

Leech Lake Band of Ojibwe
General Administration Personnel Policies

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Introduction and General Administration

The purpose of the manual is to establish a uniform system of policies, and procedures where applicable, for employees under the domain and authority of the Leech Lake Reservation Tribal Council (herein after referred to as the LLRTC) and to provide administrative guidelines in day-to-day operations.

Reservation businesses and other components such as the Housing Authority, Gaming Division, Bug-O-Nay-Ge-Shig School, Tribal College, Leech Lake Tribal Police Department, etc. may have separate operating policies unique to their needs and success. However, their policies must not be in conflict with established Leech Lake Band of Ojibwe (herein after referred to as the LLBO) General Administration Personnel Policies (herein referred to as the GAPP). (LLRTC will intervene and exert general authority over these components when circumstances dictate or when it is in the best interest of the LLBO)

The LLRTC will act in the best interests of its employees and set forth measures to ensure an environment that promotes and protects the employment interests of the band.

The authority to waive or deviate from established policies and procedures without prior approval lies within the domain and authority of the LLRTC. This authority may be granted to the Leadership team by LLRTC resolution in order to fulfill the requirements and needs of the LLBO.

All external business enterprises that engage in consensual relations with LLBO must have approval of the governing body of the LLBO to conduct activities within the exterior boundaries of the Leech Lake Reservation and practice Indian Preference where applicable.

Authority and Domain

The LLRTC is the final authority for all transactions occurring within the exterior boundaries of the Leech Lake Reservation as they relate to Tribal employment activities. [Including all entities covered by LLBO TERO (Tribal Employment Rights Ordinance)]

Federal, State and local regulations, required licenses, stipulations and conditions may be used as a guideline in administration of the employees under the domain and authority of the LLRTC. All external stipulations and guidelines must be in compliance with the established procedures and protocols of the LLBO.

The LLRTC reserves the right to modify policies and procedures under their domain and authority, with or without prior notice, and that these policies do not constitute a contract. All employees are considered employees at will.

Furthermore, nothing in the GAPP constitutes or should be interpreted as constituting a waiver of the tribe's sovereign immunity.

Line of Authority

Leech Lake Reservation Tribal Council:

The governing body of the Leech Lake Band of Ojibwe is the Reservation Tribal Council (RTC) and is composed of five (5) members: Chairman, Secretary-Treasurer, and three (3) District Representatives representing each one (1) of the three districts on the reservation.

Leadership Team:

Executive Director

Controller

Human Resources Director

Legal Director (when applicable)

Management Team:

Management Team will comprise of Team leaders from each of the eight functional divisions.

Division Directors:

Division Directors are directly responsible to the Team Leader of their division.

Program Managers:

Program Managers are responsible to their Division Director.

Businesses and other components:

Businesses, Gaming, Bug-o-nay-ge-shig School Board, Tribal College Board of Trustees, Housing Authority Board of Commissioners, Tribal Court and other components are directly responsible to the Executive Director.

Chain of Command:

All employees of the Leech Lake Band of Ojibwe will follow their respective chain of command.

100. General Administration

100.1 Equal Employment Opportunity:

Within the scope of the LLBO Indian Preference, the LLBO will not discriminate in the administration of its employment policies on the basis of sex, race, age, religion, color, creed, political or sexual preference, disability, national origin, or marital status. (refer to 200.1)

100.2 LLBO Fair Employment Standard Policy:

The Leech Lake Band of Ojibwe will follow all applicable federal rules and regulations. The band will also act in the best interest of its employees on a fair and consistent basis. The Leech Lake Band may apply Federal Fair Labor Standards Act when applicable.

100.3 Employment at Will:

The establishment of these policies does not alter the employment at will status of this workplace and does not represent a binding employment contract.

100.4 Nepotism:

- a. No supervisor shall appoint immediate members of his/her family or be involved, directly, or indirectly, with the vacancy selection process in *section 200*. Furthermore, no individual in a management or supervisory position will have direct supervisory authority over any immediate family member.
- b. The LLBO defines “immediate family” as the employee’s spouse or significant other and will include: parents, children, siblings, aunts, uncles, nieces, nephews, grandparents, and grandchildren. These restrictions apply to Supervisors even if the “immediate family” members are not biologically related but are related through marriage.

100.5 Code of Ethics and Conduct:

- a. The LLBO strives to ensure fair and honest treatment of all employees. All employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive feedback to promote the continued growth and success of the organization.
- b. The successful business and administration operations and reputation of the LLBO is built upon the principles of fair dealing and ethical conduct of its employees. Integrity and excellence require careful observation of the spirit and

letter of all applicable laws and regulations, as well as scrupulous regard for the highest standards of conduct and personal integrity.

- c. The continued success of the LLBO is dependent upon trust and is dedicated to preserving that trust by its employees. Employees owe a duty to the LLBO to act in a way that will promote their continued trust and confidence.
- d. Employees will conduct themselves in accordance with the letter, spirit, intent of all applicable laws and all codes of conduct pertinent to their Areas of Operations.
- e. Disregarding or failing to comply with this standard of ethics and conduct will lead to disciplinary action, up to, and including termination of employment and prosecution.
- f. Any breach of this Code of Ethics and Conduct may be subject to immediate termination of employment. (refer to 300.7)

100.6 Conflict of Interest:

- a. Employees may not accept compensation from, or have financial interest in, or perform work for any other business or organization that supplies or seeks to supply the LLBO with materials or services or receive offers of free services. (see 100.5, LL Code of ethics and conduct). This is also applicable to Board Memberships.
- b. Employees will have no affiliation/membership with boards or organizations that are in direct conflict with the ideas/goals of the LLBO

100.7 Receipt of Monetary Value Gifts:

- a. All LLBO employees will not solicit or accept anything of monetary value for personal use or benefit from any organization/individual(s) whose interest may be affected by the employee's action in the course of performing his/her duties. This includes sales-persons or companies that promise gifts for orders received. Violations of this policy will be immediate termination of employment and, at the discretion of the LLRTC, criminal prosecution.
- b. Excluded from this provision are traditional gifts.

100.8 Bonding:

All employees shall be covered under a blanket fidelity bond to ensure integrity in dealing with money or supplies while employed by the Leech Lake Band of Ojibwe. The companies insuring the Leech Lake Band of Ojibwe will be compelled

to prosecute any prohibited actions regarding employee dishonesty. Additionally, any costs or damages incurred/paid by the insurance company would be compensable through an action against the employee in the Leech Lake Band of Ojibwe Tribal Court. All employees will be covered under a blanket of fidelity bond that will protect the LLBO in the event of employee theft.

100.9 Confidential Information:

- a. As a condition of employment with the LLBO and its vested interests, all employees will be required to have a Confidentiality Agreement containing the employee's signature in their personnel file.
- b. Refusal to sign the Confidentiality Agreement will be grounds for disqualification from employment with the LLBO, including the Band's sub-entities.

100.10 Retaliation:

Any employee who files a complaint or who submits documentation showing a violation of a law or tribal policy will not be subject to any type of retaliation for this conduct. No discipline may be the result of the complaint.

100.11 Reservation Documents:

All documents and information pertaining to the LLRTC are the property of the LLBO. *Inappropriate* or unauthorized use or release of documents or information relating to activities of the LLBO without full LLRTC approval will result in termination of employment and/or prosecution. The LLRTC will direct legal counsel to pursue such matters for legal resolution.

100.12 Political Activities:

LLBO Employees may:

- a. Exercise their rights of citizenship by participating in tribal, local, state or national elections and public activities to the extent permitted by law.
- b. Be a candidate for an RTC position, provided that such candidacy does not interfere with the performance of his/her assigned duties and/or responsibilities.

LLBO Employees will not:

- a. Use their authority or influence for the purpose of interfering with an election, nomination or affecting the results thereof.

- b. Directly or indirectly coerce, command, or advise subordinates to pay, lend, or contribute anything of value for political purposes to any party, committee, organization, agency, or person:
- c. Engage in any political activity outside the scope of assigned duties during scheduled working hours or neglect their assigned duties and/or responsibilities; personal leave must be used if an employee is going to conduct a campaign during his/her regular work hours.
- d. Actively participate in a political protest during his/her work hours unless the employee takes personal leave.

100.13 Zero Tolerance Drug, Alcohol and Substance Abuse Policy:

- a. The LLBO is responsible and committed to providing a safe working environment by fostering the well-being and health of its employees. That commitment is jeopardized when any employee:
 - 1. illegally uses drugs and /or alcohol on the job.
 - 2. comes to work or attends employee functions with illegal drugs and/or alcohol on their person or in their system.
 - 3. possesses, distributes, manufactures sells or buys in the workplace, or participates in illegal drugs and /or alcohol activities in the work place.

Intent of the Drug and Alcohol Policy:

- a. The intent of drug and/or alcohol testing is to:
 - 1. prevent the hiring of individuals who use illegal drugs;
 - 2. deter employees from abusing drugs and/or alcohol;
 - 3. eradicate the possession, manufacture and distribution, sale or purchasing of illegal drugs in the workplace.

