise and be re-approved every year. If department needs change, an approved Fitness Leave Program may be changed or cancelled until the needs of the department can be met. Approval of Fitness Leave is contingent upon the needs of the department.

9. Maternity/Paternity/Adoption Leave: Employees who wish to take time off for the birth of a child must notify their immediate supervisor at least (30) days in advance of the approximate due date. Employees getting placement of a child in anticipation of adopting the child must notify their immediate supervisor as soon as possible to determine eligibility for adoption leave.

   a) Maternity Leave: Regular eligible full time expectant mothers will be granted up to six (6) weeks of paid Maternity Leave for the birth of their child. The time taken will be reduced from the twelve (12) weeks of FMLA leave time available to all eligible employees;

   b) Paternity Leave: Regular eligible full time expectant fathers will be granted up to seven (7) days of paid Paternity Leave for the birth of their child. The time taken will be reduced from the twelve (12) weeks of FMLA leave time available to all eligible employees.

   c) Adoption Leave: A regular eligible full-time employee that will be the primary caregiver for an adopted child will be granted up to six (6) weeks of paid Adoption Leave for placement of children up to one (1) year of age, or three (3) weeks of paid Adoption Leave for all others. Eligibility for adoption leave will be determined by the date of placement. Placement occurs when the primary caregiver becomes legally obligated

for the total or partial support of the child in anticipation of adoption. A sworn statement by the court with the date of placement or a court order verifying placement is required.

C. HOLIDAYS: The Legislative Office will grant paid holiday time off to eligible full-time employees for the following listed Holidays:

- New Year's Eve (December 31)
- New Year’s Day (January 1)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Tribal Sovereignty Day (September 21)
- Michigan Indian Day (Fourth Friday in September)
- Veterans Day (November 11)
- Thanksgiving (Fourth Thursday in November)
- Friday after Thanksgiving
- Christmas Eve (December 24)
- Christmas (December 25)

1. Holiday pay will be calculated based on the employee's straight-time pay rate as of the date of the holiday times the number of hours the employee would otherwise have worked on that day up to a total of eight (8) hours for non-exempt employees.

2. To be eligible for holiday pay, employees must work the last scheduled workday preceding and the first scheduled workday following the holiday, unless the employee is on pre-approved leave. Absences due to illness preceding and following a holiday require a physician’s statement.

3. If a recognized holiday falls during an eligible employee's PTO, holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

4. A holiday listed above that falls on a Saturday will be observed on the preceding Friday. A recognized holiday listed above that falls on a Sunday will be observed on the following Monday.

5. Employees who are required to work on a recognized holiday will receive their regular pay for all hours worked that day, plus eight (8) hours of holiday pay at their regular rate of pay.

6. Paid time off for holidays or other paid time off will not be counted as hours worked for the purposes of determining overtime.

D. TRADITIONAL LEAVE: A "regular" full-time employee who is a member of a federally recognized North American Indian Tribe and works an average of thirty-two (32) hours per week throughout the year is eligible for up to thirty-two (32) paid hours off per calendar year (employees working more than eight (8) hour shifts see below), to fulfill traditional **Native American Tribal responsibilities, teachings/trainings or attend Tribal ceremonies.** Traditional Leave is provided to Native American employees to allow them the opportunity during a scheduled work day to participate in a recognized tribal ceremony, fulfill a tribal responsibility that could not be done outside of work hours or attend a government sponsored teaching or training event. Traditional Leave is not an extension of PTO for vacation, recreation, or other personal interests. Those type of events and interests are what PTO time is provided for. Any additional time desired would need to be utilized through the Paid Time Off benefit or taken as unpaid leave.

1. To request traditional leave; the employee needs to fill out the traditional leave form (available in the Legislative Office) and request approval for the time off to be granted by their immediate supervisor
2. The Legislative Leader will make the final determination as to whether a proposed absence will be granted, and will also determine how it will be considered, either traditional leave, PTO leave or in the event that the employee does not have any PTO days accrued, unpaid leave.

3. The employee's immediate supervisor may deny traditional leave during peak business periods or if the Legislative Leader or Legislative Office Manager is unable to staff the department and provide services to the Tribal Citizens in the employee's absence. Every reasonable effort will be made to accommodate requests to use Traditional Leave.

    a. The total number of hours that are available for Traditional Leave use may not exceed thirty-two (32). Unused hours may not be carried forward to the next year, transferred, or used for any other purpose. An employee who works a shift greater than eight (8) hours may also take eight (8) hours of Traditional Leave and then the rest of the shift in PTO time if they have any available or unpaid leave if it is approved by the their immediate supervisor.

