

TRIBAL EMPLOYMENT RIGHTS OFFICE PERSONNEL POLICIES AND PROCEDURES

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PART 1 – EMPLOYMENT

SECTION 1.01 – EQUAL EMPLOYMENT OPPORTUNITY

I. Purpose

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Tribal Employment Rights Office (TERO) will be based on merit, qualifications, and abilities.

II. Policy

The Tribal Employment Rights Office does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, or any other characteristic protected by federal or state law, although the Tribal Employment Rights Office does provide American Indian preference, as described in the next section of this Policies and Procedures Manual (“Manual”).

III. Procedure

The Tribal Employment Rights Office’s non-discrimination policies govern all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace should bring these issues to the attention of their immediate supervisor(s). If reporting discrimination to the immediate supervisor is not an option, the employee should bring the concern or complaint to the attention of the TERO Director (“Director”) immediately. Employees can raise concerns and make reports without fear of retaliation. Anyone found to be engaging in any type of unlawful discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

SECTION 1.02 – AMERICAN INDIAN PREFERENCE

I. Purpose

The purpose of this policy is to ensure American Indian Preference in the Tribal Employment Rights Office.

II. Policy

The Tribal Employment Rights Office recognizes American Indian Preference, but gives its highest preference to Mille Lacs Band Members. This preference applies to employment, recruitment, hiring, promotions, training, and development.

III. Procedure

Assuming that applicants meet the minimum job requirements, American Indian Preference will be given in the following order:

- (1) Band Members, defined as enrolled members of the Mille Lacs Band of Ojibwe;
- (2) Other Indians, defined as enrolled members of any other federally recognized tribe; and
- (3) All others.

SECTION 1.03 – DISABILITY ACCOMMODATION

I. Purpose

The purpose of this policy is to ensure that the Tribal Employment Rights Office adheres to the Americans with Disabilities Act (ADA).

II. Policy

The Tribal Employment Rights Office is committed to complying fully with the Americans with Disabilities Act and ensuring equal opportunity in employment for qualified persons with disabilities.

III. Procedure

Reasonable accommodation is available for all qualified disabled employees if such reasonable accommodation would enable the employee to perform the essential functions of the position and not create an undue hardship for the Tribal Employment Rights Office.

SECTION 1.04 – IMMIGRATION LAW COMPLIANCE

I. Purpose

The Tribal Employment Rights Office is committed to the employment of United States citizens and aliens who are authorized to work in the United States.

II. Policy

The Tribal Employment Rights Office does not unlawfully discriminate on the basis of citizenship or national origin.

III. Procedure

In compliance with federal immigration law, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9) and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Tribal Employment Rights Office within the past three years or if their previous I-9s are no longer retained or valid.

SECTION 1.05 – EMPLOYMENT CLASSIFICATIONS

I. Purpose

It is the intent of the Tribal Employment Rights Office to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

II. Policy

Each employee is designated as either *nonexempt* or *exempt* from federal wage and hour laws.

Nonexempt employees are entitled to overtime pay of one-and-one-half (1 ½) the employee's regular rate of pay for all hours worked over 40 hours within the work week.

Exempt employees are excluded from specific provisions of federal wage and hour laws, including overtime pay. Employees should contact the Director with any questions about exempt or nonexempt status.

III. Procedure

In addition to the above categories, each employee will belong to one employment category as follows:

Regular full-time employees are those who are not in a temporary or introductory (probationary) status and who are regularly scheduled to work the Tribal Employment Rights Office full-time schedule of 40 hours per week. However, employees working 32 hours or more and having written consent by the department head are considered regular full-time employees and are eligible for the Tribal Employment Rights Office benefit package, subject to the terms, conditions, and limitations of each benefit program.

Part-time employees are those who are not in a temporary or introductory (probationary) status and who are regularly scheduled to work less than 32 hours per week. These employees receive all legally mandated benefits (e.g. Social Security, Workers' Compensation, and Unemployment Insurance), but they are ineligible for all other Tribal Employment Rights Office benefit programs.

Probationary (or introductory) employees are those whose performance is being evaluated during the probationary period to determine whether further employment in a specific position or with the Tribal Employment Rights Office is appropriate. The probationary period, during which time performance is being evaluated, is generally 90 calendar days. However, the probationary period can, at the Tribal Employment Rights Office's discretion and based on performance concerns, be extended up to one year. During the probationary period, either the probationary employee or the Tribal Employment Rights Office may terminate the employment relationship at will, with or without cause and with or without advance notice. Accordingly, the sections in this

Manual regarding just cause and termination procedures do not apply to a probationary employee. However, a regular full-time employee who accepts a transfer, promotion, or non-disciplinary demotion cannot be terminated at-will during a subsequent probationary period associated with the new employment position.

Temporary employees are those who are hired to temporarily supplement the work force or to assist in the completion of a specific project. Temporary employees retain said status until notified of a change. Although temporary employees receive all legally mandated benefits (e.g. Social Security, Workers' Compensation, and Unemployment Insurance), they are ineligible for all other Tribal Employment Rights Office benefit programs. It is not the intention of this policy to allow the temporary hire of an individual for more than four months.

SECTION 1.06 – PAYDAYS

I. Purpose

All employees are paid every Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

II. Policy

The law requires that the Tribal Employment Rights Office make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Tribal Employment Rights Office must also deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The Tribal Employment Rights office matches the amount of Social Security taxes paid by each employee.

III. Procedure

If employees have questions concerning why deductions were made from their pay checks or how the deductions were calculated, employees should contact the Mille Lacs Band Payroll Specialist.

SECTION 1.07 – REST BREAKS

I. Purpose

The purpose of this policy is to ensure that employees of the Tribal Employment Rights Office are provided with adequate rest breaks during their workdays.

II. Policy

Employees who work eight hours are provided with two rest periods of 15 minutes in length. Employees who work four hours are provided with one rest period of 15 minutes in length.

III. Procedure

To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

Employees on rest breaks are not permitted to interfere with fellow employees who are continuing to work.

SECTION 1.08 – MEAL BREAKS

I. Purpose

The purpose of this policy is to ensure that full-time employees of the Tribal Employment Rights Office are provided time during their workdays for a meal break.

II. Policy

Employees who work eight hours are provided with one meal period of 60 minutes in length each workday.

III. Procedure

Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

Employees using a time clock must clock in and out during meal periods.

SECTION 1.09 – TIMEKEEPING

I. Purpose

This policy provides guidelines for timekeeping in the Tribal Employment Rights Office.

II. Policy

Accurate recording of time worked is the responsibility of every employee. Federal laws require the Tribal Employment Rights Office to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the actual time spent on the job performing assigned duties.

III. Procedure

All employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Nonexempt employees should report to work no more than 15 minutes prior to their scheduled starting times and should not stay more than 15 minutes after their scheduled stop times without express, prior authorization from their supervisors.

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

The normal work schedule for all regular employees is eight hours per day, five days per week. The normal work week is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of 40 hours. Supervisors will advise employees of the times that employee schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Attendance at lectures, meetings, and training programs are considered time worked unless the attendance is outside the regular working hours or not approved in advance by the Director.

SECTION 1.10 – OVERTIME FOR NON-EXEMPT EMPLOYEES

I. Purpose

This policy provides guidelines for overtime compensation for the Tribal Employment Rights Office.

II. Policy

The Director may determine and require an employee to work more than eight hours per day. The number of additional hours of work should be determined by the Director. Employees will be informed of any changes to the schedule as far in advance as possible. However, lack of notice will not be a valid reason for an employee refusing to work.

III. Procedure

Nonexempt employees are not permitted to work overtime without the prior approval of the Director and may be subject to disciplinary action up to and including termination.

Overtime pay is based on actual hours worked. Time off on sick leave, annual leave, any leave of absence, or holidays will not be considered hours worked for purposes of performing overtime calculations.

Employees who obtain prior approval will receive overtime compensation at the rate of one and one-half (1 ½) times the employee's regular rate of pay for all hours worked beyond 40 hours in a work week.

For employees who work in any additional position(s) to their primary job(s) or position(s) (identified by separate Personnel Payroll Action Notices, or "PPANS"), time worked in each position is calculated separately and only hours worked in excess of 40 hours per week for each position is paid at the overtime rate.

SECTION 1.11 – WORK SCHEDULES

I. Purpose

The purpose of this policy is to ensure and maintain the Tribal Employment Rights Office's staffing needs.

II. Policy

To ensure the enforcement and compliance for the Tribal Employment Rights Office and to be fair to all employees, work schedules can only be changed with approval from the Director.

III. Procedure

If an employee is not able to work as scheduled, the employee must notify the Director and follow attendance and punctuality policy.

Work schedules are designed to meet the needs of the Tribal Employment Rights Office.

The Tribal Employment Rights Office expects employees to maintain regular work week schedules, but acknowledges that needs may arise for enforcement and compliance that require schedule adjustments. All requests to flex an employee's normal work hours must be approved in writing by the Director in advance.

At no time is it acceptable to make schedule changes without prior approval from the Director and doing so is subject to disciplinary action, up to and including termination.

SECTION 1.12 – DRUGS AND ALCOHOL

I. Purpose

The purpose of this policy is for the Tribal Employment Rights Office to outline procedures regarding drugs and alcohol.

II. Policy

The Tribal Employment Rights Office shall adhere to the most updated version of the Mille Lacs Band policy and procedures on drugs and alcohol.

III. Procedure

General Application:

The Tribal Employment Rights Office and the Mille Lacs Band are committed to providing a work environment free from the effects of alcohol and illegal drugs and to provide employees who abuse alcohol or use illegal drugs the opportunity for rehabilitation. Consistent with this philosophy, the Tribal Employment Rights Office, through the Mille Lacs Band, hereby implements this Drug and Alcohol Testing Policy for all employees and applicants for employment. The Tribal Employment Rights Office and the Mille Lacs Band has also elected to incorporate by reference the Federal Highway Administration's Controlled Substance and Alcohol Use and Testing Act's regulations (49 C.F.R. Part 382 *et seq.*), the Commercial Driver's License Standards (49 C.F.R. Part 383 *et seq.*), and the Office of the Secretary of Transportation Procedures for Transportation Workplace Drug Testing Programs (49 C.F.R. Part 40 *et seq.*). Where sections of this Manual conflict with these federal and state regulations, this Manual controls.

Any individual who receives an offer of employment may be required to submit to a drug and alcohol test as a condition of obtaining employment. Testing must be in accordance with the rules and regulations of the Tribal Employment Rights Office and the Mille Lacs Band.

Violations of this policy will lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences. Any employee responsible for implementing the Mille Lacs Band Drug and Alcohol Testing Policy for the Tribal Employment Rights Office will be expected to conform to the confidentiality standards as well as perform all actions without bias towards any employee.

To inform employees about important provisions of this policy, the Mille Lacs Band has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to Tribal Employment Rights Office employees, and consequences for violations of this policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. Employees may also wish to discuss these matters with their supervisors, the Director, or the HR Labor-Employee Relations Specialist to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in previous or pending disciplinary actions against the employee may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the Tribal Employment Rights Office and the Mille Lacs Band's health insurance coverage. Leave may be granted if the employee agrees to abstain from use of all problem substances and to abide by all Tribal Employment Rights Office policies, rules, and prohibitions relating to conduct in the workplace. This leave is contingent on whether or not the leave will cause the Tribal Employment Rights Office any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Tribal Employment Rights Office and the Mille Lacs Band of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five business days of the conviction.

Employees with questions about the Mille Lacs Band Drug and Alcohol Testing Policy or issues related to drug or alcohol use in the workplace should voice their concerns to their supervisors, the Director, or the HR Labor-Employee Relations Specialist without fear of reprisal.

Work Rule on Drugs:

The possession, use, sale, or transfer of controlled substances or the improper use of other drugs during working hours or on Band property or job sites is prohibited. An employee is not permitted to report to work or operate vehicles, machinery, or equipment while under the influence of any drug or controlled substance that could adversely affect performance. Employees who violate this work rule are subject to disciplinary action up to and including termination.

Employees who are under a physician's care, and who are taking prescribed controlled substances that could affect performance, should report this treatment to their supervisor(s). Medications that contain alcohol or other mood-altering chemicals are not permitted during working hours or any time within eight hours prior to the start of a shift. This information is important to the Tribal Employment Rights Office and the Mille Lacs Band to ensure safety and efficiency in the workplace.

Employees failing to report and whose performance, in the opinion of their supervisor(s), is adversely affected by the employees' taking of prescribed controlled substances are subject to disciplinary action up to and including termination.

Work Rule on Alcohol:

Consumption of alcohol that interferes with work place performance will not be tolerated. The possession, use, sale, distribution, or transfer of alcoholic beverages on Mille Lacs Band property or job sites is prohibited. Also, an employee is not permitted to report to work or operate vehicles, machinery, or equipment while under the influence of alcohol. An employee will be considered to be under the influence when consumption of alcohol has impaired, or is likely to impair, the employee's job performance and it is the judgment of the employee's supervisor, using a reasonable suspicion standard, that the employee is impaired. Tribal Employment Rights Office policy requires disciplinary action up to and including termination for any employee who uses alcohol while at work. However, this policy does not prohibit an employee from seeking medical care or rehabilitation because of alcohol abuse.

Drug and/or Alcohol Testing:

The Tribal Employment Rights Office and the Mille Lacs Band have adopted the Drug-Free Workplace law and are committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs (or alcohol) on the job may pose serious safety and health risks. To help ensure a safe and healthy working environment, employees may be asked to provide random body substance samples (including, but not limited to, urine, hair sample, and/or blood through the use of swab or other type of test) to determine the presence of illicit or illegal use of drugs (and alcohol). Employees have the right to refuse testing. However, refusal to submit to drug and/or alcohol testing may result in disciplinary action, up to and including termination of employment.

The Employee Assistance Program provides confidential counseling and referral services to eligible employees for assistance with drug (and/or alcohol) abuse or addiction problems. It is the employee's responsibility to seek assistance from the Employee Assistance Program prior to reaching a point where his or her judgment, performance, or behavior has led to imminent disciplinary action. Participation in the Employee Assistance Program after the disciplinary process has begun may not preclude disciplinary action, up to and including termination of employment.

Copies of the drug-testing policy are provided to all employees. Employees will be asked to sign acknowledgement forms indicating that they have received a copy of the drug-testing policy. Questions concerning this policy or its administration should be directed to the supervisor, the Director, or the HR Labor-Employee Relations Specialist.