Employee Right to Refuse:

- a. LLBO will not request or require an employee to undergo drug and/or alcohol testing on an arbitrary or capricious basis. Any employee has the right to refuse to submit to the drug and/or alcohol test **but** a refusal will be considered insubordination and a positive test result, which will be grounds for immediate termination.

- b. If an employee cannot produce urine at the time of testing, they will be given an opportunity to do so in one hour. If they are still unable to produce urine within that hour they will then submit an alternate type of sample. Sample type will be determined by LLBO in accordance with current testing technology available and may be modified at any time without notice.

Who will be tested:

- a. All employees in Safety Sensitive positions: All safety sensitive positions will also be subject to random testing. The following Divisions/Departments are classified as Safety Sensitive:
 - 1. Business Development/Planning
 - a. Che We Store – fuel truck drivers
 - b. Che We Supply – delivery drivers
 - 2. Education
 - a. Early Childhood Development
 - b. Youth
 - 3. Health
 - 4. Human Services
 - 5. Division of Public Works
 - 6. Division of Resources Management
 - a. All personnel positions that utilize a company vehicle
 - b. All personnel positions that utilize power tools
 - c. All personnel positions that utilize a firearm and baton
 - 7. Investigations
 - a. All Leech Lake Tribal Police personnel
 - b. All Reservation Security personnel
 - 8. Bug-O-Nay-Ge-Shig School/Tribal College
 - 9. LL Housing Authority

All administrative staff that work closely within the parameters of a safety sensitive division will be placed in the same category as safety sensitive:

Safety Sensitive Criteria:

- 1. who work directly with children
- 2. who are responsible for the direct care or assistance of vulnerable adults
- 3. who work directly with injured or disabled individuals
- 4. who are responsible for operating vehicles
 - a. All transportation/drivers will test two (2) times per year and will submit to random drug testing.
- 5. who operate heavy equipment and power tools
- 6. who use a firearm and baton
- 7. who work with the elderly
- 8. who work in kitchens

9. who enter residences in the course of their duties

All safety sensitive employees will be periodically notified to submit to random drug and alcohol testing. Employee will be randomly selected from a pool of the entire population within their specific division. A mechanism will be used for selection of employees that results in an equal probability that any employee will be selected.

- b. All Job Candidates: As a condition to employment any applicant who has received a job offer for any position will be required to submit and test negative to a drug and/or alcohol test before they are hired for that position. They will not start work until the drug and alcohol test is completed.
- c. Post Accident: Any employee who has been involved in an “on the job” accident and/or is observed behaving in reckless or careless manner that results in physical injury or damage to property.
- d. Reasonable Suspicion: All employees under “Reasonable Suspicion” of drug and/or alcohol use. Reasonable suspicion can either be from documentation about an employee’s reckless and/or unsafe behavior or activity or from actual observation of conduct that is associated with drug and/or alcohol use. (i.e. slurred speech, alcohol on breath, glassy or red eyes)
- e. Transfers: Employees transferring into a Safety Sensitive position will be tested prior to official transfer.
- f. Recalls: Any employee returning from a layoff in a safety sensitive division category, will be subject to testing.
- g. Any employee can voluntarily participate in the Alcohol/Drug testing.

Type of Testing and for What:

LLBO believes that doing a urinalysis (UA) for drug and/or alcohol test can be an effective means by which to identify those employees on drugs or alcohol. The substances that we will be testing for are:

- a. THC (Marijuana)
- b. COC (Cocaine)
- c. OPI (Opiates)
- d. AMP (Amphetamines)
- e. PCP (Phencyclidine)
- f. Test Altering Substances

If it is observed and documented that a job candidate or employee was found to have tampered with the testing, the pre-employment hiring process will cease or the employee will be immediately terminated from employment.

PROCEDURE: see appendix

100.14 Background Checks:

- a. As a condition of employment within certain divisions, applicants will be required to submit to a background check and pass; refusal to submit to a background check will disqualify an applicant from employment consideration. As deemed necessary, other divisions will require a background check.
- b. Failure to immediately report violations, (specific to job requirements), will result in termination of employment.

100.15 Anti-Harassment and Offensive Behavior:

- a. It is the policy of the Leech Lake Band of Ojibwe that all employees should be able to work in an environment free from discrimination and harassment.
- b. This policy refers to, but not limited to, harassment and offensive behavior in the following areas:
 1. Age
 2. Gender
 3. Color
 4. National Origin
 5. Religion
 6. Sexual Orientation
 7. Marital Status
 8. Handicap
 9. Veteran Status
 10. Physical Attributes
 11. Psychological
- c. Harassment includes display or circulation of written materials or pictures degrading to gender or to racial, ethnic, or religious groups; and verbal abuse or insults directed or made in the presence of members of racial, ethnic, or minority groups.
- d. Harassment also refers to behavior that is personally offensive, impairs morale, and interferes with the effectiveness of employees. Any harassment of employees by other employees will not be permitted, regardless of their working relationship.

- e. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other offensive verbal/non-verbal or physical conduct that is sexual in nature. Sexual harassment undermines the employment relationship by creating an intimidating, hostile, or offensive work environment and will not be tolerated.
- f. Psychological harassment includes a pattern of behavior intended to demean, intimidate, coerce, etc. an employee to inhibit their job performance/effectiveness.
- g. LLBO employees are expected to immediately report, in writing, any suspected harassment or offensive behavior to their direct supervisor. It is the supervisor's responsibility to forward the documentation to the HR Employee Relations manager.
- h. Anyone engaging in sexual or other unlawful harassment or offensive behavior will be subject to disciplinary action, up to, and including termination of employment.

PROCEDURE: see appendix

100.16 Cash Handling:

- a. Where cash handling is involved each division shall have a system of internal controls and written policies and procedures approved by the LLBO Office of Internal Audit.
- b. Cash disbursements/receipts not accounted for will be considered theft and the LLBO will direct legal counsel to pursue criminal charges against the employee involved with the unaccounted funds.

100.17 Firearms and Weapons:

- a. All employees, except law and conservation enforcement, are forbidden from introducing, possessing, using, buying, or selling weapons, firearms, ammunition, explosives, and other items prohibited by federal, state, and reservation regulations. This prohibition includes all Tribal/Band controlled sites and all Tribal/Band directed activities. Exceptions to this will be employees authorized by the LLRTC when fulfilling the requirements of a permit by LLRTC, and the Counties and State of Minnesota.
- b. Employees who become aware of a violation of this policy are required to immediately notify the Reservation Police Department or his/her immediate supervisor.

- c. Violation of this policy is considered a serious offense that endangers the safety of the Tribal operations and its employees and band members. Therefore, this offense will result in immediate termination.

100.18 Unauthorized use of LLBO Computers and Software:

- a. Divisions will be responsible for the establishment of usage policies as it relates to each employee's job duties. Reasonable suspicion will warrant an audit or review of the computer assigned to that employee.
- b. Unauthorized use will result in disciplinary action. Pornographic material, political activities, chat rooms, personal activities not job related.

100.19 Use of Internet:

Access to the Internet through the LLBO is a privilege and carries responsibilities reflecting responsible and ethical use.

Personal Use:

Limited personal use of the Internet is allowed. However, the employee-user is reminded that use of any and all LLBO property is primarily for the purpose of LLBO business. Any personal use of the Internet is expected to be on the user's own time and is not to interfere with the user-employee's job responsibilities.

In addition, any postings to public forums such as newsgroups, or any transmittal of electronic mail through the Internet for personal use is prohibited (other than generally accepted practices of the LLBO).

Ethical use of Internet;

At any time and without prior notice, the LLBO Management reserves the right to examine e-mail, personal file directories, and other information stored on LLBO computers. This examination helps to ensure compliance with internal policies, supports the performance of internal investigations, and assists the management of information systems. As such, the management information systems director or his/her designee may monitor access to the Internet. Use of the Internet constitutes acceptance of such monitoring.

This policy should be read and interpreted in conjunction with all other LLBO policies including, but not limited to, policies prohibiting harassment, discrimination, offensive conduct or inappropriate behavior. User-employees are prohibited from accessing the Internet for any unethical purposes, including pornography, violence, gambling, racism, harassment, or any illegal activity. User-employees are prohibited from using profanity or vulgarity when posting electronic mail through the Internet.

The LLBO code of ethics strictly prohibits unauthorized release of information through the Internet or through any other means and that LLBO confidential information should not be transmitted over the Internet.

In general, user-employees should exercise the same restraint and caution in drafting and transmitting messages over the Internet as they would when writing a memorandum and should assume that their message will be saved and reviewed by someone other than the intended recipient.

100.20 LLBO Employee Health and Safety:

Divisions, businesses and other components of the LLBO will establish health and safety policies and procedures where applicable. The policies and procedures will contain stipulations, guarantees and certifications in order to protect the health and safety of employees.