III. TIMEKEEPING & PAYROLL

A. TIMEKEEPING: Accurately recording time worked is the responsibility of every employee. Applicable laws require LTBBOI to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Exempt employees are not required to submit

weekly timesheets. Exempt employees are required to work a standard work week as outlined below in Section B Work Schedule Subsection 1b.

Exemption – This policy provision shall be applicable to an employee who has management as their primary duty; who direct the work of two or more full-time employees; who have the authority to hire and fire or make determinations regarding decisions affecting the employment status of others; who regularly exercises a high degree of independent judgment in their work; who receive a salary which meets the requirements of the exemption; and who do not devote more than 20% of their time to non-management functions.

Administrative exemption – This policy provision shall be applicable to employees who perform office or non-manual work which is directly related to management policies or general business operations of their employer or their employer's customers, or perform such functions in their administration of departmental responsibilities; who regularly exercise discretion and judgment in their work; who assist a supervisor to perform specialized or technical work; or execute special assignments, who receive a salary which meets the requirements of the exemption, and who do not devote more than 20% of their time to work other than that described above.

Professional exemption – This exemption provision shall be applicable to employees who perform work requiring advanced knowledge and education, who work such as Tribal fisherman, who regularly exercise judgment, who perform work which is intellectual and varied in character and the accomplishment of which cannot be standardized as to time, who receive a salary which meets the requirements of the exemption, and who do not devote more than 20% of their time to work other than described above.

Non-Exempt/Hourly

1. Employees shall accurately record the following:
   a) The time they begin and end their work;
   b) The beginning and ending time of each meal period;
   c) The beginning and ending time of any split shift;
   d) Departure from work for personal reasons.

2. It is the employee's responsibility to sign your timesheet to certify the accuracy of all time recorded. Each timesheet must include the employee's and their immediate supervisor's signature. All timesheets are to be submitted to payroll by noon on Monday. Any timesheets turned in after the deadline on Monday will be processed on the next week payroll run.

   a) If a holiday is observed on a Monday, timesheets will be due in the payroll office by the close of business on the previous Friday.

b) All hours worked by employees beyond specified work-week must be approved in advance by immediate supervisor.

c) Altering, falsifying, tampering with time records, or recording time on another employee's time record shall result in disciplinary action, up to and including termination of employment.

d) Exempt employees are not required to submit weekly timesheets. Exempt employees are required to work a standard workday or an approved work schedule by their supervisor. A standard workday is outlined below in section B Work Schedule Subsection 1 b.

B. WORK SCHEDULES: To maintain a safe and productive work environment, LTBBOI Legislative Branch expects employees to be reliable and to be punctual in reporting for scheduled work.

1. Office Hours:

   a) The Legislative Office shall be open to the public from 9:00 a.m. to 5:00 p.m.
   b) The standard workday for all employees is 8:00 a.m. to 5:00 p.m. The Legislative Leader or Legislative Office Manager must approve any deviation from the standard work schedule.

2. Breaks: Rest and Meal Periods:

   a) All full time employees will be allowed a 60-minute non-paid lunch period. Legislative Leader or Legislative Office Manager may schedule meal periods and assign break areas to accommodate operating requirements.

   b) There will be two paid 15-minute breaks. (i.e. one a.m. / one p.m. break) Since this is paid as time worked, employees must not be absent from their workstations beyond the allotted break.

3. Alternative Scheduling: The Legislative Leader reserves the right to alter work schedules as needed.

C. ATTENDANCE: Absenteeism and tardiness place a burden on other employees and on LTBBOI. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they must notify their immediate supervisor, prior to the start of the employee's scheduled start time so other arrangements can be made to cover the employee's absence.

1. Poor attendance, excessive absenteeism, or excessive tardiness/leaving early are disruptive and shall lead to disciplinary action, up to and including termination of employment.

2. Absences of three consecutive workdays without notifying the Legislative Leader or Legislative Office Manager will be considered a voluntary resignation.

D. PAY DEDUCTIONS: LTBBOI makes certain deductions from every employee's compensation. Among these are applicable federal and state income taxes. If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Payroll Department will assist in having your questions answered.

1. LTBBOI must deduct Social Security taxes on all applicable employees' earnings up to a specified limit that is called the Social Security "wage base." LTBBOI matches the amount of Social Security taxes paid by each employee.

