

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS



WAGANAKISING ODAWAK

**LEGISLATIVE BRANCH OPERATIONS
GOVERNMENTAL EMPLOYEE PERSONNEL POLICIES HANDBOOK**

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SECTION I. INTRODUCTION

A. Introductory Statement

1. This handbook has been designed to provide you, as a Legislative Branch employee, information about working conditions, employee benefits, and other employment matters. It is your obligation to read, understand, and comply with this handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Little Traverse Bay Bands of Odawa Indians (LTBB) Legislative Branch to benefit its employees.

2. 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 as it deems appropriate, in its sole and absolute discretion. Employees will be notified of such changes to the handbook as they occur. Every effort will be made to communicate any such changes to the employees before any action is made that either eliminates or adds a portion to the handbook. As a sovereign nation, LTBB retains its inherent authority to change this policy at anytime.

B. 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. The Legislative Office is established to assist Tribal Council, through its leadership of the Tribe and its Citizens, to promote, strengthen and further protect Tribal Sovereignty.

C. Tribal Council and Legislative Office Manager

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

1 The Legislative Office Manager is responsible for the day-to-day administration of the
2 Legislative Offices, and for carrying out any and all legislative and administrative duties as
3 may be directed by Tribal Council.
4

5 **D. Jurisdiction and Sovereign Immunity**
6

7 **1.** LTBB is a sovereign Indian nation. LTBB laws shall apply to all employment
8 matters unless otherwise set forth in this handbook or by law. Nothing in this
9 handbook is intended or shall be considered to be a waiver of the sovereign immunity
10 of the Tribe or a consent to the jurisdiction of the State of Michigan, or any state or
11 federal court, or state or federal administrative agency, unless stated otherwise. By
12 accepting employment, you consent to the jurisdiction of the LTBB and its laws.
13

14 **2.** This handbook is based on the following documents:
15

- 16 **a.** *The Little Traverse Bay Bands of Odawa Indians Constitution*,
17 February 1, 2005
- 18 **b.** WOS 2008-011, *Fair Employment*; as Amended by WOS 2013-010,
19 WOS 2016-007
- 20 **c.** WOS 2002-04, *Indian Preference in Tribal Employment Statute*; as
21 Amended by WOS 2013-006
- 22 **d.** WOS 2010-001, *Whistle Blower Protection*
- 23 **e.** WOS 2017-003 *Worker's Compensation Statute*, as Amended by
24 WOS 2017-005
- 25 **f.** *Rescheduling Tribal Council Meetings in the Event of an Emergency*
26 *Closure*, March 9, 2017
- 27 **g.** *Policy and Procedures for Hiring of Specific Individuals with the*
28 *Legislative Office*, January 19, 2017
- 29 **h.** *Legislative Branch Travel and Reimbursement Policy*, April 6, 2017
- 30 **i.** *Legislative Office Utilization of Community Services Workers Policy*,
31 September 11, 2014
- 32 **j.** *Cellular Equipment and Service Plan Policy*, December 19, 2010
- 33 **k.** *Hotline Policy*, August 17, 2008
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36 **SECTION II. EMPLOYMENT HIRING**

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A. In the exercise of its inherent self-governing authority over its Citizens and territory, the Tribe ensures that Citizens of the Tribe and other Federally Recognized Tribal Citizens be given priorities for employment and retention of employment over non-Citizens of the Tribe. The provision of such employment preferences for Tribal Citizens promotes the public health and welfare of the Tribe by allowing the benefits of economic development within the territorial jurisdiction of the Tribe to be realized by Citizens of the Tribe and other Federally Recognized Tribal Citizens. In accordance with Waganakising Odawak Statute 2002-04 Indian Preference, the Tribe and Tribal Business Enterprises shall grant an Employment Preference for hiring, promotion and training to the following persons in the following order:

- 1. Members of the Little Traverse Bay Bands of Odawa Indians,
- 2. Other federally recognized members of North American Indians Tribes.

B. Except for the Indian preference as stated, employment, promotion and training opportunities within the Tribe will be offered to qualified individuals without regard to religion, race, color, national origin, ethnicity, age, sex, height, weight, familial status, marital status, disability, perceived disability or sexual orientation.

C. Tribal Council is the Immediate Supervisor for reporting purposes of the following positions and will be responsible for their hiring/firing:

- 1. Senior Financial Analyst
- 2. Legislative Office Manager
- 3. Legislative Services Attorney
- 4. General Counsel
- 5. Office of Citizens Legal Assistance Attorney, but report to General Counsel position
- 6. Tribal Historic Preservation Officer or Deputy, as designated by Tribal Council
- 7. Other positions that are supervised by Tribal Council as indicated by Statute, Job Description or by Tribal Council motion.

D. All other Legislative Branch employees will be hired by their Immediate Supervisor.

E. The Immediate Supervisor shall receive and review all of the Little Traverse Bay Legislative Branch Operations Governmental Employee Personnel Policies Handbook Approved 110917

1 Bands of Odawa Indians (LTBB) candidates' cover letters and resumes, first. If any of the
2 Little Traverse Bay Bands of Odawa Indian applicants are determined as qualified for the
3 position, then an interview shall be set up and the applicant shall be interviewed. If
4 Immediate Supervisor offers the position to the LTBB applicant(s), and the offer is accepted,
5 then no other applicants will be considered.
6

7 **F.** If none of the LTBB applicants are determined to be qualified for the position, then
8 the Immediate Supervisor will receive and review all other federally recognized North
9 American Indian (FRNAI) applicants' cover letters and resumes. If any of the other FRNAI
10 applicants are determined as qualified for the position, then an interview will be set up and
11 applicant shall be interviewed. If Immediate Supervisor offers the position to the other
12 FRNAI applicant, and the offer is accepted, then no other applicants will be considered. If
13 none of the other FRNAI applicants are determined to be qualified, then Immediate
14 Supervisor will receive and review all other applicants.
15

16 **G.** If none of the applicants are determined qualified or after an interview no offer was
17 extended or no acceptance was received, the Immediate Supervisor may decide to repost the
18 position with the same or different classification, qualifications and/or other criteria.
19

20 **H.** Review of Qualifications.
21

- 22 1. The Immediate Supervisor will review the required Education and Experience
23 as set forth in the job description.
24
- 25 2. The Immediate Supervisor will compare the Education and Experience
26 requirement against the applicant's resume and cover letter, and make a
27 determination on whether or not the applicant is qualified for the position
28 based on Education and Experience.
29

30 **I.** Interview Process. Anyone who is immediate family shall not be involved in the
31 interview or selection process for that position. *Immediate Family* shall mean spouse, child,
32 step-child, child-in-law, parent, step-parent, parent-in-law, sibling, step-sibling, sibling-in-
33 law, grandparent, grandchild and any person living in the same household.
34

- 35 1. The Human Resources shall set up the interviews for the qualified applicants.
36

1 **2.** Sample interview questions will be prepared by Human Resources and
2 Immediate Supervisor. The questions will be based on the qualifications listed in the
3 job description that set forth the qualifications and skills that the candidate must
4 possess.