Divisions that deal directly with hazardous material/waste shall put into place safety measures, to include training, for handling and storing hazardous material/waste on-site. Training leading to certification will be mandatory.

200. Human Resources

200.1 LLBO Hiring Practices:

The Leech Lake Band of Ojibwe hiring practices will be in accordance with Leech Lake Band preference and shall be defined in the following order:

- a. Qualified Leech Lake Band Members
- b. Qualified other Minnesota Chippewa Tribe Enrollees
- c. Qualified other federally recognized tribal enrollees
- d. Qualified Canadian Reserves tribal enrollees
- e. Qualified other applicants

200.2 Job Vacancy Posting:

When a vacancy occurs, the division management/supervisory staff will immediately contact Human Resources to begin the posting process. The division may hire, on an emergency basis, a qualified replacement until a candidate has filled the position.

200.3 Rating System:

- a. Each Division of the LLBO will be responsible for complying with a uniform rating system implemented by the HR Division and is defined in the following order:

- | | |
|-------------------------|--|
| 5=Excellent Skills | 2=Below Standard Skills |
| 4= Above Average Skills | 1= Unsatisfactory familiarity of field |
| 3= Acceptable | 0= No opportunity to rate/no response |

- b. Only the whole numbers listed above will be used to rate a candidate as they are defined by a standard, no half number scores (example 4.5) will be allowed.
- c. Divisions must take into consideration factors relevant to the position. Examples include; education, experience, knowledge, skills and abilities to perform the job duties of the position successfully and interview skills. Also taken into consideration may be character assessments by the interview committee. Interview notes and extensive documentation of interview responses will need to be part of the hire packet/process that will be returned to Human Resources for review to ensure that division adhered to compliance in the hire process.

200.4 Promote from Within:

It is the policy of the LLBO to hire from within, whenever possible; this is directly applicable to promoting from within the division. If an internal candidate of that division is qualified for a vacancy within the division, then the candidate would be promoted upward to that position with the concurrence of HR. Employees in their introductory period do not qualify for a promotion.

200.5 Application Process:

Applications for employment will be received by the Human Resources Division and the following processes will apply:

- a. Hand delivered applications and all required/related documents must be received in the Human Resources Division and officially stamped in by and HR staff member no later than 4:30 pm on the closing date of announcement.
- b. Applications can be faxed. Human Resources will not consider late applications/faxes/e-mails that come in after the closing date and time and is not responsible for failed communications.
- c. Candidates who have met the qualifications of the position will be notified by the respective division of the interview date and time. The interview schedule will be kept in the sub-file by the respective division and will become part of the official hire packet.
- d. Division Directors will be the lead interviewer and team coordinator for direct subordinate positions. Division Directors will excuse themselves if there is a

conflict of interest. The Division Director will designate a qualified subordinate. (see nepotism section 100.4)

- e. The selection process must be completed in two (2) weeks. Applicants not selected will be notified by the Human Resources division once the selection process has been completed.
- f. Rate of pay will be determined by the prevailing wage scale and budgetary constraints. Beginning rate of pay is not absolute; consideration will be given to experience and education, etc. for recruitment and retention purposes.
- g. When a candidate is recommended for hire, the respective hiring authority must submit to the Human Resources division the following information:
 - 1. Interview panel information (names, titles, divisions etc.)
 - 2. Scoring method cited and identified (see reference)
 - 3. All candidates listed on interview schedule and rating results of each candidate.
 - 4. Full legal name of candidate recommended for hire and Tribal enrollment affiliation (if applicable)
 - 5. Complete PAF with all the appropriate information filled out.
 - 6. Return sub-file with copies of all applications/resumes that were originally signed out.
 - 7. Copies of letters to all candidates invited to interview.
 - 8. Interview schedule will all candidates listed under consideration for interview, notes should accompany interview schedule.
 - 9. Each interview panel member's questionnaire sheet on each candidate interviewed, along with written detailed documentation of candidate's responses and score of each candidate.

No job offers will be extended to the candidate selected until all information has been reviewed by the Human Resources Division to ensure compliance with hiring and compensation guidelines have been met and final approval from the Executive Director and majority of the Tribal Council has been given.

It will be the responsibility of the Human Resources Administrative Manager to notify the selected candidate they have been approved for hire. Human Resources

will offer the candidate the position, if the candidate accepts the position, the next step will be referral to the EAP representative to start paperwork process for a mandatory pre-employment drug test which the candidate must successfully pass before they can start work. Notification of the selected candidate will include effective start date, immediate supervisor and rate of pay, as discussed with the hiring authority, per pay period and annum if salaried. If the rate of pay is hourly, the notification will indicate as such.

A selected candidate will not be allowed to report to work until all steps of the selection, hiring and organizational employee orientation have been completed. Failure to adhere to this process by supervisory staff will result in disciplinary action up to and including termination.

200.6 Posting Provision:

Employees with a written warning and/or suspension for any policy violation will not be allowed to apply for other positions in the organization for a period of ninety days from the date the written warning and/or suspension was received.

200.7 Selection Provision:

In the event the selected candidate resigns, is terminated or for whatever reason cannot continue in the position he/she has interviewed for and the position announcement is still within the ninety (90) day probationary period, the division may choose the next candidate from the interviewee list with the second highest score. This will ensure that the position will be filled rather than delayed.

If the position has gone beyond the ninety (90) day probationary period, the division must submit a new employment requisition along with a job description to Human Resources to re-advertise the position. NOTE: This selection provision is only referring to positions that have gone through the normal channels of advertising, interviewing, scoring and hiring processes.

200.8 Internal Hiring Procedures and Promotion:

It is the policy of the LLBO to hire from within, whenever possible. Employees will be considered for transfer or promotion on the basis of qualifications, work quality, demonstrated skills, individual accomplishments, education and years of experience.

Internal positions will be posted within the division for five (5) working days posted on an Internal Employment Requisition with an attached Job Description. Employees that would like to be considered for internal positions may apply directly with the division director by submitting a letter of application, resume and attach any other credentials required for the position. If a hire from within occurs,

division director will attach to the Personnel Action Form, the letter of application, resume, credentials and job description (signed and dated by all parties) the employee will be transferring into. The division director will interview all interested internal qualified candidates and make a selection to hire and promote or continue applicant search.

If no one from the division applies or a qualified candidate from the division is not found, the division director will notify the Employment Specialist, Human Resources Division, to send the internal posting out to all other divisions (Reservation Components) posted on an Internal Division Employment Requisition with attached job description for an additional two (2) week internal posting before it is open to the general public.

If an internal candidate of another division is qualified for a vacancy, the candidate will be promoted upward to that position with the concurrence of the incoming division director and the Human Resources Director.

200.9 Job Descriptions:

- a. Division Directors and/or Management Staff are responsible for the development and content of all job descriptions for their individual divisions. This includes current as well as proposed positions.
- b. The Human Resources Division is responsible for the structure and content compliance of all job descriptions.
- c. The creation and necessity of new positions must be justified and supported by appropriate budget documentation and an Employment Requisition Form must be completed, approved and signed by the division director, then all documentation and forms must be forwarded to the Human Resources Division for processing and approval.

Job descriptions will be changed, revised, or added to in order to meet the needs of the LLBO and its components. All requests will be forwarded to the Human Resources Division by the Division Director. Final approval will come from the Human Resources Director or his/her designee.

300. Employee Relations

300.1 Personnel File Administration:

- a. It is the responsibility of Human Resources to establish and maintain the official personnel file for employees of the LLBO.

Each Division will also establish and maintain an individual file for each employee, which will include; copies of time sheets, schedules, investigation reports, personnel action forms, personnel change forms, evaluations and copies of other documents whereby the original was submitted to Human Resources.

All original documentation will be forwarded to Human Resources within 3 business days.

- b. All personnel records are confidential and the release of information to external agencies/representatives may occur only under limited circumstances and only under the authorization of the Human Resources director, (or his/her duly appointed representative) or the Leadership team.

300.2 Personnel File Review:

- a. Employees or former employees may request to review his/her personnel file by completing and submitting a Personnel File Inspection Request Form. Upon submission of the request, every effort will be made to honor requests at time of submission. In the event that requests cannot be processed immediately, an appointment will be set up to review the file within three business days of the submission.
- b. Personnel file copies will be made by Human Resources upon written request from the employee or former employee.

300.3 Progressive Discipline:

- a. The purpose of the progressive disciplinary policy is to state the LLBO's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employee levels.
- b. The LLBO's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.
- c. It is the policy of the LLBO and management staff to use a progressive discipline system at its discretion. Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed. A first infraction will result in a verbal warning, a second infraction will result in a written warning; a third infraction will result in a suspension, and fourth infraction will lead to termination of employment. If more than one year has

passed since the last disciplinary action, the process will normally start over. (see 300.5, Types of disciplinary actions).