Employees who voluntarily seek help for their chemical dependency will be permitted to do so in a confidential manner.

If an employee is concerned about the drug (or alcohol) use or abuse by a fellow employee or of drug trafficking, or of safety or job performance as it relates to another employee's drug or alcohol use or abuse (including supervisors, managers, directors, or

commissioners), the employee should report these concerns confidentially to the employee's supervisor, the Director, or the Human Resources (HR) Director. There shall be no repercussions to any employee who reports such concerns about a fellow employee.

Pre-Employment:

Applicants selected for hire will be required to submit to a drug and alcohol test. The offer to hire is conditional upon passing the drug and alcohol test. The applicants must consent to the test by signing a release. The applicant may refuse to submit to the test. However, such refusal will result in the conditional job offer being withdrawn. If the applicant fails the test, the applicant will not be hired for the position.

An applicant who fails the pre-employment drug and alcohol test will not be eligible for employment (short-term, permanent, or on-call) with the Tribal Employment Rights Office and the Mille Lacs Band until cleared through the Human Resources office.

Applicants cannot apply for posted positions for 30 days after a confirmed failed pre-employment drug and alcohol test. Both employees and job applicants offered employment have the right to explain positive test results on a confirmatory test and to request and pay for a confirmatory re-test.

Any person who is offered employment will be scheduled for a pre-employment test. These tests are conducted as follows:

- (1) A Human Resources designee must schedule the individual for pre-employment testing at the appropriate testing agency or may conduct swab testing on-site. A second and final testing time may be scheduled if the individual fails to appear or calls to reschedule.
- (2) If an employee does not start immediately or has a lapse in service longer than 30 days, the employee will need to be retested.

Other Employment Testing

Additionally, the Tribal Employment Rights Office and the Mille Lacs Band reserve the right to administer a single annual drug and alcohol test to existing employees within the defined scope of this policy.

Employees engaged in safety-sensitive positions (for example, operators of machinery, equipment, and Band-owned vehicles; employees working with children; people with disabilities; and elders) are subject to random testing. Twenty percent of employees covered by this subdivision are subject to drug tests each year. The tests must be conducted periodically over a one-year calendar period. Individuals failing to appear for scheduled testing under this section are subject to discipline. Employees in safety-sensitive positions who test positive for alcohol or any controlled substance, including prescription medication for which the employee does not have a prescription, will be terminated immediately.

An employee will be required to undergo a drug and alcohol test when, in the opinion of the employee's immediate supervisor, there is reasonable suspicion that the employee is under the influence of drugs and/or alcohol, or that the employee has used, possessed, sold, or transferred drugs and/or alcohol while on Band property or while operating vehicles or machinery as part of his or her job. The employee's supervisor must suspend the employee without pay and make arrangements to transport the employee to and from the testing facility designated by the Mille Lacs Band for a "reasonable suspicion" drug test.

The other circumstances under which an employee is required to undergo a drug and alcohol test are as follows:

- (1) The employee has caused a work-related accident, or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident; or
- (2) The employee has sustained a personal injury as defined under Minnesota's Workers' Compensation statutes or has caused another employee to sustain a personal injury.

An employee who previously has been required to undergo a chemical dependency treatment program may be tested, without prior notice, during the evaluation or treatment period and for up to 12 months as stated herein.

Portable Breathalyzer Test

Under this policy, employees may be required to take a Portable Breathalyzer Test (PBT) when requested to do so by the Tribal Employment Rights office through Band management. If an employee is suspected to be under the influence of alcohol, the employee will be asked to take the PBT. Band management, or its designee, may administer the PBT under the following guidelines, and the Breath Alcohol Testing Form must be used and forwarded to the Human Resources Director.

Alcohol testing must be conducted in a location that affords visual and aural privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing the results. All necessary equipment, personnel, and materials for breath testing must be provided at the location where testing is conducted.

The Band may use a mobile collection facility that meets the requirements described within this policy.

No unauthorized persons may be permitted access to the testing location when the PBT remains unsecured or, in order to prevent such persons from seeing or hearing a testing result, at any time when testing is being conducted.

The PBT administrator may supervise only one employee's use of the PBT at a time.

If the employee admits to being under the influence of alcohol, or refuses the PBT, the employee will be suspended for three days. The employee may be terminated upon a second incident involving either an admission of being under the influence or a refusal to take the PBT.

Consequences of Test Results

The initial test will provide data concerning any presence of general classes of drugs, alcohol, or their metabolites. If such an initial screening test shows a positive result, the sample will be given a second confirmatory test. An offer of employment made contingent upon passing a drug and alcohol test will not be withdrawn based on the positive results of an initial screening which has *not* been verified by a confirmatory test. The employee or job applicant will be informed of the test results and the right to obtain a copy of the results in writing from the department collecting the results within three working days after the receipt of the written determination from the testing laboratory. The employee or job applicant has the right to request and receive a copy of the test result report on any drug and alcohol test. The employee or job applicant may, at the employee's expense, obtain a confirmatory retest, by a qualified laboratory of the individual's choice, *of the original sample* used in producing a positive confirmatory test result, provided that the individual notifies the Tribal Employment Rights Office and Human Resources of his or her intention to do so within five working days after receipt of the positive confirmatory test result by Human Resources.

In the event of a confirmatory test, the testing laboratory may contact the tested individual for information as to a possible innocent explanation of the positive test. All employees or job applicants who receive a positive test result will be given written notice of their right to explain the positive results and right to obtain a confirmatory re-test.

Where a positive confirmatory test result is the first positive test result while employed with the Tribal Employment Rights Office, and the employee offers no reasonable explanation or proof of legitimate use, an existing employee will be afforded an opportunity to participate in an appropriate drug and/or alcohol counseling and/or rehabilitation program at the employee's expense. Such opportunity may only be provided if a certified chemical use counselor, or a physician trained in the diagnosis and treatment of chemical dependency, believes that the counseling or rehabilitation is an appropriate course of action.

If an employee refuses to participate in the counseling or rehabilitation program, fails to successfully complete a program as evidenced by withdrawal from a program before its completion, or has a positive test result after the program, the employee may be disciplined, up to and including termination.

If an applicant or employee test is too diluted to confirm a true result due to various reasons, including recent exercise or excessive intake of liquid, the applicant or employee will be asked to return within 24 hours for re-testing if the lab reports that it cannot

confirm a true test. After second dilute, a job offer could be rescinded or the individual's job could be terminated.

Refusal of Job Applicant or Employee to Submit to Testing

Before requesting an employee or job applicant to undergo drug/alcohol testing, the Tribal Employment Rights Office will ask the employee or job applicant to complete a form acknowledging that (s)he has seen the Mille Lacs Band Drug and Alcohol Testing Policy and understands it.

Any employee or job applicant may refuse to submit to a drug/alcohol screening that the Tribal Employment Rights Office has requested. However, upon such refusal, the Tribal Employment Rights Office may withdraw its offer of employment to a job applicant or subject an existing employee to disciplinary action, up to and including discharge.

If an employee or job applicant is found to have adulterated a test sample, or in any way to have tampered with the testing process, the Tribal Employment Rights Office may terminate an existing employee, or may refuse to offer employment to a job applicant.

All adulterated tests must be treated as a refusal of testing.

Reasonable Suspicion

An employee who exhibits behavior which creates a reasonable suspicion of being under the influence of alcohol or other drugs at work will be asked to submit to a test to confirm or refute such suspicions. The employee may be suspended without pay pending the outcome of a confirmatory test or a confirmatory re-test elected by the employee. The employee will not be permitted to return to work until a negative test result has been received, with the following exception for monitoring of Tetrahydrocannabinol (THC) levels as stated below.

Any employee who has been suspended solely on the basis of suspected drug and/or alcohol use where the Tribal Employment Rights Office has chosen to test the employee for drug/alcohol use will be reinstated with back pay if the outcome of the initial or confirmatory test, or any requested confirmatory re-test, is negative.

Employees suspended for the use of alcohol or other drugs whose initial and confirmatory test, and any confirmatory re-test, is positive, will be permitted to return to work when they can provide evidence of completion of an assessment and completion of treatment, if recommended, and a negative drug test. The negative drug test must be received within 30 days of the initial positive test or the last day of treatment, whichever is later, or it will be assumed that the employee has voluntarily resigned the position, with the following exception: Individuals whose drug screens report excessively high THC levels will be given up to three months rather than 30 days to produce a negative drug screen. Additional monitoring of these individuals will be performed by conducting drug screens twice per month. The drug screen results must support a steadily declining THC

level. If the THC level increases, this will be considered a positive test and the employee will be terminated.

Any employee who notices another employee demonstrating unusual behavior patterns which appear to be drug- or alcohol-related must report the observed behavior to the supervisor, Director, HR Labor-Employee Relations Specialist, or Human Resources Director.

Reasonable Suspicion for Possession

The Tribal Employment Rights Office and the Mille Lacs Band reserve the right to utilize the assistance of law enforcement personnel in the cases of trafficking, possession, or use of illegal substance on Mille Lacs Band property.

General Information about Drug and Alcohol Testing

Drug and alcohol testing will be conducted only under circumstances described in this policy.

The Tribal Employment Rights Office and Mille Lacs Band will pay the cost of the initial screening and confirmatory test.

No employee or job applicant will be tested for alcohol or other drugs under this policy without consent. An employee or job applicant has the right to refuse to submit to a drug or alcohol test. However, a refusal will be considered to be a positive test result.

An employee or job applicant who adulterates or attempts to adulterate a specimen will be considered to have a positive test result and will be subject to the consequences of a positive test.

An employee or job applicant who does not produce a viable sample within the allowed waiting period of three hours will be considered to have a positive test result and will be subject to the consequences of a positive test.

When specific gravity and creatinine levels are below accepted levels, the employee or candidate must re-test. The Tribal Employment Rights Office and Mille Lacs Band will pay for this mandatory re-test.

Medical Review Officer

All positive test results will be reviewed by a Medical Review Officer (MRO). An employee whose initial test is positive has the option of being interviewed by the Medical Review Officer, who will determine whether the positive test may have resulted from legally prescribed medications. The Medical Review Officer will review all medical records made available by the employee to rule out legitimate, prescribed drug use or other extenuating or explainable circumstances.

Treatment

An employee who voluntarily seeks treatment of a chemical dependency problem before the employee is subject to the drug and alcohol-testing program will be placed on a medical leave of absence. If the employee does not qualify for a medical leave of absence, the employee must resign and will be eligible for rehire following successful treatment. Before that employee can return to work, the employee must provide evidence of a negative drug test, except for excessively high THC levels as stated herein above.

An employee enrolled in an outpatient treatment program may continue to work if the employee's primary counselor provides to the Human Resource Director a written notice that the employee is permitted to resume duties. A Release of Information Form signed by the employee permitting the release of treatment records and information must be on file in the Human Resources Office. Any restrictions and/or medications must be documented by the primary counselor in writing and the Human Resource Director (in consultation with the Medical Review Officer, the employee's immediate supervisor, and the primary counselor) will decide if the employee will be permitted to return to work.

The Tribal Employment Rights Office will make a reasonable effort to accommodate the schedule, work restrictions, and other conditions of the outpatient treatment program, but makes no guarantee that all accommodations can be made.

An employee who is referred by the Tribal Employment Rights Office to an inpatient or outpatient treatment program must sign a Release of Information Form allowing the treatment center to provide attendance reports to the Human Resource Director. Failure to sign a release when requested will be considered a violation of the Mille Lacs Band Drug and Alcohol Testing Policy and will result in termination.

Failure to comply with the requirements and regulations of the treatment program will result in termination. An employee who voluntarily leaves a program, or who is asked to leave a treatment program before completion, will be terminated.

Treatment will be provided to an employee through the Mille Lacs Band-approved health plan. Benefit levels will be as described in the health plan. Benefit plan procedures (pre-certification, network providers, etc.) must be followed in order to receive the maximum level of benefits. Treatment beyond that covered by the health insurance plan will be at the employee's expense.

Reinstatement Following Treatment

Verification of the completion of treatment and a negative drug test will enable the employee to return to work with no loss of benefits and no loss of seniority if on medical leave during the treatment period.

Once an employee has completed treatment and returned to work, the employee will be subject to periodic, unannounced follow-up drug and alcohol testing for the next 12 months of employment, measured from the date of the employee's return to work. Follow-up testing will be arranged by the Human Resource Director.

An employee who has returned to work following an admission of drug or alcohol use, or who had a positive test, who then fails any subsequent drug testing, will be terminated. Eligibility for re-hire will be consistent with the Tribal Employment Rights Office Policy and Procedures Manual.

Any employee who was terminated for violating the Mille Lacs Band Drug and Alcohol Testing Policy, refusing to submit to testing, failing to complete treatment, or who has been ineligible for hire because of a previous positive test, may be rehired if the employee meets the following requirements:

- (1) The employee provides proof of mandatory assessment and completion of recommendations as noted by the assessor;
- (2) The employee successfully passes a drug and alcohol test; and
- (3) The employee agrees to mandatory, unannounced testing for a period of 12 months following re-hire.

Confidentiality

All information regarding the results of an employee's drug test or drug and/or alcohol treatment will be kept in files separate from personnel files and will be held in the strictest confidence. Any persons responsible for the unauthorized release of this information relating to an employee's drug or alcohol use, testing results, discipline, or any related matters will be subject to immediate termination for breach of confidentiality.

Use of this Policy

Employees on medical leave of absence under this policy will have their medical and dental insurance continued as if they were active employees.

Definitions:

Alcohol: Ethyl alcohol.

Confirmatory Test: A test used to confirm the presence of a drug or alcohol in a specific urine or body substance. This is a second analytical procedure, which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test to ensure reliability and accuracy. The sample of the confirmatory test will be drawn from the same sample originally supplied by the employee.

Drug: A controlled substance as defined in federal statutes, which is either not prescribed by a licensed health care provider or is used other than in the prescribed manner.

Drug and Alcohol Testing: Analysis of urine or a body substance specimen for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Initial Test: An immunoassay screen test which eliminates urine or body substance specimens that are negative for the presence of drugs.

Medical Review Officer: A licensed physician responsible for receiving laboratory results generated by the Mille Lacs Band's drug and alcohol testing program, who has knowledge of substance disorders and has appropriate medical training to interpret and evaluate an individual's positive test result, together with the individual's medical history and any other relevant biomedical information. The Medical Review Officer also assists in deciding whether to permit an employee to return to duty after receiving a positive test result.

