

# Grand Traverse Band Government

## Personnel Policy



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## **HISTORY AND GOALS OF THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**

The Grand Traverse Band of Ottawa and Chippewa Indians are the descendants of signatories to the Treaties of March 28, 1836, and July 31, 1855, both of which were entered with the United States.

Due to federal oversight in the late 1800's the federal government terminated its recognition of the Grand Traverse Band as an Indian tribe. Efforts to correct this mistake in the 1900's were hampered by federal budgetary constraints. However, tribal perseverance eventually prevailed, and the Grand Traverse Band of Ottawa and Chippewa Indians had its federal recognition administratively restored on May 27, 1980 by the U.S. Department of the Interior. The Grand Traverse Band was the first tribe to receive federal recognition under the Department of the Interior's Federal Acknowledge Process (FAP).

The goal of the Grand Traverse Band is to provide for the mental, physical, emotional and spiritual needs of its tribal members. All tribal employees are expected to embrace this goal, as well as those objectives established by the Tribal Council, which represents the entire membership of the Grand Traverse Band. Employees are expected to comply with both the letter and spirit of tribal statutes, policies, regulations, and procedures.

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## **SECTION 100 INTRODUCTION**

### **100.00 Introduction and Scope of this Personnel Policy Manual**

The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) believe in promoting open communication and cooperation among all employees. Our employee policy book contained herein reflects this thinking. **It supersedes and replaces any and all previously issued booklets, memos, letters, precedents or similar policy statements.** The information in this policy book is intended to provide you with general information about some of the government workplace policies, and highlights of your benefit program. It is the employee's responsibility to read, understand, and comply with the provisions of this policy book. Neither this policy book nor any of its provisions implies or establishes a contract between the GTB and an employee. Compliance with the personnel policies and procedures contained herein is mandatory.

No policy book can anticipate every business circumstance or questions about policies. The GTB, therefore, reserves the right to revise, interpret, supplement or rescind in whole or in part any of the published policies, practices or benefits of the GTB without advanced notice or without providing cause or justification.

Policies contained herein may not be amended or added without the express written approval of the Tribal Council. The statements, practices, or interpretations of policies that have not been properly authorized by management do not bind the GTB.

This policy book is intended to be an overview of all policies and procedures and has been approved by the GTB Tribal Council. Should any tribal ordinances conflict with any of the policies contained in this book, the tribal ordinances take precedence.

All employees of government operations shall comply with any specific laws, rules, regulations, policies and procedures governing specific functions of tribal government, agencies, business entities, departments and programs. It shall be the employee's responsibility to know and understand such specific laws, rules, regulations, policies and procedures which govern or are applicable to their job.

**Nothing in this manual shall be construed as a waiver of the Grand Traverse Band's sovereign immunity.** Regarding any aspect of these policies and procedures the GTB claims all rights attendant to sovereign immunity to suit except as specifically stated herein and in accordance with applicable provisions of the GTB Constitution.

### **101.00 Nature of Employment – “For Cause” Discharge**

It is the government business policy to terminate an employee only for cause. This policy does not in any way restrict the government operations from lay-off or discharging any employee for budgetary reasons or organizational changes. Government operations reserves the right to involuntarily terminate an employee for cause without first resorting to any of the disciplinary actions outlined in this policy book.

Immediate involuntary termination of employment, in accordance with Policy # 207.00, may be deemed appropriate by the Tribal Manager and/or the HR Director when an employee has

been convicted of an illegal act or has violated the government workplace drug and alcohol policy, has engaged in violence in the workplace, has recklessly or negligently caused injury to another person, has demonstrated a pattern of insubordination, is reckless or negligent with government property, funds or credit or for any other cause that constitutes a substantial and reckless disregard for GTB law, policy and procedures.

**102.00 Personnel Policy Definitions** (amended by motion, TCRS, September 25, 2013, TCSS December 5, 2018; January 16, 2019)

**Active Employee:** Active Government employees are not eligible for employment with GTB EDC entities or Grand Traverse Resort & Spa unless GTB management receives a written letter of resignation prior to accepting employment with Grand Traverse Resort & Casinos or Grand Traverse Resort & Spa entity.

**Chain of Command:** consists of the following: an employee's immediate supervisor first, his or her department manager second and the Tribal Manager third.

**Contract Employee:** Separate and distinct from an independent contractor, a contract employee is a regular full-time employee that signs an employment contract with the Band. The Personnel Policy applies to contract employees; however, the employment contract may alter various provisions in the Personnel Policy that apply to that contract employee.

**Disciplinary Action:** is the response to unacceptable employee conduct or behavior, guided by the Personnel Policy. A disciplinary action may be a verbal or written reprimand, disciplinary suspension, disciplinary probation, or involuntary termination or discharge. Government operations will attempt to apply disciplinary action progressively when appropriate but retains the right to determine when such progressive action is appropriate and at what stage it should be implemented. This process does not constitute a contract and does not require that any one step of disciplinary action be taken before any other step.

**GTB Government:** The executive, legislative and judicial branches of GTB government as defined in the GTB Constitution.

**GTB Government Functions:** All duties and actions taken in furtherance of those duties, taken by the branches of GTB government and its departments, services, agencies, business endeavors, programs or entities under the dominion and control of any or all the branches of GTB government as defined in the GTB Constitution.

**Reasonable Accommodation:** A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities. Examples of reasonable accommodation include providing or modifying equipment or devices; providing readers or interpreters; modifying work schedules; and adjusting or modifying examinations, training materials, or policies.

**Grant Based Employees:** A special class of temporary employees whose term of employment with government operations extends only for the term of the grant which authorized or gave rise to the employee's position



**Human Resources Manager:** is the management employee assigned to implement and interpret the Personnel Policy and reports directly to the Tribal Manager. The Human Resources Manager may delegate his or her authority in case of absence.

**Independent Contractor:** Separate and distinct from contract employee, an independent contractor is not an employee. The Personnel Policy does not apply to independent contractors. Independent contractors usually exercise control over their own work product, working hours, equipment, and place of work. Independent contractors usually pay their own taxes, work for themselves in a field, and work on only a specific project for government operations. For example, independent contractors may be attorneys, accountants, and surveyors. A decision to use an independent contractor must be made in accordance with the IRS rules governing this type of contract.

**Interns:** are students participating in a specific educational program often compensated through the education program and supervised by government operations. Contrasted with “summer interns,” interns are employees for the purpose of the Personnel Policy, except that they do not have the right to appeal their discharge and may have other specific limitations, depending on the educational program. Interns are not eligible for employee benefits.

**Introductory Employee:** A new employee who has not yet completed the introductory period.

**Probationary Status:** refers to an employee who has been placed on disciplinary probation.

**On-Call Employees:** are not scheduled on a regular basis and only work “as-needed”. On-call employees do not receive benefits and are subject to the Government Personnel Policies.

**Hourly/Office Hourly:** employees are those who are covered under the minimum wage and overtime guidelines of the FLSA.

Regular Full-Time – one who has successfully completed their Introductory Period. These employees must maintain an average of 40 hours per pay cycle to be eligible for health care and fringe benefits. Management retains the right to adjust the minimum number of hours worked for regular, full-time status to reflect the seasonality of the business and for budgetary purposes.

Regular Part-Time – hired to work an average of 24 hours per pay cycle on a consistent basis. Part time employees are not eligible for health care benefits and are required to successfully complete the Introductory Period.

Temporary Full-Time – works an average of 40 hours per pay cycle and whose employment is of a limited duration, not to surpass four (4) months. Management retains the right to adjust the minimum number of hours worked for full-time status to reflect the seasonality of the business and for budgetary purposes. Temporary full-time employees are not eligible for health care benefits.

Temporary Part-Time – works an average of 24 hours per pay cycle and whose employment is of a limited duration, not to surpass four (4) months. Temporary part time employees are

not eligible for health care benefits.

In the event a part-time, temporary, or on call employee is placed in a regular full-time position, seniority for insurance benefits will begin immediately, providing the introductory period has been completed and 480 hours have been worked.

**Salaried Employees:** These employees maintain a minimum of 40 hours per pay cycle and are exempt from overtime wages.

**Exempt:** employees are those who are excluded from coverage under the minimum wage and overtime guidelines of the Federal Fair Labor Standards Act (FLSA). These employees are expected to perform their duties for such periods as may be required.

**Tribal Manager:** is the management employee who supervises the heads of the different departments and reports directly to the Tribal Chairman. The Tribal Manager may delegate his or her authority in case of absence.

**Volunteers:** are not employees, do not receive compensation or benefits, however, are covered by the Personnel Policy. Volunteers are subject to a background investigation under the provisions of the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §3207.

**Work Experience:** A temporary program of worker incentive. Workers in this program are bound to the Personnel Policies with exceptions through the specific grant program. Examples of exceptions would be wages are paid only for hours worked, or paid time away for interview purposes.

The definition of any term not specifically defined herein or within the text of a policy and procedure shall be subject to common usage and understanding of the word in the GTB community.

### **103.00 Tribal Organization and Chain of Command**

The seven (7) members, duly elected Tribal Council of the Grand Traverse Band, is constitutionally vested with the power and responsibility for the efficient operation of all Tribal government functions and is, for all purposes of the policies and procedures contained herein, the “employer”.

The responsibility for the implementation of the policies and procedures in this Personnel Policy Handbook is delegated by the Tribal Council to the Human Resources Director or designee. The responsibility for the day-to-day administration of tribal programs and services is delegated by the Tribal Council to the Tribal Manager or designee.

All employees are responsible to their immediate supervisor(s) and department managers and must adhere to the chain of command. All formal, work-related communication from an employee must be directed first to the employee’s immediate supervisor. Formal, work-related communication includes, without limitation, written or verbal communication to non-tribal agencies or entities, grievances, concerns, problems, requests for funds, requests for equipment, questions about personnel or other tribal government policies, suggestions, travel requests, vacation requests, all requests seeking permission, and perceived inequitable

conditions of employment. Acting as the “employer,” the Tribal Council requires that all GTB member employees follow the chain of command for employment related issues and that direct communication with a Tribal Councilor about an employment related issue, in the absence of following the chain of command, will not be responded to by the Tribal Councilor or the Tribal Council prior to the exhaustion of the chain of command process. Also see Policy #406.00 in reference to the Open-Door Policy.

#### **104.00 Administration of Personnel Policy**

The policies and procedures contained in this Personnel Policy shall be applied and enforced by supervisory and managerial employees of government operations. To ensure fairness and consistency in personnel matters, government operations have designated the Human Resources Director to be responsible for centralized human resources operations. In interpreting the Personnel Policy, supervisors and department managers must consult with the Human Resources Director for purposes of maintaining consistency in the interpretation. Ultimate authority for interpretation, application, and enforcement of the policies contained herein rests with the Human Resources Director.

All management staff must consult with and notify the HR Department prior to imposing disciplinary action pursuant to personnel policies and procedures.

Ignorance of GTB written law, policies and procedures shall not be a defense to disciplinary action for violation of those laws, policies and procedures.

#### **105.00 Personnel Records**

Personnel files are the property of government operations and may not be removed from the HR office. In the interest of confidentiality, access to individual personnel files will be restricted to HR personnel, the employee, and the GTB Legal Department. Applicable portions will be made available as necessary to the employee’s supervisor, department manager, and the Tribal Manager. The Hearing Officer (refer to Policy #801.00-Employee Recourse to Dispute a Discharge from Employment) shall also have access to a personnel file in a discharge dispute. Employees must be notified of any access to their personnel files by any individual outside of the Human Resources office or their direct chain of command (e.g. immediate supervisor, department manager, and Tribal Manager).

It is a breach of confidentiality for any employee to disclose personnel or employment related information to any third party without authorization from the HR Department. Communications regarding disciplinary actions in the workplace are strictly confidential personnel information. An employee who discloses confidential information contained in or intended to be contained in his or her own personnel file waives the right to confidentiality of the specific information disclosed. Employees may correct inaccurate required information or submit written comments in disagreement with materials contained in their records.

Changes of personal information (address, telephone #, births, deaths, marriages, etc.) must be reported immediately to the HR Department as an employee’s income tax status and group insurance may be affected by these changes.

One copy of an employee’s personnel file will be furnished at his/her request, within three (3) working days of when requested, at no charge, limited to one (1) request per year. Subsequent copies within a year will be subject to a \$10.00 fee per file.

## **SECTION 200 EMPLOYMENT**

### **200.00 Equal Employment Opportunity/Tribal and Native American Preference** (amended 5/16/07 – Tribal Council Regular Session; 11/29/17 – Tribal Council Special Session)

Except with regards to the application of Indian and tribal preference in hiring and advancement, the Grand Traverse Band of Ottawa and Chippewa Indians is an equal opportunity employer.

Indian Preference: The Grand Traverse Band of Ottawa and Chippewa Indians provides preference in employment decisions to Native Americans, in accordance with 703(i) of Title VII of the Civil Rights Act of 1964; Title 25, U.S.C. 472 & 473; and other federal law (including Morton v. Mancari, 417 U.S. 535 (1974)). Government operations will extend this preference consideration to qualified Native American applicants when making decisions on hiring, transfer, and layoff for budgetary reasons.

Tribal Preference: In addition to the Native American preference outlined above, government operations provide preference in employment decisions to tribal members of the Grand Traverse Band. This preference is in recognition that the GTB's primary responsibility is to its membership. This preference is in accordance with the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450E (c).

Therefore, in reference to Tribal and Indian Preference as stated above, government operations will abide by the following criteria when screening applicants for posted positions:

- All Tribal members will be screened based on the knowledge, skills, and abilities demonstrated on the application and/or resume submitted. Consideration will be given to these applicants, for positions which require higher education with a degree, based on the following: (this is only for positions that require a degree)
  1. 4 years of experience in a related field will equal 2 years of college for meeting minimum qualifications; or,
  2. 6 years of experience in a related field will equal 4 years of college for meeting minimum qualifications; or
  3. A bachelor's degree or its equivalent plus four (4) years of experience in a related field equivalent to an advance degree may be considered for meeting minimum qualifications.
  4. These provisions of preference shall not override licensure or certificate requirements of a regulated profession or the specific requirements of a degreed employment field.

When offers of employment are made using these criteria, the Grand Traverse Band reserves the right to implement conditions of employment at the time of hire.

- If one or more qualified applicants demonstrate Tribal or Indian Preference eligibility, only those applicants will be interviewed for the position. Those Tribal or Indian Preference candidates who meet the minimum qualifications will be further evaluated regarding the knowledge, skills, and abilities that directly relate to the position, at the time of interview.

- If no Tribal or Indian Preference applicants meet the minimum qualifications, then other candidates will be considered.

Government operations has developed Job Descriptions that indicate the minimum qualifications needed in order that an individual will be hired with the knowledge, skills, and abilities to be successful in its government endeavors of serving the needs of its membership.

**200.01 US Veteran Preference** (Approved by TC Motion, Tribal Council Special Session, November 29, 2017)

The Grand Traverse Band recognizes that potential employees have served in the US Military and have achieved a Veteran status. Veteran status will be recognized within the GTB hiring process:

1. The US veteran must provide a copy of their DD-214 “Certificate of Release from Active Duty” which shows dates of service and discharge under honorable conditions.
2. The US veteran will receive preference points in the scoring for selection of the position in which they are applying for;
3. Those GTB veteran and other veteran preference candidates who meet the minimum qualifications will be further evaluated regarding knowledge, skills, and abilities that directly relate to the position, at the time of interview;
4. These provisions of veteran preference shall not override licensure or certificate requirements of a regulated profession or the specific requirements of a degreed employment field.
5. The US veteran will be given preference in determining the interview selection process, over other external applicants.

**201.00 Hiring and Selection** (amended by TC Motion, Tribal Council Special Session, November 29, 2017)

All processes, coordination of employment applications and hiring will be conducted through the Human Resources Department.

Human Resources will post vacancies in-house for five (5) business days. Current GTB employees and GTB members may apply for positions posted during the in-house posting period. All GTB members applying for jobs posted in-house who meet the minimum qualifications must be interviewed **first**. If no in-house applicant is hired, the vacancy will then be posted for open application for a minimum of five (5) days or until the position is filled. All job postings will include a summary of duties, minimum qualifications, grade classification, application procedures and deadline for applying. Applications will be not accepted after the deadline. All hiring, promotions and transfers are subject to the Native American Preference policies in this Personnel Policy.

During the 5-Day Posting Period, all applications will be accepted, however, preference will be given in this preference order:

- Qualified GTB Tribal Members
- Qualified Other Indian Preference applicants
- Qualified In-House applicants
- Qualified Veteran Applicants
- Qualified External Applicants

*Minimum qualifications* will be clearly stated in all job descriptions, and will include educational requirements, years of experience, and specific job skills. In addition, some

positions will require a valid driver's license and to be insurable by the GTB insurance carrier.

A *qualified applicant* is one who meets the minimum qualifications so stated in the job description. Those qualified applicants who demonstrate Tribal or Indian Preference, is an in-house applicant or Veteran applicant, will have hiring preference described in the order above.

The Grand Traverse Band Human Resources Department and the Department Manager will initially screen applicants based on the minimum qualifications so stated and will determine if an applicant does meet the minimum qualifications for the position.

All applicants \* to whom a conditional offer of employment has been extended, and current employees, may be required to undergo medical tests, procedures, examinations, or drug screening. Successful applicants for employment will be required, as a condition of employment, to pass a drug screening and a background screening relating to the classification of the position

**\* All new employees considered for hiring in IC3 or Management positions will have their employment and character references checked.**

**201.01 GTB Conservation Trainee Requirements** (approved by TC Motion, Tribal Council Special Session, November 29, 2017)

It is the policy of the Grand Traverse Band of Ottawa & Chippewa Indians to allow Tribal Members hired as Conservation Enforcement Trainees a chance to complete the required 16-week Basic Police Officer Training at the Indian Police Academy. This is a one-time opportunity, if the trainee fails to complete the program for any reason, they will not be allowed a second chance to attend this required training. Failure to complete the BIA Police academy will result in immediate dismissal from the Trainee position.

**201.02 GTB Police Officer Trainee Requirements** (approved TC Motion, TCSS Nov 29, 2017)

It is the policy of the Grand Traverse Band of Ottawa & Chippewa Indians to allow Tribal Members hired as a Police Officer Trainee a chance to complete the required 16-week Basic Police Officer Training and MCOLES Certification. This is a one-time opportunity, if the trainee fails to complete the program for any reason, they will not be allowed a second chance to attend this required training. Failure to complete the Basic Police Officer Training will result in immediate dismissal from the Trainee position.

**202.00 Employment of Family Members**

Preferential consideration for employment or employment-related matters will not be extended based upon an applicant's or employee's family ties. Unless the Tribal Council has expressly approved an exception, the following policy shall apply as to employment of family members:

1. No immediate family member should at any time report to, or directly supervise, in any capacity, another immediate family member;
2. No immediate family member should be responsible for hiring, overseeing, inspecting, evaluating, or reviewing the work of another immediate family member; and,

3. No employee with time, pay, or work reporting/recording duties should perform such service for an immediate family member.

Unless otherwise specified, for the purposes of this policy only, the term “immediate family member” includes: spouse, parent, child, brother, sister, in-laws (mother, father, brother, sister, son, daughter), stepparent, stepchild, stepbrother/sister, half-brother/sister, grandparent, great-grandparent, grandchild, foster child, foster parent, foster sibling, fiancé, or a co-habitant of the household of the person under consideration. For the purposes of this policy, the term “co-habitant” means an individual who has resided in the same residence as the person under consideration for a period of three (3) or more months.