- d. The LLBO recognizes that there are certain types of employee problems that are serious enough to justify either an immediate suspension, or, in extreme situations, immediate termination of employment, without going through the usual progressive discipline steps. If the supervisor determines that progressive discipline is not warranted in a particular situation, the supervisor should document the reasons for not following progressive discipline.
- e. While it is impossible to list every type of behavior that may be cause for a disciplinary action (see 300.5, Disciplinary Process these are examples of unsatisfactory conduct that will trigger progressive discipline.
- f. By using progressive discipline, it is the hope that most employee problems can be corrected at an early stage, benefiting both the employee and the LLBO.

300.4 Types of Disciplinary Action:

- a. Documented Verbal Reprimand:

A verbal reprimand from the immediate supervisor to employees about policy violations or job performance and requesting improvement. The original document will be placed in the employee's official personnel file at Human Resources. A copy will be placed in the employee's department file.

- b. Written Reprimand:

A written reprimand is from the immediate supervisor about policy violations or job performance and requesting improvement. The original document will be placed in the employee's official personnel file at Human Resources. A copy will be placed in the employee's department file.

- c. Suspension:

A suspension cannot be used arbitrarily by supervisors and can range from one (1) to five (5) days without pay and will be given with written notice to the employee. The original documentation will be placed in the employee's official personnel file at Human Resources. A copy will be placed in the employee's department file. This may occur after prior reprimands have not been constructive to improvement. Extenuating circumstances may be taken into consideration by the Team Leader to supersede the disciplinary process in concurrence with the Leadership team.

d. Demotion or Transfer:

1. When an employee is in a position and cannot perform the job duties and responsibilities, the supervisor will make recommendations for demotion and/or transfer to the division director. Transfers due to demotion are contingent upon the availability of positions. The Team Leader will act upon these recommendations and notify the employee both verbally and in writing.
2. All written documentation pertaining to the demotion or transfer must be forwarded to the Human Resources Division for inclusion in the employee's official personnel file.

e. Termination of Employment:

1. Termination of employment will be in the form of written notice to the affected employee. A copy of the original notice will be placed in their official personnel file. Should the employee be unavailable, a written notice will be sent via U.S. mail to their last known address and a copy placed in their official personnel file.
2. Team Leaders have the authority to terminate employment of personnel under their supervision with the concurrence of the Leadership Team and endorsement of majority of the LLRTC.
3. An employment termination by a majority vote of the LLRTC cannot be appealed.

300.5 Disciplinary Infractions:

The following are examples of conduct warranting disciplinary action:

- a. Neglect or failure to perform job duties
- b. Willful violations of LLBO policies
- c. Mishandling or misrepresentation of revenues and/or expenses
- d. Excessive tardiness and absenteeism (see 400.8)
- e. Misrepresentation of hours worked to include punching in of other employees time cards or knowingly signing time cards of employees when hours worked are misrepresented or supervisory staff arbitrarily reducing hours without notifying employees
- f. Political activity during working hours (as defined in 100.12)
- g. Insubordination (defiance of established authority, failure or refusal to recognize or submit to the authority of a supervisor). Demonstrating insubordination, including but not limited to:

1. Refusal to do an assigned job.
 2. Refusal to work overtime when required.
 3. Refusal to render assistance.
 4. Refusal to accept holiday work when assigned.
 5. Insolent response to a work order.
 6. Delay in carrying out an assignment.
- h. Gross Insubordination (willful disregard of instructions, safety and/or policies)
 - i. Sale, offering, possession, manufacturing, or use of alcohol, illegal or controlled substances during scheduled work hours or on LLBO property. (refer to LLBO drug and alcohol policy)
 - j. Verbal or physical/assault or threatening of a co-worker, supervisor, member of management, client/customer, or constituent during scheduled work hours or on LLBO property.
 - k. Abuse, unauthorized sale, theft or destruction of property of the LLBO.
 - l. Abuse of authority of a supervisor, member of management or a co-worker. (refer to 100.5 d)
 - m. Gross misconduct (ie. Assault and battery, willful destruction of LLBO property, arson, sabotage, embezzlement, theft or any other act, which amounts to a violation of criminal laws.)
 - n. Breach of confidentiality.

300.6 Grievance Process:

- a. The LLBO is committed to providing the best possible working conditions for its employees. The purpose of the grievance/complaint process is to provide a uniform and equitable method of resolving grievances in a timely manner at the lowest possible level of supervision not to exceed five (5) working days.
- b. The grievance process is intended to assure an employee's grievance/complaint will be heard and that corrective action taken will be without reprisal or discrimination against the employee submitting the grievance.
- c. Any employee may file a grievance at the lowest level of supervision, as the first step, following the chain-of-command, regarding any violations of LLBO policies and procedures or regarding unsafe or unhealthy working conditions. (see 100.10)
- d. The Human Resources Division will review employee's submitted grievance and determine the validity as the last step of the grievance process.

PROCEDURE: see appendix

300.7 **Appeal:**

The appeal process will be used for disputing decisions of termination of employment. Any regular full time or regular part time employee who has completed his/her introductory period and has been terminated may file an Appeal of Termination of Employment. The exception will be RTC initiated terminations of employment. (see sec. 300.4; Sec. E, part 3)

- a. All appeals shall be in writing and submitted within five (5) working days upon receipt of the official termination letter (or within the seven (7) days of termination letter being sent via certified mail). All appeals shall be submitted to the HR Director.
- b. The HR Director or his/her designee will forward the submitted appeal to the appeals hearing committee.
- c. The appeals hearing committee is comprised of three (3) employees with three (3) alternates from a cross-section of divisions. The appeals hearing committee informs the former employee of decisions within fifteen (15) working days after the appeal has been heard. There may be cause for review, in which case, the former employee will be notified in a timely manner once a review has been completed. The appeals hearing committee may have full and final authority to make any adjustments necessary.
- d. The LLRTC reserves the right to review any and all appeals panel decisions; if deemed in the best interest of the organization, the LLRTC also reserves the right to vacate, revise and/or amend appeals hearing committee decisions.

PROCEDURE: see appendix

300.8 **Audits:**

In the event that Human Resources receives written complaints regarding personnel practices, a determination will be made by the HR Director or his/her designee, as to whether an audit/investigation is warranted.

- a. The following will be factors considered in determining whether or not and audit in a specific area is necessary.
 - 1. The number of complaints being filed from an area with similar issues alleged.
 - 2. The proper administrative staff requests an audit.

- b. These determinations are general guidelines as other mitigating circumstances may require an audit of a particular area.

PROCEDURE: see appendix

400. Employee

400.1 Position Classifications:

- a. It is the intent of the LLBO to clarify the employment status and benefit eligibility of each employee. These classifications do not guarantee employment for any specified period of time.
- b. Each employee is designated as either hourly or salaried.
 - 1. HOURLY employees are entitled to overtime pay. (see 500.4)
 - 2. SALARIED employees are excluded from overtime pay.
- c. In addition to the above categories, each employee will be classified in an additional employment category.
 - 1. FULL-TIME EMPLOYEES; who are regularly scheduled to work a full-time schedule (equal to 40 hours per week). Generally, they are eligible for the benefits package, subject to the terms, conditions, and limitations of each benefit program.
 - 2. PART-TIME EMPLOYEES; cannot work more than twenty nine (29) hours per week.
 - 3. INTRODUCTORY EMPLOYEES (see 400.2)
 - 4. ON CALL EMPLOYEES; are those who have established an employment relationship with the LLBO but who are assigned to work based on need but have no guarantee of hours.
 - 5. SEASONAL EMPLOYEES; are those who work on a seasonal basis, such as Head Start, Heritage Sites, etc. and are eligible for organizational benefits, dependent on operational policies of the assigned program/division.
 - 6. EMERGENCY HIRE EMPLOYEE; can work only up to a length of time it takes to hire a regular full-time employee or the duration of an organization function.

400.2 Introductory Employees:

Introductory employees will be placed on a ninety (90) day performance evaluation period with exception of supervisors and management staff. It is the responsibility of the immediate supervisor to conduct an initial program orientation with the employee to discuss expectations, job duties and responsibilities, department policies and procedures, and performance standards.

- a. Upon successful completion of the ninety (90) day evaluation period and performance review, the employee will be reclassified to regular full time status.
- b. During the evaluation period, should the employee's performance and other factors fail to meet the requirements of the position, the direct supervisor has the responsibility to recommend termination of employment. The supervisor has the responsibility to provide the necessary documentation to support termination of probationary employment. The documentation will include, but not limited to Employee Warning Reports, a copy of the Employee Performance Review, etc.
- c. Introductory employees will not be allowed to apply for other positions in the organization while in their introductory period.
- d. Law Enforcement officers of the LLBO are also subject to State Post Board criteria.

400.3 Introductory Supervisory and Management Staff:

Introductory management and supervisory staff will be placed in a six-month evaluation period. During that time they will be subject to the same criteria as introductory employees but with the following exceptions: benefits eligibility and annual leave time eligibility after 90 days.