2. LTBBOI offers benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs not paid for by LTBBOI.

3. LTBBOI offers direct payroll deposit to employee savings and/or checking accounts. An employee will receive an itemized statement of wages when the direct deposit is made.

E. PAYDAYS: All employees are paid weekly on Friday.

1. All required timesheets must be received in the Payroll Department no later than 12:00 Noon Monday.

2. Failure to meet the deadline will result in a delay of the paycheck being issued until next scheduled payday.

3. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

4. In the event that a regularly scheduled payday falls on a holiday, the employee will receive pay on the preceding day.

5. An employee must present a written authorization to the Payroll Department for someone else to pick up his or her paycheck.

6. LTBBOI does not provide pay advances under any circumstances.

F. PAY CORRECTIONS: LTBBOI takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event that there is an error in the amount of pay,

the employee should promptly bring the discrepancy to the attention of their immediate supervisor, who shall notify the Payroll Department so that corrections can be made as quickly as possible.

G. OVER TIME: Hourly non-exempt employees who work in excess of forty (40) hours per week will be paid overtime at the rate of one and a half times their base wage. All overtime must be pre-approved by their immediate supervisor. Exempt employees do not receive overtime pay.

H. FLEX TIME: With the approval of their immediate supervisor, employees may vary ("flex") their schedule from the standard workday outlined above because of the necessities of the job or for personal reasons. "Flex Time" should only be taken within the same pay period that hours are worked outside of the standard workday, unless unusual circumstances exist. If possible, Flex Time must be taken within one pay period of the time that it was earned, and may not be transferred. The employee's immediate supervisor will authorize Flex Time for Tribal business that employees must conduct outside of the standard pay period. Flex Time will only be granted for time that an employee is working outside of the standard workday. Flex Time is not granted for traveling, total time spent at a conference or training outside of conference or training itself, etc. Authorization for Flex Time for personal reasons is subject to the reasonable discretion of the Legislative Leader or Legislative Office Manager. Flex Time must be approved by the supervisor before it is earned.

I. EMERGENCY CLOSING: At times, emergencies such as severe weather, fires, or power failures can disrupt business operations. In extreme cases, these circumstances may require the closing of the LTBBOI work facility.

1. Paid Leave: When operations are officially closed due to emergency conditions or severe weather, employees will be paid for the time off from work

2. In cases where an emergency closing is not authorized, employees who believe that travel would be dangerous may use available PTO (Paid Time Off). The employee shall make a reasonable attempt to contact the Legislative Leader or Legislative Office Manager prior to the start of their shift unless other arrangements with the department have been made.

IV. EMPLOYEE DEVELOPMENT & ENHANCEMENT

A. PERFORMANCE EVALUATION: Supervisors are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Annual performance reviews will be conducted on the anniversary date of hire with the Tribe. Verbal evaluation of job performance in the probationary period will be done by the immediate supervisor at the

30, and 60-day intervals. A completed written evaluation will be done by the immediate supervisor, at the 90-day interval.

B. ANNUAL MONETARY COMPENSATION: The amount of annual monetary compensation increase will be determined by the regionally adjusted COLA (Cost Of Living Allowance) as of December 31st of the previous year with a minimum increase per year of 4% and a maximum increase per year of 8 %. Increases or changes in an employee's pay will be effective the following pay period after their anniversary date.

V. EMPLOYEE HEALTH & WELFARE:

A. DRUG AND ALCOHOL USE: The Legislative Office provides a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. The Federal Drug-Free Workplace Act requires employers with government grants to certify that their workplaces are drug-free. In order to comply with the law, employees must meet specific requirements.

1. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Legislative Leader or Legislative Office Manager of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

2. While on LTBBOI Tribal Operations premises and while conducting business-related activities off Tribal Operations premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs.

3. The legal use of prescribed drugs is permitted on the job, provided all medical restrictions associated with the medication are adhered to by the employee.

4. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Unpaid leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all LTBBOI policies, rules, and prohibitions relating to conduct in the workplace. Employees are encouraged to discuss these matters with their supervisor, the Human Resources Director or the Director of Substance Abuse to receive assistance or referrals to appropriate Resources in the community.

VI. EMPLOYEE CONDUCT & WORK PROVISIONS

A. BUSINESS CONDUCT: Every organization must have certain rules in order to operate in an orderly and efficient manner, to make cooperation with other employees easier and to assist in properly respecting the rights of LTBBOI and its employees. The following misconduct by an employee may result in disciplinary action up to and including

termination. This list is not all-inclusive, as circumstances change, rules of conduct may also change.