### **203.00 Introductory Employment Period**

All new employees and current employees who have moved into a different position will be carefully monitored and evaluated for an initial introductory period of ninety (90) days. Introductory employees will be evaluated at the 45-day interval of their introductory period. Problems that may occur during these first 45-days should be identified so a solution can be reached prior to the end of the introductory period. A 90-day evaluation will be conducted to include work performance, behavior towards co-workers and supervisors, attitude, commitment to tribal endeavors, attendance, and other relevant job factors. All evaluations are strictly confidential.

If a manager or supervisor feels the employee cannot adapt or meet the requirements of his/her position, the employment relationship may be terminated at any time during the introductory period with or without cause. Documentation of poor performance must be provided to the Human Resources Director prior to the termination of an introductory employee. This documentation will be reviewed by the Human Resources Director and the Tribal Manager before the final decision to terminate. Involuntary termination of an introductory employee may not be appealed under the provisions of these personnel policies and procedures.

Upon successful completion of the introductory period, a regular full-time employee becomes eligible for benefits in accordance with these policies and procedures. An employee who has had their Introductory Period extended will not be eligible for company benefits until they have successfully completed the extension.

#### **203.01 Seniority** (Approved by TC Motion, Tribal Council Special Session, November 29, 2017)

Seniority will be calculated based on actual cumulative time worked during regular full-time employment status. Cumulative time with The Grand Traverse Band, Grand Traverse Band EDC, LLC, and Grand Traverse Resort and Spa will be added to determine all seniority. An adjusted date of hire based on cumulative years worked will be calculated and used for PTO and recognition purposes.

#### **204.00 Transfers** (approved by TC Motion, Tribal Council Regular Session, December 17; 2014; November 29, 2017)

Any government employee may seek a transfer within the government or EDC/GTR&C structures only, through the normal job posting process, without loss of benefits (e.g. PTO, seniority, years of service, etc.)

If an employee transfers to another position he/she will be paid at a rate which is within the approved range for the position he/she transferred to, even if the rate of pay is lower than their current rate of pay. Employees will serve a ninety (90) day introductory period in their

new position and benefits will continue during this time. The transferred employee will be allowed to use accrued Paid Time Off (PTO) during their 90- Introductory Period.

To be eligible for a transfer employee must meet the requirements of the new position, have held their current position for at least six (6) months, have a satisfactory performance record, and have no adverse disciplinary actions during the past 6 months. Part-time employees with less than six months in their position, and have completed their Introductory Period, with no disciplinary actions during this period, would be eligible to transfer within tribal government, through the normal job posting process.

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

An employee who transfers from government to EDC/GTR&C will have regular full-time and part-time years of service transferred for accrual of Paid Time Off only. Transfers of this nature will only allow for the pay-out to the government employee of any remaining Paid Time Off (PTO) hours, as these hours do not transfer.

Transfers of employees may be necessary or desirable from time to time. Temporary or permanent transfers within tribal government may be made when it is deemed to be in the best interests of both the employee and the tribe.

**204.01 Transfer of Service Gaming to Government** (approved by TC Motion, Tribal Council Regular Session, January 16, 2013; Tribal Council Special Session, November 29, 2017)

Recognizing that all employees, Grand Traverse Band, Grand Traverse Band EDC, LLC, and Grand Traverse Resort and Spa, are employed by the Grand Traverse Band, the transfer of years of service for time off purposes and years of service recognition will be granted under the following conditions:

1. There is no break in service; and
2. Employee resigns “in good standing” as verified by the personnel file – submitted and completed a 2-week notice period; and
3. Employee’s status was regular full-time or part-time at time of transfer.

This policy governs PTO and the annual Years of Service recognition event. All other benefits will be granted upon the successful completion of their 90-day Introductory. Verification of employment data on years of service with Grand Traverse Band Government, Grand Traverse Band EDC, LLC, and Grand Traverse Resort and Spa will be made by the HR Department.

**205.00 Outside Employment** (amended per Resolution #07-25.1807, June 20, 2007)

Government operations require the full attention and effort of each of its employees toward his or her duties. Generally, employees will be permitted to engage in outside employment or to serve on a non-GTB board or commission position in their capacity as a GTB employee provided:

1. The outside employment or service on an outside board/commission in the course of representing GTB has no actual or potential conflict, or the appearance thereof, with the employee’s official duties.



2. The outside employment or service on an outside board/commission does not interfere with or prevent the employee from fully and efficiently executing his or her duties of employment with government operations.
3. The employee's work for government operations remains consistently of good quality and is demonstrably the employee's highest priority.

Employees must seek permission to accept outside employment from their Department Manager prior to accepting a position outside of government employment or service on a non-GTB board or commission in their capacity as an employee from the Tribal Council before serving on such board or commission. If the outside employment is determined by the department manager to be inconsistent with the requirements of this policy or the GTB Code, the employee must either refuse or discontinue either the outside employment or voluntarily terminate his/her employment with GTB.

All employees of government operations will not be allowed to have outside employment with the Economic Development Corporation or Grand Traverse Resort & Casinos due to Federal labor laws.

Outside employment will not be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime. Should the outside employment cause, or contribute to, any of these situations, such outside employment must be discontinued.

All efforts must be made to ensure that at least one employee designated to represent GTB on an outside board or commission is also a GTB Tribal member.

### **206.00 Layoff and Recall**

If government operations must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted consistent with the government operational requirements and in accordance with the procedures listed below. Measures will be taken to abide by Tribal and Indian preference to every extent possible, but all decisions regarding layoffs and recall are at the discretion of government operations management.

Government operations will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoffs. In the event of an anticipated layoff, management will communicate information as soon as possible. Management reserves the right to alter the layoff procedure and withhold information about layoff(s) to the extent permitted by law in order to protect the government business interests.

Selections for permanent layoffs will be made according to this policy and handled pursuant to Termination of Employment policies. All layoffs shall be reviewed and approved by the Tribal Manager and the HR Director. The department manager/supervisor shall meet with the Tribal Manager prior to any layoff to seek approval.

Employees within each affected department may be selected for layoff in the following order when possible:

- Voluntary;
- New employees covered under the Introductory Period policy;
- Temporary and part-time employees;

Full-time employees based on length of service and/or their demonstrated ability to perform the available work. Documentation of poor work performance will be required for this criterion.

All GTB members, full-time and part-time regular, who are employed at the time of a layoff, will be given Tribal Preference consideration unless they choose to take a voluntary layoff, or there is no position available in which to place the GTB member within their scope of knowledge, skills, and abilities.

Non-tribal member employees in Government may be subject to layoff if a tribal member meets the qualifications of the position held by the non-tribal member, the Tribal member has a good performance record including attendance and wishes to be placed into that position. Managers/supervisors who believe a tribal member could be placed into such non-tribal member occupied position will consult with the Tribal Manager and the HR Director to coordinate the procedures for this type of transaction. Tribal members who choose this option will only have two (2) weeks from the date of notification of layoff to complete this type of transaction with the Tribal Manager and HR Director. Tribal members may not seek a position currently occupied by another tribal member, regardless of qualifications. Once the Tribal member accepts retention in a non-member held position, the non-member is subject to layoff as provided herein.

Vacation leave hours equal to the number of unused annual leave hours during the fiscal year will be paid at the current rate of pay at the time of layoff. This will be calculated from the last day of employment.

Employees will be eligible for COBRA (continuation of health benefits) and will be contacted by the Benefits Department through a notification letter.

If an offer of recall to the same vacated position does not occur within one (1) year after the date of layoff, any employment relationship will end at that time.

This policy shall not apply to grant-based employees whose employment period is defined by the terms of a specific grant and the employee is terminated concurrently with the applicable grant. Any lapse of time for extensions or renewals of grants must be no longer in time than one (1) month. If the timeframe exceeds one (1) month the employment will be terminated concurrent with the original grant. During the one (1) month timeframe the employee will be placed on temporary lay-off status and will be eligible for unemployment benefits. No other provision of this policy applies when an employee is placed on this status.

The provisions of this policy do not apply to position eliminations due to reorganization.

**206.01 Long Term Closure/Emergency Shutdown** *(Approved by TC Motion, Tribal Council Special Session, April 29, 2020; Amended by TC Motion, Tribal Council Special Session, September 30, 2020)*

If government operations must close, either long-term closure or emergency shutdown, due to an act of nature, pandemic, or circumstances beyond employer's control, employees will continue to receive their regular compensation for a determined period.

In the event the long-term closure (12 weeks that mirrors STD-MLOA policy) or emergency shutdown that extends beyond original employer's expectations, employees will be placed on temporary leave or furlough.

During long-term closure or emergency shutdown employees will retain their healthcare coverage and they will also retain and accrue their PTO and Vacation/GPT hours.

Some essential staff employees will be required to work during this closure/shutdown, and they will be compensated accordingly.

Employees working in grant funded positions will continue to meet grant obligations on a limited basis, not less than 25% of their time required by the grant.

**207.00 Termination of Employment** (approved by TC Motion, Tribal Council Regular Session, January 16, 2013; Tribal Council Special Session, November 29, 2017)

Termination of employment with government operations may be voluntary or involuntary. Upon termination of employment, employees will be required to immediately turn in all government property, including badges, licenses, keys, cell phones, laptops, pagers, etc. Final paychecks will not be issued until all GTB issued property has been returned. If property is not returned within seven (7) business days, GTB reserves the right to deduct the fair market value of unreturned property from the employee's final paycheck.

**Voluntary Resignation:** Employees must give written notice to resign in **"Good Standing"**. Employees are required to give AND work a two-week notice (14 days) to maintain Good Standing.

Employees who terminate voluntarily and in good standing with the appropriate written notice shall be eligible for rehire immediately. If an employee secures re-employment with GTB there will be restoration of seniority.

**Employees who resign not in good standing will be eligible for rehire after 90 days.**

**Involuntary Termination:** Involuntary termination occurs when the GTB, through its supervisors and managers, initiates the separation. At the final written warning level, the employee will be asked to clock out for the remainder of the shift and remain off the clock until a decision regarding employment status is made.

Former employees who were involuntarily terminated will be subject to the following guidelines.

- First time re-hires will be eligible to apply six (6) months after his/her last day of employment.
- Multiple re-hires will be eligible to apply one (1) year after his/her last day of employment.

For this policy, a review of the past seven (7) years of employment history will be the basis for re-hire.

**207.01 Employee Parting Recognition** (Approved by TC Motion, Tribal Council Special Session, November 27, 2019)

This is recognition of GTB employees who are leaving GTB employment in good standing.

3. We currently pay the cash awards monthly to employees that meet benchmark seniority dates.
4. We will have seniority awards, pins, etc., ready for distribution at the annual employee appreciation meeting. It will cover those individuals who've achieved seniority benchmarks since the date of the last awards presentation.

**Leave in good standing (non-retirement)**

0-9 years	Thank you Card
10-19	\$300
20-24	\$500
25-29	\$1000
30+	\$1500

If employees return to work after receiving a category, then they may be eligible for the next threshold of gifting net what they've already received.

**Seniority recognition gifts are paid out the following month of their seniority date, the recognition certificate and public acknowledgement will occur during the Tribal Council appreciation day.**

**208.00 Exit Interviews**

Employees who leave employment, either voluntarily or involuntary, will be given the opportunity to complete an exit interview with the Human Resources department. Interviews are confidential and held in a separate file. Human Resources will contact a departing employee for this follow-up.

**209.00 Reasonable Accommodation** (approved by TC Motion, Tribal Council Regular Session, January 16, 2019)

GTB is committed to equal opportunity in all aspects of employment for qualified individuals. GTB provides reasonable accommodation for the known physical or intellectual limitations of qualified individuals with disabilities unless doing so would impose an undue hardship on GTB or would change the essential functions of the position. An individual with a disability:

1. has a physical or mental impairment that substantially limits one or more of the person's major life activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, and learning;
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

A qualified individual with a disability has the skills, experience, education, and other requirements of the job and can perform the essential functions of the position with or without reasonable accommodation.

### **209.01 Process and Review**

An employee may request a reasonable accommodation orally or in writing from his or her supervisor or Human Resources. A family member, health professional, or other representative may request an accommodation on behalf of an employee or applicant. However, GTB will hold discussions about accommodation with the employee, unless he or she cannot participate adequately due to incapacity.

A request does not need to use any special words. To the extent possible, the request should include a description of the precise job-related limitations imposed by a disability and how those limitations could be overcome by a reasonable accommodation. Employees and applicants may consult with HR for information on pursuing a reasonable accommodation.

When the disability or the need for accommodation is not obvious, the individual may be asked for reasonable medical documentation about the disability and functional limitations.

An employee who is granted a reasonable accommodation might not receive the exact form of accommodation requested. The supervisor, deciding official, and the individual with a disability should talk to each other about potential accommodations to clarify the individual's needs. The supervisor and deciding official have the discretion to identify reasonable and appropriate alternatives in consultation with the individual.

All denials of reasonable accommodation requests will be made in writing. The decisions specify the reason for the denial, inform the individual of the informal procedure for reconsideration of the decision, and advise the individual of the right to file an appeal to the Tribal Council within a prescribed time frame.

### **209.02 Breast Milk**

An employee may take a reasonable break time to express breast milk for a nursing child for up to one year after the child's birth, each time the employee needs to express milk. A department manager shall provide a private place, other than a bathroom, that is shielded from view and free from intrusion by coworkers or the public for the employee's use when expressing breast milk. Hourly employees are entitled to use the full amount of any breaks that are normally granted and compensated to other hourly employees for this purpose, and additional time shall be granted to the employee to express breast milk but shall not be considered compensable time.

## **SECTION 300 COMPENSATION**

### **300.00 Wage and Salary Administration**

Government operations offer wages and salaries that are non-discriminatory and competitive. All compensation decisions take into consideration the financial condition of the Tribe. The Human Resources Department shall continually review all compensation plans and evaluate each position to assign a job grade and pay range.

Adjustments to wages and salaries for market adjustment purposes will be analyzed and determined by the Tribal Council on a yearly basis in consultation with the HR Department.

### **301.00 Performance Evaluations**

The performance of each employee shall be evaluated at least once each year by the employee's immediate supervisor. Performance evaluations shall:

1. Clarify expectations and thereby provide guidance and direction;
2. Identify strengths and weaknesses, measure progress, and assemble a strategy for development;
3. Assist management in assessing the employee's potential for further advancement and development;
4. Develop performance objectives and ensure that those objectives are compatible with tribal needs;
5. Build and strengthen the employee-supervisor relationship by providing a means of open communication;
6. Identify and alleviate problems.
7. Identify training needs and requirements and set forth a training plan and timeline.
8. Allow for an employee to assess job performance in relation to the requirements set forth in the job description appropriate to his or her position.

All performance evaluations will be completed during the 4<sup>th</sup> quarter of each fiscal year with completion by September 30<sup>th</sup> and must be submitted to HR for review prior to delivery to the employee. After HR review, final evaluation may be presented to an employee.

Any employee who scores in an unacceptable performance range will automatically be placed on a Performance Improvement Plan (PIP) for a 45 or 90-day period. At the end of the PIP the employee will be re-evaluated. The goals of the PIP must be achieved within the time allotted. PIP's must be reasonably designed to encourage performance improvement and should include training and re-training plans as needed.

Introductory employees will be evaluated at 45 days and 90 days. The intent of these evaluations is to ensure the employee has been given the tools and training needed to succeed in their position and evaluate if the employee is a good fit for the position. These evaluations shall identify the employee's progress in learning the basic requirements of the position and those areas in which training or enhanced training may be necessary.

All evaluations shall include an opportunity for the employee to respond to evaluations made by his or her supervisor. Supervisors shall discuss responses with the employee and address any issues raised by the employee. Employee evaluations may not be altered or modified in response to the employee's response without prior approval of the HR Director.

All employee evaluations and responses to evaluations are confidential and shall be placed into the employee's permanent personnel file. Each employee shall receive a true copy of each evaluation at the time of evaluation. Except as authorized herein, no third party shall have access to or shall handle employee evaluations.

### **302.00 Pay Procedures**

Employees are generally paid on a weekly basis. Appropriate deductions for taxes, enhancement of benefits, and employee charged benefits will be deducted from each paycheck. No other deductions will be made without the consent of the employee except deductions made pursuant to a valid court order.

Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify the Payroll Manager immediately.

Paychecks will be distributed only to the employee in whose name appears on the paycheck. Employees who wish to have someone else pick up their check must provide a "Payroll Release Authorization Form" to the Payroll Manager. Unclaimed paychecks are sent to the Payroll Manager. Paycheck advances are not permitted.

### **303.00 Hours of Work**

Standard hours of business for tribal government offices are 8:00 am to 5:00 pm, Monday through Friday, with 12:00 noon to 1:00 pm being the unpaid lunch hour.

Government operations believe that most work can be accomplished in a 40-hour work week for full-time employees, and therefore will allow only minimal overtime hours for hourly paid employees. Hourly employees will be paid overtime compensation at the rate of one and one-half (1 ½) times their regular hourly rate for work in excess of forty (40) hours during a workweek. Paid Time Off (PTO) hours taken during a forty (40) hour workweek are not counted as work hours for purposes of calculating overtime. Overtime hours are not to be worked without prior supervisor/manager approval.

#### **303.01 Holiday and Holiday Closure Premium Pay** (Approved by TC Motion, Tribal Council Special Session, November 27, 2019, TCSS 12/29/21)

There are 14 recognized holidays within GTB and for the past several years holiday related closures. There are a few hourly employees that work during these times: GTBPD, Transporters, Elder Workers, etc. These hours are for the most part scheduled in advance with the Department Managers and Supervisors. To be fair and equal we propose that all hourly employees that work holidays and holiday closures receive premium pay.

#### **303.02 Flexible Scheduling** (Amended by TC Motion, Tribal Council Special Session, November 29, 2017)

Based on a business need, an employee may present an alternate work schedule to his/her supervisor when work required outside the normal schedule is necessary and can be accomplished in a more efficient manner. Flexible schedules must be approved by the employee's supervisor and department manager and documented to the HR office. Salaried/exempt employees are required to work a minimum of 40 hours per week and adhere to a schedule within government hours of operation whenever possible.

**303.03 Work at Home (remotely)** *(Approved by TC Motion, TC Regular Session, May 20, 2020, TCSS May26, 2021)*

GTB Employee remote work policy outlines GTB guidelines for employees who work from a location other than GTB offices. We want to ensure that both employees and GTB will benefit from these arrangements. This policy applies to employees whose primary work location is at GTB offices. Employees may work remotely from home on a temporary basis as determined by the Tribal Manager's Office.

To ensure that employee performance will not suffer in remote work arrangements, GTB work at home employees must:

- Choose a quiet and distraction-free working space.
- Have an internet connection that's adequate for their job.
- Dedicate their full attention to their job duties during working hours.
- Adhere to break and attendance schedules agreed upon with their manager.
- Ensure their schedules overlap with those of their coworkers for as long as is necessary to complete their job duties effectively.
- Must have daily communication with Supervisor/Department Manager.
- Must respond in a reasonable amount of time to all phone calls, emails and text messages.
- Must be available to participate in Mandatory and Zoom meetings

Employees, supervisors and managers should determine long-term and short-term goals. They should frequently meet (either online or in-person when possible) to discuss progress and results. The option to work at home may be revoked at the Supervisor's discretion.