400.4 Former Employees:

- a. who resigned from the organization in good standing, may be considered for re-employment at any time but will be subject to the introductory status.
- b. who were terminated from employment for policy violations will not be considered for re-employment for a period of six months.
- c. who were terminated for policy violations involving harassment, physical violence of any kind against another employee or individual(s) in the workplace will not be considered for re-hire until the following condition has been met: Documentation of the steps taken to correct issues which resulted in termination of employment and why they should be considered for re-hire. The former

employee may apply and submit documentation after a period of one (1) year from the date of employment termination to the HR Director.

- d. Who were convicted of a criminal drug violation which occurred on or near LLBO Property will not be considered for re-hire.

400.5 Transfer Employees:

Transfer of qualified employees can occur only after the Team Leaders involved have agreed to the transfer. The length of the probationary period will be no more than ninety (90) days; (there may be exceptions depending on organizational needs).

- a. Leave eligibility
Transferred employees may use previously accrued annual leave during the probationary period upon approval of the immediate supervisor.
- b. Leave Limitation
Transferred employees will accrue annual leave during the probationary period but will not be allowed to use the accruing leave until the end of that period.

400.6 Attendance Policy:

- a. Regular scheduled work hours are 8:00 am to 4:30 pm except for 24 hour or after-hour business requirements. Regular full-time employees will be required to work forty hours per week as assigned by the immediate supervisor. Part time employees are determined by program or business requirements but will not exceed twenty-nine (29) hours per week.
- b. Salaried employees will be required to work a minimum of forty (40) hours per week and that in some cases, business needs/demands may require a salaried employee to work more than forty (40) hours. Overtime shall not be applicable.

400.7 Normal Business Hours:

As stated previously, normal business hours counted as work hours are from 8:00 am to 4:30 pm. Time paid will commence at 8:00 am and cease at 4:30 pm There will be exceptions to the policy and those are rotating shifts, essential service divisions, and those divisions who have irregular starting times due to seasonal adjustments, etc. Divisions that provide reservation services may have different operational hours due to reservation demands.

400.8 Absenteeism and Tardiness:

To maintain a safe and productive work environment, the LLBO expects employees to be reliable and to be punctual in reporting to their scheduled worksite. Absenteeism and tardiness place a burden on other employees as well as the entire organization. Absenteeism and tardiness will not be tolerated.

The supervisor will be responsible for tracking absenteeism and tardiness. The supervisor will also be responsible for addressing absenteeism and tardiness. Copies of progressive discipline steps taken will be submitted to Human Resources.

- a. Absenteeism is defined as: habitual unexcused absences from work one or more times a week. Progressive discipline will be initiated with exclusion of part d. Four (4) times within a 30 day period will result in termination of employment.
 - 1. In the event of an illness the employee will provide a Doctors Excuse after three (3) days of absence.
- b. Tardiness is defined as: habitually late for work. Progressive discipline will be initiated with exclusion of part d. Four (4) or more times within a 30 day period will result in termination of employment.

400.9 No-call/No-show:

No-call/no-show: will be considered “absent without leave” after fifteen minutes when scheduled to begin work.

- a. First occurrence: Employees will be sent home, without pay, for the remainder of the day.
- b. Second occurrence: Will result in an immediate one (1) day suspension without pay.
- c. Third occurrence: Will result in resignation, by way of job abandonment.

Extenuating circumstances will be taken into consideration by the supervisor in regard to weather conditions, road conditions, family emergencies, etc.

400.10 Job Abandonment:

- a. When an employee fails to report to work for three consecutive scheduled workdays, it will be considered resignation by job abandonment.
- b. Walking off the job or leaving the designated job site without supervisory approval will be considered resignation by job abandonment. Extenuating circumstances will be taken into consideration.

400.11 Employment Separation:

When an employee separates from employment, it will be the responsibility of the immediate supervisor to submit the appropriate forms and documentation after obtaining the proper signatures within the division (delegation of signature authority applies). This will be complete within one (1) working day and forwarded to the HR Administrative Manager.

400.12 Resignations:

A general accepted business practice for resignations is two weeks.

400.13 Gambling:

- a. Employees of the LLBO are prohibited from gambling at Leech Lake Reservation owned and operated gaming facilities during their normal working hours to include break-times and lunch periods.
- b. First violation of this policy will result in immediate suspension and loss of pay for one (1) day.
- c. Second violation will result in termination.

This does not apply to:

- a. Employees on prior approved leave (i.e. holidays, annual leave, leave of absence) may gamble at LLBO casinos.
- b. Gaming employees reference Gaming Policies.

500. Benefits and Compensation

500.1 Performance Evaluations:

- a. Introductory Performance Evaluations will be conducted at the end of the employee's initial period in any new position. This period, known as the introductory evaluation period, will allow the supervisor to evaluate the employee's job performance, knowledge and responsibilities in all aspects of the position, and then discuss the job, responsibilities, knowledge and performance with the employee.
- b. During this evaluation period the supervisor will informally assess and document the employee's performance on a weekly basis and provide program guidance to ensure satisfactory development of the employee.

- c. Annual 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 and expectations of the organization. These performance evaluations will be scheduled every twelve (12) months on or before the anniversary of the employee's original date of hire in that position. This is meant as a tool to assist the employee in gaining/achieving the necessary skills and expertise to contribute to meeting division/organization goals and expectations.

PROCEDURE: see appendix.

500.2 **Leaves:**

1. LLBO Family Medical Leave:

- a. Purpose: The LLBO Family Medical Leave is intended to allow an employee to balance his/her work and family life by taking reasonable leaves for the employee's serious health condition, for the birth, or adoption of a child, and for the care of a child, spouse or parent who has a serious health condition.
- b. Eligibility: An employee is eligible if he/ she has worked for LLBO for at least twelve (12) months and has worked at least 1,250 hours in the twelve (12) months immediately preceding the commencement of the leave.
- c. Benefit Amount: Family Medical Leave is an unpaid leave. During designated family medical leave, the employee on leave may choose to use his/her personal leave benefits concurrently.
 - 1. If both parents of a child, who is born or adopted, work for the LLBO, they may not each receive twelve (12) weeks of leave. The total of their leave together may not exceed twelve (12) weeks.
 - 2. The LLBO will pay full medical and dental premiums for employees approved for Family Medical Leave up to a maximum of twelve (12) weeks.
- d. Concurrence with other benefits: When an employee is absent from work for illness, injury, or adoption and is receiving benefits such as Short Term Disability, Worker's Compensation, LLBO Adoption Leave or paid/unpaid personal leave for more than three (3) days, he/she will also be on Family Medical Leave if eligible.

FML may be used for any of the following reasons:

1. Birth of any employee's child/children
2. Adoption of a child or official placement with the employee for foster care.
3. Care of a son, daughter, spouse or parent, having a serious health condition. Documentation is required and reasonable advance notice is required, if possible.

PROCEDURE: see appendix

2. Bereavement Leave:

An employee will be granted up to five (5) working days with pay within one week from the date of death of an immediate family member. There may be circumstances that will allow for flexibility in this policy. Additional time may be granted and charged to annual leave or leave without pay.

- a. The LLBO defines "immediate family" as the employee's spouse or significant other and will include: parents, children, siblings, aunts, uncles, nieces, nephews, grandparents, and grandchildren (this will also include step-family members).
- b. One day of bereavement leave may be granted to attend the funeral service of other relatives or close friends. Leave must be requested as soon as practical under the circumstances.
- c. Bereavement leave is also applicable to any other person whose relationship with the employee is similar to any of the above relationships.

3. Holiday Leave:

- a. All regular employees, with the exception of essential service employees, shall receive holiday pay as declared by the LLBO. The following are the holidays:
 1. Recognized LLBO Chiefs such as Chief Bug-O-Nay-Ge-Shig Day – floating holiday.
 2. New Year's Day – Jan 1
 3. Martin Luther King Jr. Day – Jan
 4. Presidents Day – Feb
 5. Native American Day – May
 6. Memorial Day – May
 7. Independence Day – July

8. Labor Day – Sept
 9. Veteran’s Day – Nov
 10. Thanksgiving Day – Nov
 11. Christmas Day – Dec
 12. Others as declared by the LLRTC
- b. Holidays occurring during a period of personal leave shall be considered a day of holiday leave.
 - c. If a holiday falls on a Sunday, the following Monday will be considered a holiday. When a holiday falls on a Saturday, the preceding Friday will be a holiday.
 - d. Part-time employees who work thirty (30) hours or under shall be paid at the same rate as their regular hours, that is, if any employee normally works half-time, the holiday pay will be for one half-day.
 - e. Exceptions to declared holidays:

Because of the nature of their jobs, essential services employees cannot take holidays as other employees do. Among those affected include, but are not limited to: GBA, Gaming, Residential Treatment Homes, Road Maintenance, Conservation Officers, Law Enforcement, Maintenance and Security Personnel.

Team leaders for these areas shall establish a policy best suited to meet their employees’ needs.

