

Act 60-23

An Act amending section 1 of Title 6 to adopt a revised Personnel Policy and Procedures Manual.

This bill reflects the compromise between the Chief Executive and the Band Assembly on vetoed Act 51-23.

The District I, II, and III Representative introduced the following Bill on 6th day of September, 2023.

BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:

Section 1. Amending 6 MLBS § 1.

§ 1. Adoption and Amendment of Personnel Policy and Procedures Manual.

- (a) The Mille Lacs Band of Ojibwe Personnel Policy and Procedures Manual dated January 6, 2010, is hereby adopted and made applicable to all employees of the Mille Lacs Band of Ojibwe and its agencies and subdivisions except as provided in section 2 of this Chapter 1. Hereafter, it shall be the duty of the Human Resources Department~~Employment Law Specialist~~, Commissioner of Administration, Assistant Commissioner of Administration, and Solicitor General's Office, in consultation with ~~and~~ Legislative Counsel to ensure that the MLBO Band's Personnel Policy and Procedures Manual is amended on an annual basis or, as needed, to comply with federal and Band law and Band policy. Such amended Personnel Policy and Procedures Manual shall be approved by duly enacted legislation of the Band Assembly prior to implementation.
- (b) The Mille Lacs Band of Ojibwe (~~MLBO~~) Personnel Policies and Procedures Manual, as amended and approved on ~~January 15~~ September 6, 2022~~2023~~, are hereby adopted. A copy of ~~said~~ the revised Personnel Policies and Procedures Manual ~~is~~ shall be attached as Exhibit A to Band Ordinance 21-22 ~~the Act which is enacting it.~~ as Exhibit A.

EFFECTIVE DATE. This bill shall take effect immediately upon signature by the Chief Executive, or lack of a veto, as provided in 3 MLBS § 17.

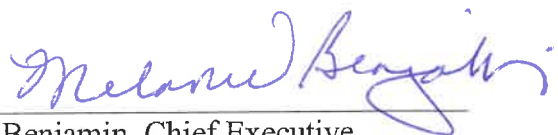
Act 60-23
(Band Assembly Bill 20-04-60-23)

Introduced to the Band Assembly on this
Sixth day of September in the year
Two thousand twenty-three.

Passed by the Band Assembly on this
Sixth day of September in the year
Two thousand twenty-three.


Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: September 6, 2023 
Melanie Benjamin, Chief Executive

OFFICIAL SEAL OF THE BAND





Mille Lacs Band of Ojibwe Personnel Policy and Procedures

Initial Effective Date: 1/06/10
Date of Amendment: ~~4/12/22~~
Amendment History- page 108

1

2

TABLE OF CONTENTS

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

[WELCOME AND INTRODUCTION](#) 4

[Welcome New Employee!](#) 4

[Introductory Statement](#) 5

[Mission Statement](#) 6

[Organization Description](#) 7

[Employee Acknowledgement Form](#) 8

[EQUAL EMPLOYMENT OPPORTUNITY](#) 9

[Equal Employment Opportunity](#) 9

[American Indian Preference](#) 10

[Disability Accommodation](#) 11

[Immigration Law Compliance](#) 12

[EMPLOYMENT CLASSIFICATIONS](#) 13

[BUSINESS ETHICS](#) 15

[Business Ethics and Conduct](#) 15

[Hiring of Relatives](#) 16

[Conflicts of Interest](#) 17

[Outside Employment](#) 18

[Official Employee Address and Legal Notice](#) 19

[Truthfulness in Employment Application](#) 20

[Business Travel Expenses](#) 21

[Use of Phone, Cell Phones and Mail Systems](#) 23

[Computer and E-mail Usage](#) 24

[Internet Usage](#) 25

[Workplace Monitoring](#) 26

[Automobile Usage and Maintenance](#) 27

[Employee Conduct and Work Rules](#) 29

[Recycling](#) 30

[Unauthorized Solicitation](#) 31

[NONDISCLOSURE OF CONFIDENTIAL INFORMATION](#) 32

[ATTENDANCE AND PUNCTUALITY](#) 33

[PROFESSIONAL APPEARANCE AND CONDUCT](#) 34

[Personal Appearance and Dress](#) 34

[Smoking](#) 36

[EMPLOYEE BENEFITS](#) 37

39	Employee Benefits	37
40	Benefits Continuation (COBRA)	38
41	Health Insurance	39
42	Life Insurance	40
43	Short-Term Disability	41
44	Long-Term Disability	42
45	401(k) Retirement Savings Plan	43
46	ABSENCE AND LEAVE	44
47	Annual Leave	44
48	Time with Child and Illness of Child	46
49	Holidays	47
50	Sick Leave	48
51	Time Off to Vote	50
52	Funeral Leave	51
53	Jury Duty	52
54	Medical Leave	53
55	Family Leave	55
56	Personal Leave	57
57	Educational Leave	58
58	Military Leave	59
59	Leave for Military Families	60
60	Anishinaabe Leave	61
61	Community Affairs Leave and Participation	63
62	PAY POLICIES	64
63	Paydays	64
64	Rest Breaks	65
65	Meal Breaks	66
66	Timekeeping	67
67	Overtime	68
68	HARRASSMENT AND DISCRIMINATION	69
69	PERFORMANCE MANAGEMENT	70
70	Performance Evaluation	70
71	Progressive Discipline (Opportunity to Correct Job Performance)	71
72	GRIEVANCE PROCEDURE	75 73
73	1. Generally	75 73
74	2. Grievance and Appeal of Disciplinary Action	76 74
75	TERMINATION	78 76
76	Employment Termination	78 76

77	<u>Summary Dismissal</u>	<u>7977</u>
78	<u>Termination for Just Cause</u>	<u>8179</u>
79	<u>Access to Personnel Files</u>	<u>8280</u>
80	<u>PROMOTION ADVANCEMENT</u>	<u>8384</u>
81	<u>Posted Positions</u>	<u>8384</u>
82	<u>DRUGS AND ALCOHOL</u>	<u>8684</u>
83	<u>EMPLOYEE ASSISTANCE PROGRAM</u>	<u>10095</u>
84	<u>WORKERS' COMPENSATION</u>	<u>10196</u>
85	<u>Workers' Compensation Insurance</u>	<u>10196</u>
86	<u>Safety</u>	<u>10297</u>
87	<u>WORKPLACE VIOLENCE</u>	<u>10398</u>
88	<u>EMERGENCY CLOSINGS</u>	<u>10499</u>
89	<u>RETURN OF PROPERTY</u>	<u>105400</u>
90	<u>RESIGNATION</u>	<u>106401</u>
91	<u>REEMPLOYMENT</u>	<u>107402</u>
92	<u>REFERENCES</u>	<u>108403</u>
93		
94		

WELCOME AND INTRODUCTION

95

96

97 ***Welcome New Employee!***

98 On behalf of the Mille Lacs Band of Ojibwe, I welcome you as a new employee
99 and wish you every success during your employment with us. The Mille Lacs Band
100 believes that each employee contributes directly to the Band's growth and success, and we
101 hope you will take pride in being a member of our team.

102 This policy and procedures manual describes the expectations of a Mille Lacs Band
103 employee and outlines the policies, programs and benefits available to eligible employees.
104 Employees should familiarize themselves with the contents of the policy and procedures
105 manual as soon as possible, for it will answer many questions about employment with the
106 Mille Lacs Band of Ojibwe.

107 We hope that your experience here will be challenging, enjoyable and rewarding.
108 Again, welcome!

109 Sincerely,

110

111

112 **Introductory Statement**

113 **Section 1.** This policy and procedures manual or handbook is designed to acquaint you
114 with the Mille Lacs Band of Ojibwe and provide you with information about working
115 conditions, employee benefits and some of the policies affecting your employment. You
116 should read, understand and comply with all provisions of the handbook. It describes many
117 of your responsibilities as an employee or supervisor and outlines the programs developed
118 by the Mille Lacs Band to benefit employees. One of our objectives is to provide a work
119 environment that is conducive to both personal and professional growth. No policy and
120 procedures handbook can anticipate every circumstance or question about policy. As the
121 Mille Lacs Band continues to grow, the Mille Lacs Band of Ojibwe reserves the right to
122 revise, supplement or rescind any policies or portion of this handbook as it deems
123 appropriate, in compliance with 6 MLBSA § 1. Employees will be notified of such changes
124 to the handbook as soon as it is feasible.

125 **Section 2.** The Mille Lacs Band of Ojibwe Personnel Policy and Procedures Manual
126 applies to all Mille Lacs Band employees except the following are specifically exempt:

- 127 (1) Chief Executive;
- 128 (2) Secretary-Treasurer/Speaker of the Assembly;
- 129 (3) District Representatives;
- 130 (4) Elected members of the Nay Ah Shing School Board when acting in their
131 official capacity;
- 132 (5) Employees of the Corporate Commission and its subsidiaries;
- 133 (6) Employees of the Gaming Regulatory Authority;
- 134 (7) Employees of the MLBO Police Department, except the administrative staff
135 working within this department are not exempt;
- 136 (8) Department of Natural Resources (DNR) enforcement staff when he/she is
137 assisting the MLBO Police Department; and
- 138 (9) Employees hired under contract for a particular purpose.

139 **Section 3.** Appointed officials of the Band are subject to all provisions in the MLBO
140 Personnel Policy and Procedures Manual except to the extent those provisions conflict with
141 other applicable provisions of Band law.

142 **Section 4.** According to 9 MLBSA sec. 6, elected Nay Ah Shing School Board Members
143 are subject to removal from office as determined by 3 MLBSA sec. 25.

144 **Effective date: March 6, 2014**

145

147 **Mission Statement**

148 We, the Mille Lacs Band of Ojibwe, shall safe-guard the future and security of our
149 children, respect the traditional teachings and cultural values of our elders, promote the
150 spiritual, physical, social and mental well-being of our Communities, and protect, develop
151 and enhance our natural resources and educational and economic opportunities by
152 exercising and protecting our inherent sovereign and treaty-guaranteed rights as a unified,
153 self-sufficient, self-governing nation.

154

155 **Organization Description**

156 Organizational Structure: As a sovereign nation, the Mille Lacs Band of Ojibwe has the
157 authority and responsibility to govern its people and land. To ensure it makes the best
158 possible decisions, the Mille Lacs Band of Ojibwe has developed a tribal government based
159 on a separation of powers composed of the Executive, Legislative and Judicial Branches.

160 The *Executive Branch* is under the authority of the Chief Executive of the Band.
161 The Chief Executive has the authority to exercise the executive powers of Band
162 government. 3 MLBSA § 6. There are also executive officers who assist the Chief
163 Executive who are delegated with certain authority in a specific subject area. The executive
164 officers are the Commissioner of Administration, Assistant Commissioner of
165 Administration, Commissioner of Natural Resources, Commissioner of Education,
166 Commissioner of Corporate Affairs, the Commissioner of Health & Human Services, and
167 the Commissioner of Community Development.

168 One of the most important duties of the Executive Branch of government is the
169 running of the program services available to Mille Lacs Band of Ojibwe members. This
170 branch of government is also responsible for executing the laws of the Band.

171 The Office of the Solicitor General, and the Tribal Police Department and Band
172 Member Legal Aid are located within the Department of Justice (“DOJ”). The DOJ is
173 located within the Executive Branch of government. 24 MLBSA § 1051. Band Member
174 Legal services is an independent entity.

175 The *Legislative Branch* is composed of the Secretary-Treasurer and three District
176 Representatives. These four elected officials form the body known as the Band Assembly,
177 with the Secretary-Treasurer serving as the Speaker of the Assembly. Besides the elected
178 officials, the Legislative Branch includes a Parliamentarian who also acts as Clerk of the
179 Band Assembly; a Legislative attorney and Legislative staff. This branch also includes the
180 Office of Management and Budget, headed by the Commissioner of Finance. This branch
181 of government is responsible for creating the laws and maintaining the financial integrity
182 of the Band.

183 The *Judicial Branch* is composed of one District Court Judge who is nominated by
184 the Chief Executive and confirmed by the Band Assembly. The Court of Appeals is
185 composed of one Chief Justice and two Associate Justices; these three judges each
186 represent one of the Band districts. All judges serve a term of six years. The justices are
187 assisted by a Court Administrator, Court Clerk, Bailiff, staff attorney and other judicial
188 staff.

189 **The History of Mille Lacs Band of Ojibwe Indians**

190 The Mille Lacs Band of Ojibwe is a sovereign Indian nation and has been
191 recognized as such by the United States in treaties, statutes, agreements and executive and
192 judicial actions since at least 1825. The Mille Lacs Band of Ojibwe community remains
193 strong in its culture, language and tribal traditions.

194

195 **Employee Acknowledgement Form**

196

197 The MLBO Personnel Policy and Procedures manual describes important
198 information about employment with the Mille Lacs Band of Ojibwe. I understand that I
199 should consult the Human Resources Department regarding any questions not answered in
200 the manual. I have entered into my employment relationship with the Mille Lacs Band
201 voluntarily and acknowledge that I have not been guaranteed or promised a specified length
202 of employment.

203 Since the information, policies and benefits described herein are necessarily subject to
204 change, I acknowledge that revisions to the manual may occur. I understand that
205 revisions may supersede, modify or eliminate existing policies.

206 The Adoption and Amendment of the Mille Lacs Band Personnel Policy and Procedures
207 Manual is codified in Mille Lacs Band Statutes Annotated (MLBSA) at Title 6 §1. The
208 Mille Lacs Band of Ojibwe has the statutory duty to amend the policies in this manual as
209 needed. Such amendments are approved upon enactment by Band Assembly prior to
210 implementation. The enactment may specify an effective date of any or all such
211 amendments.

212

213 Furthermore, I acknowledge that this manual is not a contract. I have received the
214 manual, and I understand that it is my responsibility to read and comply with the policies
215 contained in this manual and any revisions made to it. I understand that each manual is the
216 property of the Mille Lacs Band of Ojibwe and I agree to return the manual upon the
217 conclusion of my employment.

218

219 EMPLOYEE'S NAME (printed): _____

220

221 EMPLOYEE'S SIGNATURE: _____

222

223 DATE: _____

224

225

226

EQUAL EMPLOYMENT OPPORTUNITY

227 *Equal Employment Opportunity*

228 In order to provide equal employment and advancement opportunities to all
 229 individuals, employment decisions at the Mille Lacs Band of Ojibwe will be based on
 230 merit, qualifications and abilities. The Mille Lacs Band does not discriminate in
 231 employment opportunities or practices on the basis of race, color, religion, sex, national
 232 origin, age, disability, sexual orientation or any other characteristic protected by federal or
 233 state law, although the Band does provide American Indian preference, as described in the
 234 next section of this Manual. The Mille Lacs Band’s non-discrimination policies govern all
 235 aspects of employment including: selection; job assignment; compensation; discipline;
 236 termination; and access to benefits and training.

237 Any employees with questions or concerns about any type of discrimination in the
 238 workplace should bring these issues to the attention of their immediate supervisor. If
 239 reporting discrimination to the immediate supervisor is not an option, the employee should
 240 bring the concern or complaint to the attention of the Human Resources Director
 241 immediately. Employees can raise concerns and make reports without fear of retaliation.
 242 Anyone found to be engaging in any type of unlawful discrimination or retaliation will be
 243 subject to disciplinary action, up to and including termination of employment.

244

245 ***American Indian Preference***

246 The Mille Lac Band of Ojibwe recognizes American Indian preference, but gives
247 its highest preference to Mille Lacs Band Members. This preference applies to
248 employment recruitment, hiring, promotions, training and development.

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

251 (1) Band members, defined as enrolled members of the Mille Lacs Band of Ojibwe
252 Indians;

253 (2) Other Indians, defined as enrolled members of any other federally recognized
254 tribe; and

255 (3) All others.

256

257 ***Disability Accommodation***

258 The Mille Lacs Band of Ojibwe is committed to complying fully with the
259 Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for
260 qualified persons with disabilities. Reasonable accommodation is available for all
261 qualified disabled employees if such reasonable accommodation would enable the
262 employee to perform the essential functions of the position and not create an undue
263 hardship for the Mille Lacs Band.
264
265

266 ***Immigration Law Compliance***

267 The Mille Lacs Band of Ojibwe is committed to the employment of United States
268 citizens and aliens who are authorized to work in the United States. The Mille Lacs Band
269 does not unlawfully discriminate on the basis of citizenship or national origin.

270 In compliance with the Federal Immigration law, each new employee, as a
271 condition of employment, must complete the Employment Eligibility Verification Form (I-
272 9) and present documentation establishing identity and employment eligibility. Former
273 employees who are rehired must also complete the form if they have not completed an I-9
274 with the Mille Lacs Band within the past three (3) years or if their previous I-9 is no longer
275 retained or valid.

276

277

EMPLOYMENT CLASSIFICATIONS

278

279

280

281

It is the intent of the Mille Lacs Band of Ojibwe (MLBO) 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.

282

283

284

285

286

287

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 the employee’s regular rate of pay for all hours worked over forty (40) hours within the work week. EXEMPT employees are excluded from specific provisions of federal wage and hour laws, including overtime pay. Please see Human Resources if you have questions about your exempt or nonexempt status.

288

289

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

290

291

292

293

294

295

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

296

297

298

299

300

PART-TIME employees are those who are not in a temporary or introductory (probationary) status and who are regularly scheduled to work less than thirty-two (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 MLBO benefit programs.

301

302

303

304

305

306

307

308

309

310

311

312

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 MLBO government is appropriate. The probationary period, during which time performance is being evaluated, is generally 90 calendar days. However, the probationary period can, at the Band’s discretion and based on performance concerns, be extended up to one year. During the probationary period, either the probationary employee or the Mille Lacs Band 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.

313

314

315

316

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. While temporary employees receive all legally mandated benefits (e.g. Social Security, Workers’ Compensation and Unemployment

317 Insurance), they are ineligible for all other MLBO benefit programs. It is not the intention
318 of this policy to allow the temporary hire of an individual for more than four (4) months.

319 ON-CALL ~~or LABOR POOL~~ employees are those who have established an
320 employment relationship with the MLBO, but who are assigned to work on an intermittent
321 or irregular basis. While they are able to earn credit for Social Security, they are ineligible
322 for Unemployment Insurance and other MLBO benefit programs.

323

324 Temporary/On-Call ~~and Labor Pool~~ employees are subject to the Mille Lacs Band
325 of Ojibwe pre-employment Alcohol & Drug testing policy and background check
326 requirements.

327

328

BUSINESS ETHICS

329 ***Business Ethics and Conduct***

330 The Mille Lacs Band’s reputation for integrity and excellence requires careful
331 observance of the spirit and letter of all applicable laws and regulations, as well as a
332 scrupulous regard for the highest standards of conduct and personal integrity.

333 All employees owe a duty to the Mille Lacs Band, Band members and other
334 employees to act in a way that will merit the continued trust and confidence of the public.

335 The Mille Lacs Band will comply with all applicable laws and regulations and
336 expects its Commissioners, Directors, Officers and employees to conduct business in
337 accordance with the letter, spirit and intent of all relevant laws and to refrain from any
338 illegal, dishonest or unethical conduct.

339 In general, use of good judgment, based on high ethical principles, will guide you
340 in regard to lines of acceptable conduct. If a situation arises where it is difficult to
341 determine the proper course of action, the matter should be discussed openly with your
342 immediate supervisor and, if necessary, with Human Resources for advice, consultation
343 and/or mediation.

344 Compliance with this policy of business ethics and conduct is the responsibility of
345 every Mille Lacs Band employee. Disregarding or failing to comply with this standard of
346 business ethics and conduct could lead to disciplinary action, up to and including
347 termination of employment.

348

349 ***Hiring of Relatives***

350 Because the employment of family members in the same area of an organization
351 could lead to conflicts in the workplace, family members of persons currently employed
352 by the Mille Lacs Band may be hired only if:

353 ***They will not be working directly for or supervising a family member; and***

354 ***They will not be working directly above the family member's immediate superior or***
355 ***directly for the family member's immediate subordinate.***

356 Mille Lacs Band employees should not be transferred into a direct reporting
357 relationship with family members absent special circumstances. If the family relationship
358 between direct reports is established after employment, the individuals concerned will
359 mutually recommend, subject to Band approval, which person is to be transferred. If the
360 parties cannot agree upon the transfer, or the Band cannot accommodate the parties'
361 decision for any reason, the Band will have the authority to make any personnel decisions
362 to avoid the direct reporting relationship of family members. If it is not possible to transfer
363 either party to an available position, the Band has the right to terminate one of the parties
364 without following the progressive discipline policy in this Manual. For the purposes of
365 this paragraph, "Band" shall be defined as the Commissioner or Elected Official
366 responsible for oversight of the conflicted employees.

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

369 *See 6 MLBSA § 1157(g).*

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

373

374

375 **Conflicts of Interest**

376 Employees have an obligation to conduct business within guidelines that prohibit
377 actual or potential conflicts of interest or the appearance of a conflict. An actual or
378 potential conflict of interest occurs when an employee is in a position to influence a
379 decision that may result in a personal gain for that employee or for a relative as a result of
380 Mille Lacs Band's business dealings. For the purposes of this policy, a relative or family
381 member is defined as the employee's spouse, biological or adopted child, members of the
382 same household, or the mother, father, sister, or brother of the employee.

383 Transactions with outside firms must be conducted according to the Band's
384 Procurement Law. See 7 MLBSA §§ 1-36. Personal gain may result not only in cases
385 where an employee or relative has a significant ownership in a firm that the Mille Lacs
386 Band does business with, but also when an employee or relative receives any kickback,
387 bribe, gift or special consideration as a result of any transaction or business dealings
388 involving the Mille Lacs Band.

389 Any questions about possible conflicts of interest should be immediately directed
390 to Human Resources or to the Office of the Solicitor General.

391

392 ***Outside Employment***

393 Employees may hold outside jobs as long as the employees meet the scheduling
394 demands and performance standards of their job with the Mille Lacs Band and the outside
395 employment does not create a potential or actual conflict of interest. However, an
396 employee may not hold two (2) full-time jobs with the Mille Lacs Band, including any
397 entity of the Mille Lacs Band. Part-time employment or service on a Board while employed
398 full-time with the Mille Lacs Band government is permissible.