### **Compliance with Policies**

Our work at home employees must follow our company's policies like their office-based colleagues.

- Attendance
- Social media
- Confidentiality
- Data protection

### **Equipment**

GTB will provide remote workers with equipment that is essential to their job duties, like laptops, headsets and cell phones (when applicable.) GTB will install VPN and GTB-required software when employees receive their equipment. Employees must keep GTB safe and avoid any misuse.

- Keep GTB equipment password protected
- Store equipment in a safe and clean space when not in use
- Follow all data encryption, protection standards and settings
- Refrain from downloading suspicious, unauthorized or illegal software
- GTB Work Cell Phone

### **Cell Phone**

If you are assigned a GTB work cell phone you must be available to answer cell phone calls, and to participate in conference calls, zoom calls, as requested.



**304.00 Timekeeping Records** (Amended by TC Motion, Tribal Council Regular Session, March 21, 2018)

Employees must submit an eTimesheet electronically or on paper by 12:00 p.m. each Friday, and Supervisors/Department Managers must submit their approval or modifications by 5:00 p.m. each Friday. Notification of any change in the deadlines due to holidays, etc., will be made by the Payroll Manager. An employee must indicate any PTO or other type of leave used during each relevant pay period. Altering or falsifying information on the eTimesheet will result in disciplinary action up to and including discharge.

**305.00 Position Classifications**

Exempt employees are those who are excluded from coverage under the minimum wage and overtime guidelines of the Federal Fair Labor Standards Act (FLSA). These employees are expected to perform their duties for such periods as may be required.

Office hourly/hourly employees are those who are covered under the minimum wage and overtime guidelines of the FLSA.

**306.00 Wage Classifications**

Salaried employees are those paid for general work duties and compensated based upon a weekly, monthly or annual computation of earnings.

Hourly employees are compensated based upon a calculation of hours or portions of hours worked to determine wages.

**SECTION 400**  
**BENEFITS OF FULL-TIME EMPLOYMENT**

**400.00 Disclosure of Benefits** (amended by Motion, Tribal Council Regular Session, November 27, 2013, April 20,2022)

**HEALTHCARE and BENEFIT COVERAGE**

**BENEFITS OF FULL-TIME EMPLOYMENT**

Health care/benefit coverage may be available to regular, full time employees who maintain full time hours each week, as determined by their job status. The GTB has authority to determine appropriate healthcare programs. Unless otherwise stated, health care/benefit coverage, including vision, life insurance, supplemental insurances, short-term disability, long-term disability, 401(k), etc., becomes effective on the 1st day of the month following sixty (60) days of employment but not more than 90 days for eligible employees.

Upon termination of employment, employees will be covered by healthcare coverage until the end of the pay period of termination; All other benefits will end at the end of the month.

Employees covered by the Group Health Coverage Plan have the following obligations:

- Marriages, Births, Adoptions - any qualified new member must be enrolled within 30 days of the event. Missing this 30-day window will require the employee to wait until the next open enrollment period. Open enrollment is held in November of each year for an effective date of January 1.
- Divorce - Immediate notification (within 24 hours) of a divorce must be made to the Benefit's staff. Failure to promptly report will result in corrective action, up to and including termination. Any charges made to the healthcare account for services after the date of the final divorce decree will be considered unauthorized and will be made subject to restitution.
- Responsible for a weekly contribution, co-pay and deductible based on their policy coverage.

**401(k) Retirement Savings Plan** (Amended by motion, Tribal Council Regular Session, March 19, 2014)

Employees are eligible for 401(k) contributions in the company's 401k program immediately upon hire. The Employer's match contributions for the 401(k) Plan will resume effective May 1, 2014, retroactive to March 31, 2014, with one year of service.

**400.01 401(k) Auto Enrollment** (approved by TC Motion, Tribal Council Regular Session, August 16, 2017; TCSS November 29, 2017)

As a new employee, you will be automatically enrolled with a 1% pre-tax deferral into the Grand Traverse Band of Ottawa & Chippewa Indians 401(k) Saving Plan. This automatic deferral will begin within 1-2 pay cycles after the first 30 days of employment unless you select an alternate deferral amount or decide that you do not wish to participate in the plan at this time. Make the appropriate selections online at [www.newportgroup.com](http://www.newportgroup.com) or by contacting the Participant Service Center at 888-401-5488.

Your enrollment period will begin on the 1<sup>st</sup> of the month after you are hired and will last 30 days. If you do not make an active election to participate or opt-out of enrollment, you will be automatically enrolled at a 1% pre-tax deferral rate.

Worker's Compensation – The worker's compensation self-insurance program provides benefits to regular full-time and part-time employees who experience injury or illness in connection with employment with the government. This coverage is available from the first day of employment

Unemployment Compensation – Government operations pays the cost of the self-insured unemployment compensation benefits to employees. This coverage is available from the first day of employment.

**401.00 Paid Time Off (PTO)** (Approved by TC Motion, Tribal Council Special Session, November 29, 2017); (Amended by TC Motion, Tribal Council Regular Session, March 21, 2018; TCSS April 25, 2018, December 5, 2018); Amended, TCSS, 9/30/2020

Employees will earn paid time off (PTO) according to the calculations in this section. Employees may accrue PTO up to 480 hours but GTB will payout any remaining PTO up to 380 hours of unused PTO for full-time employees and up to 190 hours of unused PTO for part-time employees at the time of their separation from employment.

The implementation date for PTO will begin January 1, 2018. No employee will lose any vacation hours previously earned. Every employee will begin with any earned vacation hours (pro-rated) back to their anniversary date. Beginning January 1<sup>st</sup> all employees will begin accruing PTO hours, calculated based on actual time worked or using authorized paid/unpaid leave during pay period

**All new hires full-time and part time will automatically be enrolled in PTO.** Newly hired full-time and part-time employees in their Introductory Period, as defined in subsection 203.00 of this policy handbook, will accrue PTO but are not eligible to use accrued PTO until after successfully completing their Introductory Period.

Full-time employees will earn PTO per hour worked based on the actual hours worked up to forty (40) hours and the number of earned seniority years, under subsection 203.01 of this policy handbook. Part-time employees will earn PTO per hour worked based on actual time worked up to forty hours worked per week.

<b>FULL TIME EMPLOYEE PTO ACCRUAL</b>		
<b>Years of Service</b>	<b>Accrual Rates</b>	<b>PTO Carry Over Hours</b>
1 <sup>st</sup> year – 4 <sup>th</sup> year	Accrue .0847 per hour worked	480
5 <sup>th</sup> year – 9 <sup>th</sup> year	Accrue .1039 per hour worked	480
10 <sup>th</sup> year – 14 <sup>th</sup> year	Accrue .1231 per hour worked	480
15 <sup>th</sup> year – 19 <sup>th</sup> year	Accrue .1327 per hour worked	480
20 years *	Accrue .1424 per hour worked	480
21 <sup>st</sup> year – 29 <sup>th</sup> year *	Accrue .150 per hour worked	480
30 + years **	Accrue .1577 per hour worked	480
35 + years **	Accrue .1635 per hour worked	480
40 + years **	Accrue .1712 per hour worked	480

\* option for 1-week payout

\*\* option for 2-week payout

Except as otherwise stated in this subsection, to accrue the maximum PTO during a pay period, a full-time employee must either work forty (40) hours or achieve forty (40) hours using approved paid/unpaid leave authorized per this policy handbook, including without limitation, accrued PTO. Accordingly, PTO will not accrue at 100% in any pay period during which an employee is paid less than forty (40) hours. Part-time employees will earn PTO per hour based on actual time worked.

<b>PART TIME EMPLOYEE PTO ACCRUAL</b>		
<b>Years of Service</b>	<b>Accrual Rate</b>	<b>PTO Carry Over Hours</b>
All	Accrue .043 per hour worked	240

The PTO accrual rate for full-time employees will change on the anniversary date of the 5<sup>th</sup>, 10<sup>th</sup>, 15<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 30<sup>th</sup>, 35<sup>th</sup> and 40<sup>th</sup> seniority years.

Full-time employees may accumulate up to a maximum of 480 hours of accrued PTO; part-time employees may accumulate up to a maximum of 240 hours of accrued PTO. All excess PTO hours shall be deemed forever forfeited. Employees are solely responsible for monitoring their PTO accrual.

Employees may not borrow against his/her future PTO bank, or borrow from another employee's PTO bank.

### **PTO Carry Over Cap**

Full-time employees may accumulate up to a maximum of 480 hours of accrued PTO; part-time employees may accumulate up to a maximum of 240 hours of accrued PTO. All excess PTO hours shall be deemed forever forfeited. Employees are solely responsible for monitoring their PTO accrual.

PTO will be subtracted from an employee's PTO bank when used. Employees may not use PTO in less than one quarter (1/4) hour increments and may not use more PTO than they have accrued, as negative balances are not permitted.

Requests for PTO must be made at least twenty-four (24) hours in advance of any scheduled absence.

PTO hours will be counted as hours worked for purposes of PTO benefit accrual. PTO hours may not be used if placed on Unpaid Suspension or Disciplinary Probation.

PTO will be added to an employee's PTO bank every pay day.

### **PTO Payout**

Upon separation either by discharge, lay-off, resignation, or other terms of separation, GTB will payout any remaining PTO hours up to a **maximum of 380 hours for full-time employees and a maximum of 190 hours for part-time employees**. This amount will be reflected in their final paycheck or in a separate check to be mailed out to the employee's last recorded address.

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This PTO Policy replaces 401.00 Vacation Leave and 403.00 General Purpose Time (GPT). A new 403.00 Emergency Account Leave policy was created to replace the EVLA in the previous Vacation Leave Policy.

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Unless contractually specified, Paid Time Off (PTO) is subject to the following provision:

1. All requests for the use of PTO in an amount greater than 16 hours must be pre-approved at least one week in advance of the requested time needed.
2. PTO will be used to cover being tardy (defined as arriving to work after the start of an employee's scheduled work time) in a minimum of 1/4 hour increments.
3. Managers/Supervisors will attempt to grant reasonable requests that are timely submitted and will only disapprove requests if it will jeopardize the department's operations or function.
4. Managers/Supervisors must accommodate all emergency and unforeseeable circumstances which require the use of PTO and may require documentation of the emergency or circumstance.
5. Employees who are absent or tardy and who have exhausted all their Paid Time Off (PTO) will be subject to disciplinary action.
6. In the event of an early release of government employees per the Tribal Chairman or the Tribal Manager, employees on pre-approved PTO will be credited back the amount of time equal to the early release hour(s). It is the employee's responsibility to notify their Manager or direct supervisor of any changes with respect to the credit back of any hours.

One (1) forty (40) hour block of PTO/Vacation leave must be used at one time each year. Employees must submit an Absentee Report/Leave Request form and receive prior approval

from their immediate supervisor at least one (1) week prior to the anticipated 40 hours requested. No exceptions will be allowed.

Should government operations close, either long-term closure (12 weeks or more) or emergency shutdown, due to an act of nature, pandemic, or circumstances beyond employer's control, employees will continue to accrue their PTO/Vacation hours up to the maximum of 480 hours. During these extenuating times, employees can continue to use PTO/Vacation time to request time-off if their employment continues and/or are working from home.

PTO/Vacation hours accrued during this time may be used as if working normally and employees must request time off using the Absentee Report/Leave Request form. Hours accrued over 480 must be used or these hours will be forfeited.

**401.01 Vacation Leave** (amended by motion, Tribal Council Special Session, May 30, 2007; TCSS May 25, 2011; TCSS May 29, 2013; TCSS Oct 31, 2018; TCSS Dec 5, 2018); Amended, TCSS, 9/30/2020

Unless contractually specified, Vacation leave is subject to the following provisions:

1. One (1) year of **regular full-time** service must be completed before vacation leave will be granted. Thereafter, vacation leave will accrue on the employee's anniversary date of employment.
2. A combined maximum of four hundred eighty (480) hours of Vacation Leave and GPT may be allowed to be carried over into a new anniversary year in 2018 & 2019. Thereafter, any additional hours over 480 hours will be forfeited on the anniversary date.
3. All requests for the use of vacation time in an amount greater than 16 hours must be pre-approved at least one week in advance of the requested time needed.
4. Other annual leave due the employee may be taken in no less than one-fourth (1/4) hour increments with prior notice and approval by the employee's immediate supervisor.
5. Upon separation either by discharge, lay-off, resignation, or other terms of separation, GTB will pay cash value for the employee's remaining accrued annual leave and GPT of up to 380 hours. This amount will be reflected in their final paycheck or in a separate check to be mailed out to the employee's last recorded address.
6. In the event an employee has exhausted all General-Purpose Time (GPT), vacation hours may be substituted to account for hours away from the workplace with prior notice and approval by the employee's immediate supervisor in accordance with the General-Purpose Time (GPT) Policy 401.02.
7. In the event of an early release of government employees per the Tribal Chairman or the Tribal Manager, employees on pre-approved Vacation Leave or General-Purpose Time will be credited back the amount of time equal to the early release hour(s). It is the employee's responsibility to notify the Payroll Administrator and their direct supervisor of any changes with respect to the credit back of any hours.
8. Use of Vacation Leave will not be allotted to employees that are placed on probation or suspension.
9. Vacation Leave may not be borrowed against future accruals.
10. All regular full-time employees will accrue leave in accordance with the following schedule:

<b>Service Length</b>	<b>Vacation Leave</b>
After 1 <sup>st</sup> year – end of 4 <sup>th</sup> year	80 Hours
5 <sup>th</sup> year – end of 9 <sup>th</sup> year	120 Hours
10 <sup>th</sup> year – end of 14 <sup>th</sup> year	160 Hours
15 <sup>th</sup> year – end of 19 <sup>th</sup> year	180 Hours
20 years *	200 Hours (option for 1-week payout)
21 <sup>st</sup> year to 29 <sup>th</sup> year ** + 16 GPT Hours	200 Hours (option for 1-week payout)
30 + years *** + 16 GPT Hours	216 Hours (option for 2-week payout)
35 + years *** + 16 GPT Hours	228 Hours (option for 2-week payout)
40 + years *** + 16 GPT Hours	244 Hours (option for 2-week payout)

**\* 1-week payout    \*\* 16 GPT Hours    \*\*\* 2-week payout**

One year of employment with government must be completed before vacation leave will be credited and granted.

**\* combined carryover Vacation/GPT hours must not exceed 480 hours**

One (1) forty (40) hour block of PTO/Vacation leave must be used at one time each year. Employees must submit an Absentee Report/Leave Request form and receive prior approval from their immediate supervisor at least one (1) week prior to the anticipated 40 hours requested. No exceptions will be allowed.

Should government operations close, either long-term closure (12 weeks or more) or emergency shutdown, due to an act of nature, pandemic, or circumstances beyond employer's control, employees will continue to accrue their PTO/Vacation hours up to the maximum of 480 hours. During these extenuating times, employees can continue to use PTO/Vacation time to request time-off if their employment continues and/or are working from home.

PTO/Vacation hours accrued during this time may be used as if working normally and employees must request time off using the Absentee Report/Leave Request form. Hours accrued over 480 must be used or these hours will be forfeited.

**401.02 General Purpose Time (GPT)** (amended by motion, Tribal Council Regular Session, June 17, 2009; TCSS Oct 31, 2018; TCSS Dec 5, 2018)

General Purpose Time (GPT) is paid leave time intended for use when employees are unable to work due to illness, personal business, or any uncontrollable circumstance and may be used as vacation.

- **Regular, full-time employees** (non-introductory) are eligible to accrue and utilize GPT. Employees must maintain full-time status (an average of at least 40 hours in a work week) to accrue GPT. Averages are figured over a three (3) month rolling base.
- Accrual rate will be 3 days (24 hours maximum) per quarter, awarded on the first day of each quarter (i.e. January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup>, October 1<sup>st</sup>).
- Accrual begins the first day after an employee has fully completed the introductory period (91<sup>st</sup> day of employment unless the introductory period has been extended). After successful completion of the introductory period, the accrual rate will be pro-rated for the quarter based on when the employee obtains regular, full-time status (pro-rated amount will be determined by the Payroll Administrator).

- Upon separation either by discharge, lay-off, resignation, or other terms of separation, GTB will pay cash value for the employee's remaining accrued annual leave and GPT of up to 380 hours. This amount will be reflected in their final paycheck or in a separate check to be mailed out to the employee's last recorded address.
- GPT must be used in minimum increments of one-fourth (1/4) of an hour or more. (Tardy is defined as arriving to work after the start of an employee's scheduled work time). If an employee arrives after their scheduled work time, they will be subject to disciplinary action.
- Employees must, whenever possible, place their requests for GPT use with their immediate supervisor no later than 48 hours in advance.
- Each supervisor will attempt to grant reasonable requests that are timely submitted and will only disapprove requests if it will jeopardize the department's operations or function.
- Supervisors must accommodate all emergency and unforeseeable circumstances which require the use of GPT and may require documentation of the emergency or circumstance.
- Employees placed on a probationary period for disciplinary reasons may not use GPT during this period. Employees suspended from the workplace without pay may not use GPT. If an employee is placed on a probationary period and their GPT accrual surpasses the 72-hour limit of carryover, an exception for those hours will be made and carried forward; however, they will not carry forward for more than one quarter.
- Use of GPT in advance of accrual is strictly prohibited.
- Employees who are absent or tardy and who have exhausted all vacation leave or GPT will be subject to disciplinary action.
- Full-time, regular employees who transfer to a different position within government operations will carry their accumulated GPT with them to their new position and will be allowed the use of this time during their introductory period in their new position. GPT may not be borrowed against future accruals, nor may it be donated to another employee

**402.00 GTB Member Veterans Military Service Credit** (Amended by TC Motion, Tribal Council Special Session, November 29, 2017)

GTB recognizes military service as years of service to the Tribe. Therefore, **all military veterans**, who have received an honorable military discharge, shall be allowed to apply up to four (4) years of their active military service towards years of tribal government employment service for purposes of Paid Time Off (PTO). Documentation of this active military service and honorable discharge, a valid DD 214 – Certificate of Release or Discharge from Active Duty, must be provided to the Human Resources Department to receive this credit.

**403.00 Emergency Leave Account** (Approved by TC Motion, Tribal Council Special Session, November 29, 2017)

In urgent situations where an employee has exhausted all their Accrued Paid Time off (PTO) or Vacation/GPT, a temporary Emergency Leave Account shall be established to accommodate each emergency. Employees seeking to utilize the Emergency Leave Account will need to submit a formal written request to the Tribal Manager and Human Resources Manager for approval. Employees will not be allowed to access the Emergency Leave Account no more than one (1) time per calendar year.



Employees may donate up to 40 hours of their available PTO or Vacation/GPT hours to any account in the General Emergency Leave Account. Only the specific number of hours that are needed will be transferred to the account.

**\*\*NOTE: The donation of hours can occur from the same funding Source: i.e. RAO to RAO; specific grant to specific grant OR from RAO programs to all other programs.**

#### **404.00 Educational Release Time**

Government full-time employees are encouraged to improve their career development by taking courses at a local education institution. When courses are taken during normal work hours, approval of their Department Manager and the HR Director is required. If the courses are not offered outside normal working hours, a full-time employee working a 40-hour workweek will be granted a maximum of four (4) hours per week, including travel time. An employee **working less than a 40-hour workweek** will be limited to two (2) hours of release time, including travel time. No release time shall be available to part-time employees.