4. RTC Declared Leave

There may be circumstances in which the safety and welfare of employees is taken into consideration for extenuating circumstances and employees be sent home. If an employee is on personal leave, the employee will not be assessed for that and RTC declared leave will replace the personal leave.

5. Administrative Leave:

- a. Employees will be granted administrative leave to participate in specified reservation and civic duties such as LIC meetings, Honor Guard, School Board, Leech Lake Headstart Policy Council, LL Housing Board, etc. during regularly scheduled work hours.
- b. Exception will be Honor Guard activities. Provided there is prior notice, the LLRTC grants eight hours of administrative leave. See RTC Resolution #2006-73 and Resolution #03-87.

1. The LLRTC grants four hours of travel once in a year. Exception: when extended time and travel occurs and authorized by Executive Director.
- c. Volunteer firemen working within the boundaries of their assigned worksite will be granted administrative leave (when they are alerted to an emergency. Exclusion to this policy will be essential service employees).

6. Investigative Leave:

The employee is placed on investigative leave pending an investigation or a similar action. A determination will be made by the Team Leader, with the concurrence of the Executive Director and HR Director if investigative leave is to be paid out or not.

7. Jury Duty:

- a. Any employee who is summoned to serve on jury duty, during their regularly scheduled work hours, shall be granted administrative leave with pay for actual time spent on jury duty.
- b. An employee must give a copy of the subpoena to their immediate supervisor as soon as possible. Upon completion of jury duty, the employee is required to turn in a record of hours served from the court administrator to their immediate supervisor.
- c. An employee who is summoned to serve on a jury on a holiday observed by the Reservation is eligible for holiday pay and will receive no alternate day off.

8. Administrative and Legal Proceedings:

- a. When an employee is required to attend administrative, legal proceedings or act as an expert witness for proceedings involving the tribe, local, state and federal actions, leave with pay will be granted for the actual time spent at the legal proceedings.
- b. This shall not be applicable to personal legal proceedings.
- c. Upon completion of legal proceeding, the employee is required to turn in a record of hours served from the court administrator to their immediate supervisor.

9. Military Duty Leave:

- a. Leave of absence will be granted, for a maximum of two (2) years, to employees who are absent because of service in the U.S. Military Reserves or the National Guard. Advance notice is required unless necessity prevents such notice. If tour is extended beyond two years employee must submit a request for an extension to the Team Leader of their respective division. Will be granted for the duration for their deployment as directed because of service in the U.S. Military Reserves or National Guard.
- b. The employee will be placed in the position they would have attained had they remained continuously employed or a comparable position depending on the length of military service.
- c. Medical/Dental coverage will terminate if the military service lasts more than 31 days. Medical/Dental coverage will resume that date that the employee returns to work. The employee must provide a certificate of coverage from the Military Health Plan to waive the pre-existing clause.
- d. Administrative pay will be authorized for two weeks of annual training per 18 calendar months for military reserve duty.

10. Personal Leave

- a. Time off with pay is available to regular/full-time employees to provide opportunities for personal pursuits or in the event of illness.
- b. Amount of personal leave employees receive each year increases with the length of their employment as shown in the following schedule:
 - 1. Personal leave will begin to accrue on the first day of employment, at the rate of three (3) hours per week.
 - 1a. Utilizing Personal Leave is contingent upon completion of 90-day introductory period.
 - 2. At the end of three (3) years of continued employment, personal leave accrual increases to four (4) hours per week.
 - 3. At the end of six (6) years of continued employment, personal leave accrual increases to five (5) hours per week.
- c. To take leave time, and employee must request leave time ten (10) working days in advance. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Other considerations will be

at the discretion of the immediate supervisor with the concurrence of the Team Leader.

- d. Personal leave can be used in increments of (15) minutes.
- e. Personal leave cannot be used if there is none accrued.
- f. Employees will be allowed to carry over 240 hours from one calendar year to the next. At calendar year-end, December 31st, the employee will forfeit any leave over 240 hours.

11. Leave of Absence:

- a. Upon recommendation of the immediate supervisor and the concurrence of the division director, an employee may be granted a leave of absence for a specified amount of time, not to exceed ninety (90) days.
- b. All applicable benefits shall not accrue and the employee will bear the cost of medical and dental benefits through COBRA. See the Benefits Coordinator for further information.

12. Leave Without Pay:

Time off without pay may be available to all employees. Submission of a Leave Slip is required.

13. Short-Term Disability:

- a. Purpose: The plan is a short-term disability income protection benefit plan sponsored by the LLBO to replace a portion of the employee's income in the event of a sickness or injury that prevents the employee from working for a period of time. This plan does not provide benefits for occupational injuries or sickness. (Refer to appendix)
- b. Request must be submitted in writing to the Benefits Department.

Eligibility:

Class I Employees – are employees of the Bug-O-Nay-Ge-Shig School, Headstart Program, or Heritage Sites Program. Full time employees working a minimum of 37 hours per week.

All employee's eligibility date is the first day of the school year, if working full time as of that date; or the first of the month coinciding with or next following the date full time employment begins during the school year.

Class II Employees – are faculty and administrative staff of the Tribal College.

A faculty member who is regularly scheduled to teach a minimum of eight (8) credits per week per quarter; or administrative staff scheduled to work a minimum of thirty (30) hours per week.

An employee's participation in the plan is subject to a waiting period of ninety (90) days of continuous full time employment, from the date such full time employment begins.

An employee's eligibility date is the first of the month coinciding with or next following completion of the waiting period.

Class III Employees – are employees of the RTC/Government.

Full time employees who work a minimum of forty (40) hours per week,

An employee's participation in the plan is subject to a waiting period of ninety (90) days of continuous full time employment, from the date such full time employment begins.

An employee's eligibility date is the first of the month coinciding with or next following completion of the waiting period.

Class IV Employees – are employees that work for Leech Lake Gaming and are subject to Gaming policy.

Full time employees who work a minimum of 30 hours per week.

An employee's participation in the plan is subject to a waiting period of ninety (90) days of continuous full time employment, from the date such full time employment begins.

An employee's eligibility date is the first of the month coinciding with or next following the completion of the waiting period.

Class V Employees – are employees of the Tribal Police and Department of Resource Management.

Full time employees who work a minimum of 30 hours per week are eligible on the date of hire.

Benefit Amount – 2/3 of weekly earnings to a maximum of \$450 per week. Basic weekly compensation means the basic weekly rate or pay of the employee prior to

the date of the disability, which does not include commissions, overtime pay, bonuses, tips and any other compensation not received as basic wages or salary.

PROCEDURE: See appendix

14. Voting:

- a. All Leech Lake Band member employees will be granted time off with pay beginning at 1:00 for all scheduled Tribal elections with the exception of essential service employees.
- b. LLBO employees will be granted time off with pay, beginning at 1:00 pm, to vote in a scheduled local, state and federal primary and general election.
- c. The LLRTC may provide an individual with paid time off to serve as election judge in state or federal elections, provided the individual gives the LLRTC at least twenty (20) days advance written notice.
- d. The LLBO Executive Director shall establish policies pertaining to appointments of employees to the Tribal Election Board and that these policies be consistent with the LLBO GAPP.

15. Ricing Leave:

The LLRTC will establish timeframes to harvest wild rice. Employees who wish to participate in the harvesting of wild rice, may use personal leave hours or leave without pay, to do so.

16. Inclement Weather:

- a. The Executive Director, or at the discretion of the RTC, will make a decision to close offices when weather creates unsafe conditions.
- b. The Executive Director will issue and distribute announcements, through his/her designee(s), to the Team Leaders. The information will be disseminated per the chain of command.
- c. The Executive Director will have designated support staff to give notice of closings to the media for broadcast.

17. Educational Leave:

- a. Band member employees who wish to attend school on a part-time basis may do so with pay up to six (6) hours paid educational leave per week.
 - 1. LLBO will not pay for travel time; employee must fill out an Employee Request for Leave Authorization Form and attach it to their timecards each period.

18. Unused Leave

- a. An employee who separates from employment may be paid for unused personal leave up to a maximum of 240 hours. Any leave accumulated over 240 hours will be forfeited.
- b. When an employee transfers within the LLBO Tribal operations, all earned leave hours will accompany the employee.

500.3 Rate of Pay:

- a. Rate of pay levels shall be established by a wage scale.
- b. Wage scale will take into consideration: education, experience, knowledge, skills, ability, licenses, certifications, supervisory and job responsibilities.
- c. Level of prevailing rates for comparable work in the local geographic area.

500.4 Overtime:

The LLBO will pay (non-exempt) employees time-and-a-half for all time worked in excess of forty (40) hours in one week with the exception of law enforcement and emergency medical services. Holiday hours or personal leave hours cannot be counted as hours worked to push an employee over the 40 hour level for overtime purposes. For example, if an employee works 36 hours and there is a holiday of 8 hours, they would be paid 44 hours of regular pay not 40 hours of regular pay and 4 hours of overtime.