Positive Test Result: A urine or body substance specimen that has undergone an initial test and an evaluation by the Medical Review Officer who has ruled out a legitimate reason for the use of alcohol or drugs. The test finding registers a presence of alcohol or drugs or their metabolites in levels at or above threshold detection levels. The presence of alcohol or drugs at or above the following levels shall be considered a positive test result.

Drug or Alcohol:

Initial Screening .02% Confirmatory Test.02%

Amphetamine 1000 ng/ml 500 ng/ml
Barbiturates 300 ng/ml 200 ng/ml
Cocaine 300 ng/ml 150 ng/ml
THC 50 ng/ml 15 ng/ml
Ethanol 20 mg/dl 20 mg/dl
Opiates 2000 ng/ml 2000 ng/ml
PCP 25 ng/ml 25 ng/ml

Reasonable Suspicion: A basis for forming a reasonable belief based on specific facts and rational inferences drawn from those facts. This standard does not require that all supervisors or even a majority of supervisors would reach the same conclusion. It only requires that it is not unreasonable for a given supervisor to form the belief that (s)he did.

Under the Influence: Having the presence of alcohol or other drugs at or above the level of a positive test result as defined above, under "Positive Test Result."

Huffing: To inhale the vapors or fumes of a chemical (such as glue) in order to become intoxicated.

SECTION 1.13 – EMPLOYEE ASSISTANCE PROGRAM

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band care about the health and well-being of their employees and recognize that a variety of personal problems can disrupt employees' personal and work lives. Although many employees are able to solve their problems independently or with the help of family and friends, sometimes employees need professional assistance and advice.

II. Policy

Through the Employee Assistance Program (EAP), the Mille Lacs Band's HR Labor-Employee Relations Specialist provides free and confidential referrals to professional counseling services for help in addressing issues such as personal problems, alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The Employee Assistance Program is available to all eligible employees who are insured under the Band's health insurance program and offers problem assessments, short-term counseling, and referrals to appropriate community and private services.

III. Procedure

The Employee Assistance Program is strictly confidential and is designed to safeguard employees' privacy and rights. Information given to the Employee Assistance Program counselor may be released only if requested by the employee in writing. All counselors are guided by a professional code of ethics.

If further counseling is necessary, the Employee Assistance Program counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plans. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if they are ignored. No issue is too small or too large. When help is needed, employees should contact the Employee Relations Counselor to access the Employee Assistance Program. A professional counselor will be made available to assist.

SECTION 1.14 – RESIGNATION

I. Purpose

This policy will ensure that voluntary resignations are carried out in a manner that equitably serves the interests of both the Tribal Employment Rights Office and the resigning employee.

II. Policy

Resignation is a voluntary act initiated by the employee to terminate employment with the Tribal Employment Rights Office. Although advance notice is not required, the Tribal Employment Rights Office requests that at least a two-week written notice of resignation be provided by nonexempt employees and that a four-week notice be provided by exempt employees.

III. Procedure

Prior to an employee's departure, the Director shall schedule an exit interview with the employee to discuss the reasons for the resignation and the effect of the resignation on benefits.

The Tribal Employment Rights Office reserves the right to accept the immediate resignation of an employee at any time after the employee has given such notice.

SECTION 1.15 – RETURN OF PROPERTY

I. Purpose

Employees are responsible for all Tribal Employment Rights Office property, materials, or written information issued to them or in their possession or control.

II. Policy

All Tribal Employment Rights Office property must be returned by a departing employee on or before the employee's last day of work.

III. Procedure

The Tribal Employment Rights Office may withhold from the departing employee's checks or final paycheck to defray the cost of any items that are not returned.

SECTION 1.16 – REEMPLOYMENT

I. Purpose

This policy provides guidelines for reemployment with the Tribal Employment Rights Office.

II. Policy

Former employees who previously left the Tribal Employment Rights Office in good standing may be considered for re-employment.

Former employees who resigned without written notice or who were dismissed for cause may not be considered for re-employment until after a 90-day period.

III. Procedure

A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 30 days, in which case the employee will retain accumulated seniority.

PART 2 – EMPLOYEE RELATIONS

SECTION 2.01 – BUSINESS ETHICS AND CONDUCT

I. Purpose

The Tribal Employment Rights Office’s reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

II. Policy

All employees owe a duty to the Tribal Employment Rights Office, the Mille Lacs Band, Band Members, and other employees to act in a way that will merit the continued trust and confidence of the public.

III. Procedure

The Tribal Employment Rights Office will comply with all applicable laws and regulations and expects its commissioners, directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, use of good judgment, based on high ethical principles, will guide personnel in regard to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with immediate supervisor(s) and, if necessary, with the Director for advice, consultation, and/or mediation.

Compliance with this policy of business ethics and conduct is the responsibility of every Tribal Employment Rights Office employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

SECTION 2.02 – HIRING OF RELATIVES

I. Purpose

The purpose of this policy is to ensure that there are no problems with favoritism, nepotism, or employee morale within the Tribal Employment Rights Office.

II. Policy

Because the employment of family members in the same area of an organization could lead to conflicts in the workplace, family members of persons currently employed by the Tribal Employment Rights Office may be hired only if:

- (1) They will not be working directly for or supervising a family member; and
- (2) They will not be working directly above the family member's immediate superior or directly for the family member's immediate subordinate.

III. Procedure

Tribal Employment Rights Office employees should not be transferred into a direct reporting relationship with family members absent special circumstances. If the family relationship between direct reports is established after employment, the individuals concerned will mutually recommend, subject to Tribal Employment Rights Office approval, which person is to be transferred. If the parties cannot agree upon the transfer, or the Band cannot accommodate the parties' decision for any reason, the Tribal Employment Rights Office will have the authority to make any personnel decisions to avoid the direct reporting relationship of family members. If it is not possible to transfer either party to an available position, the Tribal Employment Rights Office has the right to terminate one of the parties without following the progressive discipline policy in this Manual.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, either party may be separated by reassignment.

For the purposes of this policy, family member means a spouse, biological or adopted child; members of the same household; or the mother, father, sister, or brother of the employee.

SECTION 2.03 – CONFLICTS OF INTEREST

I. Purpose

Employees of the Tribal Employment Rights Office have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest or the appearance of a conflict.

II. Policy

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Tribal Employment Rights Office's business dealings. For the purposes of this policy, a relative or family member is defined as the employee's spouse; biological or adopted child; members of the same household; or the mother, father, sister, or brother of the employee.

Transactions with outside firms must be conducted according to the Band's procurement statute. *See* 7 MLBS §§ 1-36. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm that the Tribal Employment Rights Office does business with, but also when an employee or relative receives any kickback, bribe, gift, or special consideration as a result of any transaction or business dealings involving the Tribal Employment Rights Office.

III. Procedure

Any questions about possible conflicts of interest should be immediately directed to the Director.

SECTION 2.04 – OUTSIDE EMPLOYMENT

I. Purpose

Employees may hold outside jobs as long as they meet the performance standards of their jobs with the Tribal Employment Rights Office and the outside employment does not create a potential or actual conflict of interest.

II. Policy

An employee may not hold two full-time jobs with the Mille Lacs Band, including any entity of the Mille Lacs Band.

Part-time employment or service on a Board while employed full-time with the Tribal Employment Rights Office is permissible.

III. Procedure

Employees must notify the Tribal Employment Rights Office of any outside employment.

If the Tribal Employment Rights Office determines that an employee's outside work interferes with the ability to meet the requirements of the employee's position with the Tribal Employment Rights Office, the employee may be asked to terminate the outside employment if (s)he wishes to retain employment with the Tribal Employment Rights Office.

SECTION 2.05 – OFFICIAL EMPLOYEE ADDRESS AND LEGAL NOTICE

I. Purpose

The purpose of this policy is to ensure that employees keep their mailing addresses up to date with the Tribal Employment Rights Office.

II. Policy

All employees are solely responsible for maintaining their current mailing addresses upon approved forms with Tribal Employment Rights Office and Mille Lacs Band Human Resources. An employee must update his or her mailing address within five calendar days of any permanent change. The Band shall adopt a version of the traditional mailbox rule. The Band shall presume receipt of official documents sent by regular mail to an employee's recorded mailing address.

III. Procedure

The calculation of all timeframes within this Manual that permit the mailing of a written notice shall begin one calendar day after mailing, which shall presumptively correspond with the date of the most recent signature appearing on the notice. An employee may only rebut this presumption by presenting the envelope that contained the actual notice, clearly bearing a different postmark. In the latter instance, the calculation of the timeframe shall begin one calendar day after the date of the postmark.

If the employer provides written notice by personal delivery, then the calculation of the associated timeframe shall begin on the day of receipt of personal service.

SECTION 2.06 – TRUTHFULNESS IN EMPLOYMENT APPLICATION

I. Purpose

The purpose of this policy is to establish a high standard of integrity for employment with the Tribal Employment Rights Office.

II. Policy

The Tribal Employment Rights Office relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring and employment process.

III. Procedure

Any misrepresentations, falsifications, or material omissions in any of this information or data may result in:

- (1) the exclusion of the individual from further consideration for employment; or
- (2) if the person has been hired, termination of employment.

SECTION 2.07 – BUSINESS TRAVEL EXPENSES

I. Purpose

The Tribal Employment Rights Office will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Director or Commission, in the event of Director Travel.

II. Policy

Employees whose travel plans have been approved should make all travel arrangements through the Mille Lacs Band's Travel Clerk, or through the individual within the Tribal Employment Rights Office designated to handle this responsibility.

III. Procedure

When approved, the actual costs of travel, including non-discriminatory state taxes, meals, lodging, and other expenses directly related to accomplishing business travel objectives, will be reimbursed by the Tribal Employment Rights Office according to the federal regulations for reimbursement, provided that the employee submits travel reports and accompanying receipts within seven business days. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

- (1) Airfare or train fare for travel in coach or economy class or the lowest available fare, including the cost of one checked bag per flight weighing under 50 lbs.
- (2) Car rental fees, only for compact or mid-sized cars when necessary.
- (3) Fares for shuttles, taxi service, ride shares, airport bus service, or other public transportation for necessary ground travel.
- (4) Mileage costs for use of personal cars, only when less expensive transportation is not available subject to pre-approval by the Director or the TERO Commission. (All drivers must have valid driver's licenses. Further, any driver whose license privilege is suspended or revoked is not eligible for reimbursement of mileage from the date of suspension or revocation.)
- (5) Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings based on the federal per diem rate, unless otherwise approved.
- (6) Cost of meals, according to the federal per diem rate.
- (7) Tips not exceeding 18 percent of the total cost of a meal or ten percent of a taxi fare.

If multiple employees are carpooling to the same training event, only one employee may submit for mileage cost reimbursement.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor(s). Vehicles owned, leased, or rented by the Tribal Employment Rights Office may not be used for personal use without prior approval.

Per Diem advances are issued to cover reasonable anticipated expenses after travel has been approved and proper forms have been completed.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. The cost of travel and related expenses for a travel companion shall not be paid for by the Tribal Employment Rights Office. Generally, employees are also permitted to combine personal travel with business travel, provided that time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

Abuse of this business travel expense policy, to include falsifying expense reports to reflect costs not incurred by the employee or not proper for reimbursement, is grounds for disciplinary action, up to and including termination of employment. Expenses owed to the Tribal Employment Rights Office must be immediately repaid by the employee.

SECTION 2.08 – USE OF PHONES, CELL PHONES, AND MAIL SYSTEMS

I. Purpose

The purpose of this policy is to differentiate between business and personal usage of phone and mail systems as well as cell phone safety.

II. Policy

Personal use of office telephones for outgoing long-distance calls is prohibited except for emergency purposes.

The use of Tribal Employment Rights Office stationery and paid postage for personal correspondence is prohibited.

Cell phone safety procedures have been implemented as outlined below.

III. Procedure

Cell phones may not be used for personal or business use while driving a TERO-owned vehicle. This ban on use while driving includes receiving or placing calls, text messaging, surfing the internet, receiving or responding to e-mail, checking for receipt of messages, or any other unsafe use of cell phones while driving.

If an employee is driving a TERO-owned vehicle on company business, the employee is required to stop in a safe location before proceeding to use any cell phone.

This ban on the unsafe use of cell phones includes any personal cell phone use while driving a TERO-owned vehicle and any government-supplied cell phone while on company business and driving a personal vehicle.

Employees who violate this policy against unsafe cell phone use will be subject to disciplinary action.

SECTION 2.09 – COMPUTER USAGE

I. Purpose

The purpose of this policy is to establish guidelines for computer usage for the Tribal Employment Rights Office.

II. Policy

Computers, computer files, and software furnished to employees are Tribal Employment Rights Office property intended for business use. Employees should not use passwords, access files, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer usage may be monitored and employees have no expectation of privacy.

III. Procedure

The Tribal Employment Rights Office strives to maintain a workplace free of harassment and one that is sensitive to the diversity of its employees. Therefore, the Tribal Employment Rights Office prohibits the use of computers in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, distasteful jokes, or anything that could be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, chain letters, religious or political causes, outside organizations, terroristic threats, or other non-business matters.

The Tribal Employment Rights Office purchases and licenses the use of various computer software for business purposes and does not own the copyrights to this software or related documentation. Unless authorized by the appropriate software developer, the Tribal Employment Rights Office does not have the right to reproduce such software for use on more than one computer. The Tribal Employment Rights Office prohibits the duplication of software and its related documentation. The unauthorized installation of software on the computers and laptops owned by the Tribal Employment Rights Office is also prohibited.

Employees should notify their supervisor(s), Information Systems, Human Resources, or any member of management of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

SECTION 2.10 – INTERNET USAGE

I. Purpose

The purpose of this policy is to establish guidelines for internet usage for the Tribal Employment Rights Office.

II. Policy

Internet access is provided to the Tribal Employment Rights Office by the Mille Lacs Band to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive internet usage. While internet usage is intended for job-related activities, limited personal use may be permitted with prior authorization.

III. Procedure

All internet data that is composed, transmitted, or received via government computer communications systems is considered to be part of the official records of the Tribal Employment Rights Office and the Mille Lacs Band and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in internet e-mail messages and other transmissions is accurate, appropriate, ethical, lawful, and in the best interests of the Tribal Employment Rights Office and the Mille Lacs Band.

The equipment, services, and technology provided to access the internet remain at all times the property of the Tribal Employment Rights Office and the Mille Lacs Band. As such, the Tribal Employment Rights Office and the Mille Lacs Band reserves the right to monitor internet traffic and retrieve and read any data composed, sent, or received through the online connections and stored in computer systems.