Employees must submit documentation that the course he/she desires to take is only available during working hours. Employees must also submit verification of enrollment and notify HR of any change in schedule or if the employee drops the class. The employee must submit documentation of successful completion in order to qualify for additional educational release time in the future. Request forms for the use of Educational Release Time are available on Fileserver01.

Per Resolution #00-18.893, approved August 16, 2000, attendance at Tribal cultural language classes is allowed Educational Release Time.

#### **405.00 Employee Assistance Program (EAP)**

Employees experiencing personal problems are encouraged to seek assistance from their immediate supervisor or the Human Resources Department. Under government operation's STD/LTD insurance program, employees have use of the Work-Life Balance Program at no cost to the employee to address issues such as everyday living, emotional well-being, financial difficulties, legal questions, addiction and recovery, parenting and child care, education, older adults, work related issues, and health issues. Information on this program is in the Benefits Manager's office in Human Resources.

#### **406.00 Open Door Policy**

At some time, an employee may have a problem on the job. Problems in the workplace will be handled confidentially and informally whenever possible.

If an employee has a problem, the employee must first talk with their supervisor, and follow the chain of command. If not satisfied with the outcome, employees have the option to move up the chain of command. Once an employee has exhausted all avenues within the chain of command, they are encouraged to speak with the HR Department or request an appointment to talk directly with the Tribal Manager. The employee must notify their supervisor or Department Manager if they choose to speak to the Tribal Manager or an HR designated person. An employee will not endanger their job by bringing problems to the attention of any of these management staff. Also, reference Policy # 103.00 – Tribal Organization and Chain of Command.

**406.01 Reporting** (Approved by TC Motion, Tribal Council Special Session, May 29, 2019)

When an employee wants to report an HR concern or how to address an HR matter, they may contact the Human Resources Department at any time, without feeling they are endangering their job. In matters of serious nature, they do not have to follow the chain of command and may directly contact Human Resources. These include but are not limited to harassment, hostile work environment, workplace violence and intimidation. We want all employees to feel safe, and free of any retaliation in the workplace if they report any of these concerns.

**407.00 Fitness and Wellness Programs**

Government management encourages employees to participate in fitness and wellness programs. Participation in the Strongheart Center is open to all employees, is voluntary, and should take place outside normal working time.

**408.00 Traditional Leave** (Amended by TC Motion, Tribal Council Regular Session, March 21, 2018)

Native Americans who are members of a federally recognized tribe or who are Natives of a federally recognized Canadian Indian Tribe are eligible for up to sixteen (16) hours of paid leave per year to fulfill traditional Native American Tribal responsibilities or activities that occur during the work week and within the 8:00-5:00 workday. Any additional time desired would need to be utilized through GPT or Vacation time. Any Traditional Leave request must be pre-approved by the Department Manager and must be taken in no less than one (1) hour segments. Tribal affiliation identification must be on file in the Human Resources office to be eligible for this leave. This leave will renew each year on January 1. Traditional Leave begins on an employee's 91<sup>st</sup> day of employment and will be pro-rated based on when the employee successfully completes the 90-day Introductory Period. This leave is available to full-time and part-time employees only.

**408.01 GTB Member Special Events** (amended by motion Tribal Council Regular Session, May 16, 2007)

GTB member employees who are invited to participate in a GTB member's funeral will be allowed to attend at no loss to their Traditional Leave, Vacation Leave, or GPT, for a maximum of 4 hours, with supervisor approval, within the 6 county service areas. For the purposes of this policy, participation must be in an official capacity such as singing, drumming, fire-keeping, casket-bearer, honor guard, cook, or to officiate at the funeral.

**409.00 Public Service Leave**

A GTB member employed in an hourly/office hourly wage position with government operations and who is elected or appointed to a GTB governmental commission/committee, will be allowed excused, unpaid Public Service Leave for the purpose of attending the monthly commission/committee session, or any special session held during normal working hours, only. All other commission/committee events that become the choice of the member to attend will require the use of vacation time of GPT. Public Service Leave will be documented as such and not affect the accrual of weekly hours for benefit purposes. When an employee is elected or appointed to a governmental commission/committee, the employee must bring proof of this status to their supervisor for documentation. Exempt employees elected or appointed to a GTB governmental commission/committee will be excused during normal working hours to attend sessions or special sessions only.

**SECTION 500  
GRAND TRAVERSE BAND PROPERTY  
AND WORK AREAS**

**500.00 Employee Safety**

Government operations comply with all applicable federal, state, and local safety regulations and strive to provide a work environment free from recognized hazards. Employees must report to the Risk Manager or their immediate supervisor any observed safety and health violations, unsafe equipment or tools, and any potentially hazardous conditions.

Each department may prepare additional separate safety rules applicable to the specific nature of work in their area if they do not fall below the following minimum standards.

1. All accidents, regardless of severity, personal or vehicular, are to be reported immediately to the supervisor.
2. No employee shall be required to work under unsafe conditions or with unsafe tools or equipment.
3. Practical joking and horseplay which compromises safety will not be tolerated.
4. Warning signs and signals posted to point out dangerous conditions are to be obeyed by all employees.
5. Employees will not take shortcuts in, or over, dangerous places.
6. Employees will use safety equipment appropriate to the job, such as safety glasses, gloves, toe guards, and hard hats, as required.
7. Employees will avoid wearing loose clothing and jewelry while working on or near equipment and machines.
8. Employees and passengers must wear seatbelts and comply with the traffic laws of the jurisdiction in which they are traveling when operating, or a passenger, in a tribally owned vehicle.
9. Strict compliance with Tribal and Federal health and safety laws, regulations and directives are required.
10. Under no circumstances should an employee start or operate a machine deemed unsafe, nor should any modifications be made to adjust the safeguards provided.

**500.01 Safety Equipment**

Required safety equipment and/or tools will be furnished by government operations. Required safety clothing may be furnished to employees at moderate cost to the employee.

1. Failure to comply with health and safety laws, rules and directives, tampering or altering safety equipment, such as machine guards, will be subject to disciplinary action.
2. Any employee who negligently causes injury to another in the workplace or who damages government property may be held liable in tort and is subject to disciplinary action, up to and including termination.

**501.00 Reporting Work Injuries**

All employees must report any work-related injury, no matter how minor, to their supervisor immediately. Failure of a supervisor to properly react to or document workplace injury shall

be subject to disciplinary action. Failure of any employee to report a work-related injury will result in disciplinary action.

**501.01 Employees Returning to Work with Restrictions** (amended by motion, Tribal Council Special Session, June 27, 2007)

Employee must follow all written work restrictions given to him/her by the attending physician. Failure to follow the work restrictions is a direct violation of doctor orders and is subject to disciplinary action up to and including termination of employment.

Supervisors are required to ensure employees are following all doctor restrictions. Supervisors who allow an employee to work outside the prescribed restrictions are subject to disciplinary action up to and including termination.

**502.00 Personal Property**

Government operations are not responsible for the loss, damage, or theft of personal belongings. Employees are advised not to bring unnecessary amounts of cash or other valuables into the workplace.

1. Employees traveling on government business shall be responsible for their own personal property and shall reasonably safeguard tribal property from theft or damage.
2. Government management reserves the right, with good cause, to inspect all premises and personal property brought onto tribal property.
3. Government management may inspect the contents of lockers, storage areas, file cabinets, desks and workstations at any time and confiscate any property which appears to violate the GTB law, rules or policies.
4. Personal property which reasonably appears to indicate an employee's engagement in criminal activity in the workplace will be turned over to tribal police.

**503.00 Unauthorized Removal**

Unauthorized removal of any personal property from the workplace without the expressed consent of the owner is subject to disciplinary action.

1. Any employee who refuses to comply with a search is subject to disciplinary action up to and including termination.

**504.00 Government Vehicles**

Government vehicles may be used for governmental business purposes and to transport job-related passengers only. Only employees who are authorized to do so may use government vehicles.

1. Employees operating government vehicles shall obey all applicable motor vehicle laws and regulations.
2. Any fines or other penalties resulting from non-compliance with laws and regulations, including parking violations, shall be the sole responsibility of the employee.
3. Employees must provide proof of a valid driver's license and insurance and be cleared by the Tribe's insurance prior to operating a tribal vehicle.
4. Operators of government vehicles must never leave the vehicle unattended without first turning it off and securing it. Exceptions will only be given to emergency and law enforcement vehicles.

**504.01 Government Vehicles (Driver Exclusion)** (Approved by Tribal Council Motion, April 30, 2008)  
See Appendix I, Use of Tribal Vehicles & Driver Exclusion Procedure

**505.00 Government Property**

Negligence in the care and use of, and unauthorized removal or personal use of government property will be cause for disciplinary action.

1. All property issued to an employee must be returned upon termination of employment. If government property is not returned or is lost or damaged due to negligence or misuse, the employee is responsible for the value of that property.
2. Government property must, whenever possible, be secured in the workplace when not in use.
3. All government property must remain on GTB property unless specific permission is given by the Department Manager for removal for business use.
4. Use of government property for non-tribal business is prohibited.

**506.00 Use of Communication Systems**

All government communication services and equipment, including the messages transmitted and stored by them, are the sole property of the GTB.

1. Government management may access and monitor employee communications and files as it considers appropriate.
2. Communication equipment and services include mail, e-mail, courier services, facsimiles, telephones, computers and network, on-line services, Internet connections, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, and bulletin boards. Employees should have no expectation of privacy in their use of any communication, files or storage media system.

**506.01 E-Mail**

All messages sent via global e-mail using the Government and/or Gaming address must be approved by the Tribal Manager unless it is program related, job postings, or a message from the Tribal Chairman.

1. Use of the company e-mail system to send personal notes and/or chain mail is strictly prohibited.
2. E-mail may be used for business contacts.
3. Unauthorized access to other employee's e-mails shall be considered a breach of confidentiality and shall be subject to disciplinary action.
4. Unauthorized access to e-mail designated as "confidential" or "privileged" communication shall be subject to termination.

**506.02 Telephones**

Use of telephones, including government issued cell phones, is generally restricted to business purposes. Personal calls may be permitted within reason.

1. Employees are prohibited from charging personal long-distance calls (including faxes) to government operations. Personal collect calls shall not be accepted except as specifically authorized by Tribal Council.

### **506.03 Mail**

Employees should not have personal mail delivered to the office. The use of the government pre-paid postage for personal business is not permitted. All official outgoing correspondence or mail must be typed, not handwritten.

### **506.04 Computers and Printers**

Personal use of computers and printers is generally restricted to business purposes. Reasonable personal use may be permitted but should be kept within reason.

1. Computer software, hardware, and storage media not authorized by government operations are strictly prohibited. Unauthorized downloading or reproduction of software used in any government computer or notebook is prohibited.
2. Laptop (Notebook) computers may be used outside of the workplace for business and communications only.
3. Unauthorized networking is prohibited.
4. Personal computers, including laptops are not permitted in the workplace. Government operations also prohibit personal storage media use in the company system.

### **506.05 Internet** (amended by motion, Tribal Council Regular Session, October 19, 2011)

To ensure that all employees are responsible, productive Internet users and are protecting the Tribe's public image, the following guidelines have been established for using the Internet. Employees will be required to sign an Information Technology consent form for use of the internet system.

1. Acceptable Uses – All communications shall be for professional and in furtherance of government business. Employees are responsible for using the Internet in an ethical and lawful manner. Internet Relay Chat channels may be used to conduct official government business or to gain technical or analytical advice only.
2. Unacceptable Uses – The Internet may not be used for personal gain or advancement of individual views. Solicitation of non-government business is strictly prohibited. Use of the Internet must not disrupt the operation of the Tribe's network or the networks of other users. Games downloaded onto a computer and subsequently removed will be subject to disciplinary action if usage recurs. Additionally, streaming media (i.e. radio stations, television stations, etc.) are strictly prohibited unless for business related purposes.
3. Communication via the Internet – Each employee is responsible for the content of all text, audio or images placed or sent over the Internet. No internet messages may be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language or images should be transmitted through the system.
4. Harassment – Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual or group regarding race, religion, ethnicity, physical attributes, or sexual preference shall be transmitted.

**506.06 Social Media** (Approved by TC Motion, Tribal Council Regular Session, October 19, 2011)

To ensure that all employees are aware that the Social Media, Facebook, Twitter, MySpace, Orkut, YouTube, Flickr, LinkedIn, etc. are avenues currently in use by businesses for the purpose of marketing. Understanding that these social media are also available for personal use and personal accounts, Government operations will respect the rights of its employees to use blogs and other social media tools outside of work as a form of self expression; however, employees will be held accountable for their actions if the use of social media interferes with the employee's work, is used to harass co-workers or customers, creates a hostile work environment, or harms the good will and reputation of the Grand Traverse Band among its customers or the community at large. Employees are not authorized to register social community sites using any parts of the GTB name or names of affiliated entities, to use the GTB's logo or trademarks on personal posts or speak on behalf of the GTB in any context, unless authorized by the Tribal Manager's Office. All policies that regulate off-duty conduct apply to social media activity. Only GTB related social medial accounts may be accessed on GTB devices.

Non-compliance with policies regarding electronic media is subject to disciplinary action and may be subject to criminal or civil action.

**507.00 Smoking Policy**

Except for ceremonial use, smoking is prohibited in all tribal government office buildings, and at any other site where the tribal government is conducting business or hosting activities. Smoke-free zones will be maintained at the front entrance of all government buildings.

- A) Designated smoking area along with receptacles are assigned to all government buildings, except the Benodjenh Day Care Center, Putnam House and the Youth Opportunity building which are totally smoke-free zones.
- B) No smoking is allowed in tribal vehicles.
- C) No smoking is allowed at any event where youth will be in attendance by employees or volunteers.

Employees are expected to exercise common courtesy and to respect the sensitivities of co-workers regarding this policy. Smokers/chewers must keep smoking areas litter-free and not abuse break and work rules.

**508.00 Children and Visitors**

Workplace visitation is discouraged. Employees seeking to allow individuals who are not engaged in tribal related business to be present in the workplace must obtain permission from their supervisor or department manager.

1. Supervisors and department managers may restrict visitation in the workplace in any manner to ensure the uninterrupted conduct of tribal business.
2. Supervisors and department managers may, without warning, end any workplace visitation.
3. Children visiting in the workplace must always be supervised by an adult.

**509.00 Office Copy Machines**

Copy machines are for official tribal business use only. Employees who wish to use the copy machine for non-tribal business will be charged ten cents per copy.

**510.00 Employee Parking**

In order to ensure that our membership and visitors have adequate parking, employees of the government operations will be required to park in designated employee parking areas only.

**511.00 Public and Media Comments**

Only the Tribal Manager, in consultation with the legal department, may speak on behalf of the Grand Traverse Band to media personnel or outside organizations seeking information regarding government operations.

1. Employees who receive media requests for statements must notify the Tribal Manager's office.
2. Employees must report the presence of media representatives on government property.
3. Employees may not issue press releases without the approval from the Tribal Chairman.



## SECTION 600 ABSENCE FROM WORK

### **600.00 Attendance and Punctuality**

It is the responsibility of each employee to report to work as scheduled and on time. Punctuality and regular attendance are necessary to maintain job performance expectations. Management recognizes that there are times when illness, injury or personal emergency may result in an absence or tardy. Enough advance notice allows the supervisor to make alternate scheduling arrangements. Even with proper notice this usually means either a personal inconvenience or more work for co-workers. Recognizing that there are times when lateness or absences are unavoidable, government management expects all employees to exercise good professional judgment in reporting to work and providing as much advance notice as possible. Every employee has a responsibility to monitor and be aware of his/her attendance.

When an employee cannot report to work as scheduled, it is critical that employee notify his/her immediate supervisor prior to his/her scheduled start time unless there are extenuating circumstances. This notification must be made even if the employee will be arriving past the scheduled start time.

(See Policy 401.00 for available Paid Time Off (PTO))

**601.00 Medical Leave of Absence (MLOA)** (Approved by TC Motion, Tribal Council Special Session, February 26, 2020)

#### **A. Purpose of Leave**

Unpaid leave may be granted for any of the following reasons:

1. To care for the employee's child after birth or placement for adoption or foster care;
2. To care for the employee's spouse, parent, child, legal ward or stepchild of the employee who has a serious health condition. Stepchildren must be residing in the same household as the employee.

Paid Leave may be granted under the terms proscribed by the tribe's insurer when:

1. A serious health condition makes the employee unable to perform the essential function of his or her job.

**Serious health condition is defined** as an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

**Continuing Treatment is defined** as a period of incapacity of more than three (3) consecutive calendar days involving two (2) or more treatments, by or under the orders of a health care provider, or treatment by a health care provider on at least one occasion that result in a supervised regimen of continuing treatment. For example: pregnancy, asthma, stroke, etc.

#### **B. Eligibility**

An employee is eligible for a MLOA leave under this policy if:

1. The employee has worked for government operations for at least 12 months; and

2. The employee has worked 1250 hours for government operations in the 12 months immediately preceding the proposed date leave will commence.

### **C. Notice and Duration**

1. Advance Notice: When the need for leave is foreseeable, employees are expected to provide thirty (30) days notice of intent to take medical leave. In unforeseeable circumstances employees are required to provide reasonable notice of the leave as soon as practicable. Leave taken for specific medical treatment should be scheduled in a manner least disruptive to government operations. Failure to provide appropriate notice may result in the delay of leave.
2. Family Leave Period: Leave taken to care for a newborn or to facilitate the adoption or foster care placement of a child into the employee's home may be taken only within twelve (12) months from the date of birth or placement and may only be taken continuously. If the government operations employ both parents, they may take a combined total of twelve (12) weeks of leave, not twenty-four (24) weeks and may only take leave concurrently.
3. Intermittent Leave: When medically necessary, leave to care for a family member or for the employee's own serious health condition may be taken on an intermittent basis or by arranging a reduced work schedule with supervisor. An employee may be required to transfer temporarily to a position that can better accommodate an intermittent or reduced hour's leave. Any employee taking intermittent leave must attempt to schedule the leave so as not to disrupt the government operations. All time taken will count toward the employee's twelve (12) week annual entitlement for family and medical leave.

If at any time Intermittent Leave becomes disruptive to government operations, one of two (2) things may happen:

1. Employee may be placed on part-time status.
2. Employee may be placed off on full MLOA status.
  - i. If transferred from intermittent to full MLOA for employee's own serious health condition, employee may return only after the doctor/practice releases employee to work without restrictions and/or any physical/mental limitations. Any medical note returning the employee to work without restrictions must be from the same doctor/practice that signed the original MLOA paperwork. A doctor's note from any other treating doctor/practice will not be accepted.
  - ii. If transferred from intermittent to full MLOA for an immediate family member's serious health condition, employee may return to work as soon as the department can place employee back on schedule without disruption. Employee must give supervisor and Human Resources a minimum of a one (1) week notice.
4. Notice Upon Return from Leave: If an employee returns from any period of absence, which has not been designated as MLOA, and the employee wishes to have the leave counted as MLOA, the employee must notify GTB within two business days of returning to work that the leave was for MLOA reasons. Employee must provide a medical certification within the guidelines (see medical

certification section below). Failure to provide the necessary notice will prevent any subsequent assertion of MLOA protection for that absence.

