

## **Act 51-23**

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

The District I, II, and III Representative introduced the following Bill on the 2<sup>nd</sup> day of August, 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 August 2, 20222023, 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 51-23**  
**(Band Assembly Bill 20-04-51-23)**


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

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

  
Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: August 9, 2023

  
Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**

**VETO**



THE MILLE LACS BAND OF  
**OJIBWE INDIANS**

*Executive Branch of Tribal Government*

August 9, 2023

Band Assembly  
Non-Removable Mille Lacs Band of Ojibwe  
43408 Oodena Drive  
Onamia, MN 56359

**Re: Veto of Bill 20-04-51-23**

**Dear Honorable Members of the Band Assembly:**

For the reasons described below, I veto Band Assembly Bill 20-04-51-23 because the proposed amendments to the Personnel Policy and Procedures Manual do not protect parental interests for Band employees or address other long-standing issues.

First, the proposed amendments do not include maternity leave for new mothers, which makes the Band an outlier among employers in the United States. I think we can all agree this is a special time culturally for our people, and we should at least give mothers paid time off during a specified amount of time. Second, the proposed amendments should include a social media usage policy for employees. Finally, the COVID-19 pandemic is over, and we should maximize government service to the people by requiring employees to return to work, so the proposed amendments should include a limited remote work policy.

For these reasons, I veto this bill.

Sincerely,

A handwritten signature in blue ink that reads "Melanie Benjamin".

Melanie Benjamin  
Chief Executive

Enc: Vetoed Band Assembly Bill 20-04-51-23

CC: Caleb Dogeagle, Solicitor General  
Sam Moose, Commissioner of Administration  
Darcie Big Bear, Parliamentarian

**DISTRICT I**

43408 Oodena Drive • Onamia, MN 56359  
(320) 532-4181 • Fax (320) 532-4209

**DISTRICT II**

36666 State Highway 65 • McGregor, MN 55760  
(218) 768-3311 • Fax (218) 768-3903

**DISTRICT III**

Route 2 • Box 233-N • Sandstone, MN 55072  
(320) 384-6240 • Fax (320) 384-6190



# **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

5	<u>WELCOME AND INTRODUCTION</u> .....	4
6	<u>Welcome New Employee!</u> .....	4
7	<u>Introductory Statement</u> .....	5
8	<u>Mission Statement</u> .....	6
9	<u>Organization Description</u> .....	7
10	<u>Employee Acknowledgement Form</u> .....	8
11	<u>EQUAL EMPLOYMENT OPPORTUNITY</u> .....	9
12	<u>Equal Employment Opportunity</u> .....	9
13	<u>American Indian Preference</u> .....	10
14	<u>Disability Accommodation</u> .....	11
15	<u>Immigration Law Compliance</u> .....	12
16	<u>EMPLOYMENT CLASSIFICATIONS</u> .....	13
17	<u>BUSINESS ETHICS</u> .....	15
18	<u>Business Ethics and Conduct</u> .....	15
19	<u>Hiring of Relatives</u> .....	16
20	<u>Conflicts of Interest</u> .....	17
21	<u>Outside Employment</u> .....	18
22	<u>Official Employee Address and Legal Notice</u> .....	19
23	<u>Truthfulness in Employment Application</u> .....	20
24	<u>Business Travel Expenses</u> .....	21
25	<u>Use of Phone, Cell Phones and Mail Systems</u> .....	23
26	<u>Computer and E-mail Usage</u> .....	24
27	<u>Internet Usage</u> .....	25
28	<u>Workplace Monitoring</u> .....	26
29	<u>Automobile Usage and Maintenance</u> .....	27
30	<u>Employee Conduct and Work Rules</u> .....	29
31	<u>Recycling</u> .....	30
32	<u>Unauthorized Solicitation</u> .....	31
33	<u>NONDISCLOSURE OF CONFIDENTIAL INFORMATION</u> .....	32
34	<u>ATTENDANCE AND PUNCTUALITY</u> .....	33
35	<u>PROFESSIONAL APPEARANCE AND CONDUCT</u> .....	34
36	<u>Personal Appearance and Dress</u> .....	34
37	<u>Smoking</u> .....	36
38	<u>EMPLOYEE BENEFITS</u> .....	37