Data that is composed, transmitted, accessed, or received via the internet must not contain content that could be considered terroristic, discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not received authorization for its use, the material should not be posted on the internet. Employees are also responsible for ensuring that the person sending any material over the internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the internet. All downloaded files are to be checked for viruses. All compressed files are to be checked before and after decompression.

Abuse of the internet access provided to the Tribal Employment Rights Office by the Mille Lacs Band in violation of law or the Tribal Employment Rights Office policies will result in disciplinary action, up to and including termination of employment.

SECTION 2.11 – WORKPLACE MONITORING

I. Purpose

The purpose of this policy is to provide for the safety and security of employees and the facilities of the Tribal Employment Rights Office.

II. Policy

Workplace monitoring, including video surveillance, may be conducted by the Mille Lacs Band to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

III. Procedure

The Director may request access to information gathered through workplace monitoring by the Mille Lacs Band only in situations where it is necessary to make a factual determination in an employment action and there is a dispute about the facts that might be resolved by reviewing the workplace monitoring. Access may be granted unless there is an ongoing investigation or another legitimate business reason to protect confidentiality.

Every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

SECTION 2.12 – AUTOMOBILE USAGE AND MAINTENANCE

I. Purpose

Vehicles which are essential in accomplishing job duties are expensive and may be difficult to replace. When using Tribal Employment Rights Office vehicles, employees are expected to exercise care and follow all operating instructions, safety standards, and guidelines. In addition, employees will normally use their own automobiles for Tribal Employment Rights Office business in accordance with the guidelines below.

II. Policy

Every employee who drives a personal or Tribal Employment Rights Office vehicle on Tribal Employment Rights Office business must possess a valid Minnesota driver's license and, where applicable, maintain the minimum amount of insurance required by law. Each employee is personally responsible for any fine incurred as a result of driving or parking violations. In addition, no employee is permitted under any circumstance to operate a Tribal Employment Rights Office vehicle or a personal vehicle for Tribal Employment Rights Office business when a physical or mental impairment causes the employee to be unable to drive safely. The prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

III. Procedure

Employees are not permitted to use Tribal Employment Rights Office vehicles for non-business purposes.

Time spent by an employee in driving a Tribal Employment Rights Office or personal automobile on Tribal Employment Rights Office business during normal working hours is to be considered hours worked for pay purposes.

Any employee who drives a vehicle while on Tribal Employment Rights Office business is required to use a seatbelt and shoulder harness. This also applies to any passengers riding in the same vehicle. It is the employee's responsibility to ensure that seatbelts and shoulder harnesses are utilized.

Smoking is not permitted in any Tribal Employment Rights Office-owned vehicle.

Personal Vehicle Use:

Employees who use their personal automobiles for Tribal Employment Rights Office purposes will receive a mileage allowance, as prescribed in the Office of Management and Budget (OMB) travel policies, for such usage. This allowance covers the cost of gasoline, oil, depreciation, and insurance.

Employees must receive prior approval from the Director to use their personal vehicles for Tribal Employment Rights Office business. Damages occurring as a result of an

accident are the responsibility of the employee and must be submitted to the owner's automobile insurance.

Claims for mileage allowance and reimbursement must be approved by the Director and submitted to OMB for payment. Mileage reimbursement is subject to OMB policies.

Maintenance:

Employees using Tribal Employment Rights Office vehicles are responsible for proper maintenance and must report any malfunctions or maintenance requirements to the Director.

Accident Reporting – General Rule:

Employees must report to the Director any accidents, regardless of the extent of damage or lack of injuries, involving a Tribal Employment Rights Office vehicle or a personal vehicle used on Tribal Employment Rights Office business. Such reports must be made as soon as possible, but no later than the next business day after the accident. The Director may report such incident on the next business day to Human Resources and to the Commissioner of Finance, if a Tribal Employment Rights Office vehicle is involved.

Accident reporting and investigating are key components to the safety and health of the Tribal Employment Rights Office employees. Accidents or injuries must be reported to the Director as soon as possible, but no later than the next business day after the incident. Unreported accidents, unreported injuries, or leaving the scene of an accident will not be tolerated and may result in disciplinary action.

SECTION 2.13 – EMPLOYEE CONDUCT AND WORK RULES

I. Purpose

To ensure orderly operations and to provide the best possible work environment, the Tribal Employment Rights Office expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

II. Policy

All employees are expected to conduct themselves appropriately and behave in a manner which is conducive to the efficient operation of Tribal Employment Rights Office.

III. Procedure

It is impossible to list all the forms of behavior that are considered unacceptable in the workplace. (The grounds for termination, as well as the termination procedure and review process, are set forth in these personnel policies.) Examples of infractions of rules of conduct that may result in disciplinary action include, but are not limited to, the following:

- (1) Theft or inappropriate removal/possession of property;
- (2) Falsification of timekeeping records;
- (3) Working under the influence of alcohol or illegal drugs;
- (4) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
- (5) Fighting, intimidating, or threatening violence in the workplace aimed at Band officials, supervisors, employees, clients, or visitors;
- (6) Boisterous or disruptive activity in the workplace;
- (7) Negligence or improper conduct leading to damage of employer-owned or employee-owned property;
- (8) Insubordination or other disrespectful conduct;
- (9) Violation of safety or health rules;
- (10) Smoking in prohibited areas;
- (11) Sexual or other unlawful or unwelcome harassment;
- (12) Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;

- (13) Excessive absenteeism or any absence without notice;
- (14) Unauthorized absence from work station during the workday;
- (15) Unauthorized use of telephones, mail system, or other employer-owned equipment;
- (16) Unauthorized disclosure of business “secrets” or confidential financial information;
- (17) Violation of personnel policies; or
- (18) Unsatisfactory performance or conduct.

SECTION 2.14 – RECYCLING

I. Purpose

The Tribal Employment Rights Office supports environmental awareness standards set by the Mille Lacs Band and encourages recycling and waste management in its business practices and operating procedures.

II. Policy

This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.

III. Procedure

Special recycling receptacles have been set up to promote the separation and collection of the following recyclable materials at the Mille Lacs Band offices:

- (1) Computer paper;
- (2) White high-grade or bond paper;
- (3) Ledger paper;
- (4) Mixed or colored paper;
- (5) Newspaper;
- (6) Corrugated cardboard;
- (7) Brown paper bags;
- (8) Aluminum cans; and
- (9) Plastic bottles.

Tribal Employment Rights Office employees are encouraged to make a commitment to recycle and to be a part of this solution.

SECTION 2.15 – UNAUTHORIZED SOLICITATION

I. Purpose

The purpose of this policy is to provide a pleasant and stress-free workplace for employees of the Tribal Employment Rights Office.

II. Policy

In an effort to ensure a productive and harmonious work environment, persons employed by the Tribal Employment Rights Office may not solicit or distribute literature in the workplace at any time unless prior authorization has been received from the employee's supervisor.

III. Procedure

In addition, employees may not use the internet or the Band's intranet to promote, solicit, or distribute information without the express written consent of their supervisor(s) or the Information System Director.

SECTION 2.16 – NON-DISCLOSURE OF CONFIDENTIAL INFORMATION

I. Purpose

The purpose of this policy is to establish a non-disclosure policy for Tribal Employment Rights Office employees.

II. Policy

The protection of confidential business information and trade secrets is vital to the interests and the success of the Tribal Employment Rights Office. During an employee's tenure with the Tribal Employment Rights Office, the employee may periodically learn sensitive information regarding the tribal government or its employees. It is imperative that all non-public information be kept confidential not only for the health of the Mille Lacs Band, but also for the well-being of employees who depend on the Band for their livelihoods.

Such confidential information includes, but is not limited to, the following examples:

- (1) Confidential executive, legislative, and judicial data and information, including, but not limited to, privileged attorney-client communications;
- (2) Personnel information and data;
- (3) Compensation data;
- (4) Computer processes;
- (5) Computer programs and codes;
- (6) Confidential financial information;
- (7) Labor relations strategies;
- (8) Marketing strategies;
- (9) Pending projects and proposals;
- (10) Research and development strategies;
- (11) Confidential scientific data;
- (12) Confidential technological data;
- (13) Enrollments and blood quantum information; and

- (14) Medical or patient data otherwise protected by the Health Insurance Portability and Accountability Act (HIPAA) or other applicable data privacy laws.

III. Procedure

All employees shall sign a confidentiality or non-disclosure agreement as a condition of employment. Employees who improperly use or disclose trade secrets or confidential government information will be subject to disciplinary action, up to and including termination of employment and possible legal action.

After an employee leaves employment with the Tribal Employment Rights Office, the employee remains legally prohibited from disclosing sensitive, proprietary, confidential, or trade secret information. If an employee discloses such information, the Mille Lacs Band may seek legal remedies.

SECTION 2.17 – ATTENDANCE AND PUNCTUALITY

I. Purpose

The purpose of this policy is to maintain an efficient and professional work environment for the Tribal Employment Rights Office.

II. Policy

To maintain a safe and productive work environment, the Tribal Employment Rights Office expects employees to be both reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Tribal Employment Rights Office.

III. Procedure

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee must notify the Director as soon as possible and in advance of the anticipated tardiness or absence. If possible, such notification should include a reason for the absence or tardiness and an indication of when the employee can be expected to report for work. Failure to notify the Director of any absence or delay may lead to disciplinary action.

Employees who are absent from work for three consecutive days without providing proper notice to the Director will be considered to have voluntarily resigned their positions. The employer is not required to provide notice to an employee of an impending separation of employment due to the employee's prolonged absence or to follow any other aspect of the progressive discipline policy. In such an instance, the employee shall be deemed to have forfeited any property interest in employment (s)he may have had.

Poor attendance and excessive tardiness are disruptive and may lead to disciplinary action, up to and including termination of employment.

SECTION 2.18 – PERSONAL APPEARANCE AND DRESS

I. Purpose

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image that the Tribal Employment Rights Office presents to visitors.

II. Policy

During business hours, employees are expected to present a clean, neat appearance and to dress according to the status of their positions.

III. Procedure

Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Casual dress offers a welcome alternative to the formality of typical business attire. However, not all casual clothing is appropriate for the office. Casual business wear means clean, neat, and professional clothing. It is never appropriate to wear stained, wrinkled, frayed, or revealing clothing to the workplace.

Some examples of appropriate casual business wear include slacks; jeans; dress shorts; casual dresses and skirts; casual shirts and blouses; golf shirts; turtlenecks; sweaters; sweatshirts; loafers; deck shoes; boots; athletic shoes; flats; and dress sandals.

Examples of inappropriate clothing items that should not be worn include, but are not limited to, jeans that are excessively worn or faded; sweat pants or jogging suits and pants; short shorts; spandex or other form-fitting pants; miniskirts; spaghetti-strap dresses unless worn under a jacket or sweater; T-shirts or sweatshirts with offensive messages or images; halter tops or tank tops; tops with bare shoulders unless worn under a blouse or jacket; visible undergarments; and slippers or flip-flops.

For some, traditional business attire may simply remain a more favored option on casual days. The choice will be at the discretion of the Director.

SECTION 2.19 – SMOKING

I. Purpose

The intent of this policy is to establish a safe and healthy work environment for Tribal Employment Rights Office employees and visitors.

II. Policy

In keeping with the Tribal Employment Rights Office’s intent to provide a safe and healthy work environment, smoking tobacco products or electronic equivalents in the workplace is prohibited except in those locations that are specifically designated as smoking areas.

III. Procedure

To portray a professional atmosphere, employees are prohibited from smoking at or near public entrances to all government buildings.

Employees are allowed to smoke in designated smoking areas, or during designated culturally-appropriate events, and in other designated areas as assigned at other Band government buildings.

Smoking is not permitted in any TERO-owned vehicle. Failure to comply with this policy will result in disciplinary action.

SECTION 2.20 – HARASSMENT IN THE WORKPLACE

I. Purpose

The Tribal Employment Rights Office is committed to providing a work environment that is free of discrimination and unlawful harassment.

II. Policy

Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, sexual orientation, disability, class, or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to other people, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee who engages in harassment on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to public assistance, disability, or age, or who permits employees under his or her supervision to engage in such harassment, or retaliates or permits retaliation against an employee who reports such harassment, shall be subject to disciplinary action, up to and including termination of employment.

III. Procedure

Any employee who wishes to report an incident of sexual harassment or other prohibited act of discrimination should promptly report the matter in writing to his or her supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Director. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly notify the Director who will handle the matter in a timely and confidential manner.

Sexual harassment is prohibited and includes any unwelcome sexual advance, request for sexual favors, and verbal or physical conduct of a sexual nature when:

- (1) Such conduct is used as a factor in any employment decision affecting any individual; or
- (2) Such conduct has the purpose or effect of unreasonably interfering with any employee's work performance; or
- (3) Such conduct creates an intimidating, hostile, or offensive working environment.

The Tribal Employment Rights Office prohibits all employees from engaging in any conduct of a sexual nature or in conduct amounting to harassment based on any protected category in the work setting.

The Tribal Employment Rights Office will investigate and attempt to resolve all employee complaints promptly. If for any reason an employee believes the situation has not been satisfactorily resolved in a reasonable period of time, the employee may refer the problem to the TERO Commission.

Anyone engaging in sexual or other unlawful harassment or conduct will be subject to disciplinary action, up to and including Summary Dismissal.

SECTION 2.21 – SAFETY

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band have established a workplace safety policy to assist in providing a safe and healthy work environment for employees, customers, and visitors.

II. Policy

Human Resources is responsible for implementing, administering, monitoring, and evaluating the safety policy. Its success depends on the alertness and personal commitment of all.

III. Procedure

The Tribal Employment Rights Office and the Mille Lacs Band provides information to employees about workplace safety and health issues through workplace safety training and regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

Employees are expected to attend Human Resources safety training in their departments. Failure to attend such training may result in disciplinary action.

Any employees witnessing accidents that result in injury, regardless of how insignificant the injury or injuries may appear, should immediately notify both their immediate supervisor(s) and Human Resources. Such reports are necessary to comply with laws and initiate insurance and Workers' Compensation benefits procedures.

SECTION 2.22 – WORKPLACE VIOLENCE

I. Purpose

The Tribal Employment Rights Office is committed to the prevention of workplace violence and to maintaining a safe work environment.