The employee may not average their hours over a two-week period. For example, if an employee works thirty (30) hours one week and fifty (50) hours in the other, time-an-and-a-half will be paid in the week which fifty (50) hours are worked.

Overtime shall be regulated and determined by the individual needs of the Division and shall be pre-approved when applicable and authorized by the immediate supervisor with the concurrence of the Team Leader.

500.5 Secondary Employment:

An employee may work full-time in one position and maintain a part-time or temporary position in another capacity within the LLBO. Part-time will be interpreted as actual hours worked not to exceed twenty nine (29) hours per week. Hours will not be combined between two (2) positions to create over-time pay.

An employee may work two part-time positions, however the combination of two part-time positions does not necessarily make an employee eligible for full-time benefits.

600. Training and Career Development

600.1 New Employee Orientation:

- a. It shall be the responsibility of Human Resources to provide, at the start of employment, organizational orientation to all new employees. This shall include, but not limited to, a summary of the general administration personnel policies and procedures, fringe benefits, pay schedules, personal leave, etc.
- b. Management and Supervisors orientation shall be separate from the regular induction orientation in that information directly be associated with management and supervisory positions and responsibilities will be reviewed.
- c. Divisions/programs/departments shall perform and document orientation sessions specific to their own areas and conduct them **during the first week** the new employee begins work. This shall include divisions/programs/departments operating policies and procedures, scheduling of work, job duties and responsibilities, etc.

600.2 Career Development:

- a. It is the policy of the LLRTC to encourage all employees to further develop their professional and organizational skills through a variety of training programs offered by the divisions and Human Resources. Training must be relative to the employee's current job function and have a direct benefit to the division and the LLBO organization.
- b. Succession Plan. The LLRTC shall approve management positions that require successors to meet the organizations staffing needs. The succession plan will identify, evaluate, and score Leech Lake Band Members to be mentored and trained for future management positions when an opportunity becomes available.

600.3 Responsibility for Training:

- a. The HR Division's responsibility is to plan, implement, and coordinate organizational training. Organizational training needs are based on the skills that are required to perform the organization's set of standard processes (i.e. PAF training, timecard training etc.)
- b. Managers and supervisors will be responsible for identifying specific needs that relate to career development. The division director will be responsible to review recommendations and make a decision based on training budget and the needs of the division. Human Resources will be available for assistance as needed.

600.4 Organizational Training:

Purpose- To support the LLBO strategic objectives such as standardized training and to meet the tactical training needs of the Organization. This will also include mandatory training for specific training topics required on an annual basis.

In order to fulfill the intent of self-determination, the LLRTC will direct Division Directors to ensure that Band member employees will have preference to attend job specific training.

- a. The main components of training include a training development program, documented plans, personnel with appropriate competency of specific disciplines and knowledge for training, and a repository of training data.
- b. Employees shall be notified of all mandatory training and will have up to three opportunities to attend each topic offered. Upon missing the third and final opportunity for a specific topic, the employee will receive a one-day suspension.

Employees can be waived from training by providing written approval from their immediate supervisor for that scheduled training day.

700. Finance

700.1 Pay Periods:

All LLBO paychecks will be issued every other Thursday for a total of twenty-six (26) pay periods per year, with the exception of Gaming and Housing who get paid every Friday for a total of fifty-two (52) pay periods per year. If a scheduled payday occurs on a day when LLBO offices are closed, adjustments will be made to release checks prior to closing. For employees on personal leave payroll checks will be distributed through normal procedures.

700.2 Deductions:

Deductions from employee paychecks include federal and social security (FICA), Medicare/Medicaid (M.M.), if applicable; state income tax, child support, Reservation Tribal Court orders & student loans, and federal wage levies as determined by the Leech Lake Reservation Tribal Court. Additional deductions as requested by an employee may include dependent health or dental coverage, retirement contributions. Personal deductions will be reviewed on a case by case basis.

700.3 Travel Requests:

Refer to travel policies and procedures for further guidelines.

Appendix for Procedures:

100.13 Zero Tolerance Drug, Alcohol and Substance Abuse Procedure:

Results and Findings for Pre-employments

- a. Negative test results: applicant will be notified and can continue the employment process.
- b. Positive test result: Applicant will have the opportunity to explain the reason for the positive test results, such as prescription drugs. The applicant will be required to provide proof that they have a medical prescription (**actual print out of the prescription(s)**). Failure to provide proof will cause the pre-employment process to cease . The applicant can reapply for employment after 45 days.

Results and Findings for Employees

- a. If an employee tests positive on a drug and/or alcohol test, he/she will have the following options:

1st Positive Test Results

1. Employee will relinquish all LLBO property and be immediately suspended until a “Presumptive Positive” test result is returned from Med Tox Lab (approximately 48 to 72 hours).
2. If the test results come back:
 - a. **Negative:** Employee will immediately return to work and get paid for all scheduled hours missed. No further action under this section will be necessary
 - b. **Positive:** Employee will have the opportunity to explain the positive test result, such as prescription drug. If he/she cannot provide proof then:

Immediate termination will follow. Employee will not be considered for employment with LLBO for 45 days.

Possession, Manufacturing, Distribution, Sale or Purchase of Drugs in the Work Place, On Work Hours or with LLBO company property:

In the event that the LLBO has reason to believe an employee is in possession of, manufacturing, distributing, selling or purchasing of any alcohol-like substance or a controlled or illegal drugs in the workplace, while on/off duty or with/on LLBO company property, the employee will be required to submit to a search of his/her person and/or property. Refusal to submit to a search will result in immediate termination.

Local Law enforcement will be notified.

Supervisory Responsibilities

- a. Any supervisor that sends an employee home who is suspected of being under the influence of drugs and/or alcohol without being tested, where that supervisor has information that would lead them to believe that the employee is under the influence of drugs and/or alcohol will be held accountable for any incidents that occur while on the premises or on their way home. If any fault/negligence is found, suspension or termination of employment will occur.
- b.
 1. **Reasonable Cause:** Employee will be transported to the testing site by supervisor and/or with the aid of EAP Associate. If the results are non-negative the supervisor will need to arrange a ride to his/her home.
 2. **Random Selection:** If employee has triggered a non-negative result, the supervisor will need to arrange transportation home for the employee.
 3. Supervisor will contact the State and/or Local Law Enforcement if employee refuses to accept a ride home or call for a ride home after testing non-negative test result.

Employee responsibility:

All employees will be required to notify their supervisor, in writing, the following business day, of vehicular moving violations involving alcohol or drugs. If this does not occur, suspension or termination will follow. Criminal drug convictions shall result in immediate termination.

For the purpose of this Drug and Alcohol Free Work Act Policy, A drug and /or alcohol test conducted by any other agency then the LLBO /LL Gaming test site will not be accepted. Exception to this rule will be the Leech Lake Twin Cities Office employees. The site for the test shall be established by the Leech Lake Twin Cities Office Director.

Grievances/Appeals: An employee who is terminated as a result of a positive drug test will not be entitled to a grievance/appeal hearing.

Confidentiality

The LLBO will make every effort to keep the results of the drug and alcohol test confidential. Information will be released internally on a “need to know basis”. The employee will be asked for his/her written consent before tests results are released to anyone else. Be advised, however, that test results may be used in arbitration, administration hearings and court cases arising as a result of the employees termination from employment because of drug and/or alcohol testing.

Costs

The LLBO Divisions will pay the cost of the drug and/or alcohol test required by these policies.

100.15 Anti-Harassment and Offensive Behavior Complaint Procedure:

- a. If an employee experiences or witnesses sexual harassment or offensive behavior in the work place, it must be reported immediately to their supervisor. If the supervisor is unavailable or the employee believes that it would be inappropriate to contact that person, the employee should immediately contact the Human Resources Division. An employee can raise concerns and submit reports without fear of reprisal or retaliation; however, the employee must document incidents and forward or bring them to the Human Resources Division. It is important to employees who feel that they have been harassed to report incidents to management.
- b. Individuals may request a meeting with the Human Resources Employee Relations Manager, who will make an independent inquiry into any allegations. All allegations of harassment will be investigated immediately. Investigative resources will be utilized.
- c. All allegations of sexual harassment or offensive behavior will be quickly and thoroughly investigated. To the fullest extent, possible, the employee’s confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of the investigation per the Human Resources Employee Relations Manager with the concurrence of the Human Resources Division Director.