399 If the Mille Lacs Band determines that an employee's outside work interferes with
400 the ability to meet the requirements of the position with the Mille Lacs Band, the employee
401 may be asked to terminate the outside employment if he or she wishes to remain employed
402 with the Mille Lacs Band.

403

404 ***Official Employee Address and Legal Notice***

405 All employees are solely responsible for maintaining their current mailing address
406 with Human Resources upon approved forms. An employee must update his or her mailing
407 address within five (5) calendar days of any permanent change. The Band shall adopt a
408 version of the traditional mailbox rule. The Band shall presume receipt of official
409 documents sent by regular mail to an employee’s recorded mailing address.

410
411 The calculation of all timeframes within this manual that permit the mailing of a
412 written notice shall begin one (1) calendar day after mailing, which shall presumptively
413 correspond with the date of the most recent signature appearing on the notice. An employee
414 may only rebut this presumption by presenting the envelope that contained the actual
415 notice, clearly bearing a different postmark. In the latter instance, the calculation of the
416 timeframe shall begin one (1) calendar day after the date of the postmark.

417
418 If the employer provides written notice by personal delivery, then the calculation
419 of the associated timeframe shall begin on the day of receipt of personal service.

420
421

422 ***Truthfulness in Employment Application***

423 The Mille Lacs Band of Ojibwe relies upon the accuracy of information contained
424 in the employment application, as well as the accuracy of other data presented throughout
425 the hiring process and employment. Any misrepresentations, falsifications or material
426 omissions in any of this information or data may result in the exclusion of the individual
427 from further consideration for employment or if the person has been hired, termination of
428 employment.

429

430

431 ***Business Travel Expenses***

432 The Mille Lacs Band will reimburse employees for reasonable business travel
433 expenses incurred while on assignments away from the normal work location. All business
434 travel must be approved in advance by the immediate supervisor and the department head.

435 Employees whose travel plans have been approved should make all travel
436 arrangements through the Mille Lacs Band’s Travel Clerk, or through the individual within
437 their respective department designated to handle this responsibility.

438 When approved, the actual costs of travel, including non-discriminatory state taxes,
439 meals, lodging and other expenses directly related to accomplishing business travel
440 objectives will be reimbursed by the Mille Lacs Band according to the Federal regulations
441 for reimbursement provided that the employee submits travel reports and accompanying
442 receipts within seven (7) business days. Employees are expected to limit expenses to
443 reasonable amounts.

444 Expenses that generally will be reimbursed include the following:

445

- 446 • Airfare or train fare for travel in coach or economy class or the lowest available
447 fare, including the cost of one checked bag per flight weighing under 50 lbs.
- 448 • Car rental fees, only for compact or mid-sized cars when necessary.
- 449 • Fares for shuttle, airport bus service, taxi fares, where available; cost of public
450 transportation for other ground travel.
- 451 • Mileage costs for use of personal cars, only when less expensive transportation is
452 not available subject to pre-approval by Department Commissioner. All drivers
453 must have a valid driver’s license. Further, any driver whose license privilege is
454 suspended or revoked is not eligible for reimbursement of mileage from the date
455 of suspension or revocation.
- 456 • If employees are carpooling to the same training, only one employee may submit
457 for mileage cost reimbursement.
- 458 • Cost of standard accommodations in low to mid-priced hotels, motels, or similar
459 lodgings based on the federal per diem rate, unless otherwise approved.
- 460 • Cost of meals, according to the federal per diem rate.
- 461 • Tips not exceeding 18% of the total cost of a meal or 10% of a taxi fare.

462

463 Employees who are involved in an accident while traveling on business must
464 promptly report the incident to their immediate supervisor. Vehicles owned, leased or
465 rented by the Mille Lacs Band may not be used for personal use without prior approval.

466 Per diem advances are issued to cover reasonable anticipated expenses after travel
467 has been approved and proper forms are completed.

468 With prior approval, employees on business travel may be accompanied by a family
469 member or friend, when the presence of a companion will not interfere with successful
470 completion of business objectives. The cost of travel and related expenses for a travel
471 companion shall not be paid for by the Mille Lacs Band. Generally, employees are also

472 permitted to combine personal travel with business travel, as long as time away from work
473 is approved. Additional expenses arising from such non-business travel are the
474 responsibility of the employee.

475 Abuse of this business travel expense policy, including falsifying expense reports
476 to reflect costs not incurred by the employee or not proper for reimbursement, is grounds
477 for disciplinary action, up to and including termination of employment. Expenses owed to
478 the Band must be immediately repaid by the employee.

479

480 ***Use of Phone and Mail Systems***

481 Personal use of office telephones for outgoing long distance calls is not permitted
482 except for emergency purposes. Employees may be required to reimburse the Mille Lacs
483 Band for any charges resulting from their personal use of the office telephone.

484 The use of Mille Lacs Band stationery and paid postage for personal
485 correspondence is not permitted.

486 ***CELL PHONE SAFETY***

487
488 Cell phones may not be used for personal or business use while driving a Band owned
489 vehicle. This ban on use while driving includes receiving or placing calls, text messaging,
490 surfing the internet, receiving or responding to email, checking for receipt of messages or
491 any other unsafe use of cell phones while driving.

492
493 If you are driving a Band owned vehicle on company business, you are required to stop in
494 a safe location before proceeding to use any cell phone.

495
496 This ban on the unsafe use of cell phones includes any personal cell phone while driving a
497 Band owned vehicle and any government supplied cell phone while on company business
498 and driving your personal vehicle.

499
500 Employees who violate this policy against unsafe cell phone use will be subject to
501 disciplinary action.

502
503 The Band's DNR Conservation Officers are exempt from this cell phone safety rule if they
504 are using a cell phone for work related to his or her duties as a conservation officer.

505 **Computer and E-mail Usage**

506 Computers, computer files, the e-mail system, and software furnished to employees
507 are Mille Lacs Band property intended for business use. Employees should not use a
508 password, access a file or retrieve any stored communication without authorization. To
509 ensure compliance with this policy, computer and e-mail usage may be monitored and
510 employees should have no expectation of privacy.

511 The Mille Lacs Band strives to maintain a workplace free of harassment and one
512 that is sensitive to the diversity of its employees. Therefore, the Mille Lacs Band prohibits
513 the use of computers and the e-mail system in ways that are disruptive, offensive to others
514 or harmful to morale. For example, the display or transmission of sexually explicit images,
515 messages and cartoons is not allowed. Other such misuse includes, but is not limited to,
516 ethnic slurs, racial comments, distasteful jokes or anything that could be construed as
517 harassment or showing disrespect for others.

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

521 The Mille Lacs Band purchases and licenses the use of various computer software
522 for business purposes and does not own the copyright to this software or its related
523 documentation. Unless authorized by the software developer, the Mille Lacs Band does
524 not have the right to reproduce such software for use on more than one computer. The
525 Mille Lacs Band prohibits the duplication of software and its related documentation. The
526 unauthorized installation of software on the computers and laptops owned by the Mille
527 Lacs Band is also prohibited.

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

532

533 ***Internet Usage***

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

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

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

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

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

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

565 Abuse of the internet access provided by the Mille Lacs Band in violation of law
566 or the Mille Lacs Band policies will result in disciplinary action, up to and including
567 termination of employment.

568

569 ***Workplace Monitoring***

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

573 A supervisor can request access to information gathered through workplace
574 monitoring only in situations where it is necessary to make a factual determination in an
575 employment action and there is a dispute about the facts that might be resolved by
576 reviewing the workplace monitoring. Access will be granted unless there is an ongoing
577 investigation or another legitimate business reason to protect confidentiality.

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

580

581 ***Automobile Usage and Maintenance***

582 Vehicles which are essential in accomplishing job duties are expensive and may be
583 difficult to replace. When using Band vehicles, employees are expected to exercise care,
584 and follow all operating instructions, safety standards and guidelines. In addition,
585 employees will normally use their own car for Band business in accordance with the
586 guidelines below.

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

596 Employees are not permitted to use Band vehicles for non-business purposes.

597 Time spent by an employee in driving a Band or personal automobile on Band
598 business during normal working hours is to be considered hours worked for pay purposes.

599 Employees who drive a vehicle while on Band business are required to use a seat
600 belt and shoulder harness. This also applies to passengers riding in the same vehicles. It
601 is the employee's responsibility to ensure that seat belts and shoulder harnesses are utilized.

602 Smoking is not permitted in any Band owned vehicle.

603 Personal Vehicle Use:

604
605 Employees who use their personal car for Band purposes will receive a mileage
606 allowance, as prescribed in the Office of Management and Budget (OMB) travel policies,
607 for such usage. This allowance covers the cost of gasoline, oil, depreciation and insurance.

608 Employees must receive prior approval from Department Supervisor to use their
609 personal vehicle for Band Business. Damages occurring as a result of an accident are the
610 responsibility of the employee and must be submitted to the owner's auto insurance.

611 Claims for mileage allowance and reimbursement must be approved by the
612 employee's department head and submitted to the Office of Management and Budget for
613 payment. Mileage reimbursement is subject to the policies of the Office of Management
614 and Budget.

615 Maintenance:

616
617 Employees using Band vehicles are responsible for proper maintenance and must
618 report any malfunctions or maintenance requirements to the supervisor.

620 Accident Reporting – General Rule:

621

622 Employees must report to their supervisor any accidents, regardless of the extent of
623 damage or lack of injuries, involving Band vehicles or a personal vehicle used on Band
624 business. Such reports must be made as soon as possible, but no later than the next business
625 day after the accident. The employee’s supervisor must report such incident on the next
626 business day to Human Resources and to the Commissioner of Finance, if a Band vehicle
627 is involved.

628 Accident reporting and investigating are key components to the safety and health
629 of the Mille Lacs Band employees. Accidents or injuries must be reported to your
630 supervisor as soon as possible, but no later than the next business day after the incident.
631 Unreported accidents, injuries or leaving the scene of an accident will not be tolerated and
632 may result in disciplinary action.

633

634

635 ***Employee Conduct and Work Rules***

636 To ensure orderly operations and provide the best possible work environment, the
637 Mille Lacs Band expects employees to follow rules of conduct that will protect the interests
638 and safety of all employees and the organization.

639 All employees are expected to conduct themselves and behave in a manner which
640 is conducive to the efficient operation of the Band and to comply with all Band policies.

641 It is not possible to list all the forms of behavior that are considered unacceptable
642 in the workplace. Examples of infractions of rules of conduct that may result in disciplinary
643 action include, but are not limited to, the following:

- 644 * Theft or inappropriate removal or possession of property;
- 645 * Falsification of timekeeping records;
- 646 * Working under the influence of alcohol or illegal drugs;
- 647 * Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the work
648 place, while on duty or while operating employer-owned vehicles or equipment;
- 649 * Fighting, intimidating or threatening violence in the workplace aimed at Band officials,
650 supervisors, employees, clients or visitors;
- 651 * Boisterous or disruptive activity in the workplace;
- 652 * Negligence or improper conduct leading to damage of employer-owned or employee-
653 owned property;
- 654 * Insubordination or other disrespectful conduct;
- 655 * Violation of safety or health rules;
- 656 * Smoking in prohibited areas;
- 657 * Sexual or other unlawful or unwelcome harassment;
- 658 * Possession of dangerous or unauthorized materials, such as explosives or firearms, in the
659 workplace;
- 660 * Excessive absenteeism or any absence without notice;
- 661 * Unauthorized absence from work station during the workday;
- 662 * Unauthorized use of telephones, mail system, or other employer-owned equipment;
- 663 * Unauthorized disclosure of business “secrets” or confidential financial information;
- 664 * Violation of personnel policies; or
- 665 * Unsatisfactory performance or conduct.

666
667 The grounds for termination as well as the termination procedure and review process are
668 set forth in these personnel policies.

669

670

671 **Recycling**

672 The Mille Lacs Band of Ojibwe supports environmental awareness by encouraging
673 recycling and waste management in its business practices and operating procedures. This
674 support includes a commitment to the purchase, use and disposal of products and materials
675 in a manner that will best utilize natural resources and minimize any negative impact on
676 the earth's environment.

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

- 679 * computer paper
- 680 * white high grade or bond paper
- 681 * ledger paper
- 682 * mixed or colored paper
- 683 * newspaper
- 684 * corrugated cardboard
- 685 * brown paper bags
- 686 * aluminum cans
- 687 * plastic bottles

688
689 Employees are encouraged to make a commitment to recycle and to be a part of this
690 solution.

691

692 ***Unauthorized Solicitation***

693

694 In an effort to ensure a productive and harmonious work environment, persons not
695 employed by the Mille Lacs Band may not solicit or distribute literature in the workplace
696 at any time unless prior authorization from the Chief Executive and/or Commissioner of
697 Administration is received.

698 In addition, employees may not use the internet or the Band's intranet to promote,
699 solicit or distribute information without the express written consent of his or her supervisor
700 or the Information System Director.

701

702

NONDISCLOSURE OF CONFIDENTIAL INFORMATION

703

The protection of confidential business information and trade secrets is vital to the interests and the success of the Mille Lacs Band of Ojibwe. During your employment with the Mille Lacs Band, you may periodically learn sensitive information regarding the tribal government or regarding 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 livelihood. Such confidential information includes, but is not limited to, the following examples:

704

705

706

707

708

709

710

* confidential Executive, Legislative and Judicial data and information, including but not limited to privileged attorney-client communications;

711

712

* personnel information and data;

713

* compensation data;

714

* computer processes;

715

* computer programs and codes;

716

* confidential financial information;

717

* labor relations strategies;

718

* marketing strategies;

719

* pending projects and proposals;

720

* research and development strategies;

721

* confidential scientific data;

722

* confidential technological data;

723

* enrollments and blood quantum information; and

724

* medical or patient data otherwise protected by HIPAA or other applicable data privacy laws.

725

726

727

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.

728

729

730

731

After you leave employment with the Mille Lacs Band, you are still legally prohibited from disclosing sensitive, proprietary, confidential, or trade secret information. If you disclose such information, the Mille Lacs Band of Ojibwe may seek legal remedies.

732

733

734

ATTENDANCE AND PUNCTUALITY

735

736 To maintain a safe and productive work environment, the Mille Lacs Band expects
737 employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism
738 and tardiness place a burden on other employees and on the Mille Lacs Band.

739 In the rare instances when employees cannot avoid being late to work or are unable
740 to work as scheduled, the employee must notify his/her supervisor as soon as possible and
741 in advance of the anticipated tardiness or absence. If possible, such notification should
742 include a reason for the absence or tardiness and an indication of when the employee can
743 be expected to report for work. If the supervisor is unavailable, the employee should
744 contact another supervisor and should also contact his/her supervisor's administrative
745 assistant. Failure to notify the supervisor of any absence or delay may lead to disciplinary
746 action.

747 Employees who are absent from work for three consecutive days without giving
748 proper notice to their supervisor will be considered to have voluntarily resigned their
749 position. The employer is not required to provide notice to an employee of an impending
750 separation of employment due to his/her prolonged absence or to follow any other aspect
751 of the progressive discipline policy. In such an instance, the employee shall be deemed to
752 have forfeited any property interest in employment he or she may have had.

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

755

756

PROFESSIONAL APPEARANCE AND CONDUCT

757 *Personal Appearance and Dress*

758 Dress, grooming and personal cleanliness standards contribute to the morale of all
759 employees and affect the business image that the Mille Lacs Band presents to visitors.

760 During business hours, employees are expected to present a clean and neat
761 appearance and to dress according to the status of their positions. Employees who appear
762 for work inappropriately dressed will be sent home and directed to return to work in proper
763 attire. Under such circumstances, employees will not be compensated for the time away
764 from work.

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

769 Some examples of appropriate casual business wear include the following:

770

771 slacks

772 jeans

773 dress shorts

774 casual dresses and skirts

775 casual shirts and blouses

776 golf shirts

777 turtlenecks

778 sweaters

779 sweatshirts

780 loafers

781 deck shoes

782 boots

783 athletic shoes

784 flats

785 dress sandals

786

787 Examples of inappropriate clothing items that should not be worn include, but are not
788 limited to, the following:

789

790 jeans that are excessively worn or faded

791 sweat pants or jogging suits and pants

792 short shorts

793 spandex or other form-fitting pants

794 miniskirts

795 spaghetti-strap dresses unless worn under a jacket or sweater

796 T-shirts or sweatshirts with offensive messages or images

797 halter tops or tank tops

798 tops with bare shoulders unless worn under a blouse or jacket
799 visible undergarments
800 slippers or flip-flops
801
802 For some, traditional business attire may simply remain a more favored option on casual
803 days. The choice will be at the discretion of the supervisor.

804

805 **Smoking**

806 In keeping with the Mille Lacs Band's intent to provide a safe and healthful work
807 environment, smoking tobacco products or an electronic equivalent in the workplace is
808 prohibited except in those locations that are specifically designated as smoking areas.

809 To portray a professional atmosphere, employees are prohibited from smoking at
810 or near public entrances to all government buildings. Employees are allowed to smoke in
811 designated smoking areas, or during designated culturally-appropriate events, and in other
812 designated areas as assigned at other Band government buildings.

813 Smoking is not permitted in any Band owned vehicle. Failure to comply with this
814 policy will result in disciplinary action.

815

816

EMPLOYEE BENEFITS

817 *Employee Benefits*

818 Eligible employees of the Mille Lacs Band of Ojibwe are provided a wide range
819 of benefits. A number of the programs (e.g. Social Security, Worker’s Compensation,
820 and Unemployment Insurance) cover all employees in the manner prescribed by law.

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

823 The following benefit programs (discussed more fully below), are available to
824 eligible employees:

825

- 826 * Time With Child (3 hours per child per month);
- 827 * Community Service (40 hours per year with pay);
- 828 * 401(k) Savings Plan; (21 years of age or older including Part-Time Regular employees)
- 829 * Auto Mileage (according to federal guidelines);
- 830 * Bereavement Leave (3 days for the death of each family member as defined further
- 831 in the Funeral Leave section, page 52);
- 832 * Anishinaabe Leave;
- 833 * Dental Insurance;
- 834 * Educational Leave (4 hours per week);
- 835 * Employee Assistance Program (EAP);
- 836 * Family Leave (FMLA);
- 837 * Health Insurance;
- 838 * Holidays;
- 839 * Jury Duty Leave;
- 840 * Life Insurance;
- 841 * Long-Term Disability;
- 842 * Medical Leave;
- 843 * Military Leave;
- 844 * Military Family Leave
- 845 * Personal Leave;
- 846 * Short-Term Disability;
- 847 * Sick Leave;
- 848 * Supplemental Life Insurance;
- 849 * Vacation Benefits;
- 850 * Voting Time Off;
- 851 * Any other benefit or leave required by state or federal law.

852

853 Some benefit programs require contributions from the employee, but most are fully paid
854 by the Mille Lacs Band. Questions regarding any employee benefit should be directed to
855 Human Resources.

856

857 ***Benefits Continuation (COBRA)***

858 The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives
859 employees and their qualified beneficiaries the opportunity to continue health and dental
860 insurance coverage under the Mille Lacs Band’s health plan when a “qualifying event”
861 would normally result in the loss of eligibility. Some common qualifying events are
862 resignation, termination of employment, or death of an employee; a reduction in an
863 employee’s hours or a leave of absence; an employee’s divorce or legal separation; and a
864 dependent child no longer meeting eligibility requirements.

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

871

872 **Health Insurance**

873 The Mille Lacs Band's health insurance plan provides employees and their
874 dependents access to medical insurance benefits. Regular full-time employees are eligible
875 to participate in the health insurance plan.

876 A change in employment classification that would result in loss of eligibility to
877 participate in the health insurance plan may qualify an employee for benefits continuation
878 under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the
879 Benefits Continuation (COBRA) policy for more information.

880 Details of the health insurance plan are described in the Summary Plan Description
881 (SPD). An SPD and information on cost of coverage will be provided in advance of
882 enrollment to eligible employees. Contact the Benefits Administrator for more information
883 about health insurance benefits.

884

885 **Life Insurance**

886 Life insurance offers you and your family important financial protection. The Mille
887 Lacs Band provides a basic life insurance plan for regular full-time employees. Additional
888 supplemental life insurance coverage may also be purchased.

889 Eligible employees may participate in the life insurance plan subject to all terms
890 and conditions of the agreement between the Mille Lacs Band and the insurance carrier.
891 Details of the basic life insurance plan, including benefit amounts, are described in the
892 Summary Plan Description provided to eligible employees. Contact the Benefits
893 Administrator in Human Resources for more information about life insurance benefits.

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

897

898 **Short-Term Disability**

899 The Mille Lacs Band provides a short-term disability benefits plan to eligible
900 employees who are unable to work because of a qualifying disability due to an injury or
901 illness. Regular full-time employees are eligible to participate in the short-term disability
902 plan subject to all terms and conditions of the agreement between the Mille Lacs Band and
903 the insurance carrier.

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

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

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

914

915 ***Long-Term Disability***

916 The Mille Lacs Band provides a long-term disability (LTD) benefits plan to help
917 eligible employees cope with an illness or injury that results in a long-term absence from
918 employment. LTD is designed to ensure a continuing income for employees who are
919 disabled and unable to work.

920 Regular full-time employees are eligible to participate in the LTD plan subject to
921 all terms and conditions of the agreement between the Mille Lacs Band and the insurance
922 carrier. Eligible employees may begin LTD coverage only after completing 13 weeks of
923 short term disability.

924 LTD benefits are offset with amounts received under Social Security or workers'
925 compensation for the same time period.

926 Details of the LTD benefits plan, including benefit amounts and limitations and
927 restrictions are described in the Summary Plan Description provided to eligible employees.
928 Contact the Benefit Administrator for more information about LTD benefits.

929 Employees are responsible for the employees' portion of premium contributions for
930 health, dental and supplemental life while on leave.