II. Policy

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay,” practical jokes, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on Mille Lacs Band property without proper authorization.

III. Procedure

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual’s sex, race, age, sexual orientation, religion, ethnic background, disability, or any other characteristic protected by federal or state law.

Employees must immediately report direct or indirect threats of violence or acts of violence to their supervisor(s). This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported immediately to a supervisor. The Tribal Employment Rights Office will promptly and thoroughly investigate all reports of threats or acts of violence and of suspicious individuals or activities. Anyone deemed to be responsible for violent acts, threats, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment.

The Tribal Employment Rights Office encourages employees to bring their disputes or differences with other employees to the attention of their supervisor(s). If the situation cannot be resolved at that level, employees should bring their disputes or differences to the Director before the situation escalates into potential violence. The Tribal Employment Rights Office is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

SECTION 2.23 – EMERGENCY CLOSINGS

I. Purpose

There may be times when emergencies such as severe weather, fires, or power failures disrupt Tribal Employment Rights Office and Band operations.

II. Policy

In extreme cases, emergencies may require the closing of an office or work facility. In the event that such an emergency occurs during non-working hours, employees may call the government center at 800-709-6445 to discern whether the building is closed. Local radio and/or television stations may also be asked to broadcast notification of the closing.

III. Procedure

When operations are officially closed due to emergency conditions, employees' time off from scheduled work will be paid. When operations are not closed, employees who fail to report for work will not be paid for the time off. However, employees may request available paid leave time such as annual leave.

SECTION 2.24 – ADMINISTRATIVE CLOSINGS

I. Purpose

The Tribal Employment Rights Office recognizes that there may be times the Mille Lacs Band Commissioner of Administration exercises his or her discretion to close Band operations, whether with advance notice or effective upon such notice.

II. Policy

When operations are officially closed due to an administrative closure, employees' time off from scheduled work will be paid.

III. Procedure

In the event of an administrative closing, employees will not be required to utilize annual or sick leave, unless they are on previously approved annual or sick leave on the day of, or at the time of, the administrative closing.

SECTION 2.25 – USE OF EQUIPMENT

I. Purpose

The purpose of this policy is to set guidelines for the use of Tribal Employment Rights Office equipment.

II. Policy

When using work equipment, employees are expected to exercise care; perform required maintenance; and follow all operating instructions, safety standards, and guidelines.

III. Procedure

Employees must notify the Director if any equipment, machines, or tools appear to be damaged, defective, or are in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Director will answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment, machines, or tools can result in disciplinary action, up to and including termination of employment.

PART 3 – BENEFITS

SECTION 3.01 – EMPLOYEE BENEFITS

I. Purpose

Eligible employees of the Tribal Employment Rights Office and Mille Lacs Band are provided a wide range of benefits. A number of the programs (i.e. Social Security, Workers' Compensation, and Unemployment Insurance) cover all employees in the manner prescribed by law.

II. Policy

Benefits eligibility is dependent upon a variety of factors, including employee status as a regular, full-time employee.

III. Procedure

The following benefit programs are available to eligible employees:

- (1) 401(K) savings plan;
- (2) Anishinaabe leave;
- (3) Automobile mileage;
- (4) Bereavement leave;
- (5) Community service;
- (6) Dental insurance;
- (7) Educational leave;
- (8) Employee Assistance Program;
- (9) Family leave;
- (10) Health insurance;
- (11) Holidays;
- (12) Jury duty leave;
- (13) Life insurance;
- (14) Long-term disability;

- (15) Medical leave;
- (16) Military leave;
- (17) Personal leave;
- (18) Short-term disability;
- (19) Sick leave;
- (20) Supplemental life insurance;
- (21) Time with child;
- (22) Vacation benefits;
- (23) Voting time off; and
- (24) Any other benefit or leave required by state or federal law.

Some benefit programs require contributions from the employee, but most are fully paid by the Tribal Employment Rights Office and Mille Lacs Band. Questions regarding any employee benefits should be directed to the Director and/or Human Resources.

SECTION 3.02 – BENEFITS CONTINUATION

I. Purpose

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives Tribal Employment Rights Office employees and their qualified beneficiaries the opportunity to continue health and dental insurance coverage under the Mille Lacs Band's health plan when a "qualifying event" would normally result in the loss of eligibility.

II. Policy

Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

III. Procedure

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Mille Lacs Band's group rates plus an administration fee. The Mille Lacs Band provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Mille Lacs Band's health and dental insurance plan. The notice contains important information about the employee's rights and obligations.

SECTION 3.03 – HEALTH INSURANCE

I. Purpose

The Mille Lacs Band’s health insurance plan provides Tribal Employment Rights Office employees and their dependents access to medical insurance benefits.

II. Policy

Regular full-time employees are eligible to participate in the health insurance plan.

III. Procedure

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under COBRA. Employees should refer to the COBRA policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). A Summary Plan Description and information on cost of coverage will be provided in advance of enrollment to eligible employees. Employees should contact the Benefits Administrator for more information about health insurance benefits.

SECTION 3.04 – LIFE INSURANCE

I. Purpose

Life insurance offers employees and employee’s family important financial protection.

II. Policy

The Tribal Employment Rights Office, through the Mille Lacs Band, provides a basic life insurance plan for regular full-time employees. Additional supplemental life insurance coverage may also be purchased.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

III. Procedure

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the Mille Lacs Band and the insurance carrier.

Details of the basic life insurance plan, including benefit amounts, are described in the Summary Plan Description provided to eligible employees. Employees should contact the Director for more information about life insurance benefits.

SECTION 3.05 – SHORT-TERM DISABILITY

I. Purpose

The Tribal Employment Rights Office, through the Mille Lacs Band, provides a short-term disability benefits plan to eligible employees who are unable to work because of a qualifying disability due to an injury or illness.

II. Policy

Regular full-time employees are eligible to participate in the short-term disability plan subject to all terms and conditions of the agreement between the Mille Lacs Band and the insurance carrier.

III. Procedure

Disabilities arising from pregnancy or pregnancy-related illness are treated the same as any other illness that prevents an employee from working. Disabilities covered by Workers' Compensation are excluded from short-term disability coverage.

Details of the short-term disability benefits plan including benefit amounts (when they are payable), and limitations, restrictions and other exclusions are described in the Summary Plan Description provided to eligible employees. Employees should contact the Benefits Administrator in Human Resources for more information about short-term disability benefits.

Employees are responsible for the employee portion of the premium contributions for health, dental, and supplemental life benefits while on leave.

SECTION 3.06 – LONG-TERM DISABILITY

I. Purpose

The Tribal Employment Rights Office, through the Mille Lacs Band, provides a long-term disability (LTD) benefits plan to help eligible employees cope with an illness or injury that results in a long-term absence from employment.

II. Policy

LTD is designed to ensure a continuing income for employees who are disabled and unable to work. Regular full-time employees are eligible to participate in the LTD plan.

III. Procedure

Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between the Mille Lacs Band and the insurance carrier. Eligible employees may begin LTD coverage only after completing 13 weeks of short-term disability.

LTD benefits are offset with amounts received under Social Security or Workers' Compensation for the same time period.

Details of the LTD benefits plan, including benefit amounts, limitations, and restrictions, are described in the Summary Plan Description provided to eligible employees. Employees should contact the Benefits Administrator in Human Resources for more information about LTD benefits.

Employees are responsible for the employee portion of premium contributions for health, dental, and supplemental life while on leave.

If an employee is on long-term disability status and does not return to work on the agreed-upon date, the employee will be deemed to have voluntarily resigned the position.

The Tribal Employment Rights Office is not required to provide notice to an employee of an impending separation of employment due to the failure of the employee to timely return to work or to follow any other aspect of the progressive discipline policy. In such an instance, the employee shall be deemed to have forfeited any property interest in employment (s)he may have had.

SECTION 3.07 – 401(K) RETIREMENT SAVINGS PLAN

I. Purpose

The purpose of this policy is to establish a 401(K) retirement savings plan for the Tribal Employment Rights Office.

II. Policy

The Tribal Employment Rights Office and the Mille Lacs Band have established a 401(K) retirement savings plan to provide employees the opportunity to plan for their future financial security.

If an employee elects to participate in the 401(K) retirement savings plan, the employee must be (a) a full-time regular employee with 12 months of service and be 21 years of age or older; or (b) a part-time regular employee with 1,000 hours of service within the first 12 months of service, or within the plan year after the initial evaluation period, and be 21 years of age or older. The employee may join the plan only during quarterly open-enrollment periods. Eligible employees may participate in the 401(K) retirement savings plan subject to all terms and conditions of the plan.

III. Procedure

The 401(K) retirement savings plan allows an employee to elect how much salary the employee wishes to contribute and direct the investment of the employee's plan account, so that the employee can tailor his or her own retirement package to meet individual needs. The Mille Lacs Band Tribal Employment Rights Office also contributes an additional matching amount to each employee's 401(K) contribution.

Because an employee's contribution to a 401(K) retirement savings plan is automatically deducted from the employee's pay before any applicable federal and state tax withholdings are calculated, the employee reduces his or her taxable income.

Complete details of the 401(K) retirement savings plan are described in the Summary Plan Description provided to eligible employees. Employees should contact the Benefits Administrator in Human Resources for more information about the plan.

SECTION 3.08 – ANNUAL LEAVE

I. Purpose

The purpose of this policy is to define the eligibility requirements for annual leave.

II. Policy

Annual leave with pay is available to regular full-time employees.

III. Procedure

The amount of paid annual leave that employees receive each year increases with the length of continuous employment as shown in the following schedule:

<u>Years of Service</u>	<u>Rate Per Hour Worked</u>
1 – 3	.05
4 – 6	.0625
7 – 9	.75
10 – 12	.0875
13+	.1

Annual leave is calculated on a weekly basis.

During the probationary period, employees accrue annual leave, but may not take any annual leave until they have successfully completed the probationary period. Once employees enter the eligible employment classification, employees can use earned annual leave, including that which accrued during the probationary period. An employee who terminated employment for any reason during the probationary period is not eligible to receive annual leave payout.

Paid annual leave can be used in minimum increments of one-half hour (30 minutes). To take annual leave, employees must make a request two days in advance, if possible, and receive approval from their supervisor(s). Requests will be reviewed based on a variety of factors, including business needs and staffing requirements. Emergency situations will be considered by the supervisor when an employee makes his or her request for leave.

In the event that accrued annual leave is not used by the end of the benefit year, employees may carry 80 hours of unused time forward to the next fiscal year. Any accrued annual leave beyond 80 hours will be paid out to the employee only at the end of the fiscal year and not carried over.

Upon termination of employment, employees will be paid for unused annual leave that has accrued through the last day of work.

Employees may not go into a deficit on annual leave. If an employee has exhausted all accrued annual leave, the employee has the option to make a request for unpaid leave and request approval from the Director.

SECTION 3.09 – TIME WITH CHILD

I. Purpose

The purpose of this policy is to establish time with child benefits for Tribal Employment Rights Office employees.

II. Policy

The Mille Lacs Band and the Tribal Employment Rights Office provide the following benefit of employment to regular full-time employees when feasible and within the discretion of the Tribal Employment Rights Office.

III. Procedure

If an employee's child or grandchild is participating in a school activity, school-sponsored event, or cultural event, through the completion of high school the employee may be permitted to spend time with their child(ren) or grandchild(ren) during such events.

Legal guardians and foster parents are included in this policy.

Employees are allowed three hours per month, per child, for school events that cannot be scheduled outside of the employee's regular work hours. If multiple children participate in the same school activity or school-sponsored event scheduled at the same time, no more than three hours is allowed. This time off will be monitored by and must be approved at least seven days in advance by the Director.

Requests for leave should be submitted to the Director and will be evaluated and approved or denied based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Documentation is required in order to use time with child.

Acceptable documentation is:

- (1) Time with child form; or
- (2) Letter from child's school and/or teacher; or
- (3) Program form the child's event that was attended.

Other documentation may be accepted at the discretion of the Director.

SECTION 3.10 – HOLIDAYS

I. Purpose

The purpose of this policy is to establish a holiday schedule for the Tribal Employment Rights Office.

II. Policy

The Tribal Employment Rights Office grants holiday time to regular full-time employees for designated Band holidays.

III. Procedure

A regular full-time employee's calculated holiday pay is based on the employee's straight-time pay rate (as of the date of the holiday) multiplied by the number of hours the employee would otherwise have worked on that day. To be eligible for holiday pay, an employee must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday, unless otherwise previously approved by the Director. If the employee is on pre-approved leave the day before, after, or a combination thereof (such as vacation, pre-approved sick leave, funeral leave, time with child, or leave without pay), then the employee will receive holiday pay.

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

If a recognized holiday falls during an eligible employee's pre-approved absence (such as vacation, sick leave, funeral leave, or leave without pay), the employee will receive holiday pay and will not be required to use the accrued paid time off benefit that would otherwise have applied.

If eligible nonexempt employees are required to work on a Band holiday, they will receive pay at time and one-half (1 ½) regular pay as their holiday pay wages for the hours worked on that holiday. Time worked during holidays should be submitted to payroll as holiday on department spreadsheets.

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

SECTION 3.11 – SICK LEAVE

I. Purpose

The purpose of this policy is to define the eligibility requirements for sick leave.

II. Policy

The Tribal Employment Rights Office and the Mille Lacs Band provide paid sick leave to all regular full-time employees for periods of temporary absence due to illnesses or injuries.

III. Procedure

Sick leave is a benefit and not an entitlement. Sick leave is not to be used in lieu of annual leave. Eligible employees will accrue sick leave benefits shown in the following schedule:

<u>Hours worked per pay period</u>	<u>Sick leave earned</u>
40 hours	2.00 hours
30 hours	1.50 hours
20 hours	1.00 hours

Sick leave is calculated on a yearly basis that begins when the employee starts to earn sick leave benefits.

Employees will accrue sick leave from the commencement their employment. Paid sick leave can be used in minimum increments of one-half hour (30 minutes). An eligible employee may use sick leave for an absence due to the employee's own illness or injury or that of the employee's child, spouse, or parent.

Employees who are unable to report to work due to illness or injury must notify the Director before the scheduled start of the workday, if possible. The Director must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided upon return to work verifying the illness or injury and its beginning and expected ending dates, if possible. Such verification may be requested for other sick leave absences within the Director's discretion and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of five business days or more, an employee must provide a physician's verification that (s)he is fit to return to work. The Director may refuse to allow the employee to return to work without such verification of fitness to return.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from the Mille Lacs Band disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

In the event an employee has no accrued sick leave at the time of illness or injury, the Director, within his or her discretion, may allow the employee to take unpaid sick leave.