39	<a href="#">Employee Benefits</a> .....	37
40	<a href="#">Benefits Continuation (COBRA)</a> .....	38
41	<a href="#">Health Insurance</a> .....	39
42	<a href="#">Life Insurance</a> .....	40
43	<a href="#">Short-Term Disability</a> .....	41
44	<a href="#">Long-Term Disability</a> .....	42
45	<a href="#">401(k) Retirement Savings Plan</a> .....	43
46	<a href="#">ABSENCE AND LEAVE</a> .....	44
47	<a href="#">Annual Leave</a> .....	44
48	<a href="#">Time with Child and Illness of Child</a> .....	46
49	<a href="#">Holidays</a> .....	47
50	<a href="#">Sick Leave</a> .....	48
51	<a href="#">Time Off to Vote</a> .....	50
52	<a href="#">Funeral Leave</a> .....	51
53	<a href="#">Jury Duty</a> .....	52
54	<a href="#">Medical Leave</a> .....	53
55	<a href="#">Family Leave</a> .....	55
56	<a href="#">Personal Leave</a> .....	57
57	<a href="#">Educational Leave</a> .....	58
58	<a href="#">Military Leave</a> .....	59
59	<a href="#">Leave for Military Families</a> .....	60
60	<a href="#">Anishinaabe Leave</a> .....	61
61	<a href="#">Community Affairs Leave and Participation</a> .....	63
62	<a href="#">PAY POLICIES</a> .....	64
63	<a href="#">Paydays</a> .....	64
64	<a href="#">Rest Breaks</a> .....	65
65	<a href="#">Meal Breaks</a> .....	66
66	<a href="#">Timekeeping</a> .....	67
67	<a href="#">Overtime</a> .....	68
68	<a href="#">HARRASSMENT AND DISCRIMINATION</a> .....	69
69	<a href="#">PERFORMANCE MANAGEMENT</a> .....	70
70	<a href="#">Performance Evaluation</a> .....	70
71	<a href="#">Progressive Discipline (Opportunity to Correct Job Performance)</a> .....	71
72	<a href="#">GRIEVANCE PROCEDURE</a> .....	7573
73	1. <a href="#">Generally</a> .....	7573
74	2. <a href="#">Grievance and Appeal of Disciplinary Action</a> .....	7674
75	<a href="#">TERMINATION</a> .....	7876
76	<a href="#">Employment Termination</a> .....	7876



77	<a href="#"><u>Summary Dismissal</u></a> .....	<u>79</u> 77
78	<a href="#"><u>Termination for Just Cause</u></a> .....	<u>81</u> 79
79	<a href="#"><u>Access to Personnel Files</u></a> .....	<u>82</u> 80
80	<a href="#"><u>PROMOTION ADVANCEMENT</u></a> .....	<u>83</u> 81
81	<a href="#"><u>Posted Positions</u></a> .....	<u>83</u> 81
82	<a href="#"><u>DRUGS AND ALCOHOL</u></a> .....	<u>86</u> 84
83	<a href="#"><u>EMPLOYEE ASSISTANCE PROGRAM</u></a> .....	<u>100</u> 95
84	<a href="#"><u>WORKERS' COMPENSATION</u></a> .....	<u>101</u> 96
85	<a href="#"><u>Workers' Compensation Insurance</u></a> .....	<u>101</u> 96
86	<a href="#"><u>Safety</u></a> .....	<u>102</u> 97
87	<a href="#"><u>WORKPLACE VIOLENCE</u></a> .....	<u>103</u> 98
88	<a href="#"><u>EMERGENCY CLOSINGS</u></a> .....	<u>104</u> 99
89	<a href="#"><u>RETURN OF PROPERTY</u></a> .....	<u>105</u> 100
90	<a href="#"><u>RESIGNATION</u></a> .....	<u>106</u> 101
91	<a href="#"><u>REEMPLOYMENT</u></a> .....	<u>107</u> 102
92	<a href="#"><u>REFERENCES</u></a> .....	<u>108</u> 103
93		
94		