5
6 **3.** A representative from Human Resources will be present at all interviews.
7

8 **4.** The final set of interview questions will be asked for each of the candidates
9 during the interview, with the ability of the interviewers to ask follow up questions or
10 questions for clarification.
11

12 **J.** After the interview, the Interviewer(s) will assess whether or not the candidate
13 possesses the qualifications and skill as set forth in the job description.
14

15 **K.** Hiring Process for Temporary Positions. Temporary employment positions will
16 require the approval of the Immediate Supervisor and will use the Human Resources
17 Department services and wage scale for the “temporary pool” employee.
18

19 **L.** Job Descriptions and Posting.
20

21 **1.** Posting a vacancy. The Immediate Supervisor shall initiate the hiring process
22 by providing information to the Human Resources Department that a vacancy exists
23 within the Legislative Office.
24

25 **2.** Job Description. The job description is a crucial part of the hiring process,
26 and shall be developed by the Immediate Supervisor and Human Resources
27 Department. All new and vacant positions shall include the necessary qualifications
28 of the job with a clear description of experience, background, abilities, skills, and
29 education that is needed in order to be successful in the position. The Immediate
30 Supervisor and Human Resources Department will determine, based on the job
31 qualifications and the wage scale, the position level and exempt status. Additionally,
32 the job description will identify what background checks will be conducted, i.e.
33 personal, employment, driving, education, criminal, credit history background and/or
34 employment references and the standards that will be used to adjudicate the
35 background checks.
36

1 **3.** Posting requirements. The Human Resources Department shall post the
2 position for fourteen (14) calendar days. Human Resources Department shall publish
3 the posting in all LTBB Publications, the Web Site, and forward it to all Tribal
4 Departments, Tribal Enterprises, and other Media as applicable.

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

10
11 **5.** If Tribal Council is holding the interview, the interview will be held either at a
12 Regularly Scheduled Tribal Council meeting or at a Special Meeting, in closed
13 session. All other interviews will be held in a closed setting.

14
15 **6.** Human Resources and the Legislative staff along with the Legislative Leader,
16 will prepare sample interview questions, where appropriate. The questions will be
17 based on the qualifications and skills that are listed in the job description and that the
18 candidate must possess. If the interview is held by Tribal Council, the questions will
19 be sent out to Tribal Council for input and suggestions.

20
21 **7.** Each final set of questions will be asked of each of the candidates during the
22 interview. Interviewers will have the ability to ask follow up questions or questions
23 for clarification.

24
25 **N.** After the interview, Tribal Council or the Immediate Supervisor will assess whether
26 or not the candidate possesses the qualifications and skill as set forth in the job description.

27
28 **O.** Second Interview. Tribal Council or the Immediate Supervisor may request a second
29 interview of the candidate to follow up with additional questions, or to discuss matters that
30 were raised by the information contained in the background check.

31
32
33 **SECTION III. BACKGROUND CHECK**

34
35 **A.** Tribal Council or the Immediate Supervisor may request an applicant to undergo a
36 personal, employment, driving, education, criminal, credit history background check and/or
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1 past employment references.
2

3 **B.** An Applicants or Employees that falsified information, provided invalid information
4 or have questionable or concerning information found in the background check may be
5 denied employment or terminated within sixty (60) days of the discovery of a discrepancy.
6 (Not applicable to sealed court documents, dismissed court cases or expunged records.)
7

8 **C. See appendices for standards that will be used to adjudicate background checks.**
9

10 **D.** Any person who is applying for a position involving regular contact with or control
11 over Indian children, may only be employed if the individuals meet standards of character no
12 less stringent than those prescribed as follows: The minimum standards of character that are
13 to be prescribed under this section shall ensure that none of the individuals hired to positions
14 have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious
15 offense, or any of two (2) or more misdemeanor offenses, under Federal, State, or Tribal law
16 involving crimes of violence; sexual assault, molestation, exploitation, contact or
17 prostitution; crimes against persons; or offenses committed against children.
18
19

20 **SECTION IV. SELECTION PROCESS FOR HIRING BY TRIBAL COUNCIL**
21

22 If there are more than one qualified candidate, the following process will be used to select the
23 primary candidate and if determined prior to the vote, the selection of a secondary or third
24 candidate for hiring:
25

26 1. Legislative staff shall prepare and distribute to each Councilor a typed ballot
27 with a list of the final candidates.
28

29 2. In a closed session, all Tribal Councilors shall have the opportunity for
30 discussion regarding the candidate(s), prior to the vote.
31

32 3. Tribal Councilors shall abstain from voting in accordance with Constitutional
33 Article XII Section (I) Nepotism.
34

35 4. Each Tribal Councilor shall rank each of the candidates from one (1) to the
36 number of candidates, with one (1) standing for the best candidate and the highest

1 number standing for the least favorable candidate. The results will be tallied by the
2 Legislative staff and the candidate with the lowest number (best candidate) will be
3 made an offer by the Legislative Leader through the Human Resources Department.
4

5 5. Tribal Council, by motion, will “approve the Legislative Leader to make an
6 offer to candidate # for the position of _____ in the amount as agreed upon
7 by Tribal Council and set forth in (a memo) (a contract) dated _____.
8

9 6. If there is a tie, there will be runoff vote between the top contenders until a
10 primary, (if applicable a secondary candidate) is selected.
11

12 7. All Tribal Councilors shall have the opportunity to view the ballots.
13

14 8. The Legislative Leader with work with the Human Resources Department to
15 communicate, negotiate and finalize the offer to the candidate.
16
17

18 **SECTION V. SELECTION PROCESS FOR HIRING BY IMMEDIATE**
19 **SUPERVISOR**
20

21 The Immediate Supervisor and any other person involved with the hiring process shall rank
22 each of the candidates from one (1) to the number of candidates, with one (1) standing for the
23 best candidate and the highest number standing for the least favorable candidate. The results
24 will be tallied and the candidate with the lowest number (best candidate) will be offered the
25 position by the Human Resources Department. The Supervisor with work with the Human
26 Resources Department to communicate, negotiate and finalize the offer to the candidate.
27
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29 **SECTION VI. SALARY AND WAGE**
30

31 All employees have the right to be paid the same as other employees who perform
32 substantially equal work in the same establishment with same skill, effort, responsibility and
33 working conditions other than differentials that are permitted based on seniority, merit,
34 quantity or quality of production, or any other factor other than sex or gender. Starting
35 wages will be within the approved range on the current LTBB wage scale. The Immediate
36 Supervisor along with the Human Resources Department will determine the starting wages.
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1
2 **1.** Contractual employees’ salary and wage will be according to the contract.

3
4 **2.** Employees may not exceed the maximum pay on the wage scale for their
5 position level.

6
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8 **SECTION VII. CONDITIONS OF EMPLOYMENT**

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10 **A. Probationary Period**

11
12 **1.** Exempt and Non-exempt employees will be considered an “at-will”
13 employees during the probationary period, which is the first ninety (90) calendar days
14 after their date of hire.

15
16 **2.** The Immediate Supervisor may terminate an employee with or without cause
17 at any time during the probationary period. The employee will not be eligible for the
18 termination grievance process, if they are terminated during the probationary period.

19
20 **3.** The probationary period will automatically be extended by the length of any
21 excused absence of one week or more.

22
23 **4.** Employee will be classified as a “regular” employee upon satisfactory
24 completion of the probationary period. Wages shall not increase at the end of the
25 probationary period.

26
27 **B. Contractual Employees**

28
29 Contractual employees will follow the terms of employment outlined in their contract.
30 Contractual employees will also follow all applicable provisions of the handbook, unless
31 otherwise stipulated in the terms of the contract.