300.6 Grievance Procedure:

- a. All employees are encouraged to bring concerns that affect their attitude or ability to perform their jobs to the attention of their supervisor. Open communication between supervisors and their staff should solve most concerns, that arise, in a timely manner.
- b. The employee presents written documentation of the grievance to the supervisor. The supervisor must answer within five (5) working days. If the employee is dissatisfied with the outcome he/she can take the grievance to the next level. No response from a supervisor will be grounds to take it to the next level. Administrative action will be taken against the supervisor for failure to address the grievance. If the supervisor is involved with the grievance, the supervisor will be given the opportunity to review the grievance and respond to the employee no more than five (5) working days. Grievances that do not follow the chain of command will not be considered. Grievances that have been submitted through the chain of command and not resolved will be forwarded to the Employee Relations Manager of Human Resources.
- c. Once a grievance is received by the Employee Relations Manager, it will be reviewed and a Human Resources designee may meet with the complainant's division management staff and discuss any recommended actions that may need to take place. The employee will be notified of the results as soon as a decision has been made, not to exceed fifteen (15) working days. If the process exceeds fifteen (15) working days, the employee will be notified that an extension of time is required which will not exceed fifteen (15) additional working days.

300.7 Appeal Procedure:

- a. If the employee, regular full-time or regular part-time and has completed his/her introductory period, is dissatisfied with the determination of the division to terminate employment, they may present a written appeal to the Human Resources Division Director. The appeal must be submitted within five (5) working days from the date they were notified by the Human Resources Division's official termination letter.
- b. The employee's written appeal will be forwarded to the Appeals Committee by the Human Resources Employee Relations Manager. The Appeals Committee will respond within fifteen (15) working days of the notification of the written appeal by the employee.
- c. All decisions of the Appeal Committee are final with exception.

300.8 Audits Procedure:

- a. Once the Human Resources Division receives a request for an audit or determines that one is necessary, Human Resources will begin the process. The Human Resources Director or his/her designee is responsible for maintaining the file, gathering relevant documentation which may include staff interviews, summarizing the report and making any recommendations if necessary.
- b. The assigned HR staff member generates the interview questions. The questions will include general overviews of the department, as well as specific situational questions that are deemed important to the audit for individual employees who are named or have a major role in any issues coming out of the area. These questions are based on information gathered by the respective director, or from employee incident reports and/or statements.
- c. Employees from that division/department/program are selected randomly. This is to give the audit an objective viewpoint.

500.1 Performance Evaluation Procedure:

- a. It will be the responsibility of the division director to ensure that the employee's immediate supervisor completes the performance evaluation of each employee on or before the anniversary date of the original date of hire for that position.
- b. Direct supervisors will be responsible for the tracking of employees' review dates.
- c. The performance evaluations and recommendations will be conducted by the immediate supervisor and discussed with the employee. The division director will review the performance evaluation and authorize any recommendations.
- d. The employee has a right to appeal, in writing on their performance evaluation form. The director will review, with the employee and supervisor, all information contained in the performance evaluation and make necessary adjustments, if any.
- e. All performance evaluations will be forwarded to the Compensation Specialist of the Human Resources division for review.
- f. Each employee performance evaluation will be placed in the Human Resources official personnel file.

500.2 Leaves – Section 1, LLBO Family Medical Leave Procedure:

- a. The right to take leave applies equally to employees of both genders and that mothers and fathers will be eligible to take family leave for the birth of a child. While both parents may be eligible to take leave, if both spouses work for the

same employer, that employer may limit their combined total weeks of leave to twelve (12) during any one-year period for the birth or adoption of a child (including foster care placement). Leave for birth or adoption must conclude within twelve (months) of the birth or placement.

- b. Eligible employees should make requests for family/medical leave to their supervisors at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.
- c. Eligible employees requesting family leave related to the serious health conditions of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for family leave to provide care, its beginning and expected ending dates.
- d. Eligible employees may request up to a maximum of twelve (12) weeks of family leave within any twelve (12) month period. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension to exceed no more than ninety (90) calendar days.
- e. Eligible employees requesting medical leave must submit a health care provider's statement verifying the need for medical leave and its beginning and ending dates. Any changes in this information should be promptly reported to the HR division Benefits Coordinator. Employees returning to work must submit a health care provider's verification of their fitness to return to work.
- f. Eligible employees are normally granted leave for a period of the disability, up to a maximum of twelve (12) weeks within any twelve (12) month period. If the initial period approved absence proves insufficient, consideration will be given to a request for an extension.
- g. Employees who sustain work-related injuries are eligible for a medical leave of absence for a period of disability in accordance with all applicable laws covering occupational disabilities. (Workman's Compensation)
- h. Subject to the terms, conditions, and limitations of the applicable plans, the LLRTC will continue to provide health insurance benefits for the full period of the approved family/medical leave.
- i. Personal Leave will not accrue. Review dates will be subject to change, depending on the length of absence.

500.2 Leaves – Section 13, Short-Term Disability Procedure:

- a. The Leech Lake Band of Ojibwe provides a Short-Term disability plan lasting up to six (6) months for eligible participants, as approved by the LLBO, to assist those regular employees unable to work due to extended illness or disability. An

employee is eligible for paid disability leave provided all of the following conditions are met:

1. All active employees who have completed their introductory period and complete thirty (30) or more hours in a regularly scheduled week may be eligible for consideration of Short-Term disability plan benefits.
2. Benefits are available only to an employee who is under a certified physician's care. A doctor must certify the starting, continuing, and ending dates of the employee's disability on the Disability Certificate Form. Payment of the employee's Short-Term benefits will be delayed or denied by the Plan's provider if the pertinent documentation is not submitted.
3. Short-term disability leave applications must be requested by employees through the Benefits Administrator.
4. Employees receiving benefits under the LLBO Short-Term Disability plan will be eligible to continue participation in the LLBO Comprehensive Health and Life Insurance plans and continue to accrue service for purposes of the LLBO 401(k) in accordance with plan provisions.
5. An employee's position may be filled while on a leave if this is necessary in order to meet business requirements. If this occurs, upon conclusion of the Short-Term Disability, every reasonable effort will be made to return the employee to the position formerly held or to one of similar responsibility and salary/wage level.
6. Failure to return to work after benefits eligibility has expired is considered voluntary resignation by job abandonment.

Appendix for Definitions:

Appeal. A request for review by the next level of supervision of any management action which directly and seriously affects the employee's job status, such as discharge or demotion.

Chain of Command. A system of ranking and organizing people, where each person of the system (except for the top person) is a subordinate to a single other person.

Chain of Custody. A standardized chain of custody form shall be properly executed by authorized collection site personnel upon receipt of specimen. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

Confidential Information. Any Tribal information regarding Tribal finances, acquisitions, policy development or hiring decision in the formative stage. Confidential information shall also include Tribal financial information unless the employee has been specifically authorized by his/her Program Manager or Division Director to release said financial information.

Demotion. Voluntary or forced assignment of employee to a position in a class of lesser responsibility, and/or authority, and/or pay.

Designation of Collection Site. The Leech Lake Gaming Division shall have one or more designated collection sites which shall have all the necessary personnel, material, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping of transportation of urine specimens to a certified drug testing laboratory.

Disciplinary. Imposition of certain personnel actions (e.g. reprimand, warning, suspension, dismissal, demotion) as a result of conduct detrimental to LLBO.

Emergency Hire. An employee hired for a short period of time, to complete a special project or until a full-time or part-time individual can be hired.

Full-Time Employee. An employee who works a full week work load of 40 hours and is employed continuously for an indefinite time.

Gross Insubordination is defined as: not ensuring employee safety, physical violence, may be grounds for immediate dismissal.

Insubordination is defined as: Opposition to/defiance of established authority, failure or refusal to recognize or comply with the authority of a supervisor.

Native Preference. A Federal legal provision which allows employers on or near an Indian reservation to announce and practice a policy of giving preferential treatment to Indian individuals in hiring and job up-grading.

Leave of Absence. Extended time off from work for reasons within the scope and purpose of these rules and regulations upon prior approval of the employee's immediate Supervisor and Division Director.

Leave Without Pay. Excused absence from work without compensation.

Nepotism. Favoritism shown in official business on the basis of family relationships.

Introductory Period. Ninety (90) day period of initial employment with LLBO wherein the employee's training and experience is evaluated by his/her immediate supervisor or Division Director to determine if the employee has the training, experience and skill to carry out his/her job responsibilities.

Introductory Employee. A full-time or part-time employee who has not completed the initial three month introductory period.

Part-Time Employee. An employee who works less than 29 hours in a work week.

Personnel Action Form (PAF). A personnel form filled out by a proper authority to initiate or confirm a personnel action.

Promotion. Assignment of an employee to a position involving greater responsibility. A promotion is usually accompanied by an advancement in pay.

Reprimand. Corrective advice and instructions issued by a supervisor to an employee for misconduct.

Resignation. The formal act of giving up ones position.

Safety Sensitive Positions. Any Tribal positions where a Tribal employee under the influence of drugs will present an increased risk of physical injury to him/herself or others.

Security for Collection. Procedure shall provide for the designated collection site to be secure. If a collection site facility site is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secure during drug testing.

Suspension. A disciplinary action which temporarily removes an employee from work for misconduct.

Termination. Involuntary separation of an employee from LLBO.

Transfer. An employee transferred from one position to another.

Tribal Member. An enrolled member of the Leech Lake Band of Ojibwe.