In the event that available sick leave is not used by the end of the benefit year, employees may carry up to 160 hours of unused time forward to the next benefit year. Any unused sick leave beyond 160 hours will be lost with no compensation.

Sick leave benefits are solely intended to provide income protection in the event of illness or injury and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

SECTION 3.12 – TIME OFF TO VOTE

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band encourage employees to fulfill their civic responsibilities by participating in elections.

II. Policy

Generally, employees are able to find time to vote either before or after their regular work schedules. In the event that an employee cannot vote outside of working hours, the Tribal Employment Rights Office will grant employees no more than two hours' time to vote on Election Day.

III. Procedure

Employees should request time off to vote from the Director at least two working days prior to Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

SECTION 3.13 – FUNERAL LEAVE

I. Purpose

Funeral leave is available to eligible Tribal Employment Rights Office employees.

II. Policy

Employees who wish to take time off due to the death of a family member should notify their supervisor(s) immediately.

III. Procedure

For purposes of this policy, the Tribal Employment Rights Office defines “family” as an employee’s spouse, parents, children, siblings, step-children, grandparents, grandchildren, aunts, uncles, nieces, nephews, first-cousins, and spouse’s parents and siblings.

One to three days of paid funeral leave will be provided to regular full-time employees.

Funeral pay is calculated based on the base pay rate at the time of absence.

Employees may request to use any available annual leave or up to three days of sick leave without a doctor’s note for additional time off as necessary. If an employee requests additional time, the employee must obtain the Director’s approval.

SECTION 3.14 – JURY DUTY

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band encourages employees to fulfill their civic responsibilities by serving on jury duty when required.

II. Policy

An employee serving on jury duty must show the jury duty summons to the Director as soon as possible so that the Director may make arrangements to accommodate the employee's absence.

III. Procedure

Employees are expected to report for work whenever the court schedule permits.

Regular full-time employees will be paid at their regular rates of pay when required to serve on jury duty, but must seek prior permission and must show proof of such service.

SECTION 3.15 – MEDICAL LEAVE

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band provide medical leaves of absence without pay to eligible employees who are temporarily unable to work due to a serious health condition or disability.

II. Policy

For purposes of this policy, serious health conditions or disabilities include inpatient care in a hospital, hospice, or residential medical care facility; continuing treatment by a health care provider; and temporary disabilities associated with pregnancy, childbirth, and related medical conditions.

Regular full-time employees who have completed one consecutive year of service are eligible to request medical leave as described in this policy. Exceptions to the service requirement will be considered to accommodate disabilities.

III. Procedure

Eligible employees should make requests for medical leave to their supervisor at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

A health care provider's statement must be submitted verifying the need for medical leave and its beginning and expected ending dates, if known. Any changes in this information should be promptly reported to the Director. Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work.

Eligible employees are normally granted leave for the period of the serious health condition, up to a maximum of 12 weeks within any 12-month period. Leave may be taken all together or intermittently. Employees will be required to first use any accrued paid leave time before taking unpaid medical leave. The period of paid leave shall be considered part of the 12 weeks of leave entitlement. Any combination of medical leave and family leave, as described in the next section of this Manual, may not exceed this maximum limit within a 12-month period. If this initial period of absence proves insufficient, consideration will be given to a request for an extension of one additional month.

Employees who sustain work-related injuries are eligible for a medical leave of absence for the period of disability in accordance with the Band's Workers' Compensation plan policy.

Subject to the terms, conditions, and limitations of the applicable plans, the Tribal Employment Rights Office and the Mille Lacs Band will continue to provide health insurance benefits for the full period of the approved medical leave. However, the employee will be responsible for the employee's contribution portion of the premium.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the unpaid portion of the leave and will resume upon return to active employment.

An employee who returns from a medical leave in a timely manner will be reinstated to the same position that the employee held at the commencement of the leave or to an equivalent position with equivalent benefits and pay for which the employee is qualified. An equivalent rate of pay is defined as falling within a range of ten percent of the employee's rate of pay upon taking leave. The Tribal Employment Rights Office retains the right to transfer the employee requesting such leave to a different position and work schedule with equivalent pay and benefits in order to best serve the Tribal Employment Rights Office's operational concerns during the leave. In the alternative, the Tribal Employment Rights Office may restructure the employee's existing position but maintain the employee's existing pay and benefits, or restructure a position that can be performed with the employee's medical condition, if one still exists.

In the event that an employee fails to return to work on the agreed-upon return date, the Tribal Employment Rights Office will consider the employee to have voluntarily resigned his or her position. The Tribal Employment Rights Office is not required to provide notice to an employee of an impending separation of employment due to the failure to timely return to work or to comply with other aspects of the progressive discipline policy. In such an instance, the employee shall be deemed to have forfeited any property interest in employment (s)he may have had.

An employee on medical leave may apply for short-term and long-term disability benefits.

SECTION 3.16 – FAMILY LEAVE

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band offer family leave to eligible employees.

II. Policy

The Tribal Employment Rights Office and the Mille Lacs Band provide family leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth; adoption; placement of a foster child; or to care for a child, spouse, or parent with a serious health condition.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.

Regular full-time employees who have completed one consecutive year of service are eligible to request family leave as described in this policy.

III. Procedure

Eligible employees should make requests for family leave to the Director at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health condition of a child, spouse, or parent may be required to submit a health care provider's statement verifying the need for a family leave to provide care, the beginning and expected ending dates of the leave, and the estimated time required, if known.

Eligible employees may request up to a maximum of 12 weeks of family leave within any 12-month period. Employees will be required to first use any accrued paid leave time before taking unpaid family leave. The period of paid leave shall be considered part of the 12 weeks of leave entitlement. Any combination of family leave and medical leave may not exceed this maximum limit. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12-month period for childbirth; adoption; placement of a foster child; or to care for a parent or family member with a serious health condition.

Subject to the terms, conditions, and limitations of the applicable plans, the Tribal Employment Rights Office and the Mille Lacs Band will continue to provide health and dental insurance benefits for the full period of the approved family leave. However, the employee will be responsible for the employee's contribution portion of the premium.

Benefit accruals, such as vacation, sick leave or holiday benefits, will be suspended during the unpaid portion of the leave and will resume upon return to active employment.

An employee who returns from a family leave in a timely manner may be reinstated to the same position that the employee held at the commencement of the leave or to an equivalent position with equivalent benefits and pay for which the employee is qualified. An equivalent rate of pay is defined as falling within a range of ten percent of the employee's rate of pay upon taking leave. The Tribal Employment Rights Office retains the right to transfer the employee requesting such leave to a different position and work schedule with equivalent pay and benefits in order to best serve the Tribal Employment Rights Office's operational concerns during the leave.

In the alternative, the Tribal Employment Rights Office may restructure the employee's existing position but maintain the employee's existing pay and benefits.

If an employee fails to return to work on the agreed-upon return date, the Tribal Employment Rights Office will consider the employee to have resigned from his or her position. The Tribal Employment Rights Office is not required to provide notice to an employee of an impending separation of employment due to the failure to timely return to work or to comply with any other aspect of the progressive discipline policy. In such an instance, the employee shall be deemed to have forfeited any property interest in employment (s)he may have had.

SECTION 3.17 – PERSONAL LEAVE

I. Purpose

The purpose of the personal leave policy is to provide employees the option of leave, to take time off from work duties for unique or personal reasons where other forms of leave are unavailable.

II. Policy

The Tribal Employment Rights Office provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations.

Regular full-time employees who have completed one consecutive year of service are eligible to request personal leave as described in this policy.

III. Procedure

As soon as an eligible employee becomes aware of the need for a personal leave of absence, the employee should request a leave from the Director.

Unpaid personal leave may be granted for a period of up to 30 calendar days per year. The employee should exhaust his or her accrued vacation leave prior to taking unpaid personal leave.

Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by the Mille Lacs Band until the end of the month in which the approved personal leave begins. At that time, the employee will become responsible for the full costs of these benefits if the employee wishes coverage to continue. When the employee returns from personal leave, benefits will resume according to the applicable plans.

Benefits such as vacation, sick leave, or holiday benefits will not accrue during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to an equivalent position with equivalent benefits and pay for which the employee is qualified. An equivalent rate of pay is defined as falling within a range of ten percent of the employee's rate of pay upon taking leave. However, the Tribal Employment Rights Office cannot guarantee reinstatement in the same or an equivalent position, or in any position, in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the Tribal Employment Rights Office will consider the employee to have

voluntarily resigned his or her position. The Tribal Employment Rights Office is not required to provide notice to an employee of an impending separation of employment due to the failure to timely return to work or to comply with any other aspect of the progressive discipline policy. In such an instance, the employee shall be deemed to have forfeited any property interest in employment (s)he may have had.

SECTION 3.18 – EDUCATIONAL LEAVE

I. Purpose

Educational leave is available to eligible employees of the Tribal Employment Rights Office.

II. Policy

The Tribal Employment Rights Office provides educational leave not to exceed four hours per week with pay to eligible employees who wish to take time off from work duties to pursue course work.

Regular full-time employees who have completed 90 calendar days of service are eligible to request educational leave as described in this policy.

III. Procedure

Requests should be made to the Director and will be evaluated and approved/denied based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence. A course syllabus/class schedule should be submitted to the Director prior to the start of each semester.

SECTION 3.19 – MILITARY LEAVE

I. Purpose

Military leave is available to eligible employees of the Tribal Employment Rights Office.

II. Policy

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

III. Procedure

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

The portion of any military leave of absence in excess of two weeks will be unpaid. However, employees may use any available paid time off for the absence.

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

Benefits, such as vacation, sick leave, or holiday benefits, will not accrue during the unpaid portion of the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all other applicable laws.

An employee returning from military leave will be placed in the position that the employee held prior to deployment or an equivalent position with equivalent benefits and pay for which the employee is qualified, depending on the length of military service in accordance with USERRA. Employees will be treated as though they were continuously employed for purposes of determining benefits based on length of service. An equivalent rate of pay is defined as falling within a range of ten percent of the employee's rate of pay upon taking leave.

Employees should contact the Director and/or Human Resources for more information or questions about military leave.

SECTION 3.20 – LEAVE FOR MILITARY FAMILIES

I. Purpose

Leave for military families is available to eligible employees of the Tribal Employment Rights Office.

II. Policy

In addition to standard Family and Medical Leave Act (FMLA) leave, an employee may take unpaid leave in a 12-month period to care for an injured or ill service member. An employee may take no more than 26 weeks during a 12-month period of combined FMLA and military leave.

III. Procedure

In addition, eligible employees are entitled to up to 12 weeks of leave because of any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. A qualifying exigency might include:

- (1) Short-notice deployment;
- (2) Military events and related activities;
- (3) Child care and school activities;
- (4) Financial and legal arrangements;
- (5) Counseling;
- (6) Rest and recuperation;
- (7) Post-deployment activities; or
- (8) Additional activities when the employer and employee agree to the leave.

Employees may take up to ten days leave of absence without pay when an immediate family member is injured or killed while engaged in active service as a member of the United States armed forces. The employee must provide notice prior to taking leave.

In addition, an employee may take up to a one-day leave of absence without pay when an immediate family member has been ordered into active service in support of a war or other national emergency for the purposes of attending a send-off or homecoming ceremony. The employee must provide notice prior to taking leave.

For the purposes of the military leave policy only, immediate family includes an employee's parent, spouse, child, sibling, grandparent, grandchild, spouse's parent,

spouse's child, spouse's grandparent, spouse's grandchild, brother, sister, step-parent, step-child, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

SECTION 3.21 – ANISHINAABE LEAVE

I. Purpose

Anishinaabe leave is available to eligible employees of the Tribal Employment Rights Office.

II. Policy

Tribal members who are regular full-time employees may use Anishinaabe leave as described in this policy. Anishinaabe leave, for purposes of this policy, is defined as "regular hours" to participate in Midewiwin ceremonies, prepare for Ceremonial Drum, and aid or participate in other tribal ceremonies. Employees who are contracted to provide services for the ceremonies listed above may not use Anishinaabe leave.

III. Procedure

Eligible employees may take Anishinaabe leave after providing the Director prior notice. Approval may depend on workload and the needs of the program.

Midewiwin Ceremonies: Eligible employees are provided a maximum 80 hours of paid Anishinaabe leave per year for aiding Midewiwin as “Nayaadamaaged” and for any person seeking aid from a Mide Lodge as a “Waa-mide’od.”

Anishinaabe leave for Midewiwin ceremonies may be granted only while an active Midewiwin Ceremony is taking place. These ceremonies are typically held in the summer months of June, July, and August.

Big Drum: If an employee is required to make special preparations for attendance at a Big Drum Ceremony that the employee is a member of as “Debendaagozid,” eight hours of Anishinaabe leave may be used the day that the ceremony is held.

Funeral Helpers: Eligible employees may use a maximum of eight hours of leave to assist as “helpers” at traditional funerals or four hours of leave to assist as "helpers" at other traditional ceremonies.

Other: Members of other federally recognized Indian tribes can participate in their own tribal ceremonies utilizing this leave.

Written notice to the Director will be given at the earliest possible convenience for less than two days leave; one week in advance for three to five days leave, and/or two weeks in advance for six or more days of Anishinaabe leave.

Notices must be submitted along with weekly payroll spreadsheet

Additional hours of Anishinaabe leave will be at the discretion of the Director.

Benefits such as annual and sick leave will not accrue during the Anishinaabe leave and will resume upon return.

Abuse of this leave will result in immediate termination.

Definitions:

Nayaadamaaged means someone who helps at a Midewiwin Ceremony.

Waa-mide'od means someone intending to go through a Mide Lodge (seeking help).

Debendaagozid means someone that belongs to a certain Drum.

SECTION 3.22 – COMMUNITY AFFAIRS LEAVE AND PARTICIPATION

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band encourage employees to participate, when appropriate and practical, in community service affairs for any charitable, religious, fraternal, or civic purposes. However, employee participation in such community activities must not adversely affect the employee's job performance, be detrimental to the Band's interests, or create a conflict of interest.

II. Policy

Time spent working on community affairs normally should be outside of the employee's working hours and, in such circumstance, will not be considered hours worked for pay purposes.

III. Procedure

In the event it is necessary, and the employee receives approval in advance from the Director, employees may use up to 40 hours per calendar year with pay for participation in community affairs. The Director will monitor the hours taken for community service activities.