32
33 **C. Family Members**

34
35 Immediate family members of persons currently employed by the Legislative Branch may be
36 hired only if they will not be working directly for or supervising an immediate family
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1 member. Employees cannot be transferred into such a reporting relationship.

2
3 **D. Outside Employment**

4
5 Employees shall report any outside employment to their Immediate Supervisors annually.
6 The Employee shall sign a statement that identifies any potential conflict of interest. The
7 Immediate Supervisor may determine that the outside work interferes with the employee's
8 performance or their ability to meet the requirements of the job. If it is determined to present
9 a conflict or otherwise interfere with the employee's job performance, the Immediate
10 Supervisor may require the employee terminate the outside employment, if the employee
11 wishes to remain in their present position.

12
13 **E. Dual Employment**

14
15 No Legislative Office employee may work for any Tribal entity that would potentially incur
16 overtime to the Legislative branch.

17
18 **F. Interim Positions**

19
20 Interim positions, also known as "acting" positions, are defined as a temporary position or
21 performing services temporarily. Interim positions may only be utilized to fill a permanent
22 position that cannot be left vacant. Interim positions do not need to be posted and may be
23 filled immediately. The interim period shall not exceed a six (6) month period. Only one
24 interim position term can be used per permanent vacancy occurrence.

25
26 **G. Transfers**

27
28 **1.** Employees requesting a transfer to an open position within the Tribal
29 Government, shall submit their notice, via approved transfer form to the Human
30 Resources Department.

31
32 **2.** Any employee may transfer without loss of benefits (e.g. PTO, Yr's of
33 service)

34
35 **3.** When an employee transfers to a position in a lower position level, the
36 employee shall be paid at a rate within the wage scale for the lower classification.

1
2 **4.** Current employees who apply for and are selected for transfer must submit a
3 two (2) week notice prior to changing positions, or as otherwise agreed upon by their
4 Immediate Supervisor.

5
6 **H. Resignation**

7
8 The Legislative Office requests at least two (2) weeks written notice of resignation
9 from non-exempt employees and four (4) weeks notice from exempt employees.

10
11 **I. Employment Termination**

12
13 **1.** The Human Resources Department shall schedule exit interviews at the time
14 of employment termination, whether it is a voluntary or involuntary termination. The
15 exit interview will afford an opportunity to discuss such issues as employee benefits
16 (Consolidated Omnibus Budget Reconciliation Act, COBRA), repayment of
17 outstanding debts to LTBB, and return of LTBB owned property (keys, I.D. badge,
18 computer files/passwords, laptops, cell phone, etc.)

19
20 **2.** At the exit interview, the departing employee will be offered a questionnaire
21 that contains questions that would be helpful to the Immediate Supervisor in
22 evaluating the workplace environment. Any completed questionnaires will be
23 forward by the Human Resources Department to the Immediate Supervisor.

24
25 **3.** Any earned PTO time that is due and payable at termination will be paid on
26 the next scheduled governmental payroll run and repayment of outstanding debts to
27 LTBB will be deducted from employee's final paycheck. Some benefits may continue
28 at employee's expense if employee so chooses. The employee will be notified in
29 writing of the benefits that may continue and of the terms, conditions, and limitations
30 of such continuance.

31
32 **J. Access to Personnel Files.** The Human Resources Department maintains a personnel
33 file on each employee. The personnel file includes such information as the employee's job
34 application, resume, records of training, documentation of performance appraisals, salary
35 increases, disciplinary actions and other employment records.

1 **1.** Personnel files are the property of LTBB and access to the information is
2 restricted. The Human Resources Department controls access to the personnel files
3 and shall keep all original files.

4
5 **2.** An employee who wishes to review his or her own personnel file shall
6 complete the personnel file request form with the Human Resources Department.
7 Employees may review or obtain a copy of their own personnel file. Personnel files
8 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 their Immediate Supervisor and the Human Resources Department, which will become a part of their personnel file.

K. Reporting Personal Data Changes. It is the responsibility of each employee to keep their personnel file accurate and current at all times by promptly notify the Human Resources Department of any changes in personal data, such as: 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. Some benefit programs may have a time limit by which an employee can make additions and changes.

L. Employing Minors

1. A minor must be at least 14-years-old for most occupations and shall possess a work permit. Minors may only work certain hours and such hours cannot exceed forty-eight (48) hours in a work week, when combining school and work under the following restrictions:

a. A minor may not work more than six days in a week.

b. 14- and 15-year-olds may not work after 9:00 p.m. or before 7:00 a.m.

c. 14- and 15-year-olds may not work during school hours.

d. A minor age 16 or older shall not work before 6:00 a.m. or after

10:30 p.m., Sunday through Thursday.

e. A minor age 16 or older shall not work before 6:00 a.m. or after 11:30 p.m. Fridays and Saturdays, during school vacation periods, and during periods when a minor is not regularly enrolled in school.

f. Minors are limited to working no more than ten (10) hours in a day, with a weekly average of eight (8) hours per day.

2. No deviations are allowed for 14- and 15-year-olds. Any deviations for sixteen years or older from the restrictions as set forth will require an approval by the United States Department of Labor, Wage and Hour Division.

M. Utilizing Community Service Workers

1. The Legislative Office Manager will coordinate with the Human Resources Department, Law Enforcement or the Court Probation for the use of community service workers.

2. The Chief of Police or Court Probation Officer will provide the legislative office with community service workers as they become available and will be assigned work commensurate with their capabilities, health and physical conditions. The assignment will include a date, time and place to which the worker is to appear.

3. The Legislative Office Manager or designee will be responsible to supervise the workers. The person directly supervising the defendant will ensure that the worker is actually engaged in productive community service work.

4. The worker will not be permitted to operate machinery except for hand held machinery, such as hand operated mower and shall be provided with safety protection and equipment commensurate with the type of work being performed.

SECTION VIII. EMPLOYEE BENEFITS & COMPENSATION PROGRAM

A. Immediate family for purposes of this section shall mean: spouse-including same-sex
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spouse, child, step-child, child-in-law, parent, step-parent, parent-in-law, sibling, step-sibling, sibling-in-law, grandparent, grandchild and any person living in the same household.

B. Insurance Benefits and 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, State and/or Tribal Law. Eligibility for benefits is dependent upon a variety of factors and is subject to all terms and conditions of the agreement between the LTBB and the insurance carrier or governmental agency.

1. Health Insurance – Medical, Dental, Vision

a. Little Traverse Bay Bands of Odawa Indians 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 spouses work for LTBB Tribal Government, only one LTBB health insurance 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 will be determined by the Consolidated Omnibus Budget Reconciliation Act (COBRA), and the Health Insurance plan and can be verified through the Human Resources Department.

2. Life Insurance. LTBB 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. LTBB 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 Legislative Branch Operations Governmental Employee Personnel Policies Handbook Approved 110917

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. LTBB 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. LTBB provides a comprehensive workers' compensation insurance program that provides for employment benefits for employees of the Tribe and its sub-entities to which the employee would be entitled to for accidental injuries sustained by the worker arising out of and in the course of their employment which require medical services or result in disability or death.

7. Unemployment Benefits. LTBB utilizes the State of Michigan's Unemployment Insurance Agency for unemployment benefits.

8. 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 LTBB Health Plan when a "qualifying event" would normally result in the loss of eligibility. Human Resources Department provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the LTBB Health Insurance Plan.