1. Theft or inappropriate removal or possession of Tribal, client or other employee's property.
2. Falsification of timekeeping records or travel documents.
3. Concealing, removing, mutilating or destroying program records or documents.
4. Violation of the Drug and Alcohol Use Policy.
5. Fighting or threatening violence in the workplace.
6. Negligence or improper conduct leading to damage of Tribal, client or other employee's property.
7. Insubordination or other disrespectful conduct.
8. Violation of safety or health rules.
9. Exploitation of another person for private advantage.
10. Smoking in prohibited areas.
11. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
12. Excessive absenteeism or any absence without notice.
13. Unauthorized use of employer-owned equipment.
14. Unauthorized disclosure of confidential information.
15. Unsatisfactory performance or conduct.
16. Unauthorized public statements on behalf of the LTBBOI.
17. Violation of personnel policies.
18. Creating or contributing to the creation of an intimidating, hostile or offensive working environment based on race, sex, age, marital status, sexual orientation, physical or mental disabilities or other factors prohibited by law or in bad taste.

B. PROFESSIONAL CONDUCT ON THE JOB: The successful business operation and reputation of the Legislative Office is built upon the principles of fair dealing and proper

conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

1. The Legislative Branch will comply with all applicable laws and regulations and expects its employees to exercise good judgment and conscious regard for the highest standards of conduct.

2. If a situation arises where it is difficult to determine the proper course of action, the matter must be discussed openly with your immediate supervisor, and if necessary, with the Human Resources Director.

3. Integrity and professional conduct are the responsibility of every LTBBOI Legislative Branch employee. Disregarding or failing to comply professional conduct could lead to disciplinary action. The use of professional judgment and the observance of applicable laws and regulations is the responsibility of each employee.

C. CONFIDENTIALITY: The unauthorized release of confidential information is a serious breach of confidentiality and will be grounds for immediate dismissal notwithstanding any other provision of this policy. Any questions or inquiries concerning any member or client are to be referred to the Legislative Leader or Legislative Office Manager or his/her designee. The authority to release confidential information regarding employees, members or clients shall not be delegated to any other employee. No information regarding an employee, client or member shall be released to any agency without a written release of information form signed by the employee, member or client. Such an authorization must be on file before any information can be released.

D. CONFLICT OF INTEREST: Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Employees are prohibited from engaging in any activity in direct conflict with the financial, legal and proprietary interests of the Legislative Branch.

E. POLITICAL ACTIVITY: Every employee has the right to freely express opinions as citizens and to vote, however, partisan political activity of any kind during work hours is strictly prohibited. Employees engaged in political activities may not charge any costs incurred in the course of these activities to the Tribe.

1. Political activities include but are not limited to campaigning, distributing political materials, soliciting support for a candidate, or soliciting signatures for ballot petitions, within the Tribal Governmental Administration Building.
2. Employment with the LTBBOI of Odawa Indians Legislative Branch may not be offered as consideration for the support of any political party of candidate for public office.

F. APPEARANCE: During business hours, employees are expected to present a clean, neat and professional appearance. Clean and neat appearance means good personal hygiene. Dress may be casual but should always be in good taste. Employees who appear for work inappropriately dressed may be sent home and directed to return to work in proper attire.

1. Unacceptable Attire
   a) T-shirts and other clothing with drug, alcohol or sex related material or design.
   b) Provocative or revealing clothing (i.e. tank tops, belly shirts, short skirts).
   c) Dress shorts or the like, are acceptable but not short shorts or cut-offs.

G. SMOKING: In keeping with the intent to provide a safe and healthful work environment, smoking is prohibited by all employees, clients, and visitors throughout the workplace. The use of sage, tobacco, sweet grass, cedar, is permitted for ceremonial purposes. "Ceremonial purposes" does not include the personal use of cigarettes, cigars or pipes. Smoking is allowed in designated areas only.

H. VISITORS IN THE WORKPLACE: It is the responsibility of the staff to assist in maintaining safety standards, protecting against theft, ensuring security of equipment, and protecting confidential information. Visits by individuals that are personal in nature shall be kept to a minimum.

1. Visitors are allowed at the Legislative Office but restricted to the areas in the office and/or building where the safety and security of employees, facilities, member/client files or other confidential records are protected.

2. Employees have the responsibility to ensure that confidential information contained within their office is out of view of any visitors.

3. Visitors to the office should be asked to sign the office guest book and be seated in an established waiting area until the party they wish to meet with is located.