Requests for leave should be submitted to the Director and will be evaluated and approved or denied based on several factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Time spent in community affairs at the Band government's request will be considered hours worked for pay purposes.

Employees Filing for Political Office:

Employees planning to campaign for, seek, or accept appointment to a public office must give prior notice of their intentions to the Director prior to public announcement or prior to filing for public office. The Director will review with the employee any requirements to avoid a conflict of interest and to maintain satisfactory attendance, effort, and performance standards. Employees engaging in political activities must do so as individuals on their own time and not as representatives of the Tribal Employment Rights Office or make any representation otherwise.

SECTION 3.23 – WORKERS’ COMPENSATION INSURANCE

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band provide a comprehensive Workers’ Compensation insurance program at no cost to employees.

II. Policy

This program covers any injury sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers’ Compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

III. Procedure

Employees who sustain work-related injuries or illnesses must inform the Director immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. An injured employee must submit to a post-accident drug and alcohol test immediately after notifying the Director. In the event of a positive drug and alcohol test, the Workers’ Compensation claim will be denied. In the event that an employee does not inform the Director immediately, the claim may be denied and disciplinary action may be taken.

Neither the Tribal Employment Rights Office, the Mille Lacs Band, nor the insurance carrier will be liable for the payment of Workers’ Compensation benefits for injuries that occur during an employee’s voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Mille Lacs Band.

PART 4 – ADMINISTRATION

SECTION 4.01 – PERFORMANCE EVALUATIONS

I. Purpose

This policy establishes when performance evaluations will be conducted for the Tribal Employment Rights Office.

II. Policy

The Tribal Employment Rights Office and employees are strongly encouraged to discuss job performance and goals regularly on an informal basis.

Formal performance evaluations should be conducted at or about the end of an employee's probationary period in any new position and thereafter following the performance evaluation schedule below.

Performance evaluations provide the Tribal Employment Rights Office and employees the opportunity to discuss job tasks, identify and correct deficiencies, encourage and recognize strengths, and discuss positive approaches for meeting the expectations of the position.

III. Procedure

Performance Evaluation Schedule:

- (1) A "90-Day Evaluation" is completed at the end of the employee's 90-day probationary period in any new position.
- (2) A "One-Year Evaluation" is completed at the end of the employee's first full year of employment in a position.
- (3) An "Annual Fiscal Year Evaluation" is conducted to bring an employee to the fiscal year cycle (example below). The initial evaluation to bring the employee to the fiscal year cycle is pro-rated. Each evaluation period thereafter will be October 1 to September 30 of each year unless the employee changes positions.

Annual Fiscal Year Evaluation Example:

If an employee's date of hire is 5/21/16, a 90-day evaluation should be completed on 8/21/16.

The one-year year evaluation should be completed for the period of 5/21/16 to 5/21/17.

The annual fiscal year evaluation should be completed for the period of 5/22/17 (day after the employee's one-year anniversary) to 9/30/17 (last day of fiscal year) and will be conducted yearly after that with the new October 1 to September 30 dates.

Note: The employee evaluation schedule will start over with a change of positions.

SECTION 4.02 – PROGRESSIVE DISCIPLINE

I. Purpose

The Tribal Employment Rights Office believes that its employees deserve fair treatment in any actions taken to resolve behavioral or performance problems.

II. Policy

In this regard, the Tribal Employment Rights Office strives to ensure that its employees receive prompt, uniform, and impartial treatment regarding any disciplinary issue. The major purpose of any disciplinary action is to correct the problem and to prevent recurrence of the issue.

III. Procedure

The Tribal Employment Rights Office will follow the steps set forth below with respect to most disciplinary problems. However, certain types of employee problems are serious enough to justify either a suspension or immediate termination of employment without going through the progressive discipline steps. *See* the Summary Dismissal section in this Manual. Therefore, any and all of the following steps may be bypassed, within the discretion of the Director, if (s)he deems the conduct serious enough or if circumstances exist which make the following steps impracticable.

- (1) Verbal Reprimand. The Director will orally explain the behavioral or performance problem to the employee. The Director will suggest solutions to the employee in order to remedy the behavioral or performance problem. At the conclusion of this meeting, the employee and the Director will sign a form noting the date, time, and the substance of this meeting. This form will be maintained by the Director for a period of six months and will not be maintained in the employee's personnel file.
- (2) Written Warning. If the behavior or performance that was the focus of the first-level meeting recurs, a written summary of the behavioral or performance problem shall be delivered to the employee. The written warning must state the Director's expectations for improvement and provide steps to be taken by the employee. Upon mailing or personal delivery of the written warning, the employee should acknowledge his or her receipt of the same on a form noting the date of receipt. The written warning will be maintained in the employee's personnel file.
- (3) Suspension Notice. If no improvement is shown or the conduct recurs following the above steps, the Director shall have the option to suspend the employee. The Director shall notify the employee in writing by mailing or personal delivery that (s)he is being suspended without pay for a period of one to five days. The length of the suspension shall be determined taking into consideration the nature and severity of the behavior or performance problem. A written suspension notice, which shall be mailed or personally delivered to the employee, should concisely state the specific reason(s) for the suspension and the dates of the suspension.

- (4) Termination Notice. If no improvement is shown or the conduct recurs following the above steps, the Director shall have the option to terminate the employee rather than suspend. Termination of an employee shall be determined taking into consideration the nature and severity of the behavior or performance problem. The Director shall notify the employee in writing by mailing or personal delivery that his or her employment is being terminated. The termination notice shall concisely state the specific reason(s) for the termination and the effective date of the termination.

Prior to processing any suspension or termination, the Director must first conduct an informal meeting with the employee to provide a general summary of the allegations supporting the contemplated disciplinary action and to provide the employee a meaningful opportunity to rebut the allegations. The length of the informal meeting shall depend upon the circumstances and the Director does not need to adhere to any prescribed procedure.

If a decision is made to suspend or terminate the employee, the Director shall immediately notify OMB of the effective dates of the suspension or termination.

In addition, the Director shall provide written documentation to the TERO Commission Chairman outlining the following (to the extent applicable):

- (1) The specific behavior or performance that resulted in the suspension and/or termination, including the dates on which such behavior or performance occurred (including, but not limited to, the date of the most recent incident) and any provisions of the Mille Lacs Band Personnel Policy that were violated; and
- (2) The previous disciplinary actions taken and any assistance offered to the employee to correct the behavior or performance that resulted in the suspension and/or termination, including, but not limited to:
 - (a) the time and date of the verbal warning meeting;
 - (b) the time and date of the written warning;
 - (c) the time and date of the Notice of Suspension and the date(s) of the suspension; and
 - (d) the time and date of the Notice of Termination and the effective date of termination.

SECTION 4.03 – EMPLOYMENT TERMINATION

I. Purpose

Termination of employment is an inevitable part of personnel activity within any organization and many of the reasons for termination are routine.

II. Policy

During the probationary period, or the first 90 days of employment, the Tribal Employment Rights Office has the right to terminate employment at will, which means with or without cause or for any reason.

III. Procedure

However, a regular full-time employee who accepts a transfer, promotion, or non-disciplinary demotion cannot be terminated at will during a subsequent probationary period associated with the new employment position.

Following the probationary period, an employee may be terminated only for “just cause.” The definition of just cause and the procedure for termination are set forth in this Manual.

SECTION 4.04 – SUMMARY DISMISSAL

I. Purpose

Termination of employment is an inevitable part of personnel activity within any organization and many of the reasons for termination are routine.

II. Policy

Under certain circumstances, an employee is subject to an immediate Summary Dismissal and is not entitled to progressive discipline.

III. Procedure

These special circumstances exist when the Director has proof or credible information that the employee has committed, or been convicted of, one of the following acts, or other acts of a similarly serious nature, while employed by the Band:

- (1) An offense against another person, including:
 - (a) Assault;
 - (b) Battery;
 - (c) Sexual assault;
 - (d) Acts or threats of violence of any kind;
 - (e) Endangerment of a child or vulnerable adult; and
 - (f) Behavior as defined in the Mille Lacs Band harassment and discrimination policy.
- (2) An offense against property, including:
 - (a) Theft (including embezzlement);
 - (b) Robbery;
 - (c) Unauthorized use of a work vehicle, to include driving without insurance;
 - (d) Burglary;
 - (e) Arson;
 - (f) Receiving stolen property; and
 - (g) Vandalism.

- (3) Alcohol related offenses, to include obtaining or providing alcohol to persons under the age of 21.
- (4) Controlled substances offenses, including:
 - (a) Possession of a controlled substance; and
 - (b) Sale of a controlled substance.
- (5) Miscellaneous other offenses, including:
 - (a) Forgery;
 - (b) Obtaining a signature by deception;
 - (c) Bribery;
 - (d) Criminal impersonation;
 - (e) Improper influence of official;
 - (f) Obstruction of Band administration;
 - (g) Obstruction of justice;
 - (h) Tampering with a public record;
 - (i) Falsification of documents;
 - (j) Participating in political activities during business hours;
 - (k) Using Band government property for political purposes during business hours;
 - (l) Using Band government staff and employees for political purposes during business hours;
 - (m) Disclosing confidential information to another without prior authorization; and
 - (n) Falsely reporting a crime.

An employee subject to Summary Dismissal may appeal the termination decision pursuant to the grievance procedure described in this Manual.

SECTION 4.05 – TERMINATION FOR JUST CAUSE

I. Purpose

Termination for just cause is an inevitable part of personnel activity within any organization and many of the reasons for termination are routine.

II. Policy

The reasons for “just cause” termination may include all infractions listed in the Summary Dismissal section, misconduct, performance problems, and other miscellaneous reason as outlined below. An employee has the right to appeal the termination decision as described in this Manual.

III. Procedure

- (1) Misconduct, including:
 - (a) Unexcused absence(s) from work;
 - (b) Repeated and unexcused tardiness;
 - (c) Abuse of the Band’s attendance or leave policies;
 - (d) Insubordination, e.g. not following the chain of command;
 - (e) Failure to carry liability insurance for a vehicle used for Band business;
 - (f) Operating a Band vehicle without a Minnesota driver’s license;
 - (g) Engaging in conduct in violation of the Tribal Employment Rights Office’s personnel policies (including, but not limited to, discrimination, harassment or retaliation);
 - (h) Disruptive behavior in the workplace;
 - (i) Gambling/gaming during work hours (work hours do not include unpaid meal breaks); and
 - (j) Any other intentional, negligent, or indifferent conduct on or off the job that demonstrates a violation of the standards of behavior the Tribal Employment Rights Office reasonably expects from its employees;
- (2) Performance Problems, including, but not limited to:
 - (a) Failure to follow orders or directions of the Director;
 - (b) Failure to perform work in an efficient, timely, and accurate manner;

- (c) Failure to perform satisfactorily on a consistent basis;
 - (d) Failure to comply with the terms of a grant or contract; and
 - (e) Failure to satisfactorily complete a performance improvement plan or comply with the terms of a written warning from the Director; and
- (3) Miscellaneous Problems, including:
- (a) Disrupting other Band programs;
 - (b) Conduct unbecoming an employee of the Tribal Employment Rights Office;
 - (c) Any civil or criminal conviction that reduces the employee's eligibility to perform his or her job; and
 - (d) Subsequent failure to satisfy an essential job requirement as explicitly stated on a job description approved by the TERO Commission.

SECTION 4.06 – ACCESS TO PERSONNEL FILES

I. Purpose

The Tribal Employment Rights Office and the Mille Lacs Band maintain a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases, and other employment records.

II. Policy

Personnel files are the property of the Tribal Employment Rights Office and the Mille Lacs Band. Access to the information contained within the personnel files is restricted. Generally, only the Director who has a legitimate reason to review information in a file is allowed to do so.

III. Procedure

An employee who wishes to review his or her file should inform Mille Lacs Band Human Resources in writing. Within seven working days of receipt of the written request, the requesting employee will be permitted to review his or her personnel file in the presence of Human Resources staff and within the Human Resources office. All employees are prohibited from removing their personnel files from the office.

Requests to review personnel files more than once every six months may be denied at the discretion of the Human Resources Director. No documents may be removed from an employee's personnel file by anyone other than the individual appointed by the employer to maintain the files. If an employee would like a copy of any document in his or her personnel file, the employee must request such a copy from the Human Resources staff. The requesting employee may be asked to reimburse the Mille Lacs Band for the cost at 25 cents per page.

If an employee disputes any information contained in his or her personnel file, the employee should first ask the Human Resources Director to revise or remove the disputed information. If the employee and employer cannot reach an agreement on revision or removal, the employee may submit a written position statement, no more than five pages in length, to be included along with the disputed information in the employee's personnel record.

Any employee who discloses confidential personnel information of any other employee to another shall be immediately terminated upon proof of same, according to the process outlined in this Manual.

SECTION 4.07 – POSTED POSITIONS

I. Purpose

In general, notices of all regular, full-time, and part-time job openings for the Tribal Employment Rights Office are posted. However, the Tribal Employment Rights Office reserves its discretionary right not to post a particular opening or not to reschedule interviews for applicants unable to make the originally scheduled day and time.

II. Policy

Job openings will be posted on the employee bulletin board and in the e-mail system. Each job posting notice will include the dates of the posting period, job title, grade level, essential duties, and qualifications (required skills and abilities).

III. Procedure

Employees who have a written warning on file within 90 days prior to application, or are on suspension, are not eligible to apply for posted jobs.

To apply for an open position, employees should complete an employment application and submit a cover letter and resume to Mille Lacs Band Human Resources, listing job-related skills and accomplishments. The application should also describe how the employee's current experience with the Mille Lacs Band and prior work experience and/or education qualifies the employee for the position.

SECTION 4.08 – EMPLOYEE TRANSFERS

I. Purpose

To apply for an open position, employees should complete an employment application and submit a cover letter and resume to Mille Lacs Band Human Resources, listing job-related skills and accomplishments. The application should also describe how the employee's current experience with the Tribal Employment Right Office and prior work experience and/or education qualifies the employee for the position.

II. Policy

If a regular full-time employee who has successfully completed a 90-day probationary period and who has not received a written warning or suspension within 90 days prior to applying for a posted position is hired for a posted position, the employee must serve a 90-day probationary period in the posted position for the purpose of performance evaluation, but will retain and be able to use employee benefits such as any accrued sick and annual leave and, if a Band Member employee, retain eligibility for all Band benefit/program services. A regular full-time employee who accepts a transfer, promotion, or non-disciplinary demotion cannot be terminated at-will during a subsequent probationary period associated with the new employment position.