931 If an employee is on long-term disability status and does not return to work on the
932 agreed upon date, he/she will be deemed to have voluntarily resigned the position, unless
933 an extension is authorized at the discretion of the Commissioner (if employed in the
934 Executive Branch), Secretary-Treasurer (if employed in the Legislative Branch) or Chief
935 Justice (if employed in the Judicial Branch). The employer is not required to provide notice
936 to an employee of an impending separation of employment due to the failure to timely
937 return to work or to follow any other aspect of the progressive discipline policy. In such
938 an instance, the employee shall be deemed to have forfeited any property interest in
939 employment he or she may have had.

940

941 **401(k) Retirement Savings Plan**

942 The Mille Lacs Band of Ojibwe has established a 401(k) retirement savings plan to
943 provide employees the opportunity to plan for their future financial security.

944 If you elect to participate in the 401(k) retirement savings plan, you must be a Full-
945 Time Regular Employee with 12 months of service and be 21 years of age or older or a
946 Part-Time Regular Employee with 1,000 hours of service within the first 12 months of
947 service, or within the plan year after the initial evaluation period and be 21 years of age or
948 older. You may join the plan only during quarterly open-enrollment periods. Eligible
949 employees may participate in the 401(k) retirement savings plan subject to all terms and
950 conditions of the plan.

951 The 401(k) retirement savings plan allows you to elect how much salary you want
952 to contribute and direct the investment of your plan account, so you can tailor your own
953 retirement package to meet your individual needs. The Mille Lacs Band also contributes
954 an additional matching amount to each employee's 401(k) contribution.

955 Because your contribution to a 401(k) retirement savings plan is automatically
956 deducted from your pay before any applicable federal and state tax withholdings are
957 calculated, you reduce your taxable income.

958 Complete details of the 401(k) retirement savings plan are described in the
959 Summary Plan Description provided to eligible employees. Contact the Benefit
960 Administrator in Human Resources for more information about the plan.

961

962 **ABSENCE AND LEAVE**

963 **Annual Leave**

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

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

Years of Service	Rate Per Hour Worked
1 – 3	.05
4 – 6	.0625
7 – 9	.075
10 – 12	.0875
13 +	.1

967
968 Annual leave is calculated on a weekly basis.

969 Employees will not accrue annual leave while they are on paid annual, sick or other
970 leave.

971 During the probationary period, employees accrue annual leave, but may not take
972 any annual leave until they have successfully completed the probationary period unless
973 special permission is granted by the Commissioner (if the employee is employed in the
974 Executive Branch), the Secretary-Treasurer or District Representative (if the employee is
975 employed in the Legislative Branch), or the Chief Justice (if the employee is employed in
976 the Judicial Branch). Once employees enter the eligible employment classification,
977 employees can use earned annual leave including that which accrued during the
978 probationary period. An employee who terminated employment for any reason during the
979 probationary period is not eligible to receive annual leave payout.

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

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

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

991 Employees may not go into a deficit on annual leave. If an employee has exhausted
992 all accrued annual leave, the employee has the option to make a request for unpaid leave
993 and request approval of their supervisor.

994 **NOTE:** Elected and appointed officials, and Senior Executive Staff (SES)
995 employees, as defined in 6 MLBSA § 1102(h), are not included in this policy for annual
996 leave calculations and use.

997
998
999
1000
1001
1002
1003

1004 ***Time with Child and Illness of Child***

1005 The Mille Lacs Band provides the following benefit, when feasible and within the
1006 discretion of the Band, to regular full-time employees as a benefit of employment:

1007 * TIME WITH CHILD: If an employee's child or grandchild is participating in a school
1008 activity, school sponsored event or cultural event, through the completion of high school
1009 he/she may be permitted to spend time with their child or grandchild during such event.
1010 Employees are allowed three hours per month, per child, for school events that cannot be
1011 scheduled outside of the employee's regular work hours. If multiple children participate
1012 in the same school activity or school sponsored event scheduled at the same time, no more
1013 than three hours is allowed. This time off will be monitored by and must be approved at
1014 least seven (7) days in advance by the immediate supervisor. An employee must complete
1015 and submit a signed Time With Child form to his/her supervisor upon return to work. (See
1016 Appendix B for example.)

1017
1018 * Legal Guardians/Foster Parents are included in this policy.

1019
1020 Requests for leave should be submitted to the supervisor and will be evaluated and
1021 approved/denied based on a number of factors, including anticipated work load
1022 requirements and staffing considerations during the proposed period of absence.

1023
1024
1025 * SICK LEAVE: Employees may use their own accrued sick leave in the event of the
1026 illness of a child.

1027

1028 **Holidays**

1029 The Mille Lacs Band grants holiday time to regular full-time employees for
1030 designated Band holidays.

1031 Regular full-time employees calculated holiday pay is based on the employee's
1032 straight-time pay rate (as of the date of the holiday) multiplied by the number of hours the
1033 employee would otherwise have worked on that day. To be eligible for holiday pay, an
1034 employee must work the last scheduled day immediately preceding and the first scheduled
1035 day immediately following the holiday, unless otherwise previously approved by their
1036 supervisor. If the employee is on pre-approved leave the day before, after or combination
1037 of, (such as vacation, pre-approved sick leave, funeral leave, Time With Child or leave
1038 without pay) the employee will receive holiday pay.

1039 A recognized holiday that falls on a Saturday will be observed on the preceding
1040 Friday. A recognized holiday that falls on a Sunday will be observed on the following
1041 Monday.

1042 If a recognized holiday falls during an eligible employee's pre-approved absence
1043 (such as vacation, sick leave, funeral leave or leave without pay), the employee will receive
1044 holiday pay and will not be required to use the accrued paid time off benefit that would
1045 otherwise have applied.

1046 If an eligible non-exempt employee is required to work on a Band holiday, the
1047 employee will receive the holiday pay plus holiday wages which are calculated at time and
1048 one-half of the employee's regular pay. Time worked during Holidays should be submitted
1049 to payroll as Holiday+ on department spreadsheets.

1050 Paid time off for holidays will not be counted as hours worked for the purposes of
1051 determining overtime.

1052 **NOTE:** Appointed officials and Senior Executive Staff (SES) employees, as defined in
1053 6 MLBSA § 1102(h), are exempt from the requirement to work the day before
1054 and day after a holiday.

1055

Sick Leave

1056
1057
1058
1059
1060
1061
1062
1063

The Mille Lacs Band provides paid sick leave to all regular full-time employees for periods of temporary absence due to illnesses or injuries. Sick leave is a benefit and not an entitlement. Sick leave is not to be used in lieu of annual leave, except that employees are eligible to use sick leave if under a public health quarantine due to exposure to a communicable disease. Eligible employees will accrue sick leave benefits shown in the following schedule:

	<u>Hours worked per pay period</u>	<u>Sick leave earned</u>
1064	40 hours	2.00 hours
1065	30 hours	1.50 hours
1066	20 hours	1.00 hours

1067
1068
1069

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

1070
1071
1072
1073

Employees will accrue sick leave from the commencement of employment. Paid sick leave can be used in minimum increments of one-half hour. Eligible employees may use sick leave for an absence due to their own illness or injury or that of their child, spouse or parent.

1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084

Employees who are unable to report to work due to illness or injury must notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor 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 supervisor's discretion, and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of 5 business days or more, an employee must provide a physician's verification that he or she is fit to return to work. The supervisor may refuse to allow the employee to return to work without such verification of fitness to return.

1085
1086
1087
1088
1089
1090

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.

1091
1092
1093

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

1094
1095

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

1096 sick leave beyond 160 hours will be lost with no compensation. A Senior Executive Staff
1097 (SES) employee, as defined in 6 MLBSA § 1102(h), may donate his/her sick leave hours
1098 to another employee. Other employees may also donate his/her sick leave hours to
1099 another employee who is eligible to use sick leave (with approval of both the
1100 Commissioners of donor employee and the employee receiving the donated time).
1101 Donating employees must maintain a balance of 80 sick leave hours:

1102 The Employee must use all of their own sick / vacation time prior to getting any donated sick
1103 time but an employee may receive donated time in the same week to add up to 40 hours with
1104 Commissioner approval. Commissioner approval is required for donating hours.

1105

1106 ~~Employees receiving donated hours must shall use their own accrued hours in~~
1107 ~~combination with approved sick leave donation. Commissioner approval is required for~~
1108 ~~donating hours, and first utilize all accrued hours, and must not receive payments from~~
1109 ~~outside sources such as Short Term Disability, Workmen's Compensation, SSI Disability,~~
1110 ~~and receive approval of theirhis or her Commissioner.~~

1111 The accrued balance of the employee receiving donated hours shall not exceed forty
1112 (40) hours per pay period.

1113 Sick leave benefits are solely intended to provide income protection in the event of
1114 illness or injury and may not be used for any other absence. Unused sick leave benefits
1115 will not be paid to employees while they are employed or upon termination of employment.

1116 **NOTE:** Elected and appointed officials and Senior Executive Staff (SES)
1117 employees, as defined in 6 MLBSA § 1102(h), are not included in this policy for sick leave
1118 calculations and use.

1119

1120 ***Time Off to Vote***

1121

1122 The Mille Lacs Band of Ojibwe encourages employees to fulfill their civic
1123 responsibilities by participating in elections. Generally, employees are able to find time to
1124 vote either before or after their regular work schedule. In the event that an employee
1125 cannot vote outside of working hours, the Mille Lacs Band will grant employees no more
1126 than two hours' time to vote during Election Day.

1127 Employees should request time off to vote from their supervisor at least two (2)
1128 working days prior to the Election Day. Advance notice is required so that the necessary
1129 time off can be scheduled at the beginning or end of the work shift, whichever provides the
1130 least disruption to the normal work schedule.

1131

1132 **Funeral Leave**

1133

1134 Employees who wish to take time off due to the death of a family member should
1135 notify their supervisor immediately.

1136 For purposes of this policy, the Mille Lacs Band defines “family” as the employee’s
1137 spouse, parents, children, siblings, step-children, grandparents, grandchildren, aunts,
1138 uncles, nieces, nephews, first-cousins and spouse’s parents and siblings.

1139 One to three days of paid funeral leave will be provided to regular full-time
1140 employees.

1141 Funeral pay is calculated based on the base pay rate at the time of absence.

1142 Employees may request to use any available annual or up to three (3) days of sick
1143 leave without a doctor’s note for additional time off as necessary. If an employee requests
1144 additional time, they must request the supervisor’s approval.

1145 For community funerals, the District Community Centers will be closed the
1146 afternoon of the wake and the day of the funeral according to the guidelines as to usage.
1147 Therefore, supervisors of employees whose office is located within the community centers
1148 shall make arrangements to find space or means for these employees to fulfill their
1149 employment work day obligation.

1150

1151 ***Jury Duty***

1152

1153 The Mille Lacs Band encourages employees to fulfill their civic responsibilities by
1154 serving on jury duty when required.

1155 Employees must show the jury duty summons to their supervisor as soon as possible
1156 so that the supervisor may make arrangements to accommodate their absence. Of course,
1157 employees are expected to report for work whenever the court schedule permits.

1158 Regular Full Time Employees (FTE) will be paid at their regular rate of pay when
1159 required to serve on jury duty, but must seek prior supervisory permission and must show
1160 proof of such service.

1161

1162 **Medical Leave**

1163

1164 The Mille Lacs Band provides medical leaves of absence without pay to eligible
1165 employees who are temporarily unable to work due to a serious health condition or
1166 disability. For purposes of this policy, serious health conditions or disabilities include
1167 inpatient care in a hospital, hospice, or residential medical care facility; continuing
1168 treatment by a health care provider; and temporary disabilities associated with pregnancy,
1169 childbirth, and related medical conditions.

1170 Regular full-time employees who have completed one consecutive year of service
1171 are eligible to request medical leave as described in this policy. Exceptions to the service
1172 requirement will be considered to accommodate disabilities.

1173 Eligible employees should make requests for medical leave to their supervisors at
1174 least 30 days in advance of foreseeable events and as soon as possible for unforeseeable
1175 events.

1176 A health care provider's statement must be submitted verifying the need for medical
1177 leave and its beginning and expected ending dates, if known. Any changes in this
1178 information should be promptly reported to the Mille Lacs Band. Employees returning
1179 from medical leave must submit a health care provider's verification of their fitness to
1180 return to work.

1181 Eligible employees are normally granted leave for the period of the serious health
1182 condition, up to a maximum of 12 weeks within any 12 month period. Leave may be taken
1183 all together or intermittently. Employees will be required to first use any accrued paid
1184 leave time before taking unpaid medical leave. The period of paid leave shall be considered
1185 part of the 12 weeks of leave entitlement. Any combination of medical leave and family
1186 leave, as described in the next section of this Manual, may not exceed this maximum limit
1187 within a 12-month period. If this initial period of absence proves insufficient, consideration
1188 will be given to a request for an extension of one additional month.

1189 Employees who sustain work-related injuries are eligible for a medical leave of
1190 absence for the period of disability in accordance with the Band's Workers' Compensation
1191 plan policy.

1192 Subject to the terms, conditions and limitations of the applicable plans, the Mille
1193 Lacs Band will continue to provide health insurance benefits for the full period of the
1194 approved medical leave. However, the employee will be responsible for the employee's
1195 contribution portion of the premium.

1196 Benefit accruals, such as vacation, sick leave or holiday benefits, will be suspended
1197 during the unpaid portion of the leave and will resume upon return to active employment.

1198 An employee who returns from a medical leave in a timely manner will be
1199 reinstated to the same position that the employee held at the commencement of the leave,
1200 or to an equivalent position with equivalent benefits and pay for which the employee is
1201 qualified. An equivalent rate of pay is defined as falling within a range of ten percent

1202 (10%) of the employee's rate of pay upon taking leave. The Band retains the right to
1203 transfer the employee requesting such leave to a different position and work schedule with
1204 equivalent pay and benefits in order to best serve the Band's operational concerns during
1205 the leave. In the alternative, the Band may restructure the employee's existing position but
1206 maintain the employee's existing pay and benefits or restructure a position that can be
1207 performed with the employee's medical condition, if one still exists.

1208 In the event that an employee fails to return to work on the agreed upon return date,
1209 the employee will be considered to have resigned from employment. The employer is not
1210 required to provide notice to an employee of an impending separation of employment due
1211 to the failure to timely return to work or to comply with other aspects of the progressive
1212 discipline policy. In such an instance, the employee shall be deemed to have forfeited any
1213 property interest in employment he or she may have had.

1214 An employee on medical leave may apply for short term and long term disability
1215 benefits.

1216

1217 **Family Leave**

1218

1219 The Mille Lacs Band of Ojibwe provides family leaves of absence without pay to
1220 eligible employees who wish to take time off from work duties to fulfill family obligations
1221 relating directly to childbirth, adoption, or placement of a foster child; or to care for a child,
1222 spouse, or parent with a serious health condition. A serious health condition means an
1223 illness, injury, impairment, or physical or mental condition that involves inpatient care in
1224 a hospital, hospice, or residential medical care facility, or continuing treatment by a health
1225 care provider.

1226 Regular full-time employees who have completed one consecutive year of service
1227 are eligible to request family leave as described in this policy.

1228 Eligible employees should make requests for family leave to their supervisors at
1229 least 30 days in advance of foreseeable events and as soon as possible for unforeseeable
1230 events.

1231 Employees requesting family leave related to the serious health condition of a child,
1232 spouse, or parent may be required to submit a health care provider's statement verifying
1233 the need for a family leave to provide care, its beginning and expected ending dates and
1234 the estimated time required, if known.

1235 Eligible employees may request up to a maximum of 12 weeks of family leave
1236 within any 12 month period. Employees will be required to first use any accrued paid leave
1237 time before taking unpaid family leave. The period of paid leave shall be considered part
1238 of the 12 weeks of leave entitlement. Any combination of family leave and medical leave
1239 may not exceed this maximum limit. If this initial period of absence proves insufficient,
1240 consideration will be given to a written request for a single extension of no more than 30
1241 calendar days. Married employee couples may be restricted to a combined total of 12
1242 weeks leave within any 12 month period for childbirth, adoption or placement of a foster
1243 child, or to care for a parent or family member with a serious health condition.

1244 Subject to the terms, conditions, and limitations of the applicable plans, the Mille
1245 Lacs Band will continue to provide health and dental insurance benefits for the full period
1246 of the approved family leave. However, the employee will be responsible for the
1247 employee's contribution portion of the premium.

1248 Benefit accruals, such as vacation, sick leave or holiday benefits, will be suspended
1249 during the unpaid portion of the leave and will resume upon return to active employment.

1250 An employee who returns from a family leave in a timely manner may be reinstated
1251 to the same position that the employee held at the commencement of the leave or to an
1252 equivalent position with equivalent benefits and pay for which the employee is qualified.
1253 An equivalent rate of pay is defined as falling within a range of ten percent (10%) of the
1254 employee's rate of pay upon taking leave. The Band retains the right to transfer the
1255 employee requesting such leave to a different position and work schedule with equivalent
1256 pay and benefits in order to best serve the Band's operational concerns during the leave.

1257 In the alternative, the Band may restructure the employee's existing position but maintain
1258 the employee's existing pay and benefits.

1259 If an employee fails to return to work on the agreed upon return date, the Mille Lacs
1260 Band will consider that the employee has resigned from employment. The employer is not
1261 required to provide notice to an employee of an impending separation of employment due
1262 to the failure to timely return to work or to comply with any other aspect of the progressive
1263 discipline policy. In such an instance, the employee shall be deemed to have forfeited any
1264 property interest in employment he or she may have had.

1265

1266 **Personal Leave**

1267

1268 The Mille Lacs Band provides leaves of absence without pay to eligible employees
1269 who wish to take time off from work duties to fulfill personal obligations. Regular full-
1270 time employees who have completed one consecutive year of service are eligible to request
1271 personal leave as described in this policy. As soon as eligible employees become aware of
1272 the need for a personal leave of absence, they should request a leave from their supervisor.
1273 The supervisor of an employee taking personal leave may hire a temporary replacement
1274 for no more than ninety (90) calendar days to maintain the smooth work flow of the office.

1275 Unpaid personal leave may be granted for a period of up to 30 calendar days per
1276 year. The employee should exhaust his/her accrued vacation leave prior to taking unpaid
1277 personal leave.

1278 Requests for personal leave will be evaluated based on a number of factors,
1279 including anticipated work load requirements and staffing considerations during the
1280 proposed period of absence.

1281 Subject to the terms, conditions and limitations of the applicable plans, health
1282 insurance benefits will be provided by the Mille Lacs Band until the end of the month in
1283 which the approved personal leave begins. At that time, the employee will become
1284 responsible for the full costs of these benefits if the employee wishes coverage to continue.
1285 When the employee returns from personal leave, benefits will resume according to the
1286 applicable plans.

1287 Benefits such as vacation, sick leave or holiday benefits will not accrue during the
1288 leave and will resume upon return to active employment.

1289 When a personal leave ends, every reasonable effort will be made to return the
1290 employee to the same position, if it is available, or to an equivalent position with equivalent
1291 benefits and pay for which the employee is qualified. An equivalent rate of pay is defined
1292 as falling within a range of ten percent (10%) of the employee's rate of pay upon taking
1293 leave. However, the Mille Lacs Band cannot guarantee reinstatement in the same or an
1294 equivalent position, or in any position, in all cases.

1295 If an employee fails to report to work promptly at the expiration of the approved
1296 leave period, the Mille Lacs Band will consider the employee to have voluntarily resigned
1297 from employment. The employer is not required to provide notice to an employee of an
1298 impending separation of employment due to the failure to timely return to work or to
1299 comply with any other aspect of the progressive discipline policy. In such an instance, the
1300 employee shall be deemed to have forfeited any property interest in employment he or she
1301 may have had.

1302

1303 ***Educational Leave***

1304

1305 The Mille Lacs Band provides educational leave not to exceed four (4) hours a week
1306 with pay to eligible employees who wish to take time off from work duties to pursue course
1307 work. Regular full-time employees who have completed 90-calendar days of service are
1308 eligible to request educational leave as described in this policy.

1309 Requests should be made to the supervisor and will be evaluated and will be
1310 approved/denied based on a number of factors, including anticipated work load
1311 requirements and staffing considerations during the proposed period of absence. A course
1312 syllabus/class schedule should be submitted to the employee's Supervisor prior to the start
1313 of each semester.

1314

1315 ***Military Leave***

1316

1317 A military leave of absence will be granted to employees who are absent from work
1318 because of service in the United States uniformed services in accordance with the
1319 Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance
1320 notice of military service is required, unless military necessity prevents such notice or it is
1321 otherwise impossible or unreasonable.

1322 Employees will receive partial pay for two-week training assignments and shorter
1323 absences. Upon presentation of satisfactory military pay verification data, employees will
1324 be paid the difference between their normal base compensation and the pay (excluding
1325 expense pay) received while on military duty.

1326 The portion of any military leave of absence in excess of two weeks will be unpaid.
1327 However, employees may use any available paid time off for the absence.

1328 Continuation of health insurance benefits is available as required by USERRA
1329 based on the length of the leave and subject to the terms, conditions and limitations of the
1330 applicable plans for which the employee is otherwise eligible.

1331 Benefits, such as vacation, sick leave or holiday benefits, will not accrue during the
1332 unpaid portion of the leave and will resume upon the employee's return to active
1333 employment.

1334 Employees on military leave for up to 30 days are required to return to work for the
1335 first regularly scheduled shift after the end of service, allowing reasonable travel time.
1336 Employees on longer military leave must apply for reinstatement in accordance with
1337 USERRA and all other applicable laws.

1338 Employees returning from military leave will be placed in the position they held
1339 prior to deployment or an equivalent position with equivalent benefits and pay for which
1340 the employee is qualified, depending on the length of military service in accordance with
1341 USERRA. They will be treated as though they were continuously employed for purposes
1342 of determining benefits based on length of service. An equivalent rate of pay is defined as
1343 falling within a range of ten percent (10%) of the employee's rate of pay upon taking leave.