#### **D. Medical Certification**

1. Medical certification is required to support a request for a leave due to a serious health condition. A second or third opinion (at government operations expense) may also be required. When leave is required for a serious health condition, employees should provide the medical certification as soon as possible, but not later than fifteen (15) calendar days from the date the request for leave is made.
2. The medical certification must include the first anticipated date of absence from work, a diagnosis, a brief statement describing treatment, and the expected date of return.
3. For medical leave for the employee's own serious medical condition, the certification must also include a statement that the employee is unable to perform the essential functions of the employee's position.
4. The medical certification to support a leave for family medical reasons must include a statement indicating that the employee's presence is necessary or would be beneficial for the care of the family member and the period of time care is needed.
5. If the employee plans to take intermittent leave or work a reduced schedule, the Certification must also include the dates and duration of treatment and a statement of the medical necessity for taking intermittent leave or working a reduced schedule.
6. Any medical certification form that is returned without all the required information will not be accepted.
7. Employees will be required, unless government management waives the requirement, to re-certify the need for the leave at least every thirty (30) days with a note from his/her physician stating the necessity for leave to continue and the length of time required. Employees on leave must call in and report to human resources on a periodic basis (at least every two (2) weeks) with respect to their progress, the progress of their parent, spouse or child, and their anticipated date for return to work.
8. All time off work, which meets the definitions under this policy, will be charged against the yearly MLOA allowance. For example, whenever worker's compensation leave, a disability leave, or any other sick leave is due to a serious medical condition, all time off will be charged against the employees MLOA allowance. Likewise, if an employee takes vacation or uses GPT for any purposes covered by this MLOA policy, all time taken will be charged against the employee's MLOA allowance. This subparagraph applies even when the employee makes no reference to MLOA or this policy at the time the employee requests or takes time off.
9. MLOA is an unpaid leave, except as noted in 601.00 A above. No regular paycheck will be issued during this leave.

#### **E. Return to Work**

1. Upon return from MLOA, employees will be restored to their original or equivalent position with equivalent pay, benefits and other employment terms. The employee will not lose any employment benefits that accrued prior to the

- start of the leave; however, all benefit accruals will cease until the employee returns to full duty.
2. Periods of unpaid leave will not be treated as credited service for purposes of benefit accrual, vesting or eligibility to participate in a benefit plan.
  3. An employee who is off work because of his or her own serious health condition must provide a fitness for duty certificate verifying that he or she is able to perform the essential functions of his or her job. Failure to provide this certificate will result in the delay of the restoration of the employee's job and may result in the denial of the restoration to the employee's job.
  4. Employees must bring a fitness for duty certification to the Human Resources office prior to reporting to the workplace.

#### **F. Eligibility Year**

The amount of MLOA available to an employee will be based on the 12-month period immediately preceding the date the employee uses any MLOA (a rolling 12-month period). The available leave will be the balance of the 12-week allowance that has not been used during the preceding 12 months.

#### **G. Termination of MLOA**

An employee's MLOA and accompanying benefits will cease under the following circumstances:

1. The employment relationship would have terminated if the employee had not taken MLOA;
2. The employee informs management of his or her intention not to return from leave;
3. The employee fraudulently obtains MLOA;
4. The employee fails to return from leave or continues leave after exhausting his or her 12-week MLOA entitlement, unless permission to do so has been granted by the Tribal Manager and the HR Director in writing.

#### **H. Maternity/Paternity Leave**

##### **Maternity Leave with Pay:**

GTB Government offers a Short-Term Disability Plan as a benefit for regular full-time employees. This is the plan that covers paid maternity leave. Generally, maternity leave pay is established at 60% of the employee's week rate for a period of six (6) weeks (week one is an unpaid elimination period). The plan will grant maternity leave with pay to regular full-time employees who have completed their 90-day introductory period and have enrolled in the plan prior to delivery.

##### **Maternity Leave Without Pay:**

GTB has provided six (6) week of **UNPAID** maternity leave for those not eligible for Maternity Leave with Pay, for the birth of a child, for all regular, full-time and part-time employees.

##### **Paternity Leave with Pay:**

GTB Government will grant paternity leave **WITH PAY** to regular full-time employees who have been employed for at least 90 days prior to delivery. Pay is established at 60% of the employee's weekly rate for a period of five (5) days.

**Paternity Leave without Pay:**

GTB Government will grant five (5) days of **UNPAID** paternity leave for all employees not eligible for Paternity Leave with Pay, for the birth of a child.

Please provide the following to your Department Manager or the Human Resources Department:

1. Birth Certificate Record provided to HR within 10 days.

**I. Disability Pay**

Not all employees will qualify for disability pay while out on MLOA and may be subject to a pre-existing conditions clause. Contact benefit department for further information.

**1. Disability Leave with Pay Requirements:**

Disability insurance will cover a portion of the employee's wages under the terms of the insurance policy as long as the employee is classified as a full-time permanent employee and has been employed at least 90 days. Employees will need to contact the Human Resource benefits coordinator and complete the following two packets:

1. Medical Leave of Absence (MLOA) Packet.
2. Disability Insurance Packet. The disability packet will contain detailed information on how to process your wage claim. The employee will be paid for maternity disability leave under the terms of the tribe's insurer. All claims may be subject to a pre-existing conditions clause.

**2. Disability Leave Without Pay Requirements (Maternity Only):**

Government has provided six (6) weeks of **UNPAID** maternity leave for all employees that have been employed less than ninety (90) days. The employee must provide the following to the Human Resources benefits coordinator:

3. A doctor's note attesting to pregnant condition, when leave is needed, and the approximate return date.
4. Employee must notify his/her supervisor and the benefits department at least two (2) days prior to returning to work.

A fitness for duty note from employee's physician is required when employee is returning to work attesting employee can return to work.

**601.01 Leave of Absence (LOA) Without Pay (Medical)**

Government provides for a one-time **UNPAID** medical leave of absence of up to four (4) weeks within a 365-day period, to all regular full-time employees who have completed an introductory period but have less than one (1) year of employment with the Band. The employee must provide the following to the Human Resources benefits coordinator:

1. A doctor's note stating the reason time off from work is needed, when leave is needed, and the approximate return to work date.
2. Employee must notify their supervisor and the benefits coordinator at least two (2) days prior to returning to work.

A fitness for duty note from employee's physician is required when employee is returning to work attesting employee has no restrictions and can return to full work duties.

**Employee may NOT combine this MLOA policy with any other leave policy.** Employees must contact the HR Department benefits coordinator to obtain medical certification forms.

**602.00 Non-Medical Leave of Absence** (amended by motion, Tribal Council Regular Session, May 16, 2007)

The Department Manager **and** the Human Resources Director may grant a one-time **non-medical** leave of absence, within a 365-day period, for a maximum of 30 days to any regular full-time employee who has successfully completed their introductory period. This leave will be granted on a revolving calendar.

- All requests for a non-medical leave of absence must be in writing citing a beginning and end date for the leave and submitted to the Department Manager. Supporting documentation for the reason of the leave must accompany the request.
- Non-medical leaves of absence shall be determined on a case-by-case basis by the Department Manager in consultation with the HR Director.

**603.00 Bereavement Leave** (amended by motion, Tribal Council Special Session, October 31, 2018, amended by motion Tribal Council Special Session, April 27, 2022)

It is government policy to grant bereavement leave to all full-time employees (both regular and introductory) subject to the conditions below:

1. Up to five (5) days of paid leave will be granted full-time employees who have a death in their immediate family, including In-Law as defined below.  
Immediate family, for this section, shall include consanguinity of 1<sup>st</sup> and 2<sup>nd</sup> degree:

Spouse	Grandparent	<u>In-Laws to include:</u>
Parent	Grandchild	Father & Mother
Child	Step Child	Son & Daughter
Brother	Step Parent	Brother & Sister
Sister	Grandparent	

2. Up to two (2) days of paid leave will be granted to full-time employees who have a death in their extended family consanguinity of 3<sup>rd</sup> and 4<sup>th</sup> degree, including In-Law is defined below.

Extended family is defined as:

3 <sup>rd</sup> Degree	4 <sup>th</sup> Degree
Nephews/Nieces	1 <sup>st</sup> Cousins
Uncle/Aunts	Great Nephews/Nieces
Grandparent/Grandparent In-Law	Great Uncles/Aunts
Great Grandparents/Great Grandparent	Great-Great Grandparents
In-Law	

3. Employees must notify their Supervisor/Department Manager as soon as possible to request bereavement leave.
4. Requests for additional bereavement leave in excess of the days provided above may be granted subject to the approval of the HR Director and the Department Manager. Additional leave time granted can be taken as Paid Time Off (PTO), Vacation or General-Purpose Time (GPT).

5. All other extenuating circumstances must be approved and signed by the Department Manager and the HR Director or their designee(s).

**604.00 Jury Duty** (amended by motion, Tribal Council Special Session, October 31, 2018)

Employees are to notify their immediate supervisor promptly upon receipt of a jury summons and subsequent notice of selection to serve as juror. Employees will receive up to two (2) weeks paid jury duty leave at their regular rate of pay for, less any fees paid by the court, provided that the employee submits evidence of the summons and selection notice.

- Paid absences for jury duty must be noted on the employee's Time and Attendance Report by the supervisor for each pay period in which this form of absences occurs. It is the employee's responsibility to provide documentation of any fees paid by the court. Failure to provide documentation of fees paid may result in disciplinary action.
- Employees that are required to serve jury duty beyond the period of paid jury duty leave may use available Paid Time Off (PTO), Vacation or General-Purpose Time (GPT), or may request an unpaid non-medical leave of absence per Policy 602.00. Employees are to report to work whenever the court schedule permits.
- Employees consent to comply with summons, subpoena, or other notice issued by the GTB Tribal Court.

An employee who must comply with a subpoena from Federal, State, or Tribal Court shall receive compensation less any fees earned for services. Compensation will be based on half (1/2) day increments, as verified by court documents. Fees do not include travel and per diem paid for attendance at a judicial function. Employees must notify their immediate supervisor at least one (1) working day in advance and will not be required to use Paid Time Off (PTO) when complying with a subpoena. Employees who appear in court as a witness without having been subpoenaed do not qualify under the provisions of this policy. Any absence for this reason must be covered by PTO.

**605.00 Military Leave**

Government will grant an employee a leave of absence for the purpose of service in the uniformed services of the United States, as provided for under the Universal Military Training Act.

1. A written request from the Commanding Officer of the unit or a copy of the official orders must be submitted to the immediate supervisor and the Human Resources Department.
2. Employees who actively serve in the National Guard are eligible for up to two (2) weeks of supplemental pay per year for military duty. This supplemental pay will equal the difference between what the employee would have earned from his/her normal base pay with the government and the employee's military pay. Employees must provide documentation of military payment within the same week as the leave before military leave pay can be issued.

**606.00 Holiday Leave** (amended by Motion, Tribal Council Special Session, January 25, 2012; TCRS January 17, 2018)

Government operations recognize the following designated holidays and grants time off with pay on these days to all full-time employees (regular and introductory):

New Year's Eve Day	Memorial Day
New Year's Day	Independence Day
GTB Federal Recognition Day *	Labor Day

State Indian Day	Indigenous Day	
Jiibiye-Giizhigat (All Souls Day)	Thanksgiving Day	Day after Thanksgiving
Veteran's Day	Christmas Eve Day	Christmas Day

\* For a historical perspective of the Grand Traverse Band's Federal Recognition, please visit the following website:  
<http://www.gtbindians.org/history/html>

If a holiday falls on a Saturday, the paid holiday will be on the prior Friday; if the holiday falls on a Sunday, the paid day will be on the Monday following the holiday.

If a holiday falls on the normal Monday through Friday work week and an employee is on mandated travel, the employee will be given the opportunity to have an alternate day off within the next pay period only. Mandated travel is defined as management's directive to an employee to attend a conference or a meeting. Employees asking for permission to attend a conference is an employee choice and is not considered mandated.

**606.01 Birthday Holiday** (approved by Motion, Tribal Council Regular Session, December 21, 2011)

The Grand Traverse Band would like to acknowledge our employees' birthdays and provide for one day of paid time off for all full-time employees. Employees can choose to take one day off during the month of their birthday (with prior notice and prior approval from the employee's supervisor). This time can only be utilized in an eight (8) hour increment for a full day.

**607.00 Emergency Closings (i.e. Adverse Weather, Power Failure, Natural Disasters, etc.)** (amended by Motion, Tribal Council Special Session, February 23, 2011)

In extreme cases where conditions may be hazardous to the life or safety of our staff, GTB reserves the right to close work facilities. Emergencies such as adverse weather, fires, or power failure may warrant the closing of locations and/or entire government operations. For all circumstances, the decision to close GTB Government Operations will be made by the Tribal Manager, Tribal Chairperson, or designee.

When operations are officially closed due to emergency conditions, employees will be paid for the time off from work. Part-time employees will only be paid if normally scheduled to work that day and compensated only for those hours which the employee would normally have worked.

**607.01 Adverse Weather**

It is the purpose of GTB to remain open during most periods of inclement weather in order to provide services to our membership; however, in the event of adverse weather conditions, GTB may decide to issue out a notice of closure or delay. Employees are encouraged to call the GTB Snow Line (534-7669) prior to their scheduled working hours to verify whether GTB Government Operations are closed or not.

If GTB Government Operations are open as scheduled, and an employee feels that the weather conditions are too adverse for travel, it is at the employee's discretion to determine if he/she will report to work. Should the employee choose not to report to work, it is their responsibility to notify their immediate supervisor of such decision,



prior to their scheduled working hours. If the employee elects not to report to work during such conditions, the employee can elect to:

1. Utilize Paid Time Off (PTO) for the missed day/time
2. Elect not to be paid for the day

If weather conditions worsen as the day progresses, GTB may decide to close early. In such cases, a decision and an announcement will be made via global email. Supervisors are expected to coordinate and notify their staff of the announcement. Employees will be expected to remain at work until the appointed closing time.

**608.00 Tribal Elder Employees** (amended by Motion, Tribal Council Special Session, January 25, 2012)

All full-time Elder Tribal members will be allowed to attend GTB related Elder's functions that are held during normal work hours, within reason. This time must be requested in advance and pre-approved by the employee's immediate supervisor. The terms of this policy are restricted to a maximum of four (4) hours each quarter and must be reflected on the employee's timesheet as "Elders Functions". Any time needed to attend an elder's function that is above and beyond the allotted four (4) hours must be accounted for with the employee's Paid Time Off (PTO).

**609.00 Tribal Council Sessions** (amended by motion, Tribal Council Special Session, September 27, 2006)

Employees who wish to attend the Tribal Council Regular or Special Session must obtain prior supervisory permission. If an employee has an item on the agenda, the supervisor must be notified that the employee will need to attend the session to address the agenda item. Notice to the supervisor must be made the day before session in order to adjust schedules to meet client needs.

## **SECTION 700 PERSONAL CONDUCT**

### **700.00 Behavior of Employees**

Conduct that interferes with operations, discredits the GTB, or is offensive to guests or co-workers will not be tolerated.

Employees shall, always, conduct themselves in a positive manner in order to promote the best interests of the government operations. Appropriate conduct may include but is not limited to:

1. Treating all guests and co-workers in a courteous manner;
2. Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the government operation's best interest;
3. Reporting to management suspicious, unethical, or illegal conduct by co-workers, guests, or suppliers;
4. Cooperating with internal investigations;
5. Complying with all government safety and security regulations;
6. Wearing clothing appropriate for the work being performed and which meets the appearance standards;
7. Performing assigned tasks efficiently and in accordance with established quality standards;
8. Reporting to work punctually as scheduled and being at the proper workstation, ready for work, at the assigned time;
9. Giving proper notice whenever unable to work or report on time;
10. Smoking only at times and in places not prohibited by government rules;
11. Maintaining cleanliness and order in the workplace and work areas.

### **701.00 Actionable Misconduct**

Employees are subject to disciplinary action for violation of, or noncompliance with, the government operations policies, procedures, rules (including safety rules and regulations); and for conduct that the management determines to be inconsistent with, adverse to, or in disregard of the government's best interests; or for work performance that is determined to be unacceptable.

The illustrations of unacceptable conduct cited here are intended to provide examples of actions which may result in disciplinary action and to alert employees to the more commonplace types of employment conduct violations. **The following examples do not constitute an exclusive list and shall not be construed to be a complete list of activities which can result in disciplinary action.**

#### **701.01 Attendance**

1. Excessive absenteeism or tardiness defined as 3 or more call-ins and/or tardies within a one-month period shall constitute conduct subject to disciplinary action. Pre-approved use of leave time, as defined in policy, will not render time away from work as excessive.
2. Improper notice. Failure of an employee to notify his/her immediate supervisor prior to starting time will result in disciplinary action. Three no call/no shows within a rolling year will result in termination of employment.

3. Unauthorized absence. Absence without prior approval shall constitute conduct subject to disciplinary action.
4. Unpaid absences – Progressive discipline will be applied to the use of time away from work not covered by Paid Time Off (PTO), MLOA, or LOA (medical and non-medical). Documentation of this type of disciplinary action will remain in the employee’s personnel file for one (1) year unless there are further reprimands of the same nature during that period. The most recent reprimand will then become the purge date for all related reprimands.
  - First Occurrence – Verbal Reprimand
  - Second Occurrence – Written Reprimand
  - Third Occurrence – Unpaid Suspension for one (1) normal scheduled work week and a Performance Improvement Plan (PIP)
  - Fourth Occurrence – Dismissal

All third and fourth occurrences must have the Department Manager’s final approval.

### **701.02 Performance**

Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner shall be subject to disciplinary action.

1. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable period of time shall be subject to disciplinary action.
2. Insubordination or refusal to accept lawful, reasonable and proper assignments from an authorized supervisor shall be subject to disciplinary action.
3. Failure to exercise proper judgment with respect to job duties;
4. Failure to maintain accurate and proper accountability and control of tribal property, accounts, funds, property interests, cash banks, and grant’s and program funding shall be subject to disciplinary action.
5. Failure to follow proper witnessing procedures with deposits and cash handling. Excessive or continuous cash shortages/overages or other irregularities in accordance with the Accounting Policies & Procedures Manual provided by the Office of Management and Budget, shall be subject to disciplinary action.
6. Failure to follow reporting procedures including non-compliance with provisions of this manual regarding chain of command shall be subject to disciplinary action.

### **701.03 Misconduct**

Certain behaviors will not be tolerated in the workplace under any circumstances and shall result in disciplinary action up to and including termination.