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

8. 401(k) Plan. LTBB 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 during open enrollment periods as determined by the provider.

b. The 401(k) Savings Plan allows employees to elect how much salary they want to contribute, up to the plan maximum. LTBB contributes an additional matching amount up to a maximum of 5% of gross income.

c. Three Year Graded Vesting on Employer Matching Contributions

<u>Years of Credited Service</u>	<u>Vested Percentage</u>
Less than 1	0%
1	50%
2	80%
3 or more	100%

C. 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 within 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 PTO, 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, but may take unpaid leave with their

Immediate Supervisor's permission.

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

a. Rate of Accrual - The amount of PTO an employee receives each year will increase 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 one-hundred and Sixty (160) hours of accrued PTO may be carried over from one calendar year to next. Any unused PTO over one-hundred and Sixty (160) hours on December 31st will be lost. Earned PTO will be paid to an employee upon leaving the employment of LTBB 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
1-3	184.08 hours / 23 days/ 3.54	184.08
3-5	224.12 hours / 28 days/ 4.31	224.12
5-9	264.12 hours / 33 days/ 5.08	264.16
9-15	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 LTBB 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 for military service, up to five (5) years, as time worked for the Tribe, for purposes of determining PTO Accrual Rates.

f. Scheduling and Use of PTO - Scheduling is on a first-come, first-served basis. Employee's requests for use of PTO may be denied by their Immediate Supervisor if their absence would create an undue hardship on the Legislative Branch operations or services to Tribal Citizens. If the Immediate Supervisor denies a PTO request, the denial will be in writing and will convey the reason that the PTO was denied.

g. PTO shall be used in increments of no greater than three (3) weeks or no less than one (1) hour. All requests for PTO time shall be submitted via the "*Employee Web Services for Abila*".

h. Employees should request approval from their Immediate Supervisor two (2) weeks in advance if intending to use more than eight (8) hours of PTO.

i. 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, unless there is a health or medical condition that is substantiated by a doctor's note.

j. In the event of an emergency closure, any scheduled and approved PTO will not be credited for the time the office is closed due to an emergency closure.

k. All PTO used shall be reported on the *Employee Web Services for Abila*.

l. Upon termination of employment, employees will be paid for unused PTO that has been earned through the last day of work.

m. 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.

n. Emergency PTO Accounts – The emergency PTO accounts are established by LTBB to assist employees of the Legislative Branch with serious health conditions as defined by Fair Employment Leave-Domestic Leave. 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 their Immediate Supervisor for approval. Their Immediate Supervisor will coordinate with the Human Resources Department who will use guidelines for approved leave that are outlined by the Fair Employment Statute. 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 by the person with approved Emergency PTO leave.

3. 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: spouse, child, step-child, child-in-law, parent, step-parent, parent-in-law, sibling, step-sibling, sibling-in-law, grandparent, grandchild and any person living in the same household.)

a. Eligible full-time employees shall be granted four (4) days of paid bereavement leave. Bereavement pay is calculated on the base pay rate at the time of absence. Eligible part-time employees shall be granted 2 days of

bereavement leave.

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

4. Educational Leave, Fitness Leave and Professional Development Leave.

Full-time employees, after completing their probationary period may attend classes, professional development and/or fitness time up to four (4) hours per week during work hours. Verification of enrollment is required for educational leave (i.e. semester curriculum.) and **classes need not be job related.** This benefit is contingent upon their Immediate Supervisor's approval. **Fitness Leave.** Fulltime 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 Fitness Leave Program must consist of a documented regular schedule of exercise and be re-approved every year. An approved Fitness Leave Program may be changed or cancelled if it creates a hardship on the Legislative Branch offices. The Immediate Supervisor should approve Fitness Leave based on the needs of the office. A maximum of four (4) hours per week of either or a combination of Educational Leave, Professional Development and Fitness Leave is available to all full-time employees.

5. Jury Duty Leave. If an employee receives a summons or subpoena from any court of competent jurisdiction (Tribal, Federal or State), the employee must show the jury duty summons/subpoena to their Immediate Supervisor as soon as possible so that their Immediate Supervisor may make arrangements to accommodate their absence. The employee is expected to report for work whenever the court schedule permits. LTBB 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. Fair Employment Leave (FEL)-Domestic Leave. An eligible employee enjoys the right to take unpaid leave for the following events as described below:

- a.** To care for employee's child after birth or placement for adoption or foster care;
- b.** To care for the employee's spouse, child or parent who has serious health condition;
- c.** For a serious health condition that makes the employee unable to perform the occupational functions of the employee's job;
- d.** Upon return from FEL an employee may not be discharged or subjected to adverse employment action for taking such leave.
- e.** Upon return from FEL an employee shall be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- f.** "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.
- g.** The definition of "parent", for the purposes of FEL, does not include "in-laws".
- h.** 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.
- i.** Employees must provide a thirty (30) day notice before the FEL 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 FEL.

- j.** Employees requesting FEL 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.
- k.** FEL may not exceed the twelve (12) week limit.
- l.** Employees that have less than one (1) year of service are eligible for a maximum of 30 days of FEL for any qualified event.
- m.** Employees that have more than one (1) year of service and have worked a minimum of 1250 hours within a twelve (12) month rolling period from the date of requested FEL will be eligible for a maximum of twelve (12) weeks leave for any qualified event during a twelve (12) month rolling period. FEL must not exceed twelve (12) weeks total within the rolling twelve (12) month period.
- n.** Employees that use approved FEL time will be required to use any accrued PTO while they are on leave.
- o.** LTBB 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 FEL on the same terms as if the employee continued to work. In some instances, the LTBB may recover premiums it paid to maintain health coverage for an employee who fails to return from FEL.
- p.** Employees on FEL are requested to provide LTBB 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.
- q.** If an employee fails to return to work on the agreed upon return date, LTBB will determine that the employee has resigned.

7. Domestic Violence Leave. An employee who is a victim of domestic abuse, sexual assault, stalking, or other domestic violence-related crimes may take up to
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thirty (30) days of unpaid leave to seek a restraining order, obtain medical care or counseling, locate safe housing or find or make secure housing arrangements, or seek legal assistance and prepare for or attend court-related proceedings. Additional leave can be requested if there are other qualified events as a result of the situation.

8. Fair Employment Leave-Military Leave. An eligible employee enjoys the right to take unpaid leave for compulsory military duty or a spouse or parent of a person called to military service lasting longer than thirty (30) days.

a. Upon return from FEL for compulsory military duty or any period of active duty in the National Guard or other military reserve units, an employee may not be discharged or subjected to adverse employment action for taking such leave.

b. Upon return from FEL for compulsory military duty or any period of active duty in the National Guard or other military reserve units, an employee shall be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

c. Advance notice of FEL is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

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

e. The portion of any FEL in excess of two weeks will be unpaid. However, employees may use any available PTO for the absence.

f. Continuation of health insurance and other benefits is available 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;

g. Employees on FEL, 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.

9. Birthing Parent/Non-Birthing Parent Leave/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. Birthing Parent Leave. Regular eligible fulltime birthing parent will be granted six (6) weeks of paid Birthing Parent Leave for the birth of their child. The time taken will be reduced from the twelve (12) weeks of Fair Employment Leave time available to all eligible employees;

b. No-Birthing Parent Leave. Regular eligible fulltime Non-birthing parent will be granted six (6) weeks of paid No-Birthing Parent Leave for the birth of their child. The time taken will be reduced from the twelve (12) weeks of Fair Employment Leave time available to all eligible employees.

c. Adoption Leave. A regular eligible fulltime employee that has adopted a 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. A sworn statement by the court with the date of placement or a court order verifying placement is required.