1344 Contact Human Resources for more information or questions about military leave.

1345

1346 **Leave for Military Families**

1347 In addition to standard FMLA leave, an employee may take unpaid leave in a
1348 twelve-month period to care for an injured or ill service member. An employee may take
1349 no more than twenty-six weeks during a twelve-month period of combined FMLA and
1350 military leave.

1351
1352 In addition, eligible employees are entitled to up to 12 weeks of leave because of
1353 any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of
1354 the employee is on active duty, or has been notified of an impending call to active duty
1355 status, in support of a contingency operation. A qualifying exigency might include:

- 1356
1357 · short-notice deployment;
1358 · military events and related activities;
1359 · childcare and school activities;
1360 · financial and legal arrangements;
1361 · counseling;
1362 · rest and recuperation;
1363 · post-deployment activities; and
1364 · additional activities when the employer and employee agree to the leave.

1365
1366 Employees may take up to ten (10) days leave of absence without pay when an
1367 immediate family member is injured or killed while engaged in active service as a member
1368 of the United States armed forces. The employee must provide notice prior to taking leave.
1369

1370 In addition, an employee may take up to one (1) day leave of absence without pay
1371 when an immediate family member has been ordered into active service in support of a war
1372 or other national emergency for the purposes of attending a send-off or homecoming
1373 ceremony. The employee must provide notice prior to taking leave.

1374
1375 For the purposes of the military leave policy only, immediate family includes the
1376 employee's parent, spouse, child, sibling, grandparent, grandchild, spouse's parent,
1377 spouse's child, spouse's grandparent, spouse's grandchild, brother, sister, step-parent, step-
1378 child, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

1379
1380

1381 **Anishinaabe Leave**

1382 Tribal Members who are “Regular Full-time Employees” may use "Anishinaabe Leave"
1383 as described in this policy. Anishinaabe Leave, for purposes of this policy, is defined as
1384 "Regular Hours" to participate in Midewiwin ceremonies, prepare for Ceremonial Drum
1385 and aid/participate in other Tribal ceremonies. Employees who are contracted to provide
1386 services for the ceremonies listed above may not use Anishinaabe Leave. Eligible
1387 employees may take Anishinaabe Leave after giving their superiors requisite prior notice.
1388 Approval may depend on workload and the needs of the program.

1389 **Midewiwin Ceremonies-** Eligible employees are provided a maximum eighty (80) hours
1390 of paid Anishinaabe Leave per year for aiding Midewiwin as “Nayaadamaaged” and for
1391 any person seeking aid from a Mide Lodge as a “Waa-mide’od”.

1392 Anishinaabe Leave for Midewiwin ceremonies may be granted only while an active
1393 Midewiwin Ceremony is taking place. Typically held in the summer months of June, July
1394 and August.

1395

1396 **Big Drum-** If an employee is required to make special preparations for attendance at a
1397 Big Drum Ceremony that they are a member of as “Debendaagozid”; eight (8) hours of
1398 Anishinaabe Leave may be used the day that the ceremonies are held.

1399 **Funeral Helpers-** Eligible employees may use a maximum of eight (8) hours of leave to
1400 assist as “helpers” at traditional funerals or four (4) hours of leave to assist as "helpers" at
1401 other traditional ceremonies.

1402 **Other-** Other Tribal Members can participate in their own Tribal ceremonies utilizing
1403 this leave.

1404 **Notice-** Written NOTICE to the supervisor will be given at the earliest possible
1405 convenience for less than 2 days leave; 1 week in advance for 3-5 days leave, and/or 2
1406 weeks in advance for 6+ days of Anishinaabe Leave.

1407

1408 Additional hours of Anishinaabe Leave will be at the discretion of the Commissioners
1409 (Executive Branch), the Chief Executive (CEO employees) the Secretary-Treasurer or
1410 District Representative, if he/she directly supervises the legislative employee, or the
1411 Chief Justice (Judicial Branch).

1412

1413 **NOTE:** Benefits such as annual and sick leave will not accrue during the leave and will
1414 resume upon return.

1415

1416 **Abuse of this leave will result in immediate termination.**

1417

1418 **Definitions:**

1419 **Nayaadamaaged-** Someone that helps at a Midewiwin Ceremony.

1420 **Waa-mide'od-** Someone intending to go through a Mide Lodge (seeking help).

1421 **Debendaagozid-** Someone that belongs to a certain Drum.

1422

1423 **Notices need to be submitted along with weekly payroll spreadsheet**

1424

1425 **Community Affairs Leave and Participation**

1426

1427 The Mille Lacs Band encourages employees to participate, when appropriate and
1428 practical, in community service affairs for any charitable, religious, fraternal or civic
1429 purposes. However, employee participation in such community activities must not
1430 adversely affect the employee's job performance, be detrimental to the Band's interest or
1431 create a conflict of interest.

1432 Time spent working on community affairs normally should be outside of the
1433 employee's working hours and, in such circumstance, will not be considered hours worked
1434 for pay purposes. In the event it is necessary, and the employee receives approval in
1435 advance from the supervisor, employees may use up to 40 hours per calendar year with pay
1436 for participation in community affairs. The supervisor will monitor the hours taken for
1437 community service activities.

1438

1439 Requests for leave should be submitted to the supervisor and will be evaluated and
1440 approved/denied based on a number of factors, including anticipated work load
1441 requirements and staffing considerations during the proposed period of absence.

1442

1443 Time spent in community affairs at the Band government's request will be
1444 considered hours worked for pay purposes.

1445

1446 **Employees Filing for Political Office**

1447 Employees planning to campaign for, seek, or accept appointment to a public office
1448 must give prior notice of their intention to their supervisor prior to public announcement
1449 or prior to filing for public office. Their supervisor will review with the employee any
1450 requirements to avoid a conflict of interest and to maintain satisfactory attendance, effort
1451 and performance standards. Employees engaging in political activities must do so as
1452 individuals on their own time and not as representatives of the Band government or make
1453 any representation otherwise.

1454

PAY POLICIES

1455

1456 *Paydays*

1457

1458 All employees are paid every Friday. Each paycheck will include earnings for all
1459 work performed through the end of the previous payroll period.

1460 The law requires that the Mille Lacs Band make certain deductions from every
1461 employee's compensation. Among these are applicable federal, state and local income
1462 taxes. The Mille Lacs Band must also deduct Social Security taxes on each employee's
1463 earnings up to a specified limit that is called the Social Security "wage base." The Mille
1464 Lacs Band matches the amount of Social Security taxes paid by each employee.

1465 If you have questions concerning why deductions were made from your pay check
1466 or how they were calculated, contact the Payroll Specialist or Commissioner of Finance.

1467

1468 **Rest Breaks**

1469

1470 Employees who work eight hours are provided with two (2) rest periods of 15
1471 minutes in length. Employees who work four hours are provided with one (1) rest period
1472 of 15 minutes in length. To the extent possible, rest periods will be provided in the middle
1473 of work periods. Since this time is counted and paid as time worked, employees must not
1474 be absent from their work stations beyond the allotted rest period time.

1475 Employees on rest breaks are not permitted to interfere with fellow employees who
1476 are continuing to work.

1477

1478 **Meal Breaks**

1479

1480 Employees who work eight hours are provided with one meal period of 60 minutes
1481 in length each workday. Supervisors will schedule meal periods to accommodate operating
1482 requirements. Employees will be relieved of all active responsibilities and restrictions
1483 during meal periods and will not be compensated for that time. Employees using a time
1484 clock must clock-in and out during meal periods.

1485

1486 ***Timekeeping***

1487

1488 Accurately recording time worked is the responsibility of every employee. Federal
1489 laws require the Mille Lacs Band to keep an accurate record of time worked in order to
1490 calculate employee pay and benefits. Time worked is the actual time spent on the job
1491 performing assigned duties.

1492 All employees should accurately record the time they begin and end their work, as
1493 well as the beginning and ending time of each meal period. They should also record the
1494 beginning and ending time of any split shift or departure from work for personal reasons.
1495 Nonexempt employees should report to work no more than 15 minutes prior to their
1496 scheduled starting time nor stay more than 15 minutes after their scheduled stop time
1497 without express, prior authorization from their supervisor.

1498 Altering, falsifying, or tampering with time records, or recording time on another
1499 employee's time record may result in disciplinary action, up to and including termination
1500 of employment.

1501 The normal work schedule for all regular employees is eight (8) hours a day, five
1502 (5) days a week. The normal workweek is Sunday through Saturday, beginning and ending
1503 at midnight on Saturday, and consisting of 40 hours. Supervisors will advise employees
1504 of the times their schedules will normally begin and end. Staffing needs and operational
1505 demands may necessitate variations in starting and ending times, as well as variations in
1506 the total hours that may be scheduled each day and week.

1507 Attendance at lectures, meetings and training programs are considered time worked
1508 unless it is outside the regular working hours or not approved in advance by the supervisor.

1509

1510 **Overtime For Non-Exempt Employees**

1511

1512 A supervisor may determine and require an employee to work more than eight (8)
1513 hours per day. The number of additional hours of work should be determined by the
1514 supervisor. Employees will be informed of any changes to the schedule as far in advance
1515 as possible. However, lack of notice will not be a valid reason for an employee refusing to
1516 work.

1517 Nonexempt employees are not permitted to work overtime without the prior
1518 approval of their supervisor or department head and may be subject to disciplinary action
1519 up to and including termination.

1520 Overtime pay is based on actual hours worked. Time off on sick leave, annual
1521 leave, any leave of absence or holidays will not be considered hours worked for purposes
1522 of performing overtime calculations.

1523 Employees who obtain prior approval will receive overtime compensation, at the
1524 rate of one and one-half times the employee's regular rate of pay, for all hours worked
1525 beyond forty (40) hours in a work week.

1526 For employees who work in any additional position(s) to their primary job or
1527 position (identified by separate Personnel Payroll Action Notice's (PPANS), time worked
1528 in each position is calculated separately and only hours worked in excess of 40 hours per
1529 week for each position is paid at the overtime rate.

1530

1531

HARASSMENT AND DISCRIMINATION

1532

1533 The Mille Lacs Band is committed to providing a work environment that is free of
1534 discrimination and unlawful harassment. Actions, words, jokes or comments based on an
1535 individual's sex, race, ethnicity, age, religion, sexual orientation, disability, class or any
1536 other legally protected characteristic will not be tolerated. As an example, sexual
1537 harassment (both overt and subtle) is a form of employee misconduct that is demeaning to
1538 another person, undermines the integrity of the employment relationship and is strictly
1539 prohibited.

1540 Any employee who engages in harassment on the basis of race, color, creed,
1541 religion, national origin, sex, sexual orientation, marital status, status with regard to public
1542 assistance, disability or age, or who permits employees under his/her supervision to engage
1543 in such harassment, or retaliates or permits retaliation against an employee who reports
1544 such harassment, shall be subject to disciplinary action, up to and including termination of
1545 employment.

1546 Any employee who wants to report an incident of sexual harassment or other
1547 prohibited act of discrimination should promptly report the matter in writing to his or her
1548 supervisor. If the supervisor is unavailable or the employee believes it would be
1549 inappropriate to contact that person, the employee should immediately contact the Human
1550 Resources Director. Employees can raise concerns and make reports without fear of
1551 reprisal.

1552 Any supervisor or manager who becomes aware of possible sexual or other
1553 unlawful harassment should promptly advise the Human Resources Director who will
1554 handle the matter in a timely and confidential manner.

1555 Sexual harassment is prohibited and includes any unwelcome sexual advance,
1556 request for sexual favors and verbal or physical conduct of a sexual nature when:

1557 Such conduct is used as a factor in any employment decision affecting any
1558 individual, or such conduct has the purpose or effect of unreasonably
1559 interfering with any employee's work performance or creating any
1560 intimidating, hostile or offensive working environment.

1561 The Band government prohibits all employees from engaging in any conduct of a
1562 sexual nature or in conduct amounting to harassment based on any protected category in
1563 the work setting.

1564 The Mille Lacs Band will investigate and attempt to resolve all employee
1565 complaints promptly. If for any reason, an employee believes the situation has not been
1566 satisfactorily resolved in a reasonable period of time, the employee may refer the problem
1567 to the Human Resources Director and the Grievance Committee.

1568 Anyone engaging in sexual or other unlawful harassment or conduct will be subject
1569 to disciplinary action, up to and including Summary Dismissal, see Page 78.

1570
1571
1572
1573
1574
1575
1576
1577
1578

1579

1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591

1592
1593
1594
1595
1596
1597
1598

1599
1600
1601
1602

PERFORMANCE MANAGEMENT

Performance Evaluation

Supervisors 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 employers 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.

Performance Evaluation Schedule

90 day evaluation – Completed at the end of the employee’s 90 day probationary period in any new position.

One year evaluation – Completed at the end of the employee’s first full year of employment in their current position.

Annual Fiscal Year evaluation – To bring an employee to the Fiscal year cycle, see example below. The initial evaluation to bring the employee to the Fiscal year cycle is prorated. Each evaluation period thereafter will be October 1 to September 30 of each year unless the employee changes positions.

Example:

Employee date of hire is 5/21/16, a 90 day evaluation would be completed at 8/21/16.

A One year evaluation would be completed for the period of 5/21/16 to 5/21/17.

The Annual Fiscal Year evaluation would be completed for the period of 5/22/17 (day after employee one year anniversary) to 9/30/17 (last day of fiscal year) and will be 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.

1603 **Administrative Investigations**

1604 .-An employee that is subject to an investigation for potential policy violations shall
1605 be placed on an unpaid suspension not to exceed thirty (30) days while the
1606 Department and/or Human Resources conduct an immediate, thorough and
1607 impartial investigation. If the investigation is not substantiated and there is no
1608 policy violation to proceed with disciplinary action or summary dismissal, the
1609 employee will be returned to work and retroactively paid for the length of time
1610 they were off of work.
1611

1612

1613 ***Progressive Discipline***
1614 ***(Opportunity to Correct Job Performance)***

1615 The Mille Lacs Band believes that its employees deserve fair treatment in any
1616 actions taken to resolve behavioral or performance problems. In this regard, the Band
1617 strives to ensure that its employees receive prompt, uniform and impartial treatment
1618 regarding any disciplinary issue. The major purpose of any disciplinary action is to correct
1619 the problem and to prevent recurrence of the issue.

1620 The Mille Lacs Band will follow the steps set forth below with respect to most
1621 disciplinary problems. However, certain types of employee problems are serious enough
1622 to justify either a suspension or immediate termination of employment, without going
1623 through the progressive discipline steps. See Summary Dismissal section in this Manual.
1624 Therefore, any and all of the following steps may be bypassed, within the discretion of the
1625 supervisor and the Human Resources Director, if they deem the conduct serious enough or
1626 if circumstances exist which make the following steps impracticable.

1627 ~~An employee that is subject to an investigation for potential summary dismissal~~
1628 ~~policy violations, shall be placed on an unpaid suspension not to exceed thirty~~
1629 ~~(30) days while the department and/or Human Resources conduct a thorough and~~
1630 ~~impartial investigation. If the investigation is not substantiated and there is no~~
1631 ~~policy violation to proceed with disciplinary action or summary dismissal, the~~
1632 ~~employee will be returned to work and retroactively paid for the length of time~~
1633 ~~they were off of work.~~
1634

- 1635 (a) Verbal Reprimand. The supervisor should orally explain the behavioral or
1636 performance problem to the employee. The supervisor should suggest solutions
1637 to the employee in order to remedy the behavioral or performance problem. At
1638 the conclusion of this meeting, the employee and his/her supervisor should sign
1639 a form noting the date, time and the substance of this meeting. This form will be
1640 maintained by the supervisor for a period of six (6) months and will not be
1641 maintained in the employee's personnel file.
1642
- 1643 (b) Written Warning. If the behavior or performance that was the focus of the first
1644 level meeting recurs, a written summary of the behavioral or performance
1645 problem shall be delivered to the employee. The written warning must state the
1646 supervisor's expectations for improvement and provide steps to be taken by the
1647 employee. Upon mailing or personal delivery of the written warning, the
1648 employee should acknowledge his/her receipt of the same on a form noting the
1649 date of receipt. The written warning will be maintained in the employee's
1650 personnel file.
1651
- 1652 (c) Suspension Notice. If no improvement is shown or the conduct recurs following
1653 the above steps, the supervisor, after consultation with the Human Resources

1654 Director, shall have the option to suspend the employee. The supervisor shall
1655 notify the employee in writing by mailing or personal delivery that he or she is
1656 being suspended without pay for a period of one (1) to five (5) days. The length
1657 of the suspension shall be determined taking into consideration the nature and
1658 severity of the behavior or performance problem. A written suspension notice,
1659 which shall be mailed or personally delivered to the employee, should concisely
1660 state the specific reason(s) for the suspension and the dates of the suspension. ~~An~~
1661 ~~employee that is subject to an investigation for potential summary dismissal~~
1662 ~~policy violations, shall be placed on an unpaid suspension not to exceed thirty~~
1663 ~~(30) days while the department and/or Human Resources conduct a thorough and~~
1664 ~~impartial investigation. If the investigation is not substantiated and there is no~~
1665 ~~policy violation to proceed with disciplinary action or summary dismissal, the~~
1666 ~~employee will be returned to work and retroactively paid for the length of time~~
1667 ~~they were off of work.~~

1668
1669 (d) Termination Notice. If no improvement is shown or the conduct recurs following
1670 the above steps, the supervisor, after consultation with the Human Resources
1671 Director, shall have the option to terminate the employee rather than suspend.
1672 Termination of an employee shall be determined taking into consideration the
1673 nature and severity of the behavior or performance problem. The supervisor shall
1674 notify the employee in writing by mailing or personal delivery that his or her
1675 employment is being terminated. The termination notice shall concisely state the
1676 specific reason(s) for the termination and the effective date of the termination.
1677

1678 Prior to processing any suspension or termination, a supervisor must first conduct an
1679 informal meeting with the employee to provide a general summary of the allegations
1680 supporting the contemplated disciplinary action, and to provide the employee a meaningful
1681 opportunity to rebut the allegations. The length of the informal meeting shall depend upon
1682 the circumstances, and the supervisor does not need to adhere to any prescribed procedure.
1683

1684 If a decision is made to suspend or terminate the employee, the supervisor shall
1685 immediately notify the Human Resources Director and the Office of Management &
1686 Budget of the effective dates of the suspension or termination. In addition, the supervisor
1687 shall provide written documentation to the Human Resources Director outlining the
1688 following (to the extent applicable):
1689

- 1690 a. The specific behavior or performance that resulted in the suspension and/or
1691 termination, including the dates on which such behavior or performance
1692 occurred (including but not limited to the date of the most recent incident) and
1693 any provisions of the Personnel Policy that were violated; and
1694
- 1695 b. The previous disciplinary actions taken and any assistance offered to the
1696 employee to correct the behavior or performance that resulted in the suspension
1697 and/or termination, including but not limited to:
 - 1698 (i) the time and date of the verbal warning meeting;
 - 1699 (ii) the time and date of the written warning;

1700
1701
1702
1703
1704
1705

- (iii) the time and date of the Notice of Suspension and the date(s) of the suspension; and
- (iv) the time and date of the notice of termination and the effective date of termination.

GRIEVANCE PROCEDURE
(Employee's Right to Grieve)

1706
1707
1708
1709

1710
1711
1712
1713
1714
1715

1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736

1. Generally.

Each and every employee is encouraged to deal openly and directly with supervisors in order to provide a more positive work environment. Therefore, employees are encouraged to discuss any concerns directly with their supervisor at the onset of the concern. If those concerns are not resolved at that level, after discussion with the direct supervisor, or if the employee's direct supervisor is the subject of the problem or is directly involved, the employee should bring any concerns forward as outlined below:

If the employee believes his/her direct supervisor is not open to discussing the complaint, or if the direct supervisor is the subject of the complaint, the employee must contact the higher level supervisor to try to resolve the issue. If the employee's supervisor is a commissioner or elected official, the employee should contact the Human Resources Director to arrange this meeting. The higher level supervisor shall investigate the claims of the employee within ten (10) business days of the initial contact by the employee and attempt to resolve the issue. The higher level supervisor may also contact the Human Resources Director to assist in resolving the issue.

If the employee believes that the higher level supervisor has not resolved the issue to his/her satisfaction, he/she may contact the Human Resources Director within five (5) business days of the higher level supervisor's written response to request that the complaint be addressed before the Grievance Committee.¹ If the higher level supervisor fails to respond within the designated timeframe, the higher level supervisor may be subject to a disciplinary action.

The Grievance Committee shall meet to resolve the complaint within twenty-one (21) business days of the employee's request. The decision of the Grievance Committee is final.

¹ The Grievance Committee shall be a body of five (5) individuals made up of a representative of the Human Resources Department, the Executive Branch, the Legislative Branch, the Judicial Branch, and one elder who shall also be a government employee. It shall be the responsibility of the committee members to select the elder employee. The committee members of each branch of government shall be selected by the elected officials and, in regard to Judicial, the Chief Justice. If a conflict exists between a committee member and the employee, the committee member must remove himself/herself from the hearing proceedings.

1737 **2. Grievance and Appeal of Disciplinary Action.**

1738 Each and every employee is afforded the opportunity to grieve or appeal a
1739 disciplinary action against them if he/she believes it is in their best interest to do so. In
1740 order to provide an impartial and fair process, the Mille Lacs Band hereby adopts the
1741 following procedure:

1742 **Level One:** An employee who has received a written warning concerning a behavioral or
1743 performance problem from his/her immediate supervisor and who wishes to grieve/appeal
1744 the same must do the following: (1) Contact the supervisor of his/her immediate
1745 supervisor within five (5) business days of the employee's receipt of the written warning
1746 to request a meeting. The higher level supervisor must listen to the employee's
1747 grievance/appeal in a fair and impartial manner. (2) Within five (5) business days of the
1748 meeting, the higher level supervisor must prepare a written statement of the meeting and
1749 outline the steps taken to resolve the matter. (3) A copy of the written statement must be
1750 mailed or personally delivered to the employee on the same day a copy is provided to
1751 Human Resources to be placed in the employee's file. There is no further appeal to the
1752 Grievance Committee of a written warning.