1. Violence in the workplace, or creating a hostile work environment including, but not limited to, fighting or engaging in behavior that constitutes assault, endangerment, attempt to do bodily harm, coercion, harassment or stalking shall result in immediate termination. Threats of violence as defined herein shall, for employment purposes be considered completed acts and cause for immediate termination.
2. Being rude, discourteous, argumentative, or using profane, discourteous, abusive or rude language with a guest, member, or fellow employee;
3. Unauthorized removal, storage, transfer or use of government or employee property;

4. Sleeping, or giving the appearance of sleeping, on the job or while on duty; loitering or engaging in unauthorized personal business;
5. Indecent, immoral, or disorderly behavior. Soliciting persons for immoral purposes, aiding or abetting any of the above or engaging in any illegal activity;
6. Unauthorized use of facilities, equipment or keys.
7. Unauthorized possession of firearms or other weapons on government property. No weapons are permitted in government buildings except those authorized by GTB law.
8. Engaging in any form of harassment or creating a hostile work environment.
9. Reporting to work demonstrating observable signs of alcohol use, illegal drugs or narcotics use, or using, selling, dispensing, or possessing alcohol or illegal drugs or narcotics on or in GTB property;
10. Disclosing trade secrets or confidential or privileged government information.
11. Knowingly engaging in any activity which constitutes a substantial conflict of interest per the GTB Code of Ethics.
12. Falsifying, altering, unauthorized possession of, removing, or destroying any government official record or report.
13. Stealing, destroying, defacing, or misusing government property or another employee's property;
14. Failure to wear assigned safety equipment or failing to abide by safety rules and policies;
15. Failure to report accidents involving employees and/or guests;
16. Soliciting and distribution in violation of the government policies (see 703.03);
17. Leaving the job without authorization from the supervisor.
18. Accepting gifts of any type from a purveyor, guest or contractor who does or has the potential to do business with the GTB which could be defined as a bribe;
19. Smoking where prohibited by government rules; (see Policy #507.00)
20. Playing pranks, practical jokes, or engaging in horseplay which could result in physical or property damage;
21. Conduct that discredits the employee or the government operations, or willful misrepresentation of the GTB, or conduct that interferes with the management of the government operations, including while on travel.
22. Soliciting outside work for personal gain during business hours; engaging in off-duty employment for any business under contract with the GTB; or participating in any off-duty employment that adversely affects the employee's work performance for the government;
23. Derogatory, threatening, abusive or discriminatory language or acts directed at another person based on their race, ethnicity, gender, sexual orientation, religion or physical disability.
24. Improper use of company credit cards or funds.
25. Willful or negligent violation of the personnel policies and procedures.

**701.04 Misconduct on GTB Property** (approved by motion, Tribal Council Special Session, February 15, 2012)

Employees are required to represent GTB ethically and professionally and are responsible for their behavior and actions at all times while on GTB properties (including EDC enterprises). All Government Employees are representatives of GTB; therefore, a higher standard is expected of each representative while on GTB properties. This policy encompasses the principles set forth herein, section 700.00 Behavior of Employees and all applicable

subsections. Conduct that discredits the employee or government operations shall be subject to disciplinary action, up to and including termination.

**702.00 Types of Discipline** (Approved by TC Motion, Tribal Council Special Session, May 29, 2019)

Nothing contained in this policy shall be interpreted to limit the government management's discretion to impose whatever disciplinary action it deems appropriate on a case-by-case basis. Depending on the nature and circumstances of an incident, disciplinary action may include, but is not limited to, verbal reprimand, written reprimand, and disciplinary probation not to exceed 90 days, unpaid suspension, and involuntary termination.

1. Disciplinary action may or may not be progressive, depending on the individual circumstances.
2. Documentation of any disciplinary action will remain in the employee's personnel file for 1 year unless there are further reprimands of the same nature during that period. The most recent reprimand will become the purge date for all related reprimands.

**702.01 Verbal Reprimand**

A Verbal Reprimand may be issued and documented when an employee's conduct or work performance becomes unacceptable. It is the first step in the disciplinary process, and it is a verbal reprimand that is documented in the employee's personnel file.

**702.02 Written I Reprimand**

A Written I reprimand may be issued and documented as such when an employee's conduct or work performance is unacceptable. Two Written I reprimands for the same infraction will be followed by more serious disciplinary action.

1. Employee's may file a written response to any Written I reprimand which will be reviewed by the employee's immediate supervisor and department manager. In some instances, a response to a Written I reprimand may be reviewed by the HR Director.
2. Documentation of and written responses to Written I reprimand shall become part of the employee's confidential personnel file.

**702.03 Written II Reprimand**

A Written II reprimand shall be issued when an employee has already received a reprimand for a specific infraction. A Written II reprimand may be issued without a Written I reprimand in the instance of multiple or more serious infraction of policies or rules.

1. Employees must sign a written reprimand and can provide a written response either acknowledging the infraction(s) or denying them. Employees who refuse to sign a written reprimand waive their right to respond.
2. All written reprimands must include a Performance Improvement Plan (PIP).
3. Written reprimands and responses shall become a part of an employee's confidential personnel file.

**702.04 Disciplinary Probation**

At the discretion of the Department Manager, in consultation with the Human Resources Director, an employee may be placed on disciplinary probation. Probation

is an attempt made to correct marginal performance or a conduct problem. In no case shall a disciplinary probation period exceed ninety (90) days. Failure to achieve the specified results, goals, or certain performance expectations within the probation period could result in termination of employment

#### **702.05 Disciplinary Demotion**

A Disciplinary Demotion may occur when an employee's performance continues to be unacceptable, after considerable efforts to allow for improvement.

#### **702.06 Suspension**

An employee who has received at least two Written II reprimands may be suspended from the workplace for no more than one (1) normal scheduled work week upon commission of any infraction of policy or rule.

1. Disciplinary suspensions shall be unpaid. Employees may not use Paid Time Off (PTO) during a disciplinary suspension.
2. Disciplinary suspensions must be accompanied by documentation of the infraction and a PIP.

#### **702.07 Investigative Suspension**

Under certain circumstances, it may be necessary to immediately restrict an employee from performing duties pending an investigation of allegations of misconduct or policy infraction. Investigative suspensions must be approved by the HR Director and the Tribal Manager and the Department Manager must be notified.

1. Investigative suspensions can be paid or unpaid depending upon the circumstances surrounding the event. Supervisors will consult with Human Resources for this determination.
2. Employees who refuse to cooperate in investigations may be indefinitely suspended without pay or terminated.
3. The HR Director and Tribal Manager will make a written determination of disciplinary action. The employee will either be allowed to return to the workplace or subject to further disciplinary action.
4. If the HR Director and Tribal Manager make a determination of "no grounds for discipline" the employee will be allowed to return to the workplace and shall receive back pay from the date of commencement or the investigative suspension. If the HR Director and Tribal Manager find grounds for discipline, the employee will be ineligible for back pay.
5. During an Investigation Suspension, the employee will not be allowed to bring legal representation to fact-finding meetings, as these are not legal proceedings.
6. A thorough investigation will be conducted by Human Resources, with assistance from Supervisors/Department Managers, Tribal Manager and Legal. This will be well documented by statements and corroboration.

#### **702.08 Involuntary Termination**

Employees shall be subject to involuntary termination for serious infractions of tribal law and policy. In some circumstances, as set forth herein, some infractions are so serious that immediate termination shall be the only disciplinary action.

- A. Employees may only be terminated involuntarily for cause and/or for a substantial, willful or intentional, grossly negligent or repeated violation of government policies and procedures.
  - 1. Employees who have been terminated involuntarily may appeal the decision through procedures sanctioned by the government policy.
  - 2. All involuntary terminations must be approved by the HR Director and reported to the Tribal Manager.
- B. Specific to immediate termination is the following:
  - 1. Unauthorized use of another's signature or the reproduction of another's signature by mechanical or digital means;
  - 2. Conviction of a felony or two (2) or more misdemeanors, including convictions based on a plea of nolo contendere that are of a violent nature, include the use of a weapon, or constitute moral turpitude.
  - 3. Harassment, when upon investigation, is deemed necessary for the safety and welfare of employees.

These examples do not constitute an exclusive list and shall not be construed to be a complete list of activities which can result in termination.

### **703.00 Ethical Conduct**

Employment by government operations carries with it a responsibility to be constantly aware of the importance of ethical conduct. This Personnel Policy incorporates by reference the GTB Code of Ethics.

#### **703.01 Confidentiality**

Information about the Grand Traverse Band, its employees or officials, or tribal business may not be discussed outside the organization and may be discussed within the organization on a "need to know" basis only. All employees will be required to sign a confidentiality agreement.

- 1. Employees shall not access tribal documents, records or correspondence without authorization from their supervisor or Department Manager.
- 2. Breach of this confidentiality policy is subject to disciplinary action up to and including termination.

#### **703.02 Conflict of Interest**

Employees may not engage in activities which are adverse to the interests of government operations or which serve to enrich the employee at the expense of the GTB. Prohibited activities include, but are not limited to:

- 1. Assisting any person, company, organization or tribe in competing with the GTB;
- 2. Accepting or requesting anything of value from any entity with which GTB has an actual or potential business relationship, without authorization from Tribal Council;
- 3. Conducting business in or outside the course of employment which is adverse to the business or governmental interests of GTB or has the appearance of such impropriety;
- 4. Accepting or requesting compensation, professional or personal benefit from any activity in exchange for a benefit conferred by the powers vested in an employee's position;

5. Involvement in personal political campaigning or distribution of political or campaign materials during work hours;
6. Misrepresentation of tribal interests for personal or professional gain.

### **703.03 Solicitation of Funds**

Employees are prohibited from soliciting funds and/or gifts on behalf of the government for any purpose without prior written approval from the Tribal Manager. Any requests received for solicitation of funds and/or gifts shall be directed to the Tribal Council.

- Departmentally held fund raisers: Departments that hold fund raisers, such as raffles and drawings, to help supplement funding are subject to proper accounting and deposit of funds raised. All employees and immediate family members of the hosting department are ineligible for prizes given away during their home departments drawings.
- Gifts received while on travel: An employee attending an authorized conference or business-related event may accept a gift or prize from any conference sponsored giveaway. If the conference is local and the gift is a voucher for play at either Turtle Creek Casino or Leelanau Sands Casino. These vouchers must not be accepted and must be turned back into the host of the conference.
- Any employee who directly or indirectly receives a gift valued at more than \$25.00 from any entity that maintains a business relationship with GTB or through a third party shall report the gift to the Tribal Manager. The Tribal Manager will seek an opinion from the legal department as to whether the employee may keep the gift.
- Third parties may not accept gifts prohibited herein on behalf of a government employee.

### **703.04 Reporting Employee Guardianship/Conservatorship/Fiduciary Responsibilities**

(Approved by Tribal Council Motion at the TCSS May 25, 2011)

To protect our employees, as well as our membership/clients, employees are prohibited from taking on any kind of guardianship, conservatorship and fiduciary responsibilities for GTB members/clients that they provide a direct service to. If a situation occurs where an employee and GTB member/client feels its necessary for such responsibilities to be given to the GTB employee, as a means of providing applicable services (relating to the GTB position), such requests must be documented with the direct supervisor, Division Manager and the Human Resources Director. The determination of such responsibilities will be reviewed and approved, if the extent of the decision-making authority is based upon the abilities and needs of the individual (membership/client), as it relates to the employee's position.

This policy relates to the ethical conduct detailed throughout Policy 703 and subsequent subsections. Failure to disclose this information to management will result in disciplinary action, including termination.

### **704.00 Political Activity**

Employees are encouraged to participate in political activities at any level of government (tribal, local, state, federal). Employees may not engage in political activities in any Tribal government workplace during the normal business hours of 8:00 a.m.-5:00p.m., Monday through Friday, nor outside these hours at a government supported program function, and are prohibited from:



1. Using his or her position in support of, or in opposition to, a candidate for public office;
2. Charging any costs incurred during outside political activity to the government operations; and
3. Lobbying activities in the workplace on behalf of any Tribal official or tribal member seeking office.
4. Use of any company equipment for political related activity.

#### **705.00 Employee Travel Policy**

All business-related travel must be approved in advance of actual travel by the employee's supervisor and Department Manager.

1. Employees must strictly comply with all government travel policies and procedures incorporated as an attachment to this document.
2. Employees are always required to represent GTB ethically and professionally during the conduct of business away from the workplace.
3. Employees who travel for the purpose of participation in conferences, seminars or other professional development programs must fully participate in scheduled programs and sessions. Employees may not conduct personal business during scheduled professional development programs and activities. Proof of completion or attendance may be required.

#### **705.01 Government Property on Travel**

Transportation tickets, lodging reservations and participation fees paid by government are government property and may not be transferred, conveyed or altered or redeemed for value by any employee without the express permission of the Tribal Manager.

1. Employees are responsible for transportation tickets while traveling. Loss or theft of tickets, reservations, or the right to participate in programs due to the employee's negligence shall not be reimbursed or compensated by government operations.
2. Employees shall report any receipt of refund, reimbursement or compensation received as a result of travel while on government business to their supervisor immediately upon receipt of remuneration.
3. Employees using tribal property or equipment during travel are responsible for that property. Loss or theft of tribal property due to employee negligence may be subject to disciplinary action including reimbursement to the tribe for the value of the property or repairs.

#### **706.00 Harassment/Productive Work Environment**

Verbal, physical or sexual harassment of employees is prohibited. Behavior, language and conduct which may be reasonably be interpreted as intended to offend others, disrupt or interfere with another's ability to perform work related duties, create a quid pro quo situation, or a hostile work environment, shall be subject to disciplinary action up to and including termination. In some instances, it may become necessary to place an employee on investigative suspension until a conclusion can be reached from all information gathered.

1. Sexual harassment shall result in termination of employment.
2. Any employee who believes that a supervisor's, manager's, director's, other employee's or non-employee's actions or words constitute harassment shall report the situation as soon as possible to the Human Resources Director. All complaints will be handled in a prompt, thorough, and impartial manner.

3. Investigation of claims of harassment or the existence of a hostile work environment will be conducted in a manner which protects the confidentiality of all complaints to the extent possible.
4. Retaliation against any employee which affects the employment of that employee, for filing a complaint or participating in an investigation is cause for immediate termination.
5. Harassment complaints found to be frivolous or knowingly based upon false information shall be grounds for immediate termination.

### **707.00 Workplace Violence**

Government operations have “zero tolerance” regarding workplace violence. Violence is defined as, but not limited to verbal or physical threats, physical assaults, or intimidation. If an employee is being followed or suspects a fellow employee is being followed, or notices an employee or visitor acting in a strange or threatening manner, or any other inappropriate behavior, employees should report their suspicions to their supervisor or to the Tribal Police Department immediately. It is the responsibility of any employee who has a legal action against another employee or non-employee to report this to their supervisor. In some instances, it may become necessary to place an employee on investigative suspension until a conclusion can be reached from all information gathered.

### **708.00 Drugs, Narcotics, and Alcohol**

Employees are prohibited from the illegal use, sale, dispensing, distribution, possession, or manufacture of illegal drugs, drugs illegally obtained, controlled substances, narcotics, or alcoholic beverages on all Tribal property. In addition, the government prohibits the off-premise abuse of alcohol and controlled substances, as well as possession, use, or sale of illegal drugs, when those activities adversely affect job performance, job safety, or the government’s reputation in the community. Employees will be subject to disciplinary action, up to and including termination, for violation of this policy. Employees who suspect the use of illegal drugs or alcohol by other employees are required to report this to their immediate supervisor or the department manager. This policy is set to the minimum standards set forth in the Indian Child and Family Violence Protection Act.

Alcohol and drug testing will be conducted in any of the following situations:

- Pre-Employment: For new and transferring employees, as part of the initial screening process.
- Post Accident/Injury: Depending on the circumstances, employees involved in a serious incident or accident while on duty may be asked to submit to a drug and/or alcohol test.
- Reasonable Suspicion: A test may be required if observable changes in employee performance, appearance, behavior, speech, etc., provide reasonable suspicion of some type of impairment and/or the influence of alcohol or drugs.
- Random: Selection through randomizer software.

Refusal to submit to alcohol or drug testing will result in disciplinary action up to and including dismissal. A refusal constitutes the follow:

- i. Failing to provide enough breath for alcohol testing without valid medical reasons;
- ii. Failing to provide sufficient quantity of urine for urinalysis;

- iii. Verbally refusing to submit to testing;
- iv. Any act which manifests the employee's intent to refuse, such as any indication of intent to alter the results.

#### **708.01 Voluntary Drug or Alcohol Treatment**

The Tribe will grant a leave of absence, without pay, for a period of up to thirty (30) days for any employee who wishes to seek primary residential or outpatient treatment for alcohol and/or drug-related problems.

The provisions of this policy may be mandated by the Tribal Manager for continued employment, or an employee wishing to utilize this policy must submit in writing his/her desire to seek treatment and request the time needed to complete a program. All communication will remain confidential between the employee's Department Manager, the HR Director and the Tribal Manager. Voluntary submission to a primary residential or outpatient treatment program will not be documented in the employee's permanent file, provided no disciplinary action is involved. This provision will only be allowed once during an employee's tenure of employment with the Tribe regardless if the employee terminates and consequently returns to employment.

#### **708.02 Positive Test Results**

Pre-Employment – No job offer will be made, and applicant is subject to a ninety (90) day hold before another job application will be accepted.

Post Accident/Injury, Reasonable Suspicion, Random – Automatic ten (10) day unpaid suspension. Employee must provide evidence of a drug or alcohol assessment within ten (10) business days after suspension to the HR office. Employee will be required to sign a Last Chance Agreement prior to the suspension. This agreement subjects the employee to random testing indefinitely. Failure to sign this agreement or abide by the terms of the agreement will result in immediate termination. If alcohol testing is negative, employee will automatically be sent for drug testing.

#### **709.00 Prescribed Controlled Substances**

Any employee, especially employees in safety-sensitive positions, under a physician's care and taking prescribed controlled substances that could affect performance must report this treatment to their supervisor. Failure to make such a report may be subject to disciplinary action if a supervisor notices work performance has been adversely affected. Employees are cautioned not to share any of their prescribed medications with any other employee.

#### **709.01 Limited Recognition of the Michigan Medical Marihuana Act** (approved by TC Motion, Tribal council Regular Session May 3, 2017)

In recognition of the government-to-government relationship between the Grand Traverse Band and the State of Michigan, the Grand Traverse Band extends comity to the Michigan Medical Marihuana Act as provided in the Section 709.01.

The Grand Traverse band will not subject an employee to discipline solely for the presence of any cannabinoid in a drug test administered under this personnel policy if all the following criteria are met:

- The employee is a qualifying patient as defined in MCL 26423(1);

- The employee has been issued and possesses a current and valid registry identification card pursuant to MCL 26426(a), and provides that card to the Grand Traverse Band Tribal Government Human Resources at the time of testing; and
- The employee discloses the possible presence of cannabinoids in a drug test prior to taking the drug test.

The Grand Traverse Band will not refuse to hire a potential employee solely for the presence of any cannabinoid in a pre-employment drug test administered under this policy if all the following criteria are met:

- The potential employee is a qualifying patient as defined in MCL 26423(1);
- The potential employee has been issued and possesses a current and valid registry identification card pursuant to MCL 26426(a), and provides that card to the Grand Traverse Band Tribal Government Human Resources at the time of testing; and
- The potential employee discloses the possible presence of cannabinoids in a drug test prior to taking the drug test.

If anyone or more of the provision contained in this Section 709.01 is for any reason (a) objected to, contested or challenged by any court, government authority, state of Federal Agency, department, commission or instrumentality of the United States or any political subdivision thereof (**collectively, Governmental Authority**), or (b) held to be invalid, illegal, or unenforceable in any respect, the GTB Tribal Government and the beneficiary of the provision agree to follow the appropriate procedures to maintain and defend the validity of this provision; however, GTB and the beneficiary of this provision agree to abide by final agency or court decisions.

Nothing about this Section 709.01 shall be considered as a waiver to any aspect of the sovereignty of the Grand Traverse Band, or the exclusive application of its laws to all matters within its jurisdiction, nor shall this Section be construed as conferring any retroactive right or cause of action to any person.

Nothing about this Section 709.01 shall be construed to permit the possession, use, cultivation, or distribution of cannabis within the jurisdiction of the Grand Traverse Band. Possession of cannabis, even by a qualifying patient, on the property of the Grand Traverse Band shall be subject to confiscation by law enforcement and any person in such possession may be subject to arrest and prosecution by the Grand Traverse Band, the United States, and/or the State of Michigan.