4. If an individual is observed on LTBBOI premises whose business cannot be ascertained by an employee's inquiries, employees should immediately notify the Legislative Leader or Legislative Office Manager, and if necessary, the Tribal Police.

I. SAFETY: To assist in providing a safe and healthful work environment for employees, Tribal Citizens, clients and visitors, LTBBOI has established a workplace safety program. LTBBOI provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. Each employee is expected to obey safety rules and to exercise caution in all work activities and report any unsafe condition to the Legislative Leader or Legislative Office Manager.

1. Employees who violate safety standards that cause hazardous or dangerous situations, fail to report hazardous or dangerous situations where appropriate or knowingly and wittingly neglect to remedy such situations may be subject to disciplinary action, up to and including termination of employment.

2. Reports and concerns about workplace safety issues may be made anonymously. Reprisals for reporting unsafe working conditions are prohibited.

3. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Legislative Leader or Legislative Office Manager and Human Resources Department. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures, if needed.

4. All employees are required to wear LTBBOI issued identification badges while in the workplace during work hours.

J. SECURITY INSPECTIONS: LTBBOI wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. LTBBOI prohibits the possession, transfer, sale, or use of such materials on its premises.

1. Desks, lockers, and other storage devices may be provided for the conveniences of the employees but remain the sole property of the LTBBOI. LTBBOI reserves the right to inspect such property for just cause. LTBBOI also reserves the right to demand the return of issued equipment or property at any time.

K. EMPLOYEE RELATIONS: If employees have concerns about work conditions or compensation, they are strongly encouraged to discuss these concerns directly with the Legislative Leader or Legislative Office Manager. If the employee feels they cannot speak with the Legislative Leader or Legislative Office Manager about an issue, they should set up a meeting with the Human Resources Director.

L. WORKPLACE VIOLENCE PREVENTION: All employees should be treated with courtesy and respect at all times and are encouraged to bring their disputes or differences to the attention of Legislative Leader and Legislative Office Manager or the Human Resources Director before the situation escalates into potential violence. (See Harassment)

1. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the Law Enforcement Department and the Legislative Leader and/or Legislative Office Manager. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

2. In order to maintain workplace safety, LTBBOI may suspend employees, with pay, pending investigation of all reports of threats of (or actual) violence.

M. COMPLAINTS AGAINST EMPLOYEES BY NON-EMPLOYEES: The Tribe recognizes the need for proper resolution of complaints made against Tribal employees by non-employees. It is the responsibility of all employees who hear or receive a complaint to inform the complaining party of the proper procedure for resolution of such complaints. Complaint forms may be picked up and returned to the Human Resources Director.

N. TELEPHONE, CELL PHONE AND MAIL SYSTEMS:

1. All employees are expected to limit personal calls on both the business telephones and cell phones issued by LTBBOI. Cell phones are provided as business equipment and shall be used to conduct Tribal business. Collect calls are not accepted on LTBBOI business telephones except at the discretion of Tribal Council for special circumstances.

2. Postage/Mail - The use of the LTBBOI paid postage for personal correspondence is prohibited.

O. USE OF EQUIPMENT AND VEHICLES: Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using LTBBOI property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Please notify the Legislative Leader or Legislative Office Manager if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting could prevent deterioration of equipment and possible injury. An employee should consult the Legislative Leader or Legislative Office Manager with any questions regarding the responsibility for maintenance and care of equipment or vehicles used on the job.

1. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

2. Employees shall be required to sign a receipt for equipment issued, accepting responsibility for equipment while in their custody. A payroll deduction will be taken for any equipment lost or not turned in upon termination.

3. Employees who drive LTBBOI owned vehicles shall have an appropriate license and be insurable. Changes to a status of an operators license or CDL (Commercial Drivers License) for employees who drive LTBBOI vehicles, must be communicated to the Legislative Leader or Legislative Office Manager as soon as the change has occurred.

4. Employees while driving LTBBOI owned vehicles shall have with them, a valid driver's license with all appropriate and necessary classifications.

P. COMPUTER USAGE: Computers and Software are the property of LTBBOI and are intended for business use. LTBBOI prohibits the use of computers in ways that are disruptive, offensive to others, or harmful to morale. To ensure compliance with this policy, computer and e-mail usage may be monitored; consequently, employees should always ensure that the business information contained on LTBBOI computers is accurate, appropriate, ethical, and lawful. Employees should inform the Legislative Leader or Legislative Office Manager upon learning of violations of policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Q. RETURN OF PROPERTY: Employees are responsible for all LTBBOI property, materials, or written information issued to them or in their possession or control. Employees must return all Tribal property immediately upon request or upon termination of employment. Where permitted by applicable laws, LTBBOI may withhold from the employee's final paycheck the cost of any items damaged or not returned.