1753 Likewise, an employee who is suspended and who wishes to grieve/appeal the same
1754 must do the following: (1) Contact the supervisor of his/her immediate supervisor within
1755 five (5) business days of the employee's suspension to request a meeting. The higher level
1756 supervisor must listen to the employee's grievance/appeal in a fair and impartial manner.
1757 (2) Within five (5) business days of the meeting, the higher level supervisor must prepare
1758 a written statement of the meeting. (3) A copy of the written statement must be mailed or
1759 personally delivered to the employee on the same day a copy is provided to Human
1760 Resources to be placed in the employee's file. There is no further appeal to the Grievance
1761 Committee of a suspension.

1762 **Level Two:** An employee who is terminated and who wishes to grieve/appeal the same
1763 must do the following: (1) Within ten (10) business days of the date of mailing or personal
1764 delivery of the termination letter or notice, he/she must file a written request with the
1765 Human Resources Director to request a hearing before the Grievance Committee outlining
1766 the basis for challenging the facts of the termination decision. The employee shall give up
1767 the right to a hearing if he or she fails to submit a written outline. (2) Within twenty-one
1768 (21) business days of the filing of the request for hearing, the Grievance Committee must
1769 hold a hearing on the employee's complaint. (3) Within ten (10) business days of the
1770 hearing, the Grievance Committee must provide a written decision to the employee by mail
1771 or personal delivery recommending either that the employee be re-instated or upholding
1772 the termination.² A copy of this decision will be kept in the employee's file.

² In reviewing a termination decision, the Grievance Committee shall limit its review to the grounds for termination set forth in the notice of termination and the written documentation provided by the supervisor to the Human Resources Director in accordance with the Progressive Discipline Policy. The grounds for termination as set forth in those documents cannot be supplemented during the pendency of the grievance process.

1773 **Level Three:** If the employee believes that his/her grievance of a termination decision has
1774 not been adequately resolved by the Grievance Committee, he/she may appeal to the Court
1775 of Central Jurisdiction within ten (10) business days of the date of mailing or personal
1776 delivery of the written decision of the Grievance Committee. See the policy on Official
1777 Employee Address and Legal Notice in this Manual for purposes of calculating the ten-day
1778 period. The employee bears the burden of proof on appeal. **The rules and procedures**
1779 **governing the appeal are set forth in Appendix A attached hereto.** The decision of the
1780 District Court of the Court of Central Jurisdiction may be appealed to the Court of Appeals
1781 of the Court of Central jurisdiction in accordance with the rules and procedures set forth in
1782 Appendix A, but the decision of the Court of Appeals of the Court of Central Jurisdiction
1783 shall be final and unappealable.

1784

TERMINATION

1785

1786 ***Employment Termination***

1787

1788 During the probationary period, or the first 90 days of employment, the Mille Lacs
1789 Band of Ojibwe has the right to terminate employment at will, which means with or without
1790 cause or for any reason. However, a regular full-time employee who accepts a transfer,
1791 promotion or non-disciplinary demotion cannot be terminated at will during a subsequent
1792 probationary period associated with the new employment position. Following the
1793 probationary period, an employee may be terminated only for “just cause.” The definition
1794 of just cause and the procedure for termination are set forth in this Personnel Policy
1795 Manual.

1796

1797

Summary Dismissal

1798 (a) Under certain circumstances, an employee is subject to an immediate Summary
1799 Dismissal, and is not entitled to progressive discipline. These special circumstances exist
1800 when a supervisor has proof or credible information that the employee has committed or
1801 been convicted of one of the following acts, or other acts of a similarly serious nature,
1802 while employed by the Band:

1803

1804

(1) An offense against another person, including:

1805

(A) Assault;

1806

(B) Battery;

1807

(C) Sexual assault;

1808

(D) Acts or threats of violence of any kind; or

1809

(E) Endangerment of a child or vulnerable adult.

1810

(F) Behavior as defined in Harassment and Discrimination policy.

1811

(2) An offense against property, including:

1812

(A) Theft (including embezzlement);

1813

(B) Robbery;

1814

(C) Unauthorized use of a work vehicle, including driving without insurance;

1815

(D) Burglary;

1816

(E) Arson;

1817

(F) Receiving stolen property; or

1818

(G) Vandalism.

1819

(3) Alcohol related offenses include:

1820

(A) Obtaining or providing alcohol to persons under the age of 21.

1821

(4) Controlled substances offenses, including:

1822

(A) Possession of controlled substances; or

1823

(B) Sale of controlled substance.

1824

(5) Miscellaneous other offenses, including:

1825

(A) Forgery;

1826

(B) Obtaining a signature by deception;

1827

(C) Bribery;

1828

(D) Criminal impersonation;

1829

(E) Improper influence of official;

1830

(F) Obstruction of Band administration;

1831

(G) Obstruction of justice;

1832

(H) Tampering with a public record;

1833

(I) Falsification of documents;

1834

(J) Participating in political activities during business hours;

1835

(K) Using Band government property for political purposes during business hours;

1836

(L) Using Band government staff/employees for political purposes during business hours;

1837

(M) Disclosing confidential information to another without prior authorization; and

1838

1839

1840

1841

1842

1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855

Summary Dismissal (continued)

(N) Falsely reporting a crime.

(O) Any pending criminal charges that are not resolved within a thirty (30) day period that reduces the ability to perform his/her job.

~~(P) Conduct unbecoming an employee of the Band.~~

(Q) Any civil or criminal conviction that reduces the employee's eligibility to perform his/her job.

(b) An employee subject to summary dismissal may appeal the termination decision pursuant to the Grievance Procedure described above.

1856 **Termination for Just Cause**

1857 The reasons for “just cause” termination may include the following:

1858

1859 (a) All infractions listed in the Summary Dismissal section.

1860

1861 (b) Misconduct, including:

1862

1863 (1) Unexcused absence from work;

1864 (2) Repeated and unexcused tardiness;

1865 (3) Abuse of the Band’s attendance or leave policies;

1866 (4) Insubordination e.g. not following chain of command;

1867 (5) Failure to carry liability insurance for a vehicle used for Band business;

1868 (6) Operating a Band vehicle without a Minnesota driver’s license;

1869 (7) Engaging in conduct in violation of the Band’s personnel policies (including
1870 but not limited to discrimination, harassment or retaliation);

1871 (8) Disruptive behavior in the workplace;

1872 (9) Any other intentional, negligent or indifferent conduct on or off the job that
1873 demonstrates a violation of the standards of behavior the Band reasonably
1874 expects from its employees.

1875 (10) Gambling/Gaming during work hours (Work hours do not include unpaid
1876 meal breaks).

1877 (11) Reasonable belief the employee has committed a material violation of
1878 Professional Practice Standards

1879

1880 (c) Performance Problems, including, but not limited to:

1881

1882 (1) Failure to follow orders or directions of a supervisor;

1883 (2) Failure to perform work in an efficient, timely and accurate manner;

1884 (3) Failure to perform satisfactorily on a consistent basis;

1885 (4) Failure to comply with the terms of a grant or contract;

1886 (5) Failure to satisfactorily complete a performance improvement plan or
1887 comply with the terms of a written warning from a supervisor.

1888

1889 (d) Miscellaneous Problems, including:

1890

1891 (1) Disrupting other Band programs;

1892 ~~(2) Conduct unbecoming an employee of the Band.~~

1893 ~~(3) Any civil or criminal conviction that reduces the employee’s eligibility~~
1894 ~~to perform his/her job.~~

1895 (42) Subsequent failure to satisfy an essential job requirement as explicitly
1896 stated on an Administration Policy Board (APB) approved job description.

1897

1898 An employee has the right to appeal the termination decision as described in this
1899 Personnel Policy Manual.

1900

1901 **Access to Personnel Files**

1902 A personnel file is maintained for each employee. The personnel file includes
1903 such information as the employee’s job application, resume, records of training,
1904 documentation of performance appraisals and salary increases, and other employment
1905 records.

1906
1907 While each employee has the right to view and copy his/her personnel file,
1908 personnel files are the property of the Mille Lacs Band and access to the information is
1909 restricted. Generally, only supervisors and management personnel having a legitimate
1910 reason to review information within a file are allowed to do so.

1911
1912 Employees who wish to review his/her file should inform Human Resources in
1913 writing. Within seven working days of receipt of the written request, an employee will be
1914 permitted to review his/her personnel file in the presence of Human Resources staff and
1915 within the Human Resources office. **No one is permitted to remove his/her personnel
1916 file from the office.**

1917
1918 Requests to review personnel files more than once every six months may be
1919 denied at the discretion of the Human Resources Director. No documents may be removed
1920 from the personnel file by anyone other than the individual appointed by the employer to
1921 maintain the files. If the employee would like a copy of any document in his/her personnel
1922 file, they must ask the Human Resources staff for such copy. The employee requesting the
1923 copy may be asked to reimburse the Mille Lacs Band for the cost at 25 cents per page.
1924

1925 If an employee disputes any information contained in his/her personnel file, the
1926 employee should first ask the Human Resources Director to revise or remove the disputed
1927 information. If the employee and employer cannot reach an agreement on revision or
1928 removal, the employee may submit a written position statement, no more than five pages,
1929 to be included along with the disputed information in the employee’s personnel record.
1930

1931 Any employee who discloses confidential personnel information of any other
1932 employee to another shall be immediately terminated upon proof of same, according to the
1933 process outlined in this Personnel Policy Manual.
1934

1935 **PROMOTION ADVANCEMENT**

1936 ***Posted Positions***

1937 ~~In general, notices of all regular, full-time, part-time, and grant job openings are~~
1938 ~~posted. However, the Mille Laes Band reserves its discretionary right not to post a~~
1939 ~~particular opening or not to reschedule interviews for applicants unable to make the original~~
1940 ~~scheduled day and time.~~

1941 ~~In accordance with the Band’s Tribal Employment Rights Office (“TERO”) law,~~
1942 ~~Human Resources shall notify TERO of post all openings in employment positions and~~
1943 ~~provide job descriptions for such openings at or before the time at which the openings are~~
1944 ~~advertised. All members of federally recognized Indian tribes shall also be encouraged to~~
1945 ~~seek promotional opportunities. For every opening in a supervisory position, Human~~
1946 ~~Resources shall make reasonable efforts to inform employees who are members of~~
1947 ~~federally recognized Indian tribes about the position and encourage them to apply.~~
1948 ~~However, the Mille Laes Band reserves its discretionary right not to reschedule~~
1949 ~~interviews for applicants unable to make the originally scheduled day and time.~~

1950

1951 Job openings will be posted on the employee bulletin board ; MLBO website ,and
1952 in the e-mail system. Each job posting notice will include the dates of the posting period,
1953 job title, department, location, grade level, essential duties and qualifications (required
1954 skills and abilities).

1955 Employees who have a written warning on file within 90 days prior to application
1956 or are on suspension are not eligible to apply for posted jobs.

1957 To apply for an open position, employees should complete an employment
1958 application and submit a cover letter and resume to Human Resources, listing job-related
1959 skills and accomplishments. It should also describe how their current experience with the
1960 Mille Laes Band and prior work experience and/or education qualifies them for the
1961 position.

1962 **A. Employee Transfers**

1963 If a regular full-time employee, who has successfully completed a 90-day
1964 probationary period and who has not received a written warning or suspension within 90
1965 days prior to applying for a posted position, is hired for a posted position, the employee
1966 must serve a 90-day probationary period in the posted position for the purpose of
1967 performance evaluation, but will retain and be able to use employee benefits such as any
1968 accrued sick and annual leave and, if a Band Member employee, retain eligibility for all
1969 Band benefit/program services. A regular full-time employee who is offered and accepts
1970 a transfer, promotion or non-disciplinary demotion, must serve a 90-day probationary
1971 period in the new position and cannot be terminated at-will ~~during a subsequent~~

1972 ~~probationary period associated with the new employment position, nor can the offer be~~
1973 ~~rescinded.~~

1974 ~~The position vacated as a result of an employee transfer will be posted by the respective~~
1975 ~~Department at the discretion of the Commissioner (if the position is in the Executive~~
1976 ~~Branch), the Secretary-Treasurer (if the position is in the Legislative Branch), or the~~

1977 Effective April 1, 2014, the Band government will accept an individual's time worked
1978 as a Mille Lacs Corporate Ventures (MLCV) non-gaming employee, Grand Casino Mille
1979 Lacs (GCML) or Grand Casino Hinckley (GCH) regular full-time or part-time employee
1980 when the individual resigns from the MLCV, GCML or GCH and accepts employment
1981 with the Band government as long as the transfer is within two (2) weeks from when the
1982 offer of employment is made and there is no break in employment.

1983 The transferred individual must have been in his or her MLCV, GCML or GCH job
1984 at least six (6) months. The individuals time worked will count toward a subsequent
1985 probationary period with the new employment position.

1986

1987

1988

1989

1990

1991

1992

1993

1994

DRUGS AND ALCOHOL

1995

1996

A. General Application

1997 The Mille Lacs Band of Ojibwe is committed to providing a work environment free from
1998 the effects of alcohol, cannabis and illegal drugs and to provide employees who abuse
1999 alcohol or use illegal drugs the opportunity for rehabilitation.

2000 The Band understands that recreational marijuana use was legalized May 30, 2023 and now Minnesota is the 23rd state to
2001 allow for medical and recreational cannabis use.. This goes into effect August 1, 2023. Nevertheless, it remains illegal at the
2002 Federal level and certain “safety sensitive” employment may have prohibitions/restrictions on cannabis use.
2003 Applicants required by federal law, grant requirements; safety sensitive positions “identified by MLBO Human Resources
2004 via the Administration Policy Board process, applicants for jobs can be screened for marijuana as a condition for
2005 employment.

2006 The possession and use of cannabis during work hour and, when an employee is on-site or in a company vehicle, is
2007 prohibited and subject to discipline.

2008 Cannabis testing is allowed if on-the-job cannabis use is reasonably suspected to be the cause of a violation of MLBO policy
2009 or law.

2010 Consistent with this philosophy, the Mille Lacs Band hereby implements this Drug
2011 and Alcohol Testing Policy for all applicants for employment and for all employees. The
2012 Mille Lacs Band has also elected to incorporate by reference the Federal Highway
2013 Administration’s Controlled Substance and Alcohol Use and Testing Act’s regulations (49
2014 C.F.R. Part 382 *et seq.*), the Commercial Driver’s License Standards (49 C.F.R. Part 383
2015 *et seq.*), and the Office of the Secretary of Transportation Procedures for Transportation
2016 Workplace Drug Testing Programs (49 C.F.R. Part 40 *et seq.*), and MCL 333.7101 to
2017 333.7545. Where sections of this policy conflict with these federal and state regulations,
2018 this policy controls.

2019 Any individual who receives an offer of employment ~~will~~may ~~shall~~ be required to
2020 submit to a drug and alcohol test as a condition of obtaining employment if the “safety
2021 sensitive position requires testing per Band or Federal law and policies. Human Resources
2022 reserves the right to designate a position as a “safety sensitive position per the
2023 Administrative Policy Board Process.”. Testing must be in accordance with the rules and
2024 regulations of the Mille Lacs Band.

2025 Violations of this policy will lead to disciplinary action, up to and including
2026 immediate termination of employment and/or required participation in a substance abuse
2027 rehabilitation or treatment program. Such violations may also have legal consequences.
2028 Any employee responsible for implementing the Mille Lacs Band Drug and Alcohol policy
2029 will be expected to conform to the confidentiality standards as well as perform all actions
2030 without bias towards any employee.

2031 To inform employees about important provisions of this policy, the Mille Lacs
2032 Band has established a drug-free awareness program. The program provides information
2033 on the dangers and effects of substance abuse in the workplace, resources available to
2034 employees and consequences for violations of this policy.

2035 Employees with questions or concerns about substance dependency or abuse are
2036 encouraged to use the resources of the Employee Assistance Program (EAP). They may
2037 also wish to discuss these matters with their supervisor or the HR Labor - Employee
2038 Relations Specialist to receive assistance or referrals to appropriate resources in the
2039 community.

2040 Employees with drug or alcohol problems that have not resulted in and are not the
2041 immediate subject of disciplinary actions, may request approval to take unpaid time off to
2042 participate in a rehabilitation or treatment program through the Mille Lacs Band's health
2043 insurance benefit coverage. Leave may be granted if the employee agrees to abstain from
2044 use of all problem substances, abide by all Mille Lacs Band policies, rules and prohibitions
2045 relating to conduct in the workplace and is contingent on whether or not the leave will
2046 cause the Mille Lacs Band any undue hardship. ~~Medical/dental insurance is continued as
2047 if they were an active employee.~~

2048 Under the Drug-Free Workplace Act, an employee who performs work for a
2049 government contract or grant must notify the Mille Lacs Band of a criminal conviction for
2050 drug-related activity occurring in the workplace. The report must be made within five
2051 business days of the conviction.

2052 Employees with questions about this policy or issues related to drug or alcohol use
2053 in the workplace should voice their concerns to their supervisor or the HR Labor-Employee
2054 Relations Specialist without fear of reprisal.

2055 **B.**

2056 **DEFINITIONS:**

2057

2058 **Alcohol:** Ethyl alcohol

2059

2060 **Confirmatory Test:** A test used to confirm the presence of a drug or alcohol in a specific
2061 urine or body substance. This is a second analytical procedure, which is independent of
2062 the initial test and which uses a different technique and chemical principle from that of the
2063 initial test to ensure reliability and accuracy. The sample of the confirmatory test will be
2064 drawn from the same sample originally supplied by the employee.

2065

2066 **Drug:** A controlled substance as defined in Federal statutes, which is either not prescribed
2067 by a licensed health care provider or is used other than in the prescribed manner. Excluding
2068 the legalization of Cannabis in the State of Minnesota.

2069

2070 **Drug and Alcohol Testing:** Analysis of urine or a body substance specimen, for the
2071 purpose of measuring the presence or absence of drugs, alcohol or their metabolites in the
2072 sample tested.

2073

2074 **Initial Test:** An immunoassay screen test which eliminates urine or body substance
2075 specimens that are negative for the presence of drugs.

2076

2077 **Medical Review Officer:** A licensed physician responsible for receiving laboratory results
2078 generated by the Mille Lacs Band’s drug and alcohol testing program, who has knowledge
2079 of substance disorders and has appropriate medical training to interpret and evaluate an
2080 individual’s positive test result, together with their medical history and any other relevant
2081 biomedical information. The MRO also assists in deciding whether to permit an employee
2082 to return to duty after receiving a positive test result.

2083

2084 **Positive Test Result:** A urine or body substance specimen that has undergone an initial
2085 test and an evaluation by the MRO who has ruled out a legitimate reason for the use of
2086 alcohol or drugs. The test finding registers a presence of alcohol or drugs or their
2087 metabolites in levels at or above threshold detection levels. The presence of alcohol or
2088 drugs at or above the following levels shall be considered a positive test result.

2089

2090 **Drug or Alcohol**

2091

	<u>Initial Screening .02%</u>	<u>Confirmatory Test.02%</u>
2092 Amphetamine	1000 ng/ml	500 ng/ml
2093 Barbiturates	300 ng/ml	200 ng/ml
2094 Cocaine	300 ng/ml	150 ng/ml
2095 THC	50 ng/ml	15 ng/ml
2096 Ethanol	20 mg/dl	20 mg/dl
2097 Opiates	2000 ng/ml	2000 ng/ml
2098 PCP	25 ng/ml	25 ng/ml

2100

2101 **Reasonable Suspicion:** A basis for forming a reasonable belief based on specific facts and
2102 rational inferences drawn from those facts. This standard does not require that all
2103 supervisors or even a majority of supervisors would reach the same conclusion. It only
2104 requires that it is not unreasonable for a given supervisor to form the belief that they did.

2105

2106 **Under the Influence:** Having the presence of alcohol or other drugs at or above the level
2107 of a positive test result as defined above, under “Positive Test Result.”

2108

2109 **Huffing:** To inhale the vapors or fumes of a chemical (such as glue) in order to become
2110 intoxicated.

2111

2112 **Safety Sensitive Positions :** Operators of machinery, positions with federal requirements
2113 equipment and Band owned vehicles; employees working with children, people with
2114 disabilities and elders. This is not an exhaustive list and HR reserves the right to designate
2115 a position as “safety sensitive” via the Administrative Policy Board²² process.

2116 **C. Work Rule on Drugs**

2117 The possession, use, sale, or transfer of controlled substances or the improper use
2118 of other drugs during working hours or on Band property or job sites is prohibited. An
2119 employee is not permitted to report to work or operate vehicles, machinery, or equipment
2120 while under the influence of any drug or controlled substance that could adversely affect
2121 performance. Employees who violate this work rule are subject to disciplinary action up
2122 to and including termination.

2123 Employees who are under a physician's care, and who are taking prescribed
2124 controlled substances including but not that could affect performance, should report this
2125 treatment to their supervisor. Medications that contain alcohol or other mood altering
2126 chemicals are not permitted during working hours or any time within 8 hours prior to the
2127 start of a shift. –This information is important to the Band to ensure that safety and
2128 efficiency are maintained.

2129 Employees failing to report and whose performance, in the opinion of their
2130 supervisor, is adversely affected by his/her taking prescribed controlled substances are
2131 subject to disciplinary action up to and including termination.

2132 **D. C. Work Rule on Alcohol and Cannabis Use**

2133 Consumption of alcohol and/or Cannabis use that interferes with work place
2134 performance will not be tolerated. The possession, use, sale, distribution, or transfer of
2135 alcoholic beverages and/or Cannabis on Band property or job sites is prohibited. Also, an
2136 employee is not permitted to report to work or operate vehicles, machinery, or equipment
2137 while under the influence of either substance~~alcohol~~. An employee will be considered to
2138 be under the influence when consumption of alcohol or Cannabis has impaired or is likely
2139 to impair the employee's job performance and it is the judgment of his/her supervisor using
2140 a reasonable suspicion standard that an employee is impaired. Band policy requires
2141 disciplinary action up to and including termination for any employee who uses alcohol or
2142 Cannabis while at work. However, this policy does not prohibit an employee from seeking
2143 medical care or rehabilitation because of substance~~alcohol~~ abuse.