An employee under the influence of cannabis during work time or in possession of cannabis anywhere within the jurisdiction of the Grand Traverse Band at any time may be subject to immediate dismissal and prosecution, notwithstanding the protections otherwise offered in this Section.

## **710.00 Personal Appearance**

Employees must be professional in their appearance and dress according to the nature of their employment duties.

1. All employees are required to maintain good personal hygiene.
2. Employees representing government away from the workplace shall always maintain appropriate dress and personal hygiene.
3. Employees must consult with their immediate supervisor to find out the proper dress code for their position.

### **710.01 Employee ID Badge Policy** (approved by TC Motion, Tribal Council Regular Session August 18, 2021)

An identification badge with your name, photo and department will be issued to you on your first day of employment. The Employee ID Badge is also your electronic key to enter GTB buildings and other secured areas as needed. Employees are required to wear an ID badge while working.

If your identification badge is lost or stolen, you must obtain a replacement and report it to your immediate supervisor as soon as possible. Failure to wear your badge can lead to disciplinary action.

Upon termination, employee will be required to return badges to Human Resources Department.

**SECTION 800**  
**CONFLICT RESOLUTION**  
**And**  
**EMPLOYEE RECOURSE TO TERMINATION**

**800.00 Conflict Resolution**

The development and preservation of effective working relationships are important to the well being of government operations and its employees. The purpose of the conflict resolution procedure is to address problems that negatively impact a productive work environment. Specifically, the conflict resolution procedure is designed to address conflicts resulting from a violation of the GTB Personnel Policy. All requests filed must specifically identify a violation of the GTB Personnel Policy and a requested solution or the request will be deemed invalid and no action will be taken.

The conflict resolution process will not be treated as a formal administrative hearing procedure. Employees therefore do not have the right to have legal counsel present during conflict resolution procedure meetings.

The conflict resolution procedure is not available for employees seeking to dispute decisions discharging their employment, nor will it be used to dispute disciplinary reprimands. An employee may respond to disciplinary reprimands by submitting a written response to the Human Resources Director and/or HR designee for review. The written response will also be included in the employee's personnel file.

The conflict resolution procedure will be available for any government employees including full-time, part-time, temporary, and on-call.

Confidentiality with regards to conflict resolution will always be maintained to the extent possible. Information and/or documentation concerning individual conflict resolution dealings will not be divulged or distributed to anyone who is not authorized to receive access to such information. An employee who may be involved in any investigation of this type will be held to strict confidentiality. Failure to maintain confidentiality will result in discipline up to and including termination.

Retaliation against anyone filing for conflict resolution is strictly prohibited and may result in disciplinary action including and up to termination.

Conflict resolution procedures are as follows:

- The requesting employee must file, with the HR designated staff person, a completed Conflict Resolution (CR) form.
- The Conflict Resolution form must include the following:
  1. The government operations personnel policy violated.
  2. The relevant parties involved.
  3. What the employee has done to attempt to resolve the issue.
  4. A requested solution.
- The HR designee will request a written response from the employee(s) named in the conflict resolution within one (1) day of receiving the Conflict Resolution form.

- The written response from the employee(s) named must be submitted to HR within five (5) business days after receiving the request.
- The HR designated staff person will work with the appropriate departmental personnel and may conduct (if necessary) an investigation to ensure all relevant information has been received. The investigative portion of the conflict resolution process must be completed within five (5) business days after all statements are received.
- The HR designee will meet with the appropriate department manager to report all findings and request a resolution/disposition to be submitted in writing. This written resolution/disposition must be submitted to HR within five (5) business days of receiving the request.
- If the department's proposed resolution to the conflict is unsatisfactory to the employee submitting the original request, the requesting employee then has five (5) additional business days to request a final resolution from the Human Resource Director (or appointed designee).
- The Human Resource Director's (or appointed designee's) decision will be the final step in the conflict resolution procedure and will be binding to all parties involved. The decision of the Human Resource Director (or appointed designee) in a conflict resolution request is final and there is no direct appeal to the Tribal Court of a conflict resolution decision.
- A copy of the final decision, or disposition, will be made available only to the requesting employee and the respondent. A copy may also be submitted to a requesting employee's or respondent's supervisor and/or department manager if deemed necessary by the Human Resources designated staff person.
- In no case shall the Human Resources Director (or appointed designee) fail to provide either a decision or final disposition in a case later than five (5) days after receiving a final resolution request (unless that timeline is altered or extended in accordance with section, § 800.01).

#### **800.01 Timeline Exceptions**

Any of the timelines provided in the conflict resolution procedure may be altered or extended upon a showing of just cause (i.e. family emergencies, travel, medical emergencies, etc.). The Human Resource Director (or appointed designee) will have discretion in defining what constitutes just cause and what extension of time may be appropriate. While such decisions are to be made on a case-by-case basis, deviations from the timelines provided in this Personnel Policy are to be exceptions, not the rule.

#### **800.02 Exceptions to Procedural Steps**

Government operations recognize that there are some circumstances in which adherence to the established conflict resolution procedure steps may not be feasible or may be inappropriate. All conflict resolution requests will be handled at the departmental level except in situations where the problem or issue is clearly not within the authority of the department to resolve. It is the responsibility of the HR Director (or appointed designee) to determine if a situation warrants bypassing one or more of the established steps in the conflict resolution procedure.

If the HR designated staff person is unable to fulfill duties under this conflict resolution procedure or if he or she determines that there would be a conflict of interest in his or her participation, the Human Resources Director (or appointed designee) and/or the Tribal Manager will take his or her place.

### **800.03 Records**

A separate filing system will be kept for conflict resolution cases. Conflict resolution documentation and records will not be incorporated into an employee's personnel file unless the employee requests that copies be so incorporated. Any reprimands resulting from conflict resolution proceeding will be included in the employee's personnel file.

### **801.00 Employee Recourse to Dispute a Discharge from Employment**

(Amended by motion, Tribal Council Special Session, April 08, 2013)

A regular full-time employee has the right to request a review of their discharge through a Hearing Officer contracted by the government operations. Introductory employees may not request a hearing under this section. Employment discharge decisions are not subject to challenges through the Conflict Resolution procedure established in this Personnel Policy Manual. A discharged employee will be treated as discharged during the hearing process and shall neither report to work nor receive any type of pay or benefits.

#### **801.01 Discharge Dispute Hearing**

Within seven (7) calendar days of receiving written notification of a decision to discharge, the discharged employee has the right to request a Discharge Dispute Hearing.

- The discharged employee must fill out the form "Request for a Discharge Hearing" located in the Tribal Manager's office.
- The Tribal Manager's office shall immediately contact the Hearing Officer and schedule a hearing date. It is the duty of the Tribal Manager's office to notify all parties involved of the scheduled hearing.
- The hearing must be scheduled within fourteen (14) days of receipt of the request for a hearing.

If the discharged employee does not show up at the scheduled hearing (or any session thereof), that employee shall be deemed to have waived his or her right to the hearing unless extenuating circumstances or other just cause can be shown.

#### **801.02 Attorneys or Other Representation**

Government management and the discharged employee may be represented by legal counsel at any stage of the Discharge Dispute Hearing.

#### **801.03 Evidence/Testimony**

The Hearing Officer shall allow witness testimony at the dispute hearing. The Hearing Officer shall also accept and consider any relevant documents or exhibits that either the discharged employee or Tribal management offers as long as the documents/exhibits pertain to the case.

#### **801.04 Decisions Rendered by the Hearing Officer**

The Hearing Officer shall render a final written decision, either affirming or reversing the decision to discharge within five (5) business days from the date of the final hearing session. This final written decision shall constitute the end of the Discharge Dispute process and shall be final and binding for the Grand Traverse Band.

If the Hearing Officer reverses the decision to discharge, the Hearing Officer may recommend any of the following:



- a. Return the employee to work with full back pay from the date of dismissal and have all documents related to this incident be removed from the employee's personnel file; or
- b. Return the employee to work but recommend an alternate disciplinary action such as suspension with time served, unpaid, and all documents related to this incident remain in the employee's personnel file, or, recommend any other step in progressive discipline.

#### **801.05 Recourse After Hearing Officer's Decision**

1. A discharged employee's only recourse after a decision by the Hearing Officer to uphold the discharge of that employee is to file a suit in Tribal Court appealing the decision of the Hearing Officer. Filing fees in Tribal Court shall be waived in the interests of providing access for review of the Hearing Officer's decision. Such a suit must be filed within fourteen (14) days of the date of the Hearing Officer's final decision.
2. The tribal government's only recourse after a decision by the Hearing Officer's reversal of a discharge decision is to appeal to the Tribal Court. The appeal must be filed within fourteen (14) days of the date of the Hearing Officer's final decision.
3. If an appeal is filed by the tribal government a stay of the Hearing Officer's decision is automatically authorized until the final decision of the Tribal Court.
4. If an appeal is filed by an employee then the Hearing Officer's decision is effective until reversed by the Tribal Court.
5. The Human Resources Department has developed an instructional manual entitled "How to File an Appeal on Employment Discharge" which provides forms, timelines, and instructions to the discharged employee on how to appeal a termination decision to the Hearing Officer and, if necessary, to Tribal Court under the provisions of this Personnel Policy. The Human Resources representative is not an advocate for the employee. However, subject to a conflict of interest waiver signed by the discharged employee, the Human Resources representative may provide assistance to the discharged employee in framing the substantive arguments of the discharged employee's appeal if so, requested by the discharged employee in writing.

#### **801.06 Standard of Review**

Upon appeal to the Tribal Court, the Tribal Court shall then review the administrative hearing record for abuse of discretion, arbitrary and capricious actions or decisions, or non-compliance with applicable laws. If the Tribal Court does not identify any of these problems in the administrative hearing, the decision of the Hearing Officer shall be upheld.

An action or decision shall be deemed arbitrary and capricious if it was made without regard to the facts; in a random or illogical manner; with the intent of abusing the discharged employee; in violation of applicable employment laws or personnel policies; or not supported by record.

**801.07 Waiver of Sovereign Immunity**

The Tribal Council waives the sovereign immunity of the Grand Traverse Band of Ottawa and Chippewa Indians in the Grand Traverse Band Tribal Court for suits brought by discharged employees. This waiver is limited to the terms contained in Section 801 of the GTB Personnel Policy, and this waiver of immunity is strictly limited to the remedies stated in Section 801.05 and Section 801.08 of the GTB Personnel Policy.

**801.08 Attorney Fees; Expenses**

If the discharged employee prevails in reversing the Hearing Officer's decision upholding the discharge, then the prevailing employee shall be entitled to \$500.00 of damages to cover the discharged employee's expenses associated with the appeal.

**801.09 Hearing Officer Qualifications**

The Grand Traverse Band Tribal Council shall appoint the Hearing Officer by a term contract at the discretion of the Tribal Council. The Hearing Officer's qualifications must meet the minimum qualifications of a recognized national association for hearing officers.

## Appendices

# Appendix I

## Use of Tribal Vehicles and Driver Exclusion Procedures

### (1) Policy

Use of Grand Traverse Band owned, or leased vehicles is specifically limited to the performance of authorized work-related tasks. Under no circumstances are GTB owned or leased vehicles to be used for personal business.

GTB employees are placed in one of three groups in relation to their job assignments and the amount of time those assignments will require them to operate a GTB owned or leased vehicle.

- A) Persons whose main job function is to drive (bus/van/limo operator, valet, delivery drivers, etc.)
- B) Persons whose job requires that they regularly operate GTB owned or leased vehicles, but it is not a main function of their job (maintenance, volunteers, police officers, community health reps, on-call personnel, etc.)
- C) Persons whose job may or may not require the occasional use of a GTB owned or leased vehicle or those who use their own vehicle during the course of doing the business related to their job function, consistent with Subsection (2) Item 2 (b) below.

On-call personnel, in certain prescribed situations, will be permitted to take GTB owned or leased vehicles to their place of residence. Use of this vehicle for any other purpose other than a call-out for official business is strictly prohibited. All employees who are authorized to take GTB vehicles home must be identified and approved in advance by the Tribal Manager. All approved on-call employees will be required to sign an acknowledgement of the restricted use of the vehicle to business requirements only. This acknowledgement must be obtained by the TMO and sent to Human Resources for inclusion in the personnel file.

Volunteer Drivers must be registered in the Tribal Manager's office. The TMO will maintain the list in two categories:

- Those who volunteer on a regular basis, and
- Those who volunteer on an occasional basis.  
All volunteers are required to provide evidence of his or her own personal auto insurance coverage.

### (2) Procedures

#### 1. Applicants for Employment and Prospective Volunteer Drivers

All prospective employees and volunteer drivers will have an initial Moving Violation Report (MVR) check performed as part of the pre-hire background investigation. If the driving record is determined by the insurance carrier to exclude a person from operating a GTB owned or leased vehicle:

- A prospective volunteer will be denied any and all volunteer driving;
- A prospective employee will be denied employment if the main function of the job is driving or if the job requires regular operation of a GTB vehicle;
- A prospective employee who may or may not require an occasional use of a GTB vehicle or whose duties require the use of their own personal vehicle to conduct business will be required to sign a Driver Exclusion Acknowledgement Form as part of their employment agreement.

Volunteer Drivers – Department Managers must notify the Tribal Manager’s office (TMO) of any potential volunteer. The Tribal Manager’s office must notify the Background office of the potential volunteer and request the MVR. Once the information is received, the Background office must notify the TMO of the results.

### **(3) Current Employees**

All employees listed in A and B, in above (1) Policy will be subject to an MVR check on a yearly basis as dictated by GTB’s insurance carrier. The Background Department will also run a check if they receive notification of a possible violation. If the insurance carrier has determined that an employee’s driving record is unacceptable:

1. Employees listed as A or B in above (1) Policy will be terminated from employment.
2. Employees listed as C in above (1) Policy Section C will be prohibited from operating any GTB owned or leased vehicle and must provide proof of personal liability automobile insurance from their own insurance company at no less than (amount) coverage. This proof of insurance will assure the GTB that coverage is available to this employee while conducting business using his/her own vehicle. These employees will also be required to sign the Driver Exclusion Acknowledgement Form.

All current employees will be held responsible for notifying the Background Department of any status change in their driving record due to a moving violation as well as any subsequent personal liability automobile insurance changes subsequent to these driving record changes. Failure to make **such notification may result in loss of** driving privileges and/or termination of employment.

### **(4) Transferring Employees**

All employees applying for a transfer to a different position will be run through the MVR check. If the employee has a current Driver Exclusion Acknowledgement Form on file, the employee must inform the hiring manager/supervisor of his/her disqualification for driving.

### **(5) Driver Exclusion Form**

Definition – An agreement made between the employee and the GTB which acknowledges the employee understands his/her driving record is unacceptable and therefore is excluded from operating a GTB vehicle. The agreement also acknowledges the employee must provide proof of personal liability automobile coverage if he/she is in a position as C in above (1) Policy.

- a. All prospective employees, regardless of position applying for, will be checked through the MVR. If the position does not require any type of driving and the GTB insurance carrier has determined this prospective employee cannot be insured, the prospective employee will be required, as a matter of documentation, to sign an exclusion form and this will be filed in their personnel file. Should this employee be hired and subsequently apply for a transfer in the future to a position which may require driving, this exclusion must be acknowledged to the hiring manager/supervisor.

### **Responsibilities of the Regulatory Background Department**

- A. Submit all pre-employment, volunteer, on-call, transfers, and others, driving license information to the insurance carrier.
- B. Enter all information received from the MVR check into the ID Point software system.
- C. Send immediate notice to the appointed person in Human Resources of all information regarding the insurance carrier's findings of an unacceptable driving record. If appropriate, per the above policy, request HR to obtain the signatures needed for the Driver Exclusion Acknowledgement Form.
- D. Once all signatures are obtained, send a copy to the HR Office for inclusion in the personnel file.
- E. Maintain all information on driving records in the Background Office.

### **Responsibilities of the Human Resources Department**

1. Maintain all job descriptions to include driving requirements, if applicable.
2. If a Driver Exclusion Form is required, follow-up immediately to obtain signatures needed. HR will be held to a three (3) business day turn-around on obtaining signatures.
3. If proof of personal insurance is required, the Risk Manager will contact the person involved and follow-up with this requirement. The proof of insurance will become part of the employee's personnel file.
4. If a current employee is transferring, the file must be checked for any Driver Exclusion Form and notification made if the desired position requires driving.
5. Maintain all Driver Exclusion Forms in their perspective personnel file.

### **Responsibilities of the Tribal Manager's Office**

1. Maintain the list of all volunteer drivers, both regular and occasional.
2. Maintain all proof of insurance for volunteer drivers.
3. Maintain the list of all approved on-call personnel. Send a copy of acknowledgement of rules governing the use of on-call vehicles to the HR office for inclusion in the personnel file.

# Appendix II

## How to File an Appeal on Employment Discharge

### Your Obligations

1. You must complete a “Request for a Discharge Hearing” form and submit it to Tribal Manager’s office within seven (7) calendar days of receiving written notification of the discharge. The form is located in the Tribal Manager’s Office.
2. Request a copy of the completed form for your records.
3. Request a copy of your personnel file from the Human Resources Department. Please note that it may take up to three (3) business days to secure a copy. Keep this for your records.
4. Don’t wait until the last minute to file for a hearing. Review the personnel policy and consider what documents you may need and who to call as a witness.

### What to Expect

1. The Tribal Manager’s Office will schedule your hearing with a Hearing Officer within 14 (fourteen) days of your Discharge Hearing request.
2. You will be notified within five (5) business days of the date, time and location of your scheduled hearing.
3. If you do not hear from the Tribal Manager’s Office within the five (5) day period, please call (231) 534-7965 to secure your hearing date, time and location.
4. After the hearing, the Hearing Officer has up to five (5) business days to issue a decision. You will be notified when the determination is made.

### What is a Hearing Officer?

- A Hearing Officer is an outside, unbiased representative contracted by the GTB to hear all the facts of the case and the reason(s) the termination took place.
  - The Hearing Officer will be committed to considering all evidence brought forward by your and the terminating supervisor, including but not limited to documentation pertaining to your termination, current personnel policies, witnesses and oral testimony.
  - After the hearing has concluded, the Hearing Officer will issue a decision regarding your case. He/she can either uphold or overturn the termination.
  - If the decision is made to overturn the termination, the Hearing Officer has the ability to recommend any of the following:
1. Return to work with full back pay and all documentation related to this incident be removed from your personnel file; or,
  2. Return to work with but due to the nature of the incident you may be placed on unpaid suspension with possible time served and all documentation related to the incident remain in your personnel file; or,
  3. Issue a different type of disciplinary action in lieu of termination including but not limited to written warning, probation, demotion or Performance Improvement Plan.
    - The final written decision of the Hearing Officer is final and binding for the Grand Traverse Band.

### **What Do I Need?**

1. You are eligible to retain an attorney for representation at the hearing to guide you during the process.
2. You should bring a copy of your personnel file, any documentation related to the termination and supporting documentation you possess that may be relevant to the case for the Hearing Officer to review. This may include statements from individuals who witnessed the events that led up to the termination.
3. All documentation and exhibits you wish to present must pertain to the reason for your termination.
4. A copy of the GTB Personnel Policy.
5. Witnesses – witness testimony will only be accepted by people who were actual witnesses to the incident. Character witnesses will not be accepted. They should be ready to testify as being present when the incident occurred.
6. Plan on arriving 20 (twenty) minutes prior to your scheduled hearing time. Make sure your witnesses are aware of this timeframe. No correspondence will be made with your witnesses and it will be your responsibility to keep them informed.