95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111

**WELCOME AND INTRODUCTION**

***Welcome New Employee!***

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

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

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

Sincerely,

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

198

199

200

201

202

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

203

204

205

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

206

207

208

209

210

211

212

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

213

214

215

216

217

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

218

219

220

221

222

223

224

225

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

226

## EQUAL EMPLOYMENT OPPORTUNITY

227

### ***Equal Employment Opportunity***

228

229

230

231

232

233

234

235

236

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

237

238

239

240

241

242

243

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

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

## EMPLOYMENT CLASSIFICATIONS

277

278 It is the intent of the Mille Lacs Band of Ojibwe (MLBO) to clarify the definitions  
279 of employment classifications so that employees understand their employment status and  
280 benefit eligibility. These classifications do not guarantee employment for any specified  
281 period of time.

282 Each employee is designated as either NONEXEMPT or EXEMPT from federal  
283 wage and hour laws. NONEXEMPT employees are entitled to overtime pay of one-and-  
284 one-half the employee's regular rate of pay for all hours worked over forty (40) hours  
285 within the work week. EXEMPT employees are excluded from specific provisions of  
286 federal wage and hour laws, including overtime pay. Please see Human Resources if you  
287 have questions about your exempt or nonexempt status.

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

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

296 PART-TIME employees are those who are not in a temporary or introductory  
297 (probationary) status and who are regularly scheduled to work less than thirty-two (32)  
298 hours per week. These employees receive all legally mandated benefits (e.g. Social  
299 Security, Workers' Compensation and Unemployment Insurance), but they are ineligible  
300 for all other MLBO benefit programs.

301 PROBATIONARY (or introductory) employees are those whose performance is  
302 being evaluated during the probationary period to determine whether further employment  
303 in a specific position or with the MLBO government is appropriate. The probationary  
304 period, during which time performance is being evaluated, is generally 90 calendar days.  
305 However, the probationary period can, at the Band's discretion and based on performance  
306 concerns, be extended up to one year. During the probationary period, either the  
307 probationary employee or the Mille Lacs Band may terminate the employment relationship  
308 at will, with or without cause and with or without advance notice. Accordingly, the sections  
309 in this Manual regarding just cause and termination procedures do not apply to a  
310 probationary employee. However, a regular full-time employee who accepts a transfer,  
311 promotion or non-disciplinary demotion cannot be terminated at-will during a subsequent  
312 probationary period associated with the new employment position.

313 TEMPORARY employees are those who are hired to temporarily supplement the  
314 work force or to assist in the completion of a specific project. Temporary employees retain  
315 said status until notified of a change. While temporary employees receive all legally  
316 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

331

332

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

333

334

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

335

336

337

338

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

339

340

341

342

343

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

344

345

346

347

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

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

704

705

706

707

708

709

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:

710

711

712

713

714

715

716

717

718

719

720

721

722

723

724

725

726

- \* confidential Executive, Legislative and Judicial data and information, including but not limited to privileged attorney-client communications;
- \* personnel information and data;
- \* compensation data;
- \* computer processes;
- \* computer programs and codes;
- \* confidential financial information;
- \* labor relations strategies;
- \* marketing strategies;
- \* pending projects and proposals;
- \* research and development strategies;
- \* confidential scientific data;
- \* confidential technological data;
- \* enrollments and blood quantum information; and
- \* medical or patient data otherwise protected by HIPAA or other applicable data privacy laws.

727

728

729

730

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.

731

732

733

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.