2144

2145

2146

D. Drug and/or Alcohol Testing

2147 The Mille Lacs Band has adopted the Drug Free Workplace law and is committed
2148 to providing a safe, efficient and productive work environment for all employees. Using
2149 or being under the influence of drugs (or alcohol) on the job may pose serious safety and
2150 health risks. To help ensure a safe and healthful working environment, employees may be
2151 asked to provide random body substance samples (including, but not limited to urine, hair
2152 sample and/or blood through the use of swab or other type of test) to determine the presence
2153 of illicit or illegal use of drugs (and alcohol). Employees have the right to refuse testing,
2154 however, refusal to submit to drug and/or alcohol testing may result in disciplinary action,
2155 up to and including termination of employment.

2156 The Employee Assistance Program (EAP) provides confidential counseling and
2157 referral services to eligible employees for assistance with drug (and/or alcohol) abuse or
2158 addiction problems. It is the employee’s responsibility to seek assistance from the EAP
2159 prior to reaching a point where his/her judgment, performance or behavior has led to
2160 imminent disciplinary action. Participation in the EAP after the disciplinary process has
2161 begun may not preclude disciplinary action, up to and including termination of
2162 employment.

2163 Copies of the drug testing policy are provided to all employees. Employees will be
2164 asked to sign an acknowledgement form indicating that they have received a copy of the
2165 drug testing policy. Questions concerning this policy or its administration should be
2166 directed to the HR Labor-Employee Relations Specialist.

2167 Employees who voluntarily seek help for their chemical dependency will be
2168 permitted to do so in a confidential manner. (See Treatment)

2169 If an employee is concerned about the drug (or alcohol) use or abuse by a fellow
2170 employee or of drug trafficking, or of safety or job performance as it relates to another
2171 employee’s drug or alcohol use or abuse (including Supervisors, Managers, Directors or
2172 Commissioners), they should report these concerns confidentially to the Human Resources
2173 Director and to the employee’s supervisor. There shall be no repercussions to any
2174 employee who reports such concerns about a fellow employee.

2175 **E. Pre-Employment**

2176 Applicants selected for hire will be required to submit to a drug and alcohol test so
2177 long as the position is deemed “safety sensitive” through the Administrative Policy Board
2178 processes. The offer to hire is conditional upon passing the drug and alcohol test. The
2179 applicants must consent to the test by signing a release. The applicant may refuse to submit
2180 to the test, however, such refusal will result in the conditional job offer being withdrawn.
2181 If the applicant fails the test, they will not be hired for the position.

2182 An applicant who fails the pre-employment drug and alcohol test will not be eligible
2183 for employment (short-term, permanent or on-call) with the Mille Lacs Band until cleared
2184 through the Human Resources office. Applicants cannot apply for posted positions for 30
2185 days after a confirmed failed pre-employment drug and alcohol test. Both employees and

2186 job applicants offered employment have the right to explain positive test results on a
2187 confirmatory test and to request and pay for a confirmatory re-test.

2188 ~~Any person who is offered employment will be scheduled for a pre-employment~~
2189 ~~test. These tests are conducted as follows:~~ **Any employee who is offered employment will**
2190 **be scheduled for a pre-employment test. Testing Procedure:**

- 2191 1. A Human Resources designee must schedule the individual for pre-
2192 employment testing at the appropriate testing agency or may conduct swab
2193 testing on-site. A second and final testing time may be scheduled if the
2194 individual fails to appear or calls to reschedule.
- 2195 2. If an employee does not start immediately or has a lapse in service longer
2196 than thirty (30) days they will need to be retested.

2197 **F. Other Employment Testing**

- 2198 1. Additionally, the Mille Lacs Band reserves the right to administer a single
2199 annual drug and alcohol test to existing employees within the defined scope
2200 of this policy.
- 2201 2. Employees engaged in safety-sensitive positions, deemed so through the
2202 Administrative Policy Board processes, (for example, operators of
2203 machinery, equipment and Band owned vehicles; employees working with
2204 children, people with disabilities and elders) are subject to random testing.
2205 Twenty percent of employees covered by this subdivision are subject to
2206 drug tests each year. The tests must be conducted periodically over a one
2207 (1) year calendar period. Individuals failing to appear for scheduled testing
2208 under this section are subject to discipline. Employees in safety-sensitive
2209 positions, deemed so through the Administrative Policy Board processes
2210 who test positive for alcohol or any controlled substance, including
2211 prescription medication for which the employee does not have a
2212 prescription, will be terminated immediately.
- 2213 3. An employee will be required to undergo a drug and alcohol test when, in
2214 the opinion of their immediate supervisor, there is reasonable suspicion that
2215 the employee is under the influence of drugs and/or alcohol, or that the
2216 employee has used, possessed, sold or transferred drugs and/or alcohol
2217 while on Band property or while operating vehicles or machinery as part of
2218 his/her job. The employee's supervisor must suspend the employee without
2219 pay and make arrangements to transport the employee to and from the
2220 testing facility designated by the Mille Lacs Band for a "reasonable
2221 suspicion" drug test.
- 2222 4. The other circumstances under which an employee is required to undergo a
2223 drug and alcohol test are as follows:
2224
2225

- 2226 a. The employee has caused a work-related accident, or was operating
 2227 or helping to operate machinery, equipment, or vehicles involved in
 2228 a work-related accident.
- 2229 b. The employee has sustained a personal injury as defined under
 2230 Minnesota's Worker's Compensation Statutes or has caused another
 2231 employee to sustain a personal injury.
- 2232 c. An employee who previously has been required to undergo a
 2233 chemical dependency treatment program may be tested, without
 2234 prior notice, during the evaluation or treatment period and for up to
 2235 twelve (12) months as stated in Section O. below.

2236 **G. Portable Breathalyzer Test**

2237 Under this policy, employees may be required to take a portable breathalyzer test
 2238 (PBT) when requested to do so by Band management.³ If an employee is suspected to be
 2239 under the influence of alcohol, he/she will be asked to take the PBT. Band management,
 2240 or its designee, may administer the PBT under the following guidelines, and the Breath
 2241 Alcohol Testing form must be used and forwarded to the Human Resources Director.

- 2242 1. Alcohol testing must be conducted in a location that affords visual and aural
 2243 privacy to the individual being tested, sufficient to prevent unauthorized
 2244 persons from seeing or hearing the results. All necessary equipment,
 2245 personnel, and materials for breath testing must be provided at the location
 2246 where testing is conducted.
- 2247 2. The Band may use a mobile collection facility that meets the requirements
 2248 of paragraph 1 of this section.
- 2249 3. No unauthorized persons may be permitted access to the testing location
 2250 when the PBT remains unsecured or, in order to prevent such persons from
 2251 seeing or hearing a testing result, or at any time when testing is being
 2252 conducted.
- 2253 4. The PBT testing administrator may supervise only one employee's use of
 2254 the PBT at a time.
- 2255 5. If the employee admits to being under the influence of alcohol, or refuses
 2256 the PBT, he/she will be suspended for three (3) days. The employee may
 2257 be terminated upon a second incident involving either an admission of being
 2258 under the influence or a refusal to take the PBT.

2259 **H. Consequences of Test Results**

³ Band management is defined as supervisors, directors, commissioners, elected officials or Human Resources Director.

2260 The initial test will provide data concerning any presence of general classes of
2261 drugs, alcohol, or their metabolites. If such an initial screening test shows a positive result,
2262 the sample will be given a second confirmatory test. An offer of employment made
2263 contingent upon passing a drug and alcohol test will not be withdrawn based on the positive
2264 results of an initial screening which has NOT been verified by a confirmatory test.

2265 The employee or job applicant will be informed of their test results and their right
2266 to obtain a copy of the results in writing, from the department collecting the results, within
2267 three (3) working days after the receipt of the written determination from the testing
2268 laboratory. The employee or job applicant has the right to request and receive a copy of
2269 the test result report on any drug and alcohol test. The employee or job applicant may, at
2270 their expense, obtain a confirmatory retest, by a qualified laboratory of the individual's
2271 choice, OF THE ORIGINAL SAMPLE used in producing a positive confirmatory test
2272 result, provided that the individual notifies Human Resources of his/her intention to do so
2273 within five (5) working days after his/her receipt of the positive confirmatory test result by
2274 Human Resources.

2275 In the event of a confirmatory test, the testing laboratory may contact the tested
2276 individual for information as to a possible innocent explanation of the positive test. All
2277 employees or job applicants who receive a positive test result will be given written notice
2278 of their right to explain the positive results and right to obtain a confirmatory re-test.

2279 Where a positive confirmatory test result is the first positive test result while
2280 employed for the Mille Lacs Band, and the employee offers no reasonable explanation or
2281 proof of legitimate use, an existing employee will be afforded an opportunity to participate
2282 in an appropriate drug and/or alcohol counseling and/or rehabilitation program at the
2283 employee's expense. Such opportunity may only be provided if a certified chemical use
2284 counselor, or a physician trained in the diagnosis and treatment of chemical dependency,
2285 believes that the counseling/rehabilitation is an appropriate course of action.

2286 If an employee refuses to participate in the counseling or rehabilitation program,
2287 fails to successfully complete a program as evidenced by withdrawal from a program
2288 before its completion, or has a positive test result after the program, the employee may be
2289 disciplined up to and including termination.

2290 If an applicant or employee test is too diluted to confirm a true result due to various
2291 reasons, including recent exercise or excessive intake of liquid, the applicant or employee
2292 will be asked to return within 24 hours for re-testing if the Lab reports that it cannot confirm
2293 a true test. After second dilute, a job offer could be rescinded or the individual's job could
2294 be terminated.

2295 I. Refusal of Job Applicant or Employee to Submit to Testing

2296 Before requesting an employee or job applicant to undergo drug/alcohol testing, the
2297 Mille Lacs Band will ask the employee or job applicant to complete a form acknowledging
2298 that he/she has seen the Drug and Alcohol Testing Policy, and understands it.

2299 Any employee or job applicant may refuse to submit to a drug/alcohol screening
2300 that the Band has requested but, upon such refusal, the Band may withdraw its offer of
2301 employment to a job applicant, or subject an existing employee to disciplinary action up to
2302 and including discharge.

2303 If an employee or job applicant is found to have adulterated a test sample, or in any
2304 way to have tampered with the testing process, the Mille Lacs Band may terminate an
2305 existing employee, or may not offer employment to a job applicant.

2306 All adulterated tests must be treated as a refusal of testing.

2307

2308 **J. Reasonable Suspicion**

2309 An employee who exhibits behavior which creates a reasonable suspicion of being
2310 under the influence of alcohol or other drugs at work will be asked to submit to a test to
2311 confirm or refute such suspicions. The employee may be suspended without pay pending
2312 the outcome of a confirmatory test or a confirmatory re-test elected by the employee. The
2313 employee will not be permitted to return to work until a negative test result has been
2314 received, with the following exception for monitoring of THC levels as stated below.

2315 Any employee who has been suspended solely on the basis of suspected drug and/or
2316 alcohol use where the Band has chosen to test the employee for drug/alcohol use will be
2317 reinstated with back pay if the outcome of the initial or confirmatory test or any requested
2318 confirmatory re-test is negative.

2319 Employees suspended for the use of alcohol or other drugs whose initial and
2320 confirmatory test, and any confirmatory re-test, is positive, will be permitted to return to
2321 work when they can provide evidence of completion of an assessment and completion of
2322 treatment, if recommended, and a negative drug test. The negative drug test must be
2323 received within 30 days of the initial positive test or the last day of treatment, whichever is
2324 later, or it will assumed that the employee has voluntarily resigned their position, with the
2325 following exception: Individuals whose drug screens report excessively high THC levels
2326 will be given up to 3 months rather than 30 days to produce a negative drug screen.
2327 Additional monitoring of these individuals will be performed by conducting drug screens
2328 twice per month. The drug screen results must support a steadily declining THC level. If
2329 the THC level increases, this will be considered a positive test and the employee will be
2330 terminated.

2331 Any employee who notices another employee demonstrating unusual behavior
2332 patterns which appear to be drug or alcohol related must report the observed behavior to
2333 the supervisor, HR Labor-Employee Relations Specialist or Human Resources Director.

2334 **K. Reasonable Suspicion for Possession**

2335

2336 The Mille Lacs Band of Ojibwe reserves the right to utilize the assistance of law
2337 enforcement personnel in the cases of trafficking, possessing or using of illegal substance
2338 on Band property.

2339 **L. General information about Drug and Alcohol Testing**

2340
2341 Drug and alcohol testing will be conducted only under circumstances described in
2342 this policy.

2343 The Mille Lacs Band of Ojibwe will pay the cost of the initial screening and
2344 confirmatory test.

2345 No employee or job applicant will be tested for alcohol or other drugs under this
2346 policy without their consent. An employee or job applicant has the right to refuse to submit
2347 to a drug or alcohol test. However, a refusal will be considered to be a positive test result.

2348 An employee or job applicant who adulterates or attempts to adulterate a specimen
2349 will be considered to have a positive test result and will be subject to the consequences of
2350 a positive test.

2351 An employee or job applicant who does not produce a viable sample within the
2352 allowed waiting period of three (3) hours will be considered to have a positive test result
2353 and will be subject to the consequences of a positive test.

2354 When specific gravity and creatinine levels are below accepted levels, the employee
2355 or candidate must re-test. The Mille Lacs Band will pay for this mandatory re-test.

2356 **M. Medical Review Officer**

2357
2358 All positive test results will be reviewed by a Medical Review Officer (MRO). An
2359 employee whose initial test is positive has the option of being interviewed by the MRO,
2360 who will determine whether the positive test may have resulted from legally prescribed
2361 medications. The MRO will review all medical records made available by the employee
2362 to rule out legitimate, prescribed drug use or other extenuating or explainable
2363 circumstances.

2364 **N. Treatment**

2365
2366 An employee who voluntarily seeks treatment of a chemical dependency problem
2367 before they are subject to the drug and alcohol-testing program will be placed on a medical
2368 leave of absence. If they do not qualify for a medical leave of absence, they must resign
2369 and then they will be eligible for rehire following successful treatment. Before that
2370 employee can return to work they must provide evidence of a negative drug test, with the
2371 exception for excessively high THC levels as stated above in Section J.

2372 An employee enrolled in an outpatient treatment program may continue to work if
2373 their primary counselor provides to the Human Resource Director a written notice that the
2374 employee is permitted to resume duties. A release of information form signed by the

2375 employee permitting the release of treatment records and information must be on file in the
2376 Human Resources Office. Any restrictions and/or medications must be documented by the
2377 primary counselor in writing and the Human Resource Director, in consultation with the
2378 MRO, the employee's immediate supervisor and the primary counselor will decide if the
2379 employee will be permitted to return to work.

2380 The Mille Lacs Band will make a reasonable effort to accommodate the schedule,
2381 work restrictions and other conditions of the outpatient treatment program, but makes no
2382 guarantee that all accommodations can be made.

2383 An employee who is referred by the Mille Lacs Band to an inpatient or outpatient
2384 treatment program must sign a release of information form allowing the treatment center
2385 to provide attendance reports to the Human Resource Director. Failure to sign a release
2386 when requested will be considered a violation of the drug and alcohol policy and will result
2387 in termination.

2388 Failure to comply with the requirements and regulations of the treatment program
2389 will result in termination. An employee who voluntarily leaves a program, or who is asked
2390 to leave a treatment program before completion, will be terminated.

2391 Treatment will be provided to an employee through the company-approved health
2392 plan. Benefit levels will be as described in the health plan. Benefit plan procedures (pre-
2393 certification, network providers, etc.) must be followed in order to receive the maximum
2394 level of benefits. Treatment beyond that covered by the health insurance plan will be at
2395 the employee's expense.

2396 **O. Reinstatement Following Treatment**

2397
2398 Verification of the completion of treatment and a negative drug test will enable the
2399 employee to return to work with no loss of benefits and no loss of seniority if on medical
2400 leave during treatment period.

2401 Once an employee has completed treatment and returned to work they will be
2402 subject to periodic, unannounced, follow-up drug and alcohol testing for the next *twelve*
2403 *(12)* months of employment, measured from the date of their return to work. Follow up
2404 testing will be arranged by the Human Resource Director.

2405 An employee who has returned to work following an admission of drug or alcohol
2406 use, or who had a positive test, who then fails any subsequent drug testing, will be
2407 terminated. Eligibility for re-hire will be consistent with the Mille Lacs Band Personnel
2408 Policy and Procedures Manual.

2409 Any employee who was terminated for violating the drug and alcohol policy,
2410 refused to submit to testing, failed to complete treatment or has been ineligible for hire
2411 because of a previous positive test, may be rehired if he meets the following requirements:

- 2412 1. Provide proof of mandatory assessment and completion of
2413 recommendations as noted by the assessor;

- 2414 2. Successfully pass a drug and alcohol test; and
2415 3. Agree to mandatory, unannounced testing for a period of *twelve (12)*
2416 months following re-hire.

2417
2418
2419

P. Confidentiality

2420 All information regarding the results of an employee's drug test or drug and/or
2421 alcohol treatment will be kept in files separate from personnel files and will be held in the
2422 strictest confidence. Any persons responsible for the unauthorized release of this
2423 information relating to an employee's drug or alcohol use, testing results, discipline or any
2424 related matters will be subject to immediate termination for breach of confidentiality.

2425
2426

Q. Use of this Policy

2427 Employees on medical leave of absence under this policy will have their
2428 medical/dental insurance continued as if they were an active employee. ~~medical/dental~~
2429 ~~insurance continued as if they were an active employee.~~

2430

DEFINITIONS:

2431

2432

~~Alcohol:~~ Ethyl alcohol

2433

2434

~~Confirmatory Test:~~ A test used to confirm the presence of a drug or alcohol in a
2435 specific urine or body substance. This is a second analytical procedure, which is
2436 independent of the initial test and which uses a different technique and chemical principle
2437 from that of the initial test to ensure reliability and accuracy. The sample of the
2438 confirmatory test will be drawn from the same sample originally supplied by the employee.

2439

2440

~~Drug:~~ A controlled substance as defined in Federal statutes, which is either not
2441 prescribed by a licensed health care provider or is used other than in the prescribed manner.

2442

2443

~~Drug and Alcohol Testing:~~ Analysis of urine or a body substance specimen, for
2444 the purpose of measuring the presence or absence of drugs, alcohol or their metabolites in
2445 the sample tested.

2446

2447

~~Initial Test:~~ An immunoassay screen test which eliminates urine or body substance
2448 specimens that are negative for the presence of drugs.

2449

2450 ~~**Medical Review Officer:** A licensed physician responsible for receiving~~
2451 ~~laboratory results generated by the Mille Lacs Band's drug and alcohol testing program,~~
2452 ~~who has knowledge of substance disorders and has appropriate medical training to interpret~~
2453 ~~and evaluate an individual's positive test result, together with their medical history and any~~
2454 ~~other relevant biomedical information. The MRO also assists in deciding whether to permit~~
2455 ~~an employee to return to duty after receiving a positive test result.~~

2456

2457 ~~**Positive Test Result:** A urine or body substance specimen that has undergone an~~
2458 ~~initial test and an evaluation by the MRO who has ruled out a legitimate reason for the use~~
2459 ~~of alcohol or drugs. The test finding registers a presence of alcohol or drugs or their~~
2460 ~~metabolites in levels at or above threshold detection levels. The presence of alcohol or~~
2461 ~~drugs at or above the following levels shall be considered a positive test result.~~

2462

2463 ~~**Drug or Alcohol**~~

2464

2465	Initial Screening .02%	Confirmatory Test.02%	
2466	Amphetamine	1000 ng/ml	500 ng/ml
2467	Barbiturates	300 ng/ml	200 ng/ml
2468	Cocaine	300 ng/ml	150 ng/ml
2469	THC	50 ng/ml	15 ng/ml
2470	Ethanol	20 mg/dl	20 mg/dl
2471	Opiates	2000 ng/ml	2000 ng/ml
2472	PCP	25 ng/ml	25 ng/ml

2473

2474 ~~**Reasonable Suspicion:** A basis for forming a reasonable belief based on specific~~
2475 ~~facts and rational inferences drawn from those facts. This standard does not require that~~
2476 ~~all supervisors or even a majority of supervisors would reach the same conclusion. It only~~
2477 ~~requires that it is not unreasonable for a given supervisor to form the belief that they did.~~

2478

2479 ~~**Under the Influence:** Having the presence of alcohol or other drugs at or above~~
2480 ~~the level of a positive test result as defined above, under "Positive Test Result."~~

2481

2482 **Huffing:** ~~To inhale the vapors or fumes of a chemical (such as glue) in order to~~
2483 ~~become intoxicated.~~

2484

2485

2486

EMPLOYEE ASSISTANCE PROGRAM

2487

2488

2489

2490

The Mille Lacs Band cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

2491

2492

2493

2494

2495

2496

2497

Through the Employee Assistance Program (EAP), the Mille Lacs Band's HR Labor-Employee Relations Specialist provides free and confidential referral 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 EAP is available to all eligible employees who are insured under the Band's health insurance program, and offers problem assessments, short-term counseling and referral to appropriate community and private services.

2498

2499

2500

The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a professional code of ethics.

2501

2502

2503

2504

If further counseling is necessary, the EAP 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 plan. Costs that are not covered are the responsibility of the employee.

2505

2506

2507

Minor concerns can become major problems if you ignore them. No issue is too small or too large; a professional counselor is available to help you when you need it. Call the EAP to contact the Employee Relations Counselor.

2508

2509

WORKERS' COMPENSATION

2510 *Workers' Compensation Insurance*

2511

2512 The Mille Lacs Band of Ojibwe provides a comprehensive workers' compensation
2513 insurance program at no cost to employees. This program covers any injury sustained in
2514 the course of employment that requires medical, surgical or hospital treatment. Subject to
2515 applicable legal requirements, workers' compensation insurance provides benefits after a
2516 short waiting period or, if the employee is hospitalized, immediately.