D. 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)

- “Adams Tribal Holiday” (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 occurs 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, unless Monday is a holiday, then the recognized holiday will be on next business day (Tuesday).

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.

E. Anishinaabe Cultural Heritage Leave. A “regular” full-time employee who works an average of thirty-two (32) hours per week throughout the year is eligible for up to thirty-

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two (32) paid hours off per calendar year (employees working more than eight (8) hour shifts see below), to fulfill activities that are in line with the Preamble of the Little Traverse Bay Bands of Odawa Indians Constitution, *“IN THE WAYS OF OUR ANCESTORS, to perpetuate our way of life for future generations, we the Little Traverse Bay Bands of Odawa Indians, called in our own language the WAGANAKISING ODAWAK, a sovereign, self-governing people who follow the Anishinaabe Traditions, Heritage, and Cultural Values . . . while recognizing the importance of preserving a strong, unified Tribal identity in accordance with our Anishinaabe Heritage. We will work together in a constructive, cooperative spirit to preserve and protect our lands, resources and Treaty Rights, and the right to an education and a decent standard of living for all our people. In keeping faith with our Ancestors, we shall preserve our Heritage while adapting to the present world around us.*

F. Anishinaabe Cultural Heritage Leave is provided to employees to allow them the opportunity during a scheduled work day to participate in *Anishinaabe Traditions, Heritage, and Cultural events, and activities to preserve and protect our lands, resources and Treaty Rights* that could not be done outside of work. Any additional time desired would need to be utilized through the Paid Time Off benefit or taken as unpaid leave.

1. To request Anishinaabe Cultural Heritage Leave; All requests for Leave time shall be submitted via the *“Employee Web Services for Abila”* to be approved by their Immediate Supervisor.
 2. The Immediate Supervisor will make the final determination as to whether a proposed absence will be granted, and will also determine how it will be considered, either Anishinaabe Cultural Heritage 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 Anishinaabe Cultural Heritage Leave during peak business periods or if their Immediate Supervisor is unable to staff the office and provide services to the Tribal Citizens in the employee’s absence. Every reasonable effort will be made to accommodate requests to use Leave.
 4. The total number of hours that are available for Anishinaabe Cultural Heritage 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 Leave and then the
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rest of the shift in PTO time if they have any available or unpaid leave if it is approved by their Immediate Supervisor.

G. Leave Pending Human Resources Investigation. Certain offenses, violations, or infractions may require investigative actions to determine an employee's involvement. An employee may be placed on an investigative leave temporarily during such investigations. The duration of any investigation shall take no longer than seven (7) days. Employees will be notified by the Human Resources Department as to the findings, conclusions, and any further actions as needed.

H. Work-Release.

1. Employees who are incarcerated may be eligible to participate in a Work Release Program. The following criteria must be met:
 - a. The employee's status must be fulltime regular.
 - b. The employee must be employed for more than 90 days.
 - c. Work release cannot exceed more than one (1) time in a rolling two (2) year period.
2. Requests must be made to the Human Resources department and appropriate documentation must be provided before approval is given.

SECTION IX. WAGES AND HOURS

A. In order to maintain a minimum standard of living necessary for health, efficiency and general well-being of all employees within its jurisdiction, the Little Traverse Bay Bands of Odawa Indians has set forth the following to establish a LTBB Living Wage that is set at \$10.50 per hour. Each year the Living Wage will be adjusted annually by the beginning of the fiscal year, based on the Federal Consumer Price Index. Such living wage will be approved by Resolution by the Tribal Council.

B. An employer who employs those that receive tips is required to pay in hourly wages, Legislative Branch Operations Governmental Employee Personnel Policies Handbook Approved 110917

plus the tips, equal to at least the LTBB Living Wage. The employee must retain all tips if the employee customarily and regularly receives more than \$30 a month in tips. If an employee's tips combined with the employer's direct wages do not equal the LTBB Living Wage, the employer must make up the difference.

C. Hourly employees are paid at their regular rate of pay and are paid for all hours worked. Hourly employee shall not be employed for a workweek longer than forty (40) hours unless such employee receives overtime compensation for the employee's employment in excess of forty (40) hours at a rate not less than one and one-half times the regular rate at which the employee is employed or the employee may choose compensatory time (also referred to as Paid Time Off, PTO) for hours worked in excess of forty (40) hours worked in a work week at a rate not less than one and one-half times the hours worked in excess of forty (40).

D. Exempt employees shall not receive overtime for hours worked in excess of forty (40) hours worked in a work week. Exempt employees are generally executive employees, administrative employees, outside sales employees, learned professional employees, computer employees, creative professional employees, highly compensated employees, and meet the following:

1. Executive Employee whose primary duty is management of the enterprise or a recognized department or subdivision. Customarily and regularly directs the work of two or more other employees; AND has authority to hire or fire other employees, OR the employee's suggestions as to hiring, firing, promotion or other change of status of other employees are given particular weight.

2. Administrative employee whose primary duty is the performance of office or nonmanual work directly related to the management or general business operations of the employer or the employer's customers. Primary duty includes the exercise of discretion and independent judgment with respect to matters of significance. Customarily and regularly exercises discretionary powers and independent judgment in performing the job.

3. Outside Sales employee whose primary duty is making sales or obtaining orders or contracts for services, or for the use of facilities for which a consideration

will be paid by the client or customer. The employee is customarily and regularly engaged away from the employer's place or places of business. The salary requirements of this section do not apply.

4. Learned Professional employee whose primary duty is the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character, requiring the consistent exercise of discretion and judgment. The advanced knowledge must be in a field of science or learning and customarily acquired by a prolonged course of specialized intellectual instruction.

5. Computer employee whose primary duty of:

a. application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional applications;

b. design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

c. design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

d. a combination of duties described in (a.), (b.), and (c.), and the performance of which requires the same level of skills.

6. Creative professional employee whose primary duty is the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor.

7. Employee whose is paid at least \$913 per week (\$47,476 for a full-year worker) or more; and customarily and regularly perform at least one of the duties of an exempt executive, administrative, or professional employee.

8. Employee who has annual earnings of \$134,004 or more which may include commissions, nondiscretionary bonuses and other nondiscretionary compensation

earned; and customarily and regularly perform at least one of the duties of an exempt executive, administrative, or professional employee.

E. Employers may count nondiscretionary bonuses, incentives, and commissions toward up to 10 percent of the required salary level for the standard exemption, so long as employers pay those amounts on a quarterly or more frequent basis.

F. Timekeeping. Non-exempt employees shall 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 as follows:

1. The time they begin and end their work;
2. The beginning and ending time of each meal period;
3. The beginning and ending time of any split shift;
4. Departure from work for personal reasons.

G. It is the employee's responsibility to enter their time via the "*Employee Web Services for Abila*". 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.

1. 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.
2. All hours worked by employees beyond specified work-week must be approved in advance by Immediate Supervisor.

H. Exempt employees are not required to submit weekly timesheets. Exempt employees are required to work a standard workday or a work schedule approved by their Immediate Supervisor.

I. Work Schedules. To maintain a safe and productive work environment, LTBB Legislative Branch expects employees to be reliable and to be punctual in reporting for scheduled work.