R. MEDIA/PUBLIC STATEMENTS: Legislative Office employees may make statements pertaining to their departmental duties, responsibilities and services. All other media inquiries will be directed to the Legislative Leader.

S. LETTERS OF SUPPORT TO OTHER AGENCIES: Legislative Office employees receiving requests for letters of support for activities associated with outside agencies, will forward the request to the Tribal Council as a "For Your Information" (FYI) item.

VII. HARASSMENT: The Legislative Office shall provide all employees with a pleasant, productive work environment free of sexual or other forms of unlawful harassment. LTBBOI will not tolerate conduct by any employee who harasses, disrupts or interferes with another employee's work performance, or which creates an intimidating, offensive, or hostile environment. Physical, verbal, visual or written harassment is strictly prohibited and such conduct is subject to disciplinary action up to and including termination.

A. Hostile Work Environment - Hostile Work Environment is intimidating, hostile, or offensive behavior towards employees, or the creation of such an environment for employees, because of their National origin, race, color, religion, sex, age or other protected status.

B. Sexual Harassment - Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Sexual harassment is defined as "unwelcome sexual advances, request for sexual favor, or other verbal or physical conduct of a sexual nature made to any employee", and can seriously undermine employee morale, work quality or productivity. Sexual harassment occurs when such behavior creates a hostile, offensive or

intimidating work environment. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

2. Submission to or rejection of such conduct by an individual influences employment decisions affecting that individual.

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's performance.

4. Such conduct has created an intimidating, hostile or offensive employment or personal living environment.

C. Reporting Harassment – At such time when the Legislative Leader or Legislative Office Manager become aware of possible sexual or other unlawful harassment and in consultation with the Human Resources Director will handle the matter in a timely and confidential manner. Reporting an investigation of sexual harassment will be handled outside of the normal problem resolution procedure.

D. Disciplinary Action - Anyone engaging in sexual or other harassment will be subject to disciplinary action, up to and including termination of employment. In some cases it may be subject to prosecution under the laws of LTBBOI or other appropriate jurisdiction.

III. PROGRESSIVE DISCIPLINE: LTBBOI recognizes that there are certain types of employee problems that are serious enough to justify either a reprimand, suspension, or, in extreme situations, termination of employment. All disciplinary action will begin with the supervisor consulting with the Human Resources Director about the alleged violation or behavior that needs to be addressed and corrected. The Human Resources Director will conduct an investigation to determine the legitimacy of the complaint and provide the direction as to the proper course of action. This course of action can be a warning at any step in the progressive discipline process, up to and including termination, with an action plan for the improvement of the problem and a guideline should the problem continue or in the case of a serious infraction the suspension or termination of employment. In the event that a step in the progressive discipline process is initiated, the employee that receives the warning will be able to provide his or her own comment to the warning and have that comment placed in their personnel file as an attachment to the warning notice. In the event that an employee has a problem with their immediate supervisor the employee can and should consult with the Human Resources Director about the issue for possible resolution.

A. VERBAL WARNING - The Supervisor will discuss clearly and frankly the reason(s) necessitating the warning and present specific suggestions for corrective action by the employee. An action plan will be developed to assist in the management and correction of the problem. Written documentation (Human Resources Employee Warning Notice) will be placed in the employee's personnel file. Signature of the employee does not

necessarily denote agreement with the action, only that they were made aware of the action.

B. WRITTEN WARNING - The Supervisor will discuss clearly and frankly with the employee the reason(s) necessitating the written warning and present specific suggestions for corrective action to be taken by the employee. An action plan will be developed to assist in the management and correction of the problem. Written documentation (Human Resources Employee Warning Notice) will be placed in the employee's personnel file.

C. SUSPENSION - This step shall be considered the final warning. The Supervisor will provide a written statement to the employee that clearly explains the reason(s) for the suspension, outlining the standards to be used in measuring improvement and what action will be taken if the deficiencies are not corrected. Suspended employees will be required to turn in keys and other Tribal property while on suspension. Copies of the signed Employee Warning will be placed in the employee's personnel file.

D. TERMINATION - The final disciplinary action step taken by the Legislative Leader/Legislative Office Manager or Tribal Council shall be termination of employment. All terminations shall be conducted in consultation with the Human Resources Director.