### **What Can I Do If The Hearing Officer Upholds My Termination?**

1. You are eligible to file an appeal of the Hearing Officer's decision through Tribal Court. If you had an attorney during your hearing you may also want to consider retaining him/her for this. If you did not have an attorney for your hearing you may still retain one to assist you through this process, but it is not required. Attorney representation is your personal choice.
2. If filing a review with Tribal Court, this will need to be done within fourteen (14) days of the date of the Hearing Officer's final decision. This review can be filed with Tribal Court and there is no filing fee.

### **What Do I Need to Know About This Tribal Court Proceeding?**

1. If you file for an appeal in Tribal Court, the Hearing Officer's decision is effective until reversed by Tribal Court.
2. If an appeal is filed by tribal government, a stay of the Hearing Officer's decision is automatically authorized until the final decision by Tribal Court. This means that if you were eligible to return to work based on the decision of the Hearing Officer, you will be unable to return to work until Tribal Court renders a decision.
3. Tribal Court is authorized to review the entire discharge administrative hearing conducted by the Hearing Officer and all records and witness testimony by all parties from that hearing. Tribal Court reviews this for abuse of discretion, arbitrary and capricious actions or decision or non-compliance with applicable laws.
  - a. What does that mean?
    - i. An action can be deemed arbitrary and capricious if it was made without regard to the facts, or in a random or illogical manner, with the intent or abusing a discharged employee.
    - ii. The review in Tribal Court will determine if there was a violation of applicable employment laws or personnel policies.

- iii. The review will determine if the termination was not supported by the record. This means the documentation did not support a termination.
4. You will not be called to testify at this review in Tribal Court. You cannot argue your case again as it has already been argued. This is a review of record and testimony, by a judge. The judge's decision will be based on your submission of records as well as your written argument as to why the Hearing Officer's decision was arbitrary and capricious based upon the above standards. You must put your argument(s) in writing for the judge to understand. You, your attorney or your advocate can document this written argument.

### **I Can't Afford This – What Can I Do?**

1. It is not necessary to retain an attorney. If you feel you cannot bring forward a good cause on your own, see the advice of someone you know who has good organizational skills and good speaking ability. This is known as an advocate.
2. Human Resources can also be utilized as a resource. An HR representative can assist in providing a framework for your argument if you request this in writing to the Human Resources Director. Staff from the Human Resources is not eligible to be your advocate; however, they can assist with advice on what information you will need to present your case. If a staff member from the Human Resources department is used, you would be required to sign a waiver of conflict of interest.



## Appendix III

**COVID-19 TESTING POLICY** (Approved by TC Motion, Tribal Council Special Session, July 29, 2020; amended by TC Motion, Tribal Council Special Session, September 30, 2020); Amended by TC Motion, TCSS October 9, 2020; Amended by TC Motion, TCSS November 18, 2020; Amended by TC Motion, TCSS December 7, 2020, TCSS May 26, 2021, TCSS November 24, 2021)

### Definitions

*Individual Required to Undergo Testing: Any individual whose duties and responsibilities require them to work permanently, temporarily, or occasionally on-site in a GTB facility. This includes contractors, vendors, students, boards, and committees.*

- When a public health emergency exists, Tribal Council delegates the authority to establish a COVID-19 employee testing program to the Tribal Manager's Office (TMO), to protect the GTB government workforce, GTB community, and continuity of operations.
- As testing capacity allows, and under the authority of the Tribal Manager's Office, any individual whose duties and responsibilities require them to work permanently, temporarily or occasionally on-site in a GTB facility, shall be required to submit to a screening test for COVID-19 in order to remain eligible to work on-site. This includes contractors, vendors, boards, and committees.
- As testing capacity allows, unvaccinated employees will continue to test on a weekly basis or more, based on job and community risk. Additional testing shall be provided for symptomatic individuals, individuals returning from quarantine and for those with exposures.
- Testing can be completed at the GTB Health Department or any alternative testing site or via another testing method prior approved by the GTB HR Department or GTB TMO. GTB will not assume the cost of any alternative testing arrangement outside the GTB Health Department unless explicitly authorized in writing on a prior basis by the GTB HR Department. To receive services at the GTB Health Department, call and make an appointment, All individuals required to undergo testing must complete a GTB Clinic registration.
- The individual required to undergo testing shall be responsible to ensure the GTB HR Department receives the results of the test by the due date. If testing results are not received by the GTB HR Department in a timely manner, the individual required to undergo testing shall be excluded from the work schedule until testing is completed and results provided to the GTB HR department. Individuals who refuse to comply with this policy are subject to disciplinary action in accordance with the GTB personnel policy.
- If testing is completed at the GTB Health Department, testing will occur at no cost to the individual required to undergo testing. Results shall be disclosed to appropriate authorities as required by law, the GTB HR Department, and in compliance with HIPAA.

- All individuals with positive results will be expected to comply with the directions of the local health department and the GTB HR Department. This includes all necessary precautions in accordance with CDC guidelines and exclusion from work until CDC return to work criteria have been met and the employee is cleared to return to work by the GTB HR Department.
- Any employee that tests positive, if tested at an alternative site, must report the results to the GTB HR Department immediately upon notification of positive test results.

**GTB has the right to require employees to test for public safety purposes.**

# Appendix IV

## GOVERNMENT INFLUENZA VACCINATION POLICY *(Approved by TC Motion, Tribal Council Special Session, Sep 30, 2020)*

1. Background: Influenza vaccination is an important component of a comprehensive infection control program. Individuals who become infected are contagious and therefore these individuals can infect others without knowing they are contagious.
2. Policy: All government employees, contract staff, temporary employees, students, and volunteers or any individual whose duties and responsibilities require them to work permanently, temporarily, or occasionally in a GTB facility must receive a seasonal influenza vaccination by November 15<sup>th</sup> of each year or have on file a valid medical or religious exemption, regardless of their level of client contact. The vaccination deadline may be extended by the GTB HR department if seasonal influenza vaccine supply is inadequate or sufficiently protracted to preclude timely vaccination.
3. Procedures
  - A. Documentation. All those required to comply with this policy must provide acceptable documentation substantiating influenza vaccine receipt or request for exemption by November 15<sup>th</sup> annually to the GTB HR Department.
    1. Receipt of Influenza Vaccine
      - a. Influenza Vaccine Administered Within GTB Health Department. Influenza vaccine will be offered free of charge to all those required to comply with this policy every influenza season. A complete registration at the GTB Health Department will be required to receive services.
      - b. Influenza Vaccine Administered Outside IHS Facilities. Those who receive influenza vaccine elsewhere must provide written proof of vaccination that documents the date of vaccination, vaccine formulation (i.e., brand), and name of provider administering the vaccine. This information will be filed along with any additional documentary proof of vaccination as part of the employee health record. All those required to comply should provide this documentation to the GTB HR Department by November 15<sup>th</sup> annually.
    2. Request for Exemption
      - a. Medical Exemption from Influenza Vaccination. A request for medical exemption from influenza vaccination may be approved for any person contraindicated to receive influenza

vaccine as outlined by Advisory Committee on Immunization Practices (ACIP) recommendations. Based on current recommendations, valid medical exemptions for influenza vaccines include a history of severe allergic reaction to any component of the influenza vaccine, including egg protein, or serious allergic reaction to a previous dose of influenza vaccine. History of Guillain-Barré Syndrome (GBS) onset within 6 weeks following a prior influenza vaccine is a precaution for influenza vaccination and may be considered a valid medical exemption if a medical provider determines the influenza vaccination poses a risk to the patient.

- i. Procedure for requesting a medical exemption. All those requesting medical exemption from influenza vaccination must provide documentation, signed by a licensed, independent health care practitioner, affirming that a valid medical contraindication exists that precludes influenza vaccination. This documentation should be provided to the GTB HR Department before November 15<sup>th</sup> annually. Employees whose request for medical exemption is denied will receive written justification for the denial and must receive influenza vaccination no later than November 15<sup>th</sup> annually.
- ii. Renewal. Employees with an approved medical exemption must provide a signed statement by November 15<sup>th</sup> annually reaffirming that the previously approved medical contraindication continues to preclude vaccination. Such statements and other supporting documentation (e.g., statement from employee's medical provider) will be retained as part of the employee's health record by the GTB HR Department.
- b. Religious Exemption from Influenza Vaccination. Anyone who feels their religious beliefs preclude influenza immunization may request an exemption from influenza vaccination.

Procedure for requesting religious exemption. Anyone who feels their religious beliefs preclude influenza immunization must submit a signed, written statement justifying the request by November 15<sup>th</sup> annually for review to the GTB HR Department. Supporting statements and approval of religious exemption requests from influenza vaccination will be maintained as part of the employee health record by the GTB HR Department.

3. Approved Exemption. Unvaccinated individuals with an approved medical or religious exemption must wear a surgical mask when

working at GTB facilities during the influenza season. Influenza season is typically defined as November through March, though may include other periods of increased levels of influenza activity as determined by the Centers for Disease Control and Prevention and/or state public health authorities. All individuals with an approved medical or religious exemption are required to receive annual instruction from their direct supervisor on the proper use of masks and other infection control measures relevant for preventing influenza infection. The GTB HR Department shall render all final decisions regarding exemptions.

4. Compliance. Individuals who refuse to comply with this policy and do not have an approved medical or religious exemption are subject to disciplinary action in accordance with GTB personnel policy. Employee refusal to comply with this policy will be documented and filed as part of the employee health record by the GTB HR Department.

# Appendix V

## **COVID-19 PRESCREEN SOCIAL DISTANCE AND QUARANTINE POLICY** *(Approved by TC Motion, Tribal Council Special Session, May 26, 2021, TCSS January 26, 2022, TCSS March 7, 2022, TCSS June 29, 2022)*

### **COVID Prescreen & Face mask, Quarantine/Isolation Policy**

It is in the best interest of the GTB to protect employees as well as the Tribal community, therefore employees must exercise caution when engaging in risk behaviors due to the COVID-19 Pandemic. When a public health emergency exists, Tribal Council delegates the authority to establish a COVID-19 Prescreen Social Distance and Quarantine program to the Tribal Manager's Office (TMO), to protect the GTB government workforce, GTB community, continuity of operations.

Each employee work area was assessed for safety, we will continue to maintain our safe measures including:

- Monitoring employee health through daily health screening questionnaire and thermometers.
- Providing face masks as defined as by the Centers of Disease and Control (CDC), that must be worn over the mouth and nose to prevent respiratory droplets or aerosols from reaching others.
- Installing barriers and maintaining 6 feet of social distance from others, even if you have been vaccinated.
  - **Fully vaccinated** - means that an employee has obtained both doses of a two-dose vaccine or obtained one dose of a single vaccine and at least (2) two weeks has expired since receiving the final dose. Until an employee is fully vaccinated, they are subject to regular testing and face mask as defined by the Centers for Disease Control (CDC).
  - **Up-to-date as defined by CDC (Fully vaccinated and boosted/additional dose)** - means that an employee has obtained both doses of a two-dose vaccine or obtained one dose of a single vaccine and at least (2) two weeks has expired since receiving the final dose and any booster dose, a subsequent dose of the vaccine administered to enhance or restore protection by the primary vaccination which might have waned over time.
- Providing the supplies necessary for good hygiene practices for employees to wash and use hand sanitizer often,
- Improving ventilation and implementing HEPA air purifiers throughout the organization.
- Enhanced cleaning and disinfection in work area.

### **Prescreen/Social Distancing**

Employees should take their temperature and evaluate their health prior to going to work each day. An employee who has a fever at or above 100.4 degrees Fahrenheit or higher

should not report to work, nor enter the facility and contact their immediate supervisor/department manager as well as call their medical provider for further direction. Employee's should monitor themselves continuously throughout the day, an employee who is experiencing symptoms of the virus will be sent home. Employees will be screened each day at the beginning of their shift, if an employee fails health screening questions upon check-in, leave the building immediately and notify your immediate supervisor/department manager OR if symptoms begin during the workday the employee will need to call their immediate supervisor/department manager, isolate and leave work premises immediately. Management must notify HR. Employee's may return once they have received clearance from their medical provider. The employee may use PTO/Vacation or take an unpaid day.

GTB requires employees to wear a face mask.

- Exceptions to wearing a face mask, face mask as defined by the CDC: An employee may remove their facemask at their workstation/desk if safety protocols are met i.e., door, plexiglass, barriers, air purifiers and ventilation. If you are outside and can maintain six feet of social distancing. If the door is open and there is 6 feet of distance between the employee's workstation/desk and the open door, once another individual enters the employee's office a face mask must be worn.
- If you step away from your desk you must wear a mask regardless if you are vaccinated or unvaccinated.

### **Quarantine/Isolation**

Quarantine/Isolation as defined by the CDC <https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html>. During the quarantine/isolation period you should be staying at home and follow the quarantine/isolation guidelines. If you do not follow these guidelines, your quarantine/isolation will be extended, and you will be required to use PTO/Vacation/GPT or unpaid hours to cover this time.

### **For the employee who does not have PTO/Vacation/GPT or other available leave in section 600.00:**

COVID Positive Cases:

- In addition, who contract COVID-19 and must be out of work because of this, would be eligible for MLOA. Please see section 600.00 for available leave if exceeding COVID-19 isolation/quarantine CDC recommendations, and/or reevaluated after day 10, a leave of absence is required under section 600.00 of the GTB Personnel Policy.
  - PTO/Vacation/GPT will be required for all employees' absences. If employees do not have any PTO/Vacation/GPT available, the time off will be unpaid depending on circumstances. A doctor's note stating the reason time off from work is needed, when leave is needed, and the approximate return to work date.

## Appendix VI.

### **COVID -19 Proof of Vaccination, Acceptable Forms of Proof of Vaccination and Exemption** *(Approved by TC Motion, Tribal Council Regular Session January 19, 2022, TCSS June 29, 2022)*

**Purpose:** All employees, contract staff, temporary employees, students and volunteers are required to report their COVID-19 vaccination status and if vaccinated provide proof of vaccination or have an approved exemption. Employee must provide truthful and accurate information about their COVID-19 vaccination status, and, if not fully vaccinated; refer to Appendix III COVID Testing Policy. GTB has adopted this policy consistent with GTB Constitution Article. IV Powers of the Tribal Council Section 1 (a) (“To protect the health [of] its members”) (b) (“To safeguard and promote ...safety of the Band and its members.”) to safeguard the health of our employees from the hazard of COVID-19. Proof of vaccination status can be submitted to the GTB Human Resource (HR) Department.

**Fully vaccinated** - means that an employee has obtained both doses of a two-dose vaccine or obtained one dose of a single vaccine and at least (2) two weeks has expired since receiving the final dose. Until an employee is fully vaccinated, they are subject to regular testing and face mask as defined by the Centers for Disease Control (CDC).

**Up-to-date as defined by CDC (Fully vaccinated and boosted/additional dose)** - means that an employee has obtained both doses of a two-dose vaccine or obtained one dose of a single vaccine and at least (2) two weeks has expired since receiving the final dose and any booster dose, a subsequent dose of the vaccine administered to enhance or restore protection by the primary vaccination which might have waned over time.

**Receipt of COVID-19 Vaccine:** COVID-19 administered within the GTB Health Department will be offered free of charge to all those required to comply with this policy. A complete registration at the GTB Health Department will be required to receive services.

#### **1. Proof of Vaccination**

- A. The record of immunization from a healthcare provider or pharmacy;
- B. A copy of the COVID-19 Vaccination Record Card;
- C. A copy of medical records documenting the vaccination;
- D. A copy of immunization records from a public health, state, or tribal immunization information system; or
- E. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare provider (s) or clinic site(s) administering the vaccine(s).

Proof of vaccination generally should include the employee’s name, the type of vaccine administered (i.e., brand), the date(s) of administration, and the name of the healthcare provider (s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances GTB Human Resources will still accept the state immunization record as acceptable proof of vaccination.

If an employee is unable to produce one of these acceptable forms of proof of vaccination, despite attempts to do so (e.g., by trying to contact the vaccine administrator or state health department), the employee can provide a signed and dated statement attesting to their vaccination status (fully vaccinated or partially vaccinated); attesting that they have lost and



are otherwise unable to produce one of the other forms of acceptable proof; and including the following language:

“I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status on this form may subject me disciplinary action up to termination.”

An employee who attests to their vaccination status in this way should, to the best of their recollection, include in their attestation the type of vaccine administered, the date(s) of administration, and the name of the healthcare provider (s) or clinic site(s) administering the vaccine. All employees must inform GTB Human Resources of their vaccination status.

## **2. Request for Exemption**

Employees may request an exemption from vaccination if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Employees may also request an accommodation if they cannot be vaccinated and/or wear a face mask as defined by the CDC, because of a disability or if the provisions of the document conflict with a sincerely held religious belief. Request for exemption can be submitted to GTB HR Department. Please note that employees who receive an exemption are still subject to testing as defined by Appendix III COVID Testing Policy. If the approved exemption contains an expiration, you will be expected to complete the requirement at that time.

- B. Medical Exemption from COVID-19 Vaccination. A request for medical exemption from COVID-19 vaccination may be approved for any person contraindicated to receive COVID-19 vaccine, valid medical exemptions for COVID-19 vaccine includes a history of severe allergic reaction to any component of the COVID-19 vaccine, including egg protein, or serious allergic reaction to a previous dose of COVID-19 vaccine or a medical condition that would exempt you from receiving the COVID-19 vaccination or a delay in vaccination. If the approved exemption contains an expiration, you will be expected to complete the requirement at that time.
  - 1. Procedure for requesting a medical exemption. All those requesting medical exemption from COVID-19 vaccination must provide documentation, signed by a licensed, health care provider, affirming that a valid medical contraindication exists that precludes COVID-19 vaccination. This documentation should be provided to the GTB HR Department and maintained as part of the employee health record.
- C. Religious Exemption from COVID-19 Vaccination. Anyone who feels their religious beliefs preclude COVID-19 immunization may request an exemption from COVID-19 vaccination.
  - 1. Procedure for requesting religious exemption. Anyone who feels their religious beliefs preclude COVID-19 immunization must submit a signed, annual written statement justifying the request for review to the GTB HR Department. Supporting statements and approval of religious exemption requests from COVID-19 vaccination will be maintained as part of the employee health record by the GTB HR Department.

3. Approved Exemption. Unvaccinated individuals with an approved medical or religious exemption must wear a face mask as defined by the CDC when working at GTB facilities during the COVID-19 pandemic. The GTB HR Department shall render all final decisions regarding exemptions.
4. Compliance. Individuals who refuse to comply with this policy and do not have an approved medical or religious exemption are subject to disciplinary action in accordance with GTB personnel policy. Employee refusal to comply with this policy will be subject to disciplinary action up to termination.
5. Vaccination and Booster Incentive \*Max of 12 hours  
The GTB will provide a PTO/GPT incentive for employees that receive the vaccine as follows:
  - 1st Dose of two dose vaccine: 4 hours PTO/GPT
  - 2nd Dose of two dose vaccine: 4 hours PTO/GPT
  - 1st Dose of single dose vaccine: 8 hours PTO/GPT
  - Vaccine Booster Shot: 4 hours PTO/GPT (One shot only)

Vaccination records will be kept confidential and only used for vaccination/booster incentives.