2517 Employees who sustain work-related injuries or illnesses must inform their
2518 supervisor immediately. No matter how minor an on-the-job injury may appear, it is
2519 important that it be reported immediately. This will enable an eligible employee to qualify
2520 for coverage as quickly as possible. Employees must submit to a post accident drug and
2521 alcohol test immediately after notifying their supervisor. In the event of a positive drug
2522 and alcohol test, the workers' compensation claim will be denied. In the event that an
2523 employee does not inform the supervisor immediately, the claim may be denied and
2524 disciplinary action may be taken.

2525 Neither the Mille Lacs Band nor the insurance carrier will be liable for the payment
2526 of workers' compensation benefits for injuries that occur during an employee's voluntary
2527 participation in any off-duty recreational, social or athletic activity sponsored by the Mille
2528 Lacs Band of Ojibwe.

2529

2530 **Safety**

2531 The Mille Lacs Band has established a workplace safety policy to assist in
2532 providing a safe and healthy work environment for employees, customers and visitors.
2533 Human Resources is responsible for implementing, administering, monitoring and
2534 evaluating the safety policy. Its success depends on the alertness and personal commitment
2535 of all.

2536 The Mille Lacs Band provides information to employees about workplace safety
2537 and health issues through workplace safety training and regular internal communication
2538 channels such as supervisor-employee meetings, bulletin board postings, memos or other
2539 written communications.

2540 Each employee is expected to obey safety rules and to exercise caution in all work
2541 activities. Employees must immediately report any unsafe condition to the appropriate
2542 supervisor. Employees who violate safety standards, cause hazardous or dangerous
2543 situations, or who fail to report or, where appropriate, remedy such situations, may be
2544 subject to disciplinary action, up to and including termination of employment.

2545 Employees are expected to attend Human Resources safety training in their
2546 departments. Failure to attend such training may result in disciplinary action.

2547 Accidents that result in injury, regardless of how insignificant the injury may
2548 appear, should immediately notify Human Resources and their immediate supervisor. Such
2549 reports are necessary to comply with laws and initiate insurance and workers'
2550 compensation benefits procedures.

2551

2552

2553

WORKPLACE VIOLENCE

2554 The Mille Lacs Band of Ojibwe is committed to the prevention of workplace
2555 violence and to maintaining a safe work environment. All employees, including
2556 supervisors and temporary employees, should be treated with courtesy and respect at all
2557 times. Employees are expected to refrain from fighting, “horseplay,” practical jokes or
2558 other conduct that may be dangerous to others. Firearms, weapons and other dangerous or
2559 hazardous devices or substances are strictly prohibited on Mille Lacs Band property
2560 without proper authorization.

2561 Conduct that threatens, intimidates or coerces another employee, a customer or a
2562 member of the public at any time, including off-duty periods, will not be tolerated. This
2563 prohibition includes all acts of harassment, including harassment that is based on an
2564 individual’s sex, race, age, sexual orientation, religion, ethnic background, disability or any
2565 other characteristic protected by federal or state law.

2566 Direct or indirect threats of violence or acts of violence must be reported
2567 immediately to your immediate supervisor or any other member of management. This
2568 includes threats by employees, as well as threats by customers, vendors, solicitors or other
2569 members of the public. When reporting a threat of violence, you should be as specific and
2570 detailed as possible.

2571 All suspicious individuals or activities should also be reported immediately to a
2572 supervisor. The Mille Lacs Band will promptly and thoroughly investigate all reports of
2573 threats or acts of violence and of suspicious individuals or activities. Anyone deemed to
2574 be responsible for violent acts or threats or other conduct that is in violation of these
2575 guidelines will be subject to prompt disciplinary action, up to and including termination of
2576 employment.

2577 The Mille Lacs Band encourages employees to bring their disputes or differences
2578 with other employees to the attention of their supervisors. If the situation cannot be
2579 resolved at that level, employees should bring their disputes or differences to the
2580 department Commissioner (if the employee is in the Executive Branch), the Secretary-
2581 Treasurer or District Representative (if the employee is in the Legislative Branch), the
2582 Chief Justice (if the employee is in the Judicial Branch) or Human Resource Director
2583 before the situation escalates into potential violence. The Mille Lacs Band is eager to assist
2584 in the resolution of employee disputes and will not discipline employees for raising such
2585 concerns.

2586

2587

EMERGENCY OR ADMINISTRATIVE CLOSINGS

2588 Emergency/Weather Closing

2589 There may be times when emergencies such as severe weather, fires or power
2590 failures disrupt Band operations. In extreme cases, emergencies may require the closing
2591 of an office or work facility. In the event that such an emergency occurs during
2592 nonworking hours, you may call the government center at 800-709-6445 to find out
2593 whether the building is closed. Or, local radio and/or television stations may be asked to
2594 broadcast notification of the closing.

2595 When operations are officially closed due to emergency conditions, the time off
2596 from scheduled work will be paid. When operations are not closed, employees who fail to
2597 report for work will not be paid for the time off. Employees may request available paid
2598 leave time such as annual leave.

2599

2600 Administrative Closing

2601 There may be times the Commissioner of Administration exercises his/her
2602 discretion to close Band operations whether advance notice or effective upon such notice.
2603 In these instances employees will not be required to utilize annual or sick leave.

2604

2605

2606 Non-exempt employees in essential operations may be asked to work on a day when
2607 operations are officially closed. In these circumstances, non-exempt employees who work
2608 will receive regular pay for the hours when the operations are officially closed plus
2609 additional straight time pay for the hours worked. Exempt employees will not receive
2610 additional compensation for work performed when operations are closed.

2611

2612 Employees that are on previously approved Annual or Sick leave on the day of or
2613 at the time of the Administrative/Emergency closing will be required to utilize that time
2614 and will not be paid regular hours.

2615

2616

2617

RETURN OF PROPERTY

2618 Employees are responsible for all Mille Lacs Band property, materials or written
2619 information issued to them or in their possession or control. All Mille Lacs Band property
2620 must be returned by employees on or before their last day of work. The Mille Lacs Band
2621 may withhold from the employee's checks or final paycheck to defray the cost of any items
2622 that are not returned.

2623

2624

RESIGNATION

2625 Resignation is a voluntary act initiated by the employee to terminate employment
2626 with the Mille Lacs Band. Although advance notice is not required, the Mille Lacs Band
2627 requests at least two (2) weeks' written notice of resignation from nonexempt employees
2628 and four (4) weeks' notice from exempt employees.

2629 Prior to an employee's departure, Human Resources shall schedule an exit
2630 interview with the employee to discuss the reasons for the resignation and the effect of the
2631 resignation on benefits.

2632 The Band reserves the right to accept the immediate resignation of employees at
2633 any time after the employee has given such notice, ~~as approved by HR~~ provided that an
2634 exit interview is properly scheduled. Upon acceptance of resignation the TribeBand shall
2635 pay any remaining days of the Notice period that they were not allowed to work.....

2636

2637

REEMPLOYMENT

2638 Former employees who left the Band in good standing may be considered for re-
2639 employment. Former employees who resigned without written notice or who were
2640 dismissed for cause may not be considered for re-employment until after a 90-day period.
2641 A former employee who is re-employed will be considered a new employee from the date
2642 of re-employment unless the break in service is less than thirty days, in which case the
2643 employee will retain accumulated seniority.

2644

2645

REFERENCES

2646 Upon receipt, Human Resources will provide a written response to those requests
2647 for employment references submitted in writing. Human Resources will typically respond
2648 to such inquiries to confirm dates of employment, wage rates and position(s) held. No
2649 other employment information will be released without a written authorization and release
2650 signed by the individual who is the subject of the inquiry.

2651

2652

2653

APPENDIX A

**RULES AND PROCEDURES GOVERNING APPEALS TO THE COURT OF
CENTRAL JURISDICTION FROM GRIEVANCE COMMITTEE DECISIONS IN
CASES INVOLVING GRIEVANCES OF TERMINATION DECISIONS**

The policy on grievance and appeal of disciplinary action provides that, if an employee believes his or her grievance of a termination decision has not been adequately resolved by the Grievance Committee, he or she may appeal to the Court of Central Jurisdiction within ten (10) business days of his/her receipt of the written decision of the Grievance Committee. This appendix sets forth the rules and procedures governing such appeals.

1. Filing – The employee shall file a Notice of Appeal with the Clerk of the District Court of the Court of Central Jurisdiction and serve the Notice of Appeal on the Band, by and through the Office of Solicitor General and the Human Resources Director, within ten (10) business days of the date of mailing or personal delivery of the Grievance Committee’s decision.

2. Content of the Notice of Appeal – The employee’s Notice of Appeal shall:

- a. State the employee’s name, his or her dates of employment with the Band, the position from which he or she was terminated, and the date of termination;
- b. State the name and title of the supervisor who made the termination decision;
- c. Attach a copy of the termination letter or notice;
- d. State the date on which the employee made a written request for a hearing before the Grievance Committee and attach a copy of the request;
- e. State the date and substance of the Grievance Committee’s decision and attach a copy of the decision;
- f. Request a transcript of the proceedings before the Grievance Committee if the employee desires to include the transcript in the record on appeal (see paragraph 6 below);
- g. State whether the employee seeks to supplement the record on appeal and, if so, identify the evidence the employee seeks to add to the record and the grounds for doing so (see paragraph 7 below);
- h. State the reason(s) why the Grievance Committee’s decision is not consistent with the Band’s Personnel Policy; and
- i. State the relief being sought.

3. Filing Fee – The employee shall pay a filing fee of \$25 to the Clerk of the District Court, provided that, if the employee cannot afford the filing fee, the employee may file a petition with the Court to proceed *in forma pauperis* and the District Court may waive the filing fee requirement.

4. Answer - Within ten (10) business days of receiving the employee’s Notice of Appeal, the Office of Solicitor General shall file with the Clerk of the District Court

2701 and serve on the employee and the Human Resources Director an Answer
2702 to the Notice of Appeal on behalf of the Band. The Answer shall:
2703
2704 a. Respond to the Notice of Appeal with specificity;
2705 b. Include a request for a transcript of the proceedings before the
2706 Grievance Committee if the Band desires to include the transcript in the
2707 record on appeal (see paragraph 6 below);
2708 c. State whether the Band seeks to supplement the record on appeal and, if
2709 so, identify the evidence the Band seeks to add to the record and the
2710 grounds for doing so (see paragraph 7 below); and
2711 d. Include any request for relief on behalf of the Band.
2712
2713 5. Preparation of Transcript – If either the employee (in the Notice of Appeal) or the Band
2714 (in the Answer) requests a transcript of the proceedings before the
2715 Grievance Committee, the Human Resources Director shall arrange for the
2716 preparation of the transcript and shall file it with the Clerk of the District
2717 Court and serve it on the parties within five (5) days of receipt of the Notice
2718 of Appeal or Answer.
2719
2720 6. Record on Appeal -- The record on appeal shall consist of: (a) the termination letter or
2721 notice; (b) the employee’s written request for a hearing before the Grievance
2722 Committee; (c) all documents and exhibits submitted to the Grievance
2723 Committee; (d) if requested by either party, the transcript of the proceedings
2724 before the Grievance Committee; and (e) the written decision of the
2725 Grievance Committee. Except as provided in paragraph 7 below, the
2726 District Court shall not consider any evidence that was not presented at the
2727 hearing before the Grievance Committee.
2728
2729 7. Supplementation of Record on Appeal -- The District Court may supplement the record
2730 on appeal upon the request of the employee (in the Notice of Appeal) or the Band (in the
2731 Answer), but only if the requesting party demonstrates that: (a) it is likely that the evidence
2732 the party proposes to add to the record would have changed the Grievance Committee’s
2733 decision and there was good cause for not submitting the evidence to the Grievance
2734 Committee; or (b) the evidence the party proposes to add to the record will show that it is
2735 likely that evidence submitted at the Grievance Committee hearing was false and that it is
2736 likely that the false evidence had an effect on the Grievance Committee’s decision. Unless
2737 the District Court requests further briefing on the matter, it shall determine whether to
2738 supplement the record on appeal within five (5) business days after the filing of the Answer.
2739 If the District Court determines that the record on appeal may be supplemented with new
2740 evidence, and if it determines that a hearing is necessary for the presentation of such
2741 evidence, it shall hold a hearing at which the evidence may be presented within ten (10)
2742 business days of its determination to supplement the record.
2743
2744 8. Briefing and Argument on the Merits – Within five (5) business days of the filing of the
2745 Answer, the District Court shall establish a schedule for submission of
2746 written briefs on the appeal. The District Court may, in its discretion, decide
2747 the appeal with or without oral argument. If the District Court decides to

2748 hear oral argument, it may combine the oral argument with an evidentiary
2749 hearing held under paragraph 7 above. Except as otherwise agreed by the
2750 parties or in unusual circumstances, the District Court shall issue its written
2751 decision on the appeal within thirty (30) business days of the filing of the
2752 employee's Notice of Appeal.

2753
2754 9. Scope of Review and Relief – The Court shall review and consider the record on appeal
2755 and the briefs and argument (if any) of the parties. The Court shall give
2756 considerable due deference to the decision of the Grievance Committee. If
2757 the Court overturns the Grievance Committee's decision, it may order the
2758 following relief to the extent such relief is consistent with the Band's
2759 Personnel Policy:

2760
2761 a. Reinstatement of the employee to his/her last-held position. If the Court
2762 orders the reinstatement of the employee, it shall serve its order on the
2763 Commissioner of the appropriate Department within the Executive
2764 Branch if the employee was employed in the Executive Branch, on the
2765 Secretary-Treasurer if the employee was employed in the Legislative
2766 Branch, and on the Chief Justice if the employee was employed in the
2767 Judicial Branch, as well as on the Office of Solicitor General and the
2768 Director of Human Resources.

2769 b. Back pay for the period from the date of the employee's termination
2770 until the date of his/her reinstatement. In no event shall back pay exceed
2771 twelve (12) weeks of the employee's salary.

2772
2773 10. Appeal of District Court's Decision – Either party may appeal the District Court's
2774 decision to the Court of Appeals of the Court of Central Jurisdiction, in
2775 accordance with the generally applicable rules governing appeals from
2776 decisions of the District Court. The decision of the Court of Appeals shall
2777 be final.

2778
2779 11. Confidentiality and Public Access – Because of the sensitivity of employment matters,
2780 all papers filed and served in the District Court or in the Court of Appeals
2781 in a case subject to these rules shall be considered confidential and shall not
2782 be subject to public disclosure unless court ordered. All court hearings in
2783 the case shall be closed to the public, and all parties to the case shall take
2784 reasonable steps to prevent the disclosure of confidential information unless
2785 court ordered.

2786
2787

2788
2789
2790
2791
2792
2793
2794

APPENDIX B

Example of Time With Child Form:

TIME WITH CHILD CARD*

(PRINT)

_____ was here to spend time with his/her

Child: _____ for _____ (activity)

Arrival Time: _____ Departure Time: _____

School Name: _____

On this _____ day of _____

Verified by: _____

(School Official)

*This information will be used to determine final eligibility for Time With Child hours.

2795
2796
2797
2798
2799
2800
2801
2802
2803
2804
2805
2806
2807
2808
2809
2810
2811
2812
2813
2814
2815
2816
2817
2818
2819
2820
2821
2822
2823
2824
2825
2826
2827
2828
2829
2830
2831
2832
2833
2834
2835
2836
2837
2838
2839
2840
2841
2842

History of Amendments:

1. 2-3-10 Revision – p. 35 (Smoking), added “or Community Center” to end of sentence in second paragraph.
2. 2-3-10 Revision – p. 35 (Employee Benefits), added “3 days for the death of each family member as defined further in the Funeral Leave section, page 50” after Bereavement Leave.
3. 2-3-10 Revision – p. 41 (Long Term Disability), replaced last word “supervisor” to read “department head or Commissioner.”
4. 2-3-10 Revision – p. 43 (Annual Leave), last paragraph, deleted everything after “Employees may not go into a deficit on annual leave.” Added “If an employee has exhausted all accrued annual leave, the employee has the option to make a request for unpaid leave and request approval of their supervisor.”
5. 2-3-10 Revision – p. 47 (Sick Leave), deleted sentence before last paragraph in section and added “An employee with SES status may donate his/her sick leave hours to another employee.”
6. 2-3-10 Revision – p. 50 (Funeral Leave), deleted “in-laws” in second paragraph and added “spouse’s parents and siblings.”
7. 2-3-10 Revision – p. 77 (Posted Positions), changed last sentence in third paragraph to read “Employees who have a written warning on file within 90 days prior to application or are on probation or suspension are not eligible to apply for posted jobs.”
8. 2-3-10 Revision – p. 80 (Drugs and Alcohol), changed first sentence in second paragraph to read “Any individual who receives an offer of employment or will receive a payroll check are required to submit to a drug and alcohol test as a condition of obtaining employment.”
9. 3-19-10 Revision – p. 80 (Drugs and Alcohol), deleted “or will receive a payroll check” in second paragraph.
10. 10-3-11 Revision – p. 5 (Introductory Statement), deleted Nay-Ah-Shing school staff and added MLBO Policy Department as exempt. Added Section 4.
11. 10-3-11 Revision – p. 7 (Organization Description), amended wording in Legislative Branch section.
12. 10-3-11 Revision – p. 8 (Employee Acknowledgement Form), replaced “handbook” with “manual.” Amended wording in sentence.
13. 10-3-11 Revision – p. 9 (Equal Employment Opportunity), added phrase regarding Indian preference.
14. 10-3-11 Revision – p. 10 (American Indian Preference), added phrase beginning second paragraph, “Assuming that applicants meet the minimum job requirements.”
15. 10-3-11 Revision - p. 13 (Employment Classification), amended example of benefits in Part-Time section; added sentence in Probationary section; and amended last sentence in On-Call and Labor Pool section.
16. 10-3-11 Revision – p. 16 (Hiring of Relatives), replaced “relatives” with “family members” throughout; added last sentence in fourth paragraph.
17. 10-3-11 Revision – p. 17 (Conflicts of Interest), deleted “partner.”
18. 10-3-11 Revision – p. 18 (Outside Employment), added language to prohibit employees from working two full-time jobs with the MLBO, including an entity of the Band.
19. 10-3-11 Amendment – p. 19 (Official Employee Address and Legal Notice), new policy added.
20. 10-3-11 Revision – p. 21 (Business Travel Expenses), added “including non-discriminatory state taxes” in third paragraph; clarified some of the reimbursement of expense language.
21. 10-3-11 Revision – p. 26 (Workplace Monitoring), revised sentence in second paragraph.
22. 10-3-11 Revision – p. 27 (Automobile Usage and Maintenance), deleted “perform required maintenance” in first paragraph. Moved Accident Reporting section here (p. 28).

- 2843 23. 10-3-11 Revision – p. 29 (Employee Conduct and Work Rules), amended sentence “Examples
2844 of infractions of rules of conduct that may result in disciplinary action include, but are not
2845 limited to, the following:”
- 2846 24. 10-3-11 Revision – p. 31 (Unauthorized Solicitation), added “unless prior authorization from
2847 the Chief Executive and/or Commissioner of Administration is received.”
- 2848 25. 10-3-11 Revision – p. 32 (Nondisclosure of Confidential Information), added “non-public” in
2849 first paragraph, added the word “confidential” and “medical or patient data otherwise
2850 protected by HIPAA or other applicable data privacy laws.”
- 2851 26. 10-3-11 Revision – p. 33 (Attendance and Punctuality), added “must” notify in second
2852 paragraph; added last two sentence in third paragraph.
- 2853 27. 10-3-11 Revision – p. 34 (Professional Appearance and Conduct), added “the following” before
2854 examples of casual business wear; added “but are not limited to, the following” before
2855 examples of inappropriate clothing.
- 2856 28. 10-3-11 Revision – p. 36 (Smoking), changed second paragraph.
- 2857 29. 10-3-11 Revision – p. 37 (Employee Benefits), replaced “cultural leave” with “Anishinaabe
2858 Leave;” added “(4 hours per week)” after Education Leave.
- 2859 30. 10-3-11 Revision – p. 43 (401(k) Retirement Savings Plan), added “any applicable” before
2860 federal and state tax withholdings in fourth paragraph.
- 2861 31. 10-3-11 Revision – p. 44 (Absence and Leave), added phrase beginning “Commissioner (if the
2862 employee is employed in the Executive Branch) and ending with “in the Judicial Branch” in
2863 the fifth paragraph. Added “as defined in 6 MLBSA § 1102(h)” in the Note.
- 2864 32. 10-3-11 Revision – p. 46 (Time with Child and Illness of Child), added “grandchild;” added
2865 last sentence in Time with Child paragraph.
- 2866 33. 10-3-11 Revision – p. 47 (Holidays), added “as defined in 6 MLBSA § 1102(h)” in the Note.
- 2867 34. 10-3-11 Revision – p. 48-49 (Sick Leave, amended last sentence in seventh paragraph as “A
2868 Senior Executive Staff (SES) employee, as defined in 6 MLBSA § 1102(h), may donate his/her
2869 sick leave hours to another employee.”
- 2870 35. 10-3-11 Revision – p. 51 (Funeral Leave), deleted “partner.”
- 2871 36. 10-3-11 Revision – p. 53 (Medical Leave), added “as described in the next section of this
2872 Manual” in the fifth paragraph; amended last sentence in that paragraph. Defined equivalent
2873 rate of pay in ninth paragraph. Added last two sentences in tenth paragraph regarding notice.
- 2874 37. 10-3-11 Revision – p. 55 (Family Leave), added “consecutive” before “year of service” in
2875 second paragraph. Defined equivalent rate of pay in eighth paragraph. Added last two
2876 sentences in last paragraph regarding notice.
- 2877 38. 10-3-11 Revision – p. 57 (Personal Leave), added “consecutive” before “year of service in first
2878 paragraph. Add last sentence in first paragraph. Defined equivalent rate of pay in sixth
2879 paragraph; added “in the same or an equivalent position, or in any position” in same
2880 paragraph. Added last two sentences in last paragraph regarding notice.
- 2881 39. 10-3-11 Revision – p. 59 (Military Leave), amended first sentence in seventh paragraph;
2882 defined equivalent rate of pay in same paragraph.
- 2883 40. 10-3-11 Revision – p. 61 (Anishinaabe Leave), replaced “Cultural Leave” with “Anishinaabe
2884 Leave.” Amended types of leave that can be used, including community service leave. Added
2885 fifth paragraph regarding helping at traditional funerals.
- 2886 41. 10-3-11 Revision – p. 62 (Community Affairs Leave and Participation), added usage of such
2887 leave for Anishinaabe Leave. Added “prior to public announcement or prior to filing for
2888 public office” in Employees Filing for Political Office section.
- 2889 42. 10-3-11 Revision – p. 63 (Pay Policies), replaced “Finance Officer” with “Commissioner of
2890 Finance.”