734

735

## ATTENDANCE AND PUNCTUALITY

736

737

738

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

739

740

741

742

743

744

745

746

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

747

748

749

750

751

752

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

753

754

Poor attendance and excessive tardiness are disruptive and may lead to disciplinary 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

## EMPLOYEE BENEFITS

### ***Employee Benefits***

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

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

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

- \* Time With Child (3 hours per child per month);
- \* Community Service (40 hours per year with pay);
- \* 401(k) Savings Plan; (21 years of age or older including Part-Time Regular employees)
- \* Auto Mileage (according to federal guidelines);
- \* Bereavement Leave (3 days for the death of each family member as defined further in the Funeral Leave section, page 52);
- \* Anishinaabe Leave;
- \* Dental Insurance;
- \* Educational Leave (4 hours per week);
- \* Employee Assistance Program (EAP);
- \* Family Leave (FMLA);
- \* Health Insurance;
- \* Holidays;
- \* Jury Duty Leave;
- \* Life Insurance;
- \* Long-Term Disability;
- \* Medical Leave;
- \* Military Leave;
- \* Military Family Leave
- \* Personal Leave;
- \* Short-Term Disability;
- \* Sick Leave;
- \* Supplemental Life Insurance;
- \* Vacation Benefits;
- \* Voting Time Off;
- \* Any other benefit or leave required by state or federal law.

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

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

## ABSENCE AND LEAVE

### ***Annual Leave***

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

The amount of paid annual leave that employees receive each year increases with 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

Annual leave is calculated on a weekly basis.

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

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

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

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

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

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

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>
40 hours	2.00 hours
30 hours	1.50 hours
20 hours	1.00 hours

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

Employees will accrue sick leave from the commencement 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.

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.

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

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

In the event that available sick leave is not used by the end of the benefit year, employees may carry up to 160 hours of unused time forward to the next benefit year. Any unused

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 their his 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

1455

## PAY POLICIES

### 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 PERFORMANCE MANAGEMENT

### 1571 ***Performance Evaluation***

1572 Supervisors and employees are strongly encouraged to discuss job performance and  
1573 goals regularly on an informal basis. Formal performance evaluations should be conducted  
1574 at or about the end of an employee's probationary period in any new position, and thereafter  
1575 following the performance evaluation schedule below. Performance evaluations provide  
1576 employers and employees the opportunity to discuss job tasks, identify and correct  
1577 deficiencies, encourage and recognize strengths, and discuss positive approaches for  
1578 meeting the expectations of the position.

1579

### 1580 **Performance Evaluation Schedule**

1581

1582 **90 day evaluation** – Completed at the end of the employee's 90 day probationary period  
1583 in any new position.

1584

1585 **One year evaluation** – Completed at the end of the employee's first full year of  
1586 employment in their current position.

1587

1588 **Annual Fiscal Year evaluation** – To bring an employee to the Fiscal year cycle, see  
1589 example below. The initial evaluation to bring the employee to the Fiscal year cycle is  
1590 prorated. Each evaluation period thereafter will be October 1 to September 30 of each  
1591 year unless the employee changes positions.

1592

1593 Example:

1594 Employee date of hire is 5/21/16, a 90 day evaluation would be completed at 8/21/16.

1595 A One year evaluation would be completed for the period of 5/21/16 to 5/21/17.

1596 The Annual Fiscal Year evaluation would be completed for the period of 5/22/17 (day  
1597 after employee one year anniversary) to 9/30/17 (last day of fiscal year) and will be  
1598 yearly after that with the new October 1 to September 30 dates)

1599

1600 Note: the employee evaluation schedule will start over with a change of positions.

1601

1602

Initial Effective Date: 1/06/10  
Date of

Amendment: 70  
01/12/2022

Amendment History on page 108

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 and 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

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

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

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

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

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

- 1700 (iii) the time and date of the Notice of Suspension and the date(s) of the  
1701 suspension; and  
1702 (iv) the time and date of the notice of termination and the effective date  
1703 of termination.  
1704  
1705



## GRIEVANCE PROCEDURE

(Employee's Right to Grieve)

### 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.<sup>1</sup> 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.