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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. Their Immediate Supervisor 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. Immediate Supervisor 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 Immediate Supervisor reserves the right to alter work schedules as needed.

J. Attendance. Absenteeism and tardiness place a burden on other employees and on the Tribe. 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 their Immediate Supervisor will be considered a voluntary resignation.

K. Pay Deductions. LTBB makes certain deductions from every employee's compensation. Among these are applicable federal and state income taxes. If an employee has questions concerning why deductions were made from a paycheck or how they were calculated, the employee should contact the Payroll Department for assistance.

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

L. Paydays. All employees are paid weekly on Friday.

1. 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. LTBB does not provide pay advances under any circumstances.

M. Pay Corrections. LTBB 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.

N. 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 their Immediate Supervisor. Flex Time must be approved by the supervisor before it is earned.

O. Emergency Closing. At times, emergencies such as related to severe weather, fires, or power failures, or other safety or welfare conditions. In extreme cases, these circumstances may require the closing of the LTBB 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 their Immediate Supervisor prior to the start of their shift unless other arrangements with the department have been made.

SECTION X. EMPLOYEE DEVELOPMENT & ENHANCEMENT

A. Performance Evaluation. Immediate 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 at the rate of 1.5% per year.

C. Training/Professional Enhancement. Employee are encouraged to keep abreast of current trends and skill sets that enhance their job performance. Employees will have any necessary training and professional enhancement approved by their Immediate Supervisor.

SECTION XI. EMPLOYEE HEALTH and WELFARE

A. The use of drugs that are lawfully obtained and properly used is permitted, provided that such drugs so not interfere with the employee's ability to perform the essential functions of his or her job safely and productively. Any employee taking prescribed medication that may impair his or her ability to work safely and effectively must notify the Human Resources department prior to beginning work. Such medication may include, but is not limited to, that which warns the user not to operate motor vehicles or heavy equipment while taking the drug or warns that the drug may cause drowsiness.

B. If required to take prescription medication, it is the sole responsibility of the employee to ask his or her physician, prior to reporting to work whether the prescribed medication may impair his or her job performance. If the prescription is known to have side effects that may impair the employee's ability to work, a written statement from the employee's physician stating that the employee is capable of working safely and effectively must be presented to the supervisor prior to the employee beginning work. The Immediate Supervisor along with the Human Resources Department will attempt to accommodate any job limitations that are noted by the physician, unless to do so would pose a hardship on the Legislative Branch operations.

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C. Positions that involve the handling of hazardous materials or the use of heavy machinery or equipment shall adhere to a no-drug policy except upon a written statement from the employee's physician stating that the employee is capable of working safely and effectively. The Immediate Supervisor along with the Human Resources Department will attempt to accommodate any job limitations that are noted by the physician, unless to do so would pose a hardship on the Tribal operations.

D. Michigan and other state laws permit certain medical providers to advise their patients on the use of medical marijuana for certain medical conditions. The written advice of a physician regarding the use of medical marijuana to treat medical conditions constitutes a prescription for the purposes of this policy.

E. Marijuana for medicinal purposes may not be smoked at the place of employment/workplace or in Tribal vehicles. Employees who are under doctors' care may possess marijuana within the legal guidelines. Employees will not be allowed to sell or distribute marijuana at the place of employment/workplace. Employees who are under doctors' care taking marijuana are expected to adhere to all attendance and performance policies/requirements.

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

G. In certain circumstances, employees may be directed to undergo treatment or rehabilitation in lieu of termination. This option is at the sole discretion of LTBBOI. If an employee refuses treatment or has a subsequent violation of this policy following treatment, this is grounds for immediate termination.

H. Any employee who suspects that he/she may have an alcohol or drug dependency problem is strongly encouraged to contact the Human Resources Director or the Director of Substance Abuse to obtain assistance and/or referrals to appropriate resources in the community. In certain circumstances, employees may be approved for unpaid leave to

participate in a rehabilitation or treatment program, provided they agree to abide by the Tribe's conduct policies and rules. This provision cannot be used to avoid disciplinary action for a known violation of the drug and alcohol policy, or work performance issues related to substance abuse.

I. LTBB has a drug and alcohol testing program. Applicants are required to undergo pre-employment drug testing. Employees are subject to random drug and alcohol testing, as well as testing for reasonable suspicion that an employee is violating this policy, post-accident (accident involving injury or damage to property), and periodic testing following a positive test.

J. Employees who refuse a test, tamper with a test or have a positive test result are subject to discipline, up to and including termination.

K. Post-Accident Testing

1. An employee will be required to submit to a drug and alcohol test if the worker suffers from a reportable injury as a result of an on-the-job accident or the employee's job performance, actions or conduct either contributed to an accident or cannot be completely discounted as a contributing factor to an accident. Testing will also be required if the employee's conduct resulted in or contributed to damage to tribal property or injury to another individual, even if the employee was not injured as a result of the incident. The employee must provide a sample of his or her urine, hair, or breath when seeking medical treatment.

2. The following drugs are prohibited and an employee's test results registering at or above the corresponding detection levels shall be considered to be under the influence:

- a.** Amphetamines: initial: 1000 NG/ML, confirmation: 500 NG/ML
- b.** Opiate Metabolites: initial 300 NG/ML, confirmation: 300 NG/ML
- c.** Cocaine Metabolites: initial 300 NG/ML, confirmation: 150 NG/ML
- d.** Phencyclidine: initial 25 NG/ML, confirmation: 25 NG/ML
- e.** Marijuana Metabolites: initial 50 NG/ML, confirmation: 15/ML
- f.** Alcohol: initial: .04 BAC, confirmation: .04 BAC

SECTION XII. EMPLOYEE CONDUCT and WORK PROVISIONS

A. Employee Relations. If employees have concerns about work conditions or compensation, they are strongly encouraged to discuss these concerns directly with their Immediate Supervisor. If the employee feels they cannot speak with their Immediate Supervisor about an issue, they should set up a meeting with the Human Resources Director.

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 for an employee to determine the proper course of action, they should discuss it openly with the Immediate Supervisor, and if necessary, with the Human Resources Department.

3. Integrity and professional conduct are the responsibility of every 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. Work Performance and 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 LTBB and its employees.

D. Discipline for Misconduct. 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. Discipline may include a warning, suspension or termination, based on the severity of the misconduct.

1. Creating or contributing to the creation of an intimidating, hostile or offensive
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working environment based on race, sex, age, marital status, sexual orientation, physical or mental disabilities or other factors prohibited by law. Anyone engaging in sexual or other harassment. (See Section E. Harassment)

2. Theft or inappropriate or unauthorized removal or possession of Tribal, client or another employee's property.
3. Falsification of timekeeping records or travel documents. Falsifying records or giving false information to authorized departments or to employees responsible for record keeping or Intentional failure to provide accurate and complete information whenever an authorized person requires such information.
4. Intentionally concealing, removing, mutilating or destroying program records or documents.
5. Use or possession of illegal drugs, alcohol, or controlled substances during work hours without a prescription. (See Section Employee Health and Welfare)
6. Fighting or threatening violence in the workplace. Threatening, attempting or doing bodily harm to another person. Intimidating, interfering with or using abusive language towards others. Making false or malicious statements concerning other employees, supervisors or program heads. It is expected that 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 Immediate Supervisor or the Human Resources Director before the situation escalates into potential violence. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the Law Enforcement Department and the Immediate Supervisor. 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. In order to maintain workplace safety, LTBB may suspend employees, with pay, pending investigation of all reports of threats of (or actual) violence.
7. Negligence or improper conduct leading to damage of Tribal, client or another employee's property.