- 2891 43. 10-3-11 Revision – p. 68 (Harassment and Discrimination), replaced “submission to a rejection
2892 of such conduct” under sexual harassment with “such conduct.”
- 2893 44. 10-3-11 Revision – p. 69 (Performance Management), amended sentence to require
2894 performance evaluations.
- 2895 45. 10-3-11 Revision – p. 70 (Progressive Discipline), added “Opportunity to Correct Job
2896 Performance” under heading; added “See Summary Dismissal section in this Manual” in
2897 second paragraph; and added “and the Human Resources Director, if they deem...” in last
2898 sentence of paragraph. Changed retention of verbal warning from one year to six months;
2899 amended first sentence in Written Warning section; and amended requirement on page 71.
- 2900 46. 10-3-11 Revision – p. 72 (Grievance Procedure), added “Employee’s Right to Grieve” under
2901 heading; added “If the employee’s supervisor is a commissioner or elected official, the
2902 employee should contact the Human Resources Director to arrange a meeting.” Added
2903 “business” before days.
- 2904 47. 10-3-11 Revision – p. 73 (Grievance and Appeal to Disciplinary Action), added “business”
2905 before days; added “to the Grievance Committee” in last sentence of second paragraph; added
2906 third paragraph regarding suspended employee; added “of date of mailing or personal
2907 delivery” in Level Two and Level Three. Added “the employee bears the burden of proof on
2908 appeal” and other requirements to Level Three.
- 2909 48. 10-3-11 Revision – p. 75 (Termination), added sentence beginning, “However, a regular full-
2910 time employee.....”
- 2911 49. 10-3-11 Revision – p. 76 (Summary Dismissal), reworded first paragraph; added (N) to causes.
- 2912 50. 10-3-11 Revision – p. 78 (Termination for Just Cause), reworded beginning sentence.
- 2913 51. 10-3-11 Revision – p. 79 (Access to Personnel Files), added “according to the process outlined
2914 in this Personnel Policy Manual.”
- 2915 52. 10-3-11 Revision – p. 80 (Promotion Advancement), added third paragraph; added last
2916 sentence of first paragraph under Employee Transfers; amended second paragraph of this
2917 section.
- 2918 53. 10-3-11 Revision – p. 81 (Tuition Reimbursement & Assistance), added footnote.
- 2919 54. 10-3-11 Revision – p. 83 (Drugs and Alcohol), replaced “will be required” with “may be
2920 required” in second paragraph. Replaced “for a government contract” with “pursuant to a
2921 government contract.” Page 84, deleted “with the exception of medications lawfully
2922 prescribed to the employee” under Work Rule on Drugs; deleted “employees failing to make
2923 such a report” and replaced with “employees failing to report.” Added word “to” after “up”
2924 under Work Rule on Alcohol. Page 85, added “including, but not limited to urine, hair sample
2925 and/or blood through the use of swab or other type of test) under Drugs and/or Alcohol
2926 Testing; amended first sentence⁴ under Pre-Employment as follows: “Applicants selected for
2927 hire within safety sensitive positions will be required to submit to a drug and alcohol test.”
2928 Page 86, amended first paragraph; added “or may conduct swab testing on-site” in number 1
2929 of this section. Under Other Employment Testing, delete last sentence of section 1. Added
2930 last two sentences to number 2 of this section. Page 87, replaced two years with twelve months
2931 in c. at top of page. Replaced “will be terminated” in number 5 of Portable Breathalyzer Test
2932 with “may be terminated.” Page 88, amended wording in third paragraph on this page to
2933 “and the employee offers no reasonable explanation or proof of legitimate use....” Page 89,
2934 under Reasonable Suspicion, amended first sentence and reworded third paragraph. Replaced
2935 “that appear” with “which appear” in last paragraph of this section. Page 92, added “or body
2936 substance” under Confirmatory Test; added “or a body substance specimen” under Drug and
2937 Alcohol Testing; added “or body substance” under Initial Test; added “or body substance”
2938 under Positive Test Results; amended table.

- 2939 55. 10-3-11 Revision – p. 97 (Workplace Violence), replaced “should be reported” with “shall be
 2940 reported immediately.” Added wording regarding branches of government to last paragraph.
 2941 56. 10-3-11 Revision – p. 100 (Resignation), added second paragraph regarding exit interview.
 2942 Added third paragraph.
 2943 57. 10-3-11 Amendment – p. 103 (Appendix A), new.
 2944 58. 10-3-11 Amendment – p. 106 (Appendix B), new.
 2945 59. 10-17-11 Amendment – p. 44, add “or District Representative.”
 2946 60. 10-17-11 Amendment – p. 57, delete “thirty (30)” and replace with “ninety (90).”
 2947 61. 10-17-11 Amendment – p. 61, delete “attend” and replace with “go through” and add “prepare
 2948 for” before Ceremonial Drum. Delete “two weeks” and replace with “eighty (80) hours.” Add
 2949 “District Representative, if he/she directly supervises the legislative employee.”
 2950 62. 10-17-11 Amendment – p. 76-, add “Endangerment of a child or vulnerable adult if employed
 2951 in a position where he/she controls the environment.”
 2952 63. 10-17-11 Amendment – p. 78, add “(3) Any civil or criminal conviction that reduces
 2953 employee’s eligibility to perform his/her job.”
 2954 64. 10-17-11 Amendment – p. 97, add “or District Representative.”
 2955 65. 02-07-12 Amendment – p. 7, amended Executive Branch section and moved ahead of other
 2956 branches.
 2957 66. 02-07-12 Amendment – p. 10, added “assuming that applicants meet the minimum job
 2958 requirements.”
 2959 67. 02-07-12 Amendment – p. 21, changed tip amount from “15%” to “18% of the total cost of a
 2960 meal...”
 2961 68. 02-07-12 Amendment – p. 67, added number 40 after “forty.”
 2962 69. 02-07-12 Amendment – p. 68, added “in writing” in first sentence of third paragraph.
 2963 70. 02-07-12 Amendment – p. 70, deleted “for an indefinite period” at end of sentence in Level
 2964 Two paragraph.
 2965 71. 02-07-12 Amendment – p. 70, amended to move suspension language as first Level Three
 2966 Option before termination option.
 2967 72. 02-07-12 Amendment – p. 76, amended introductory paragraph to clarify that commission or
 2968 conviction must occur while employed by the Band.
 2969 73. 02-07-12 Amendment, p. 76, amended (1)(E) to delete wording after “vulnerable adult.”
 2970 Amended (1)(C) to add “work vehicle.” Deleted (3)(A) “Intoxication on the job” so as not to
 2971 conflict with Drug and Alcohol Policy. Amended (3)(B) to become new (A) and changed to
 2972 “obtaining or providing alcohol to persons under the age of 21.” Deleted (5)(M). Delete
 2973 “personal” in (5)(N). Added new (5)(O) as “falsely reporting a crime.” Renumbered (5)(N)
 2974 and (5)(O) as (5)(M) and (5)(N).
 2975 74. 02-07-12 Amendment – p. 78, amended (b)(4) to “insubordination e.g. not following chain of
 2976 command; and added “but not limited to” on (c).
 2977 75. 02-07-12 Amendment – p. 81, amended so as to require “three (3) full years of service” rather
 2978 than one year.
 2979 76. 02-07-12 Amendment – p. 84, amended second paragraph of B. Work Rule on Drugs merging
 2980 second paragraph to become part of third paragraph for clarification purposes.
 2981 77. 02-07-12 Amendment – p. 85, amended second paragraph to add “eligible” before “employees
 2982 for assistance...” Delete “within safety sensitive positions” in first line of E. Pre-Employment
 2983 section. Changed to “will” from “may” on first line, continuing Section E. from previous page.
 2984 78. 02-07-12 Amendment – p. 94, added “eligible” in front of “employees” as well as “who are
 2985 insured under the Band’s health insurance program” in last sentence of second paragraph.
 2986 79. 02-07-12 Amendment – p. 97, amended third paragraph changing to “must be reported”
 2987 instead of “shall be reported.”

- 2988 80. 02-07-12 Amendment – p. 101, added “until after a 90-day period” after “re-employment” in
2989 second sentence.
2990 81. 02-07-12 Amendment – p. 105, added “considerable” in front of “due deference” in 9. Scope
2991 of Review and Relief.
2992 82. 03-05-14 Amendment – p. 5, amended Section 2 to add elected Nay Ah Shing School Board,
2993 DNR enforcement staff when working with tribal police, and clarified that tribal police
2994 administrative staff are not exempt.
2995 83. 03-05-14 Amendment – p. 23, clarified that office phones are not to be used for personal long
2996 distance calls; and added that DNR CO’s are exempt when using a cell phone for work related
2997 calls.
2998 84. 03-05-14 Amendment – p. 46, allowed time with child for cultural events; added if multiple
2999 children participate in same event, no more than 3 hours are allowed.
3000 85. 03-05-14 Amendment – p. 48, allowed increase of carryover of sick hours to 240 hours instead
3001 of 160 sick hours.
3002 86. 03-05-14 Amendment – p. 61, deleted use of community service hours as permissible leave for
3003 Anishinaabe Leave.
3004 87. 03-05-14 Amendment – p. 62, deleted use of community service hours for Anishinaabe Leave.
3005 88. 03-05-14 Amendment – p. 80, added acknowledgement of time worked as CC, GCML or GCH
3006 employee when transferring to Band government effective April 1, 2014.
3007 89. 03-05-14 Amendment – p. 88, added requirement for re-test on Lab’s finding of diluted urine
3008 test.
3009 90. 03-05-14 Amendment – p. 94, clarified that Employee Relations Coordinator offers referral to
3010 professional counseling services.
3011 91. 03-05-14 Amendment – p. 103, Appendix A, clarified that an employee has 10 business days
3012 “of the date of mailing or personal delivery of” the Grievance Committee’s Decision to file a
3013 Notice of Appeal
3014 92. 07-01-15 Amendment – p. 37, added “tobacco products or an electronic equivalent” and
3015 deleting “including outside the rear entrance of the government center mailroom, at”.
3016 93. 07-01-15 Amendment – p. 45, deleted “and regular part-time”
3017 94. 07-01-15 Amendment – p. 49, changed 240 hours to 160 hours.
3018 95. 07-01-15 Amendment – p. 50, allowed other employees to donate sick leave hours, outlining
3019 stipulations on the part of donating employees and employees receiving donated hours.
3020 96. 07-01-15 Amendment – p. 79, added under (d) “(4) Subsequent failure to satisfy an essential
3021 job requirement as explicitly stated on an APB approved job description.”
3022 97. 07-01-15 Amendment – p. 82, replaced “will provide” with “provides.”
3023 98. 07-01-15 Amendment – p. 86, under E., second paragraph, added sentence, “Applicants
3024 cannot apply for posted positions for 30 days after a confirmed failed pre-employment drug
3025 and alcohol test.”
3026 99. 07-01-15 Amendment – p. 94, aligned the correct information with the threshold detection
3027 levels.
3028 100.07-01-15 Amendment – p. 101, deleted last paragraph pertaining to severance.
3029 101. 05-14-19 Amendment – p. 05, added “in compliance with 6 MLBSA § 1.
3030 102. 05-14-19 Amendment – p. 07, deleted sentence “Solicitor General exercises day to day
3031 supervision over the Department of Justice.”
3032 103. 05-14-19 Amendment – p. 08, clarified the Adoption and Amendment of the MLBO Personnel
3033 Policy and Procedures is codified in Band Statute and such amendments are approved upon
3034 enactment by Band Assembly prior to implementation and may specify an effective date of any
3035 or all amendments.

- 3036 104. 05-14-19 Amendment – p. 14, clarified that Temporary, On-Call and Labor Pool employees are
3037 subject to the Mille Lacs Band Alcohol & Drug testing policy and background check
3038 requirements.
- 3039 105. 05-14-19 Amendment – p. 21, clarified that mileage costs for use of personal vehicles is subject
3040 to pre-approval by Department Commissioner and added that if employees are carpooling to
3041 the same training, only one employee may submit for mileage cost reimbursement.
- 3042 106. 05-14-19 Amendment – p. 24, added sentence “employees should have no expectation of
3043 privacy.”
- 3044 107. 05-14-19 Amendment – p. 27-28 added sentence “smoking is not permitted in Band owned
3045 vehicles.” And that “employees must receive prior approval from Department Supervisor to use
3046 their personal vehicle for Band Business. Any damages occurring as a result of an accident are
3047 the responsibility of the employee and must be submitted to the owner’s auto insurance.”
3048 Deleted “or near misses” and added “or leaving the scene of an accident.”
- 3049 108. 05-14-19 Amendment – p. 36, added “smoking is not permitted in any Band owned vehicle” for
3050 consistency.
- 3051 109. 05-14-19 Amendment – p. 37, added beside 401(k) information, “(21 years of age or older
3052 including Part-Time Regular employees)” and deleted Educational Financial Assistance as that
3053 was discontinued by Band Assembly resolution 1-7-16.
- 3054 110. 05-14-19 Amendment – p. 39-42, replaced “Coordinator” with “Administrator”
- 3055 111. 05-14-19 Amendment – p. 43, clarified that Part-Time regular employees may participate in the
3056 401(k) plan and the age and service requirements that would need to be met.
- 3057 112. 05-14-19 Amendment – p. 44, changed “benefit year” to “Fiscal year.”
- 3058 113. 05-14-19 Amendment – p. 46, deleted “child care assistance” and replaced with Benefit, added
3059 “through the completion of High School”, added “scheduled at the same time” and “requests for
3060 leave should be submitted at least seven (7) days in advance” and included Legal Guardians/Foster
3061 Parents and the following sentence “Requests for leave should be submitted to the supervisor and
3062 will be evaluated and approved/denied based on a number of factors, including anticipated work
3063 load requirements and staffing considerations during the proposed period of absence.”
- 3064 114. 05-14-19 Amendment – p. 47, removed “paid” and replaced with “pre-approved” to clarify
3065 Holiday pay will be paid for pre-approved absences including Funeral leave, pre-approved Sick
3066 or leave without pay the day before after the holiday and included a sentence how time worked
3067 during Holidays should be submitted on department spreadsheets.
- 3068 115. 05-14-19 Amendment – p. 49, changed “not receiving any other type of pay” to “and must not
3069 be receiving payments from outside sources such as Short Term Disability, Workmen’s
3070 Compensation or SSI Disability.” And “The balance of the employee receiving donated hours
3071 shall not exceed forty (40) hours per pay period.”
- 3072 116. 05-14-19 Amendment – p. 50, changed “a reasonable” to “no more than two hours”
- 3073 117. 05-14-19 Amendment – p. 51, - for consistency with the Sick Leave policy added “up to three (3)
3074 days without a doctor’s note.”
- 3075 118. 05-14-19 Amendment – p. 58, deleted the sentence “that directly relates to their job duties with
3076 the Mille Lacs Band.” And included “A course syllabus/class schedule should be submitted to
3077 the employee Supervisor prior to the start of each semester.”
- 3078 119. 05-14-19 Amendment – p. 61-62, - changed to regular hours instead of requiring the use of
3079 annual or sick leave, included any Tribal member to be able to utilize the leave for ceremonial
3080 purposes. Added definitions and included approval process.
- 3081 120. 05-14-19 Amendment – p. 63, clarified the use of hours is per calendar year, added “requests for
3082 leave should be submitted to the supervisor and will be evaluated and approved/denied based
3083 on a number of factors, including anticipated work load requirements and staffing
3084 considerations during the proposed period of absence” and deleted “Also, in these particular

- 3085 circumstances, the Band will reimburse employees for any reasonable expenses that are
3086 approved in advance.”
- 3087 121. 05-14-19 Amendment – p. 68, deleted “will not be paid for overtime worked without prior
3088 approval” and replaced with “may be subject to disciplinary action up to and including
3089 termination.” Removed reference to Federal wage and hour restrictions and added a sentence
3090 regarding how the Band handles hours worked for separate positions employees may have.
- 3091 122. 05-14-19 Amendment – p.69, added “or conduct” and “including Summary Dismissal” for
3092 violations of this policy.
- 3093 123. 05-14-19 Amendment – p.70, deleted “on an annual basis calculated from the employee hire
3094 date” and changed to “following the performance evaluation schedule below.” And included the
3095 performance evaluation schedule and when an employee’s evaluation schedule will change.
- 3096 124. 05-14-19 Amendment – p. 71-72, deleted the different levels, leaving just the specific name of the
3097 step in the disciplinary process.
- 3098 125. 05-14-19 Amendment – p.77, added (F) Behavior as Defined in Harassment & Discrimination
3099 policy.
- 3100 126. 05-14-19 Amendment – p. 79, clarified that work hours do not include unpaid meal breaks.
- 3101 127. 05-14-19 Amendment – p. 81-82, added the Band reserves the right not to reschedule interviews
3102 for applicants unable to make the original scheduled day and time, included part-time regular
3103 employment with the casinos and time worked will count toward a subsequent probationary
3104 period with the new employment position.
- 3105 128. 05-14-19 Amendment –Deleted Tuition Reimbursement & Assistance policy. This policy was
3106 discontinued by Band Assembly Resolution 1/7/16.
- 3107 129. 05-14-19 Amendment – p.84-86, replaced reference to “Employment Coordinator” to HR
3108 Labor-Employee Relations Specialist.
- 3109 130. 05-14-19 Amendment – p. 87, deleted “at the discretion of the Human Resources Director” and
3110 added a sentence that states “If an employee does not start immediately or has a lapse in service
3111 longer than thirty (30) days they will need to be retested.
- 3112 131. 05-14-19 Amendment – p. 90, replaced reference to “Employment Coordinator” to “Employee-
3113 Labor Relations Specialist.”
- 3114 132. 05-14-19 Amendment – p. 91, clarified the waiting period is three (3) hours for producing a
3115 sample.
- 3116 133. 05-14-19 Amendment – p. 95, replaced reference to “Employment Coordinator” to HR Labor-
3117 Employee Relations Specialist.
- 3118 134. 05-14-19 Amendment – p. 99, changed to “Emergency or Administrative closing” added
3119 Emergency/Weather closings and Administrative closings, defined when an employee will be
3120 required to utilize annual or sick leave when a closing is called.
- 3121 135. 05-14-19 Amendment – p.101, added “the Band reserves the right to accept the immediate
3122 resignation of employees at anytime after the employee has given such notice.
- 3123 136. 05-14-19 Amendment – p. 107, added sample of Time With Child Card that was missing.
- 3124 137. 01-12-22 Amendment – p. 47, amended rate of holiday pay for non-exempt employees.
- 3125 138. Amendment – p. 7 – removed Band Member Legal Department as it is an independent entity.
- 3126 139. Amendment -p.14 – removed “Labor Pool” as it no longer exists.
- 3127 140. Amendment – p. 48-49, added sentence to include approval of usage for employees under public
3128 health quarantine due to exposure. Removed sentence regarding first having to utilize all
3129 accrued hours and included language to allow for donation with approval in the same week to
3130 add up to 40 hours.
- 3131 141. Addition -p.71 – Added Administrative Investigations policy.
- 3132 142. Amendment – p. 75-77, Addition of sentence stating the employee shall give up the right to a
3133 hearing if he/she fails to submit a written outline.

- 3134 143. Amendment – p. 80, Addition of ability to dismiss an employee that has pending criminal
 3135 charges that are not resolved within (30) days if it reduces their ability to perform his/her job.
 3136 Removed Conduct unbecoming an employee of the Band and “civil” conviction from language
 3137 that reduces employees eligibility to perform his/her job.
- 3138 144. Amendment – p. 81, addition of “Reasonable belief the employee has committed material
 3139 violation of Professional Practice Standards” under Termination for Just Cause. Removal of
 3140 conduct unbecoming an employee of the Band and Any civil or criminal conviction that reduces
 3141 the employee’s eligibility to perform his/her job. Updated language added to Summary
 3142 Dismissal.
- 3143 145. Amendment – p. 83 updating the language to state Human Resources shall post all job openings.
 3144 Addition of language to clarify the probationary period of a transferring employee and include
 3145 language that the job offer once made can’t be rescinded. Removed language of vacant positions
 3146 being posted at the discretion of the Commissioner, Secretary-Treasurer.
- 3147 146. Amendment – p. 86-99- updated language from may to shall be required to submit to drug and
 3148 alcohol testing. Language updated throughout regarding continued testing for “Safety
 3149 Sensitive” positions for Cannabis with the new State Law in effective August 1, 2023.
- 3150 147. Amendment – p. 106, added language to update process of accepting an immediate
 3151 resignation to include a properly scheduled exit interview.
- 3152
 3153
 3154
 3155
- 3156 ~~Legalization Discussions tabled—VW do we take THC from Manual. But CM states there are~~
 3157 ~~risk/compliance ie pre-employment May need to look to other Bands Workgroup—Larger~~
 3158 ~~Dialogue in Cmnty. Landscape is complicated and changing How will we regulate RL actively~~
 3159 ~~dispensing Legislative has workshops 10am T TH FR~~
- 3160
- 3161 Fridays