---

<sup>1</sup> 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.<sup>2</sup> A copy of this decision will be kept in the employee's file.

---

<sup>2</sup> 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
- 1815 insurance;
- 1816 (D) Burglary;
- 1817 (E) Arson;
- 1818 (F) Receiving stolen property; or
- 1819 (G) Vandalism.
- 1820 (3) Alcohol related offenses include:
- 1821 (A) Obtaining or providing alcohol to persons under the age of 21.
- 1822 (4) Controlled substances offenses, including:
- 1823 (A) Possession of controlled substances; or
- 1824 (B) Sale of controlled substance.
- 1825 (5) Miscellaneous other offenses, including:
- 1826 (A) Forgery;
- 1827 (B) Obtaining a signature by deception;
- 1828 (C) Bribery;
- 1829 (D) Criminal impersonation;
- 1830 (E) Improper influence of official;
- 1831 (F) Obstruction of Band administration;
- 1832 (G) Obstruction of justice;
- 1833 (H) Tampering with a public record;
- 1834 (I) Falsification of documents;
- 1835 (J) Participating in political activities during business hours;
- 1836 (K) Using Band government property for political purposes during business
- 1837 hours;
- 1838 (L) Using Band government staff/employees for political purposes during
- 1839 business hours;
- 1840 (M) Disclosing confidential information to another without prior
- 1841 authorization; and
- 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 but not limited to discrimination, harassment or retaliation);

1870

1871 (8) Disruptive behavior in the workplace;

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

1873

1874 (10) Gambling/Gaming during work hours (Work hours do not include unpaid meal breaks).

1875

1876 (11) Reasonable belief the employee has committed a material violation of

1877

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 comply with the terms of a written warning from a supervisor.

1887

1888 (d) Miscellaneous Problems, including:

1889

1890 (1) Disrupting other Band programs;

1891 ~~(2) Conduct unbecoming an employee of the Band.~~

1892 ~~(3) Any civil or criminal conviction that reduces the employee’s eligibility to perform his/her job.~~

1893 ~~(4) Subsequent failure to satisfy an essential job requirement as explicitly stated on an Administration Policy Board (APB) approved job description.~~

1894

1895 An employee has the right to appeal the termination decision as described in this  
1896 Personnel Policy Manual.  
1897

1898

1899

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 Lacs 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 Lacs 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 Lacs 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 individual's 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 23<sup>rd</sup> 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.

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

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

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

#### **Drug or Alcohol**

	Initial Screening .02%	Confirmatory Test.02%
Amphetamine	1000 ng/ml	500 ng/ml
Barbiturates	300 ng/ml	200 ng/ml
Cocaine	300 ng/ml	150 ng/ml
THC	50 ng/ml	15 ng/ml
Ethanol	20 mg/dl	20 mg/dl
Opiates	2000 ng/ml	2000 ng/ml
PCP	25 ng/ml	25 ng/ml

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

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

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

**Safety Sensitive Positions :** Operators of machinery, positions with federal requirements equipment and Band owned vehicles; employees working with children, people with disabilities and elders. This is not an exhaustive list and HR reserves the right to designate a position as "safety sensitive" via the Administrative Policy Board<sup>22</sup> process.

#### **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. E. 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  
2199 1. Additionally, the Mille Lacs Band reserves the right to administer a single  
2200 annual drug and alcohol test to existing employees within the defined scope  
2201 of this policy.