IX. DISCIPLINARY ACTIONS: The Legislative Leader and Legislative Office Manager shall initiate a request for disciplinary action to the Human Resources Director and this request will be commensurate with the seriousness of the violation of LTBBOI policies that has been committed. The activities listed below shall be considered prohibited conduct. An employee who commits these violations can be subject to disciplinary action. The following shall define the infractions and/or penalties or appropriate action to be taken for an employee committing violations of Tribal policies.

W shall refer to: Written warning
S shall refer to: Suspension
T shall refer to: Termination

A. WORK PERFORMANCE:

1. Insubordination, including disobedience, or failure/refusal to carry out assignments or instructions. W/S/T

2. Loafing, loitering, sleeping or engaging in unauthorized personal business. W/S/T

3. Unauthorized disclosures of confidential information/records. S/T

4. Falsifying records or giving false information to authorized departments or to employees responsible for record keeping. S/T

5. Intentional failure to provide accurate and complete information whenever an authorized person requires such information. S/T

6. Failure to comply with rules and regulations regarding health, safety and sanitation requirements. W/S/T

7. Negligence in the performance of assigned duties. W/S/T

B. ATTENDANCE AND PUNCTUALITY:

1. Failure to report promptly and observe work schedules, without verbal or written approval of the supervisor will result in the following disciplinary actions: W/S/T.

2. Unauthorized absence from work during required hours of attendance will be subject to disciplinary action. When an employee is absent from work during required hours which results in lost time they will not accrue PTO during that pay period: W/S/T.

C. USE OF PROPERTY:

1. Unauthorized or improper use of Tribal property or equipment. For example: vehicles, telephone or postage etc. W/S/T

2. Unauthorized possession or removal of Tribal or another employee's property. S/T

3. Misuse, lending, borrowing or duplicating of Tribal keys. S/T

4. Unauthorized entry to Tribal property including unauthorized entry outside of assigned hours of work or entry into restricted areas without prior Legislative Leader or Legislative Office Manager approval. S/T

D. PERSONAL ACTIONS AND APPEARANCE:

1. Threatening, attempting or doing bodily harm to another person. S/T

2. Intimidating, interfering with or using abusive language towards others. S/T

3. Making false or malicious statements concerning other employees, supervisors or program heads. W/S/T

4. Use or possession of controlled substances during work hours without a prescription. S/T

5. Failure to report any work related injuries that require medical attention to the Legislative Leader or Legislative Office Manager. W/S

6. Unauthorized or improper use or possession of identification cards, badges, permits or weapons. S/T

7. Direct involvement in an unauthorized political activity during scheduled work hours. W/S/T

8. The acceptance of any gifts or gratuities by Tribal employees in the course of his/her official duties or responsibilities for personal gain. W/S/T

9. Inappropriate dress or lack of personal hygiene, which adversely affects proper performance of duties or constitutes a health or safety hazard. W/S

10. Failure to exercise proper judgment. W/S/T

11. Failure to be courteous in dealing with fellow employees or the general public. W/S/T

12. Employees who are incarcerated for any reason which affects work attendance and results in lost time will be subject to the following disciplinary action: W/S/T

E. SUSPENSIONS: Should a disciplinary action result in a suspension of the employee, the following guidelines shall apply:

1. Immediate supervision shall mutually determine the length of suspension.

2. In no case shall the length of suspension exceed five (5) work days in duration.

3. Suspensions pending further investigation can be with or without pay and in no case shall the length of suspension exceed thirty (30) work days in duration.

F. SUBSTANCE ABUSE:

1. Violation of rules (4d) and (4e) that do not result in termination will result in the Human Resources Director making an immediate referral to a licensed Substance Abuse Program for the disposition of the situation to the proper agency to assist the individual in dealing with these problems.

2. Misuse/abuse of drugs and/or alcohol. An employee who has a severe alcohol or drug abuse problem and willfully solicits the help of the Tribe prior to any discipline being initiated, shall not be disciplined if s/he enters into a professional treatment plan directed at solving the problem. The employee is still subject to the processes and the parameters of the leave procedures outlined in this handbook.

3. If an employee is directed to and refuses to receive treatment this will be considered grounds for immediate termination. After completion of a treatment program, any repeated offense will be considered grounds for immediate termination.

X. Grievance Procedure

The Legislative Branch recognizes the employee's right to grieve any matter that the employee feels he/she has been wrongly accused, or has reason to believe that this policy has been wrongly misapplied or misinterpreted.

A. Definitions

Grievance – a written allegation by an employee that there has been a violation, misapplication, or misinterpretation of this policy.