III. Procedure

The position vacated as a result of an employee transfer will be posted by the Director.

Effective April 1, 2014, the Band government will accept an individual's time worked as a Mille Lacs Corporate Ventures (MLCV) non-gaming employee, Grand Casino Mille Lacs (GCML) or Grand Casino Hinckley (GCH) regular full-time or part-time employee when the individual resigns from the MLCV, GCML, or GCH and accepts employment with the Band government, provided that the transfer occurs within two weeks from when the offer of employment is made and there is no break in employment.

The transferred individual must have been in his or her MLCV, GCML, or GCH job for at least six months. The individual's time worked will count toward a subsequent probationary period with the new employment position.

SECTION 4.09 – REFERENCES

I. Purpose

The purpose of this policy is to provide verification of employment when requested.

II. Policy

Upon receipt, Human Resources will provide a written response to those requests for employment references submitted in writing.

III. Procedure

Human Resources will typically respond to such inquiries to confirm dates of employment, wage rates, and position(s) held. No other employment information will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

SECTION 4.10 – GRIEVANCE PROCEDURE

I. Purpose

The purpose of this policy is to provide for an employee’s right to grieve.

II. Policy

The Tribal Employment Rights Office, through the Mille Lacs Band, will adhere to the Band’s Grievance Procedure. An updated version of the Band’s Grievance Procedure may supersede this policy.

III. Procedure

The Tribal Employment Rights Office will extend to all employees the same Grievance Procedure that is contained within the Mille Lacs Band Personnel Policy and Procedures, which is incorporated herein by reference.

PART 5 – COMMISSION

SECTION 5.01 – OFFICER APPOINTMENT, TERMS, AND QUALIFICATIONS

I. Purpose

To provide guidance on the appointment of TERO Commission Members.

II. Policy

This policy identifies TERCO Commissioners officers and outlines their appointment process, terms, and required qualifications.

III. Procedure

The TERO Commission shall consist of appointed Commission Members.

At all times there shall be at least one Commission Member on the TERO Commission from each district.

Each Commission Member shall derive their authority as follows:

- (1) The Elected Officials shall each nominate two individuals and submit their names to the Mille Lacs Band Parliamentarian.
 - (a) The Chief Executive and the Secretary-Treasurer of the Band shall each nominate two additional individuals and submit their names to the Mille Lacs Band Parliamentarian.
 - (b) Within ten calendar days after receipt of the nominations, the Elected Officials shall convene and vote on one of the two nominees submitted from each Elected Official to be a Member of the Commission.
 - (c) Members appointed by the Chief Executive and the District I Representative shall serve until December 31, 2018. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.
 - (d) Members appointed by the Secretary-Treasurer, District II Representative, and District III Representative shall serve until December 31, 2020. Any subsequent appointment, other than to fill a vacancy that occurs prior to the end of a term, shall be for four years.
- (2) Commissioners shall be public officials subject to the Mille Lacs Band Ethics Code located in 6 MLBS §§ 1151–1163. At least three of the Commissioners

shall have qualifications that include education or experience in the following areas:

- (a) Human resources;
 - (b) Tribal employment rights;
 - (c) Construction management;
 - (d) Regulatory enforcement; or
 - (e) Auditing or investigations.
- (3) The TERO Commission Members shall select a Chair, Vice-Chair, and Secretary at the first meeting of the Commission and annually thereafter.
- (4) The Chair shall preside at all meetings of the Commission and shall be authorized to sign required documents in accordance with the powers of the Commission.

SECTION 5.02 – TRAINING

I. Purpose

The purpose of this policy is to outline training expectations for Commission Members.

II. Policy

Commission Members must attend at least one training seminar or course related to the Tribal Employment Rights Office per term. The Tribal Employment Rights Office will pay for these trainings as the budget permits.

III. Procedure

The Director is responsible to bring forward training opportunities to the TERO Commission.

Off-site trainings are subject to budget limitations.

Training opportunities for new Commission Members take priority over sitting Commission Members who have already attended one or more previous trainings.

It is expected that all trainings purchased for Commission Members must be attended in full. In full means that all sessions/courses/tracks will be attended for the entire duration of the training.

In the event that a Commission Member is unable to attend a training, the Commission Chair and Director should be notified as soon as possible so that arrangements can be cancelled or, if possible, transferred.

Commission Members who were unable to attend a scheduled training, or went to a scheduled training but did not attend in full, have the responsibility to report that information at the next TERO Commission meeting. The TERO Commission will vote on whether or not the cost of training will need to be paid back in part or in full.

All arrangements for training (travel, per diem, rooms, etc.) will be the responsibility of the Director through the Mille Lacs Band Travel Clerk.

TERO Commission travel is subject to policy #2.07 Business Travel Expenses.

As time permits, there will be training presentations to the TERO Commission on an ongoing basis and will be reflected in the TERO Commission minutes.

The Director is responsible for tracking all trainings attended for the TERO Commissioners.

The Director shall regularly share spending and tracking of all TERO Commissioner training at TERO Commission meetings.

SECTION 5.03 – ATTENDANCE AND PUNCTUALITY

I. Purpose

The purpose of this policy is to establish an attendance and punctuality expectation for Commission Members.

II. Policy

This policy is enacted to ensure Commission Member attendance and punctuality does not negatively affect the TERO Commission's ability to conduct meetings.

III. Procedure

Meetings require a quorum to conduct business and in order for Commission Members to be compensated.

Commission Members are required to make every effort to attend all scheduled meetings.

In the event that a Commission Member is unable to attend a meeting, the Commission Chair should be notified as soon as possible. If a conflict is communicated early enough, the TERO Commission can determine whether it is practical to reschedule the meeting.

Meetings missed with a 24-hour prior communication to the Commission Chair can be defined as "Excused" absences.

Meetings missed with less than a 24-hour notice or no notice will be defined as "Unexcused" absences.

The Commission Chair can deem an absence as "Excused" or "Unexcused". However, the Commission Chair reserves the right to bring the matter before the TERO Commission for a majority vote as needed.

Attendance and punctuality tracking will be shared with the TERO Commission on a regular basis by the Commission Chair.

Commission Members who have missed three consecutive meetings with "Unexcused" absences will be asked to resign their positions or, alternatively, the TERO Commission will follow the process to report misconduct.

Commission Members are required to be present for at least one-half of the duration of a TERO Commission meeting to collect compensation. At the next meeting, Commission Members will determine the rate of pay for all partially attended TERO Commission meetings.

Only with prior approval by the TERO Commission Chair may a Commission Member attend a meeting by phone. Commission Members can attend no more than six meetings per year by phone. Should a Commission Member be pre-approved to attend a meeting

by phone, the Commission Member will be counted as “present/remote” and compensated accordingly.

Commission Members who have more than six “Excused” and/or “Unexcused” absences from scheduled TERO Commission meetings in a rolling year will be asked to resign their positions or, alternatively, the TERO Commission will follow the process to report misconduct.

SECTION 5.04 – E-MAIL USE

I. Purpose

The purpose of this policy is to provide guidance for Commission Members when using e-mail.

II. Policy

This policy is designed to ensure that data privacy is strictly followed and to provide expectations for votes or approvals when it becomes necessary to do so by e-mail.

III. Procedure

Commission Members are required to have their own personal e-mail accounts to ensure TERO Commission electronic communications are kept private. Personal e-mail accounts are defined as those electronic e-mail systems for which only the Commission Members have access. For purposes of this procedure, work e-mail addresses are not considered personal.

All TERO Commission correspondence is intended for the eyes of Commission Members only. Information shared with others is considered a breach of data privacy and subject to rules of misconduct.

When votes or an approval for a matter is sought by e-mail, only Commission Members with personal accounts will be e-mailed. Depending on the urgency of the situation, the Commission Members may be contacted by an alternate method to ensure that the message is received.

It is the responsibility of Commission Members to provide and check their own personal accounts on a regular basis for matters to be resolved by e-mail. A lack of response will be considered an “Absent”.

Approval requests by e-mail are considered “Action Items” and require a majority vote. Final decisions will be shared at the following TERO Commission meeting for documentation.

SECTION 5.05 – WRITING AND APPROVING PROCEDURES

I. Purpose

To provide guidance for Commission Members when creating and approving procedures.

II. Policy

The TERO Commission shall approve all Tribal Employment Rights Office Operational, Personnel, and Commission policies and updates.

III. Procedure

The Tribal Employment Rights Office will write and submit Operational procedures for TERO Commission approval.

The TERO Commission or the Tribal Employment Rights Office will write all Personnel and TERO Commission policies.

Commission Members are allowed to request procedural creation or updates as they deem necessary.

Procedures will be shared with the TERO Commission as an “Action Item” and require a majority vote to approve.

In the interest of transparency and efficiency, the Director is responsible to outline the impact of pros and cons of policy implementation to the TERO Commission.

Voting outcomes will be reflected in the TERO Commission minutes.

SECTION 5.06 – VISITING OPERATIONS

I. Purpose

The TERO Commission offers oversight to the Tribal Employment Rights Office.

II. Policy

This policy is designed, in an effort to eliminate confusion, to offer guidance for Commission Members when visiting the Tribal Employment Rights Office or worksites.

III. Procedure

Commission Members wishing to visit the Tribal Employment Rights Office or a worksite will contact the Director and the Commission Chair by e-mail, text, or phone with the following visit request information:

- (1) Reason for the visit;
- (2) Date and time of the visit;
- (3) Approximate length of the visit; and
- (4) Any other pertinent information regarding the requested visit.

Personal interviews and/or conversations with staff or TERO workers can be confusing and concerning to employees and workers. These interviews and/or conversations should be kept to a minimum and only concluded with prior notification to the Director and TERO Commission Chair.

The Commission Member who visited the Tribal Employment Rights Office or a worksite will be expected to provide a detailed report regarding the visit at the next TERO Commission meeting.

Commission Members may request an Executive Session to discuss conclusions resulting from the visit after consulting with the Commission Chair and the Director.

Deviations from visits to the Tribal Employment Rights Office and/or worksites, such as conducting undisclosed personal interviews, etc., can be cause to follow the Reporting Misconduct procedure.

SECTION 5.07 – REPORTING MISCONDUCT

I. Purpose

To ensure compliance with MLBS Title 6 by providing direction for situations that warrant reporting misconduct.

II. Policy

Band officials should conduct themselves in a manner that does not discredit their positions, the Band, or the people the officials represent. It is the duty of all Mille Lacs Band officials to pursue and protect the best interests, needs, and welfare of the Band. It is the responsibility of all Mille Lacs Band officials and employees to report any violations of MLBS Title 6.

III. Procedure

Any employee who wishes to report an incident of misconduct by a Commission Member should promptly report the matter to the Director and the Commission Chair. If the incident involves the Commission Chair, then the employee should report the matter to the Director and the Commission Vice-Chair.

Any employee who becomes aware of possible misconduct by a Commission Member should promptly advise the Director.

Employees can raise concerns and make reports without fear of reprisal.

All reports will be investigated and brought forward in a timely and confidential manner. Ideally, reports of suspected misconduct should originate with the employee(s) who witnessed the incident; however, if that employee is uncomfortable filing the report, the Director can do so on behalf of the employee.

If, for any reason, the employee believes that the report of misconduct has not been appropriately addressed, the employee should refer the problem to the Office of the Solicitor General.

Reporting/Investigation Timeline:

- (1) Within ten days of receipt of the report of misconduct, the Director and Commission Chair will decide the merits of the report.
- (2) If the report is insufficient to merit a thorough investigation, this determination shall be communicated to the employee and the rest of the TERO Commission and the matter will be concluded.
- (3) However, if an investigation is merited, the Director and Commission Chair have up to 30 days to complete the investigation.

- (4) At the conclusion of the investigation and by the 30th day, the Director and Commission Chair shall share their findings with the TERO Commission in an Executive Session, not including the Commissioner in question. The TERO Commission shall by majority vote determine if the misconduct warrants a Joint Session for removal pursuant to MLBS Title 3.

If a determination has been made that there is reasonable cause to believe misconduct took place, a Letter of Misconduct regarding the incident will be written and sent to the Members of the Band Assembly, the Chief Executive, the Solicitor General, all Commission Members, and the Director for review. The letter will also include documentation and/or evidence regarding the incident. The Commission Member in question will receive a copy of the Letter of Misconduct at the time it is sent forward for resolution.

Next steps will be determined by Members of the Band Assembly and the Chief Executive, which could include disciplinary action up to and including removal.

PART 6 – ABBREVIATIONS AND ACRONYMS

“**AD&D**” means Accidental Death and Dismemberment.

“**ADA**” means the American with Disabilities Act.

“**APB**” means the Band’s Administrative Policy Board.

“**CFR**” means Code of Federal Regulations.

“**COBRA**” means the Consolidated Omnibus Budget Reconciliation Act.

“**EAP**” means Employee Assistance Program.

“**FMLA**” means the Family and Medical Leave Act.

“**GCH**” means Grand Casino Hinckley.

“**GCML**” means Grand Casino Mille Lacs.

“**HIPAA**” means the Health Insurance Portability and Accountability Act.

“**HR**” means Human Resources.

“**LTD**” means Long-Term Disability.

“**MLBS**” means Mille Lacs Band Statutes.

“**MLCV**” means Mille Lacs Corporate Ventures.

“**MRO**” means Medical Review Officer.

“**OMB**” means the Band’s Office of Management and Budget.

“**PBT**” means Portable Breathalyzer Test.

“**PCP**” means Phencyclidine.

“**PPAN**” means Personnel Payroll Action Notice.

“**SPD**” means a Summary Plan Description.

“**TERO**” means the Tribal Employment Rights Office.

“**THC**” means Tetrahydrocannabinol.

“USERRA” means the Uniformed Services Employment and Reemployment Rights Act.

PART 7 – APPROVAL

The TERO Commission does hereby certify that the foregoing Policies and Procedures Manual was duly concurred with and adopted at a regular session of the TERO Commission, a quorum of Commission Members being present, held on the ____ day of _____, 2021, by a vote of ____ FOR, ____ AGAINST, ____ SILENT.

IN WITNESS WHEREOF, we, the TERO Commission, hereunto cause to have set the signature of the TERO Commission Chairman be affixed to this Policies and Procedures Manual.

Cheryl A. Miller, TERO Commission Chair