2202  
2203 2. Employees engaged in safety-sensitive positions, deemed so through the  
2204 Administrative Policy Board processes, (for example, operators of  
2205 machinery, equipment and Band owned vehicles; employees working with  
2206 children, people with disabilities and elders) are subject to random testing.  
2207 Twenty percent of employees covered by this subdivision are subject to  
2208 drug tests each year. The tests must be conducted periodically over a one  
2209 (1) year calendar period. Individuals failing to appear for scheduled testing  
2210 under this section are subject to discipline. Employees in safety-sensitive  
2211 positions, deemed so through the Administrative Policy Board processes  
2212 who test positive for alcohol or any controlled substance, including  
2213 prescription medication for which the employee does not have a  
2214 prescription, will be terminated immediately.

2215 3. An employee will be required to undergo a drug and alcohol test when, in  
2216 the opinion of their immediate supervisor, there is reasonable suspicion that  
2217 the employee is under the influence of drugs and/or alcohol, or that the  
2218 employee has used, possessed, sold or transferred drugs and/or alcohol  
2219 while on Band property or while operating vehicles or machinery as part of  
2220 his/her job. The employee's supervisor must suspend the employee without  
2221 pay and make arrangements to transport the employee to and from the  
2222 testing facility designated by the Mille Lacs Band for a "reasonable  
2223 suspicion" drug test.

2224 4. The other circumstances under which an employee is required to undergo a  
2225 drug and alcohol test are as follows:

- 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.<sup>3</sup> 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**

---

<sup>3</sup> 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 **P. Confidentiality**

2419  
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 **Q. Use of this Policy**

2426  
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 Laes 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	<del>Initial Screening .02% ——— Confirmatory Test .02%</del>	
2466	<del>Amphetamine ——— 1000 ng/ml ——— 500 ng/ml</del>	
2467	<del>Barbiturates ——— 300 ng/ml ——— 200 ng/ml</del>	
2468	<del>Cocaine ——— 300 ng/ml ——— 150 ng/ml</del>	
2469	<del>THC ——— 50 ng/ml ——— 15 ng/ml</del>	
2470	<del>Ethanol ——— 20 mg/dl ——— 20 mg/dl</del>	
2471	<del>Opiates ——— 2000 ng/ml ——— 2000 ng/ml</del>	
2472	<del>PCP ——— 25 ng/ml ——— 25 ng/ml</del>	

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           The Mille Lacs Band cares about the health and well-being of its employees and  
2488 recognizes that a variety of personal problems can disrupt their personal and work lives.  
2489 While many employees solve their problems either on their own or with the help of family  
2490 and friends, sometimes employees need professional assistance and advice.

2491           Through the Employee Assistance Program (EAP), the Mille Lacs Band's HR  
2492 Labor-Employee Relations Specialist provides free and confidential referral to professional  
2493 counseling services for help in addressing issues such as: personal problems, alcohol and  
2494 other substance abuse, marital and family difficulties, financial or legal troubles, and  
2495 emotional distress. The EAP is available to all eligible employees who are insured under  
2496 the Band's health insurance program, and offers problem assessments, short-term  
2497 counseling and referral to appropriate community and private services.

2498           The EAP is strictly confidential and is designed to safeguard your privacy and  
2499 rights. Information given to the EAP counselor may be released only if requested by you  
2500 in writing. All counselors are guided by a professional code of ethics.

2501           If further counseling is necessary, the EAP counselor will outline community and  
2502 private services available. The counselor will also let employees know whether any costs  
2503 associated with private services may be covered by their health insurance plan. Costs that  
2504 are not covered are the responsibility of the employee.