- 8.** Insubordination or other disrespectful conduct. Insubordination, including disobedience, or failure/refusal to carry out assignments or instructions.
- 9.** Exploitation of another person for private advantage.
- 9.** Smoking in prohibited areas. 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.
- 10.** Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
- 11.** Excessive absenteeism or any absence without notice. Failure to report promptly and observe work schedules. Unauthorized absence from work during required hours of attendance. When an employee is absent from work during required hours which results in lost time they will not accrue PTO during that pay period.
- 12.** Unauthorized or improper use of Tribal property or equipment. For example: vehicles, telephone or postage etc. Misuse, lending, borrowing or duplicating of Tribal keys. Unauthorized or improper use or possession of identification cards. Unauthorized entry to Tribal property including unauthorized entry outside of assigned hours of work or entry into restricted areas without prior approval by their Immediate Supervisor. (See Section F. Telephone, Cell Phone and Mail Systems)
- 13.** The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations. (See Section G. Use of Vehicles)
- 14.** Unauthorized or uninsured motorist while using Tribal vehicle or Employees while driving LTBB owned vehicles for work-related business. (See Section H. Uninsurable Drivers)

15. Unauthorized disclosure of confidential information is a serious breach of
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confidentiality.

16. Unsatisfactory performance or conduct. Loafing, loitering, sleeping or engaging in unauthorized personal business. Failure to comply with rules and regulations regarding health, safety and sanitation requirements. Negligence in the performance of assigned duties.

17. Unauthorized public statements on behalf of the LTBB. Legislative Office employees may make statements pertaining to their departmental duties, responsibilities and services. All other media inquiries will be directed to their Immediate Supervisor.

16. 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. The following are considered 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.
- d.** Denim jeans except for on Friday.
- e.** Inappropriate dress or lack of personal hygiene, which adversely affects proper performance of duties or constitutes a health or safety hazard.

18. 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. 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. Employment with the LTBB of Odawa Indians Legislative Branch may not be offered as consideration for the support of any political party of candidate for public office. Direct involvement in an unauthorized political activity during scheduled work hours.

- 19.** The acceptance of any gifts or gratuities by Tribal employees in the course of his/her official duties or responsibilities for personal gain.
- 20.** Employees who are incarcerated for any reason which affects work attendance and results in lost time will be subject to the following disciplinary action:
- 21.** Failure to be courteous in dealing with fellow employees or the general public.
- 22.** To assist in providing a safe and healthful work environment for employees, Tribal Citizens, clients and visitors, LTBB has established a workplace safety program. LTBB 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 their Immediate Supervisor.

- a.** 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.

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

- c.** In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their Immediate Supervisor and Human Resources Department. Such reports

are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures, if needed.

d. All employees are required to wear or possess an LTBB issued identification badges while in the workplace during work hours. Human Resources Department may charge a cost for replacement of an identification badge. If an Employee loses their identification badge they must notify their Immediate Supervisor or Human Resources Department immediately.

23. 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. Employees will refrain from providing any direct services to family members.

E. Harassment.

1. Employees may not harass or discriminate against other employees on the basis of religion, race, color, national origin, ethnicity, age, sex, height, weight, familial status, marital status, disability, perceived disability or sexual orientation. Such harassment is against Tribal law; is disruptive; can create an intimidating, offensive or hostile environment; damage morale; and negatively affect productivity. Sexual harassment is against Tribal law. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature. Sexual harassment occurs when submission to or rejection of unwanted sexual conduct is used as the basis for employment decisions, or when unwelcome sexual conduct creates an intimidating, offensive or hostile working environment. Examples of sexual harassment include, but are not limited to the following:

- a.** Sexual touching, advances or propositions;
- b.** Verbal abuse of a sexual nature;
- c.** Graphic or suggestive comments about an individual's dress or body;
- d.** Sexually degrading words to describe an individual; and
- e.** Display in the workplace of sexually suggestive objects or pictures, including nude photographs.

2. If an employee believes that they have been the subject of harassment because of the actions of a supervisor, another employee or a non-employee, they should immediately report the incident to their Immediate Supervisor or the Director of Human Resources. Any Immediate Supervisor who becomes aware of possible harassment is required to report the matter as soon as possible to the Human Resources Director.

3. All complaints will be investigated promptly. Confidentiality will be protected to the extent reasonably possible. Any employee or Immediate Supervisor who is found to have engaged in harassment or discrimination against another employee will be subject to appropriate disciplinary action, up to and including termination. In certain circumstances, an employee's conduct could also result in criminal or civil action against him/her.

4. Retaliation against any employee for filing a complaint or participating in an investigation of harassment or discrimination is prohibited.

5. **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:

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

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

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

d. Such conduct has created an intimidating, hostile or offensive

employment or personal living environment.

6. Reporting Harassment – At such time when their Immediate Supervisor 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.

F. Telephone, Cell Phone and Mail Systems.

1. Computers and Software are the property of LTBB and are intended for business use. LTBB 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 LTBB computers is accurate, appropriate, ethical, and lawful. Employees should inform their Immediate Supervisor upon learning of violations of policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

2. Cell Phone Usage Rules:

a. All cellular equipment that has the feature for voice-mail shall be utilized.

b. Employees are strongly discouraged from using governmental provided cellular equipment while operating a motor vehicle. The employee or official shall find an area off the traveled portion of the road way, stop the vehicle before conducting business on any governmental issued hand-held cellular equipment.

c. Excessive Personal use is found; if the personal use of equipment results in an increase in costs or additionally incurred costs.

d. Personal use of cellular equipment for private commercial purposes is strictly prohibited regardless of whether or not it results in additional charge to the Tribe.

e. Excessive use of cellular equipment could result in loss of use or limitations on use, disciplinary or adverse actions, or reimbursement of costs. Failure to reimburse costs may result in the Tribe reporting the value of the device and activation plan as taxable income to the employee or official.

f. The Immediate Supervisor shall be responsible for oversight of employee's cellular equipment usage by providing softcopy bills directly to the LTBB Accounting Department. Accounts Payable will check bills to identify any red flag areas for additional investigation and will then notify the Immediate Supervisor of any concerns. The Accounts Payable will look at the following areas:

- i. Billing costs for the individual exceed the budgeted amount greater than ten percent (>10%);
- ii. Significant personal call activity;
- iii. Lengthy calls (calls in excess of 45 minutes);
- iv. Excessive roaming and/or long-distance charges.
- v. Excessive Texting
- vi. Download of Applications/ Games, Ringtones, etc.

g. Identified misuse of cellular equipment may result in termination of cellular services. Individuals will also be required to compensate the Tribe for personal usages that cause the bill to exceed the monthly service charge. The LTBB Accounting may draw personal usage costs from the individual's payroll or stipend, with prior notice.

h. The Legislative Office shall be responsible for submitting any requests to discontinue service to the Purchasing Technician including the date of termination of services.

i. the Purchasing Technician will contact the Legislative Office to ensure that the removed user has returned the equipment.