Grievant – a non-probationary employee who alleges that there has been a violation, misapplication, or misinterpretation of a specific term of this policy.

Immediate supervisor – the supervisor or management person to whom the employee is accountable.

B. General Provisions

1. The grievant has the right to be accompanied at all levels of this grievance procedure.

2. Time limits at each level may only be extended by mutual consent of the parties.

3. The purpose of this procedure is to resolve grievance quickly, therefore, extensions should be sought only for good cause.

4. No reprisals shall be taken against any employee for the filing and processing of any grievance.

5. Grievances settled before arbitration shall be binding only to that particular grievance, and shall not be precedent setting.

6. A grievant may withdraw a grievance at any time, but no subsequent grievance may be filed later for the same incident.

7. If the supervisor fails to respond within the times allotted, the grievance may be appealed to the next higher level of the grievance procedure. If the grievant fails to respond in the times allotted, the grievance shall be considered settled on the basis of the employer's last answer and shall not be subject to further review.

8. Grievance records shall be filed separately from the employee's personnel file.

9. By mutual consent of both parties, the grievance may enter the grievance process at an elevated level of the review.

10. An arbitrator shall be selected from a pool of arbitrators.

11. For purposes of this procedure, the progressive levels of authority shall be the immediate supervisor, the Legislative Leader in consultation with the Human Resources Director, Tribal Council, and finally the arbitrators.

C. Grievance Levels

1. <u>Level I Informal Review.</u>

Before a formal written grievance is filed, the employee must attempt to resolve the problem through an informal conference with the employee's immediate supervisor no later than seven (7) days after the event giving rise to the problem. The supervisor shall provide an answer no later than seven (7) days after the Level I meeting.

2. <u>Level II Formal Review.</u>

If resolution of the grievance has not been achieved at Level I, the grievant may file a Level II grievance with the supervising authority two levels up within 7 days after receipt of response for the employee's immediate supervisor. The grievance shall state clearly and concisely on a form provided by the Legislative Office:

a. the specific term of the policy that is alleged to have been violated;
b. the facts of the grievance for a better understanding of the circumstances that led to the alleged infraction:
    i. names of people involved, or witnesses;
    ii. date and time of alleged infraction; and
    iii. place the alleged infraction took place;
c. remedy sought; and
d. the date of submission of the grievance.

Provided the grievance is complete, the supervisor shall hold a meeting with the grievant at a mutually acceptable time and location within seven (7) days of receipt of the grievance. The appropriate supervisor shall respond in writing to the grievant within seven (7) days of the Level II meeting.

3. <u>Level III Formal Review II</u>

If the grievance is not settled at the Level II, the grievant may file a Level III with the supervising authority three levels removed from the grievant. A written explanation of the unsatisfactory response from the Level II must be submitted with the accompanying grievance file. The Level III authority shall schedule a meeting at a time and location that is mutually consented to by both parties. The supervising authority shall respond in writing to the grievant within seven (7) days of the Level III meeting.

4. <u>Level IV Arbitration</u>

If after the Level III meeting, the grievance is not settled, the grievant may file a request for arbitration with the Legislative Office. The grievant shall include in the grievance file the responses from the Level II and Level III meetings and the reasons the grievant is not satisfied with responses. The Arbitration shall be scheduled within thirty (30) days of the receipt of the response from the Level III meeting. The arbitrator will be selected by allowing the grievant the first strike of three arbitrators and the employer the second strike. The remaining arbitrator will preside over this grievance proceeding. The cost of the arbitrator will be borne equally by the parties; the cost of the witnesses will be the responsibility of the party on whose behalf they testify. The arbitrator shall respond in writing within thirty (30) days of the Level IV meeting. The decision of the arbitrator is final and binding upon the parties.

a. Limits of the Arbitrators. The arbitrator shall have jurisdiction and authority to interpret the provisions of this policy. The arbitrator shall not amend, delete, or modify any of the provisions of terms or of this policy.

APPLICABLE LAW:

Tribal law and applicable federal law apply to the terms and conditions of employment with the Tribe and any Tribal entity and likewise shall govern all petitions for judicial review of final employment decisions.

Little Traverse Bay Bands of Odawa Indians
Human Resources Department
7500 Odawa Circle, Harbor Springs, MI 49740
Tele: (231) 242-1555 Fax: (231) 242-1565

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about LTBBOI, and I understand that I should consult the Legislative Leader, the Legislative Office Manager or the Human Resources Director regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

_____
Employee Signature

_____
(Print) Employee Name

_____
Date