2505           Minor concerns can become major problems if you ignore them. No issue is too  
2506 small or too large; a professional counselor is available to help you when you need it. Call  
2507 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

## WORKPLACE VIOLENCE

2553

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

2619

2620

2621

2622

Employees are responsible for all Mille Lacs Band property, materials or written information issued to them or in their possession or control. All Mille Lacs Band property must be returned by employees on or before their last day of work. The Mille Lacs Band may withhold from the employee's checks or final paycheck to defray the cost of any items 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 History of Amendments:

- 2796 1. 2-3-10 Revision – p. 35 (Smoking), added “or Community Center” to end of sentence in second  
2797 paragraph.
- 2798 2. 2-3-10 Revision – p. 35 (Employee Benefits), added “3 days for the death of each family  
2799 member as defined further in the Funeral Leave section, page 50” after Bereavement Leave.
- 2800 3. 2-3-10 Revision – p. 41 (Long Term Disability), replaced last word “supervisor” to read  
2801 “department head or Commissioner.”
- 2802 4. 2-3-10 Revision – p. 43 (Annual Leave), last paragraph, deleted everything after “Employees  
2803 may not go into a deficit on annual leave.” Added “If an employee has exhausted all accrued  
2804 annual leave, the employee has the option to make a request for unpaid leave and request  
2805 approval of their supervisor.”
- 2806 5. 2-3-10 Revision – p. 47 (Sick Leave), deleted sentence before last paragraph in section and  
2807 added “An employee with SES status may donate his/her sick leave hours to another  
2808 employee.”
- 2809 6. 2-3-10 Revision – p. 50 (Funeral Leave), deleted “in-laws” in second paragraph and added  
2810 “spouse’s parents and siblings.”
- 2811 7. 2-3-10 Revision – p. 77 (Posted Positions), changed last sentence in third paragraph to read  
2812 “Employees who have a written warning on file within 90 days prior to application or are on  
2813 probation or suspension are not eligible to apply for posted jobs.”
- 2814 8. 2-3-10 Revision – p. 80 (Drugs and Alcohol), changed first sentence in second paragraph to  
2815 read “Any individual who receives an offer of employment or will receive a payroll check are  
2816 required to submit to a drug and alcohol test as a condition of obtaining employment.”
- 2817 9. 3-19-10 Revision – p. 80 (Drugs and Alcohol), deleted “or will receive a payroll check” in  
2818 second paragraph.
- 2819 10. 10-3-11 Revision – p. 5 (Introductory Statement), deleted Nay-Ah-Shing school staff and  
2820 added MLBO Policy Department as exempt. Added Section 4.
- 2821 11. 10-3-11 Revision – p. 7 (Organization Description), amended wording in Legislative Branch  
2822 section.
- 2823 12. 10-3-11 Revision – p. 8 (Employee Acknowledgement Form), replaced “handbook” with  
2824 “manual.” Amended wording in sentence.
- 2825 13. 10-3-11 Revision – p. 9 (Equal Employment Opportunity), added phrase regarding Indian  
2826 preference.
- 2827 14. 10-3-11 Revision – p. 10 (American Indian Preference), added phrase beginning second  
2828 paragraph, “Assuming that applicants meet the minimum job requirements.”
- 2829 15. 10-3-11 Revision - p. 13 (Employment Classification), amended example of benefits in Part-  
2830 Time section; added sentence in Probationary section; and amended last sentence in On-Call  
2831 and Labor Pool section.
- 2832 16. 10-3-11 Revision – p. 16 (Hiring of Relatives), replaced “relatives” with “family members”  
2833 throughout; added last sentence in fourth paragraph.
- 2834 17. 10-3-11 Revision – p. 17 (Conflicts of Interest), deleted “partner.”
- 2835 18. 10-3-11 Revision – p. 18 (Outside Employment), added language to prohibit employees from  
2836 working two full-time jobs with the MLBO, including an entity of the Band.
- 2837 19. 10-3-11 Amendment – p. 19 (Official Employee Address and Legal Notice), new policy added.
- 2838 20. 10-3-11 Revision – p. 21 (Business Travel Expenses), added “including non-discriminatory  
2839 state taxes” in third paragraph; clarified some of the reimbursement of expense language.
- 2840 21. 10-3-11 Revision – p. 26 (Workplace Monitoring), revised sentence in second paragraph.
- 2841 22. 10-3-11 Revision – p. 27 (Automobile Usage and Maintenance), deleted “perform required  
2842 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