3. Postage/Mail_- The use of the LTBB paid postage for personal correspondence is prohibited.

G. Use of Vehicles. When using LTBB vehicles, employees are expected to exercise care, and follow all operating instructions, safety standards, and guidelines. Please notify their Immediate Supervisor if any 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 their Immediate Supervisor with any questions regarding the responsibility for maintenance and care of vehicles used on the job.

1. 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.

2. Employees who drive LTBB owned vehicles shall have an appropriate license and be insurable under the Tribe's insurance. Changes to a status of an operator's license or CDL (Commercial Driver's License) for employees who drive LTBB vehicles, must be communicated to their Immediate Supervisor as soon as the change has occurred.

3. Employees while driving LTBB owned vehicles for work-related business shall have with them, a valid driver's license with all appropriate and necessary classifications and be insurable under the Tribe's insurance.

H. Uninsurable Driver

1. If any of the following occur within the previous five-year period, then the Driver is not insurable under the Tribe's insurance and is not allowed or authorized to drive on behalf of the Tribe or tribal business.

a. Two or more suspensions with reinstatements

b. Two or more at fault accidents

c. Three or more moving violations

d. Any combination of three or more moving violations, at fault accidents and suspensions with reinstatements

2. If any of the following traffic violations occur within the previous five-year period, then the Driver is not insurable under the Tribe's insurance and is not allowed or authorized to drive on behalf of the Tribe or tribal business.

- a.** Operating under the influence of intoxicant or controlled substance (DUI) (DWI)
- b.** Failure to stop & report when involved in an accident that resulted in bodily injury to any person
- c.** Vehicular homicide, manslaughter or assault
- d.** Operating a vehicle during license revocation or suspension
- e.** Operating a vehicle without the permission of the owner
- f.** Operating a vehicle while used in commission of a felony
- g.** Racing or speed contest
- h.** Attempting to elude a police officer
- i.** Youthful (underage) passenger with open container
- j.** Reckless or careless driving
- k.** Driving on wrong side of highway
- l.** Hit and run

3. If any of the following occur within the previous three-year period, then the Driver is not insurable under the Tribe's insurance and is not allowed or authorized to drive on behalf of the Tribe or tribal business.

- a.** Suspended, denied or revoked driver's license.

SECTION XIII. PROGRESSIVE DISCIPLINE

LTBB 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. 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.

I. TERMINATION - The final disciplinary action step taken by the Immediate Supervisor shall be termination of employment. All terminations shall be conducted in consultation with the Human Resources Department.

J. All disciplinary action will be removed from the employee's file after a period of two (2) years provided that there are no additional disciplinary actions within the two (2) year period. If there has been disciplinary action within the two (2) year period, the disciplinary action will remain in the employees file for a period of three (3) years.

XV. 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

1. Grievance – a written allegation by an employee that there has been a violation, misapplication, or misinterpretation of this policy.
2. Grievant – a non-probationary employee who alleges that there has been a violation, misapplication, or misinterpretation of a specific term of this policy.

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3. 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. Level I Informal Review.

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. Level II Formal Review.

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. Level III Formal Review II

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. Level IV Arbitration

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.

SECTION XVI. OTHER WORK-RELATED ITEMS

A. 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 LTBB premises whose business cannot be ascertained by an employee's inquiries, employees should immediately notify their Immediate Supervisor, and if necessary, the Tribal Police.

B. Reporting and Whistleblower Protection. A website is established to allow for anonymous reporting of financial matters for the Tribal government and its enterprises, the can be found at https://secure.ethicspoint.com/domain/en/default_reporter.asp. Employees are encouraged to report any of the following violations related to enterprise activities and financial matters:

1. Account, Auditing and Financial Controls: Concerns regarding questionable practices relating to accounting, auditing or internal financial controls.

2. Accurate Books and Records: The unethical systematic recording and analysis of the business and financial transactions associated with generally accepted accounting practices.

3. Misappropriation: Misappropriation refers to the unauthorized or improper use of Little Traverse Bay Bands or any of its enterprises, intellectual property rights, including patents, trademarks, copyrights and trade secrets.

4. Improper Supplier or Contractor Activity: Supplier or contractor activity in violation of Tribal policies and procedures; improper supplier or contractor selection based on personal gain, improper negotiation or diversion of contract awards.

5. Embezzlement: To appropriate (as property entrusted to one's care) fraudulently to one's own use.

6. Theft: The act of stealing; specifically: the taking and removing of personal property with intent to deprive the rightful owner of it.

7. Misuse of Assets or Services: Use of Tribal resources or equipment without permission for non-business reasons.

C. No employee shall be terminated, demoted, penalized or disciplined in any way as a direct result of the employee 's reporting of activity, over which the employee has actual knowledge and which the employee reasonably believes to be in violation of any applicable law, to a supervisor, tribal law enforcement official, or the Tribal Council. Any employee who is subject to retaliatory action based on good faith and reasonable shall have standing to bring a cause of action in Tribal Court for damages.

D. Personal Protection Order (PPO)

1. For the purposes of this policy a Personal Protection Order (PPO) is a court issued injunctive order that helps protect victims of Family Violence, Dating Violence, or Stalking. A PPO is filed by a Petitioner against a Respondent to stop or restrain from:

- a. Contacting the Petitioner through any means (in person, by phone, by mail or e-mail, etc.);
- b. Entering the Petitioner's residence property or work place;
- c. Assaulting, attacking, beating, or wounding the Petitioner;
- d. Harassing, stalking, or threatening the Petitioner; or
- e. Purchasing or possessing a firearm

2. When an Employee is the petitioner for a PPO and obtains a personal protection order (PPO) against another employee (Respondent), the Respondent shall be placed on a leave of absence for up to 30 days. If the leave of absence is longer than 30 days, and it creates an undue hardship on the Legislative Branch operations, the Respondent employee may be terminated. A request for extension of the leave of absence shall be in writing, must state specific reasons supporting the request and be submitted to their Immediate Supervisor and the Human Resources Department.

3. Any termination of employment arising from this policy is final and shall not be grieved by a Team Member Review Board, as provided by the Team Member Handbook.

E. Security Inspections. LTBB wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. LTBB prohibits the possession, transfer, sale, or use of such materials on its premises. Desks, lockers, and other storage devices may be provided for the conveniences of the employees but remain the sole property of the LTBB. LTBB reserves the right to inspect such property for just cause. LTBB also reserves the right to demand the return of issued equipment or property at any time.

F. 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 Department.

G. Lost, Damaged or Stolen Cellular Equipment. If cellular equipment is lost or stolen the Legislative Office shall be notified immediately. The individual shall submit such necessary documents such as police reports, lost item reports, etc. to the Legislative Office. Cellular equipment is insured and the individual will be allowed a replacement of one (1) cellular piece of equipment every four years for lost or broken equipment. If there is future lost cellular equipment beyond the first replacement, then the employee or Tribal Council member will be responsible for all costs associated with replacing the cellular equipment.

H. Return of Equipment. Employees are responsible for all LTBB 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, LTBB may withhold from the employee's final paycheck the cost of any items damaged or not returned.

I. Responding to Employment Reference Checks

1. For reference requests sent to the LTBB Legislative Branch from other organizations, the Human Resources Department will respond, in writing only, to
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those reference check inquiries that are submitted in writing. Any reference about a former LTBB employee's work efforts will be reviewed by the Human Resources Department, Immediate Supervisor 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.

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 LTBB, and I understand that I should consult the Immediate Supervisor or the Human Resources Department 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 have read 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