

<p align="center">ONEIDA TRIBE OF WISCONSIN STANDARD OPERATING PROCEDURE</p>	<p>TITLE: Tribe Wide Holiday Work Standards</p>	<p>ORIGINATION DATE: 09/08/2010 REVISION DATE: 10-22-2014 EFFECTIVE DATE: After last signature</p>
<p>AUTHOR: HRD</p>	<p>APPROVED BY:</p>	<p>DATE:</p>
<p>DEPARTMENT: All Tribal Departments</p>	<p>APPROVED BY: <i>Compensation and Employment Director</i> <i>Marianne J. Case</i></p>	<p>DATE <i>11/02/14</i></p>
<p>DIVISION: All Tribal Divisions</p>	<p>APPROVED BY: <i>HRD Area Manager</i> <i>Shalene R. Danforth</i></p>	<p>DATE: <i>11/07/14</i></p>
<p>EEO REFERENCE NUMBER: EEO #017</p>	<p>COMPLIANCE REVIEW BY: <i>EEO</i> <i>WJ</i></p>	<p>DATE: <i>11/07/14</i></p>
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1 PURPOSE:

1.1 To define how Tribal holidays will be recognized and paid throughout the Oneida Tribe.

2 DEFINITIONS:

2.1 **Certify Employee Was Able to Work:** Supervisory discretion based on employee's explanation, doctor's slip, or other proof that the employee was able to perform the duties of their position on the Tribal recognized holiday.

2.2 **Exempt Classification:** A position which is paid a pre-determined amount or salary and is not eligible for overtime.

2.3 **Employee Suspension:** removing the employee from the job for disciplinary reasons without pay.

2.4 **Extended Sick Leave:** An employee who is off work as the result of a Health Care Provider's direction for a period of time which includes before and after a recognized Tribal holiday for the purposes of this work standard.

2.5 **Health Care Provider:** A provider who may provide certification of a serious health condition that includes:

2.5.1 Doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices;

2.5.2 Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to

- practice in the state and performing within the scope of their practice under state law;
- 2.5.3 Nurse practitioners, nurse-midwives, clinical social workers and physicians assistants who are authorized to practice under state law and performing within the scope of their practice as defined under state law;
 - 2.5.4 Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts;
 - 2.5.5 Any health care provider recognized by the employer or the employer's group health plan's benefits manager; and
 - 2.5.6 A health care provider listed above who practices in a country other than the United States and who is authorized to practice under the laws of that country.
- 2.6 **Holiday Worked Benefit:** Hours a non-exempt employee works on a holiday at the rate of time and one-half.
 - 2.7 **Holiday Pay Benefit:** Benefit paid to an eligible employee on a holiday recognized by the Tribe.
 - 2.8 **Non-Exempt Classification:** A position which is paid for work performed by the hour and is eligible for overtime pay when the employee works over 40 hours within a work week.
 - 2.9 **Pre-Scheduled Time Off:** Time off approved by the supervisor to include vacation, personal, funeral, jury duty, parental, etc.
 - 2.10 **Pre-Scheduled Work Leave:** Approval of vacation or personal time prior to and after the holiday.
 - 2.11 **Scheduled Work Day:** The employee's hours of work as defined by the supervisor.
 - 2.12 **Sick Leave:** An approved Medical Leave of Absence.
 - 2.13 **Work Week:** Sunday through Saturday.

3 WORK STANDARDS

Holiday Observance

- 3.1 Departments not in operation on Saturday and Sunday will observe holidays falling on a Saturday on the previous Friday and holidays falling on a Sunday on the following Monday.
- 3.2 Departments in operation on Saturdays and Sundays will observe the holiday on the actual calendar day.

Holiday Pay Benefit

Employees on a Sick Leave

- 3.3 Employees who start their approved Medical leave of absence the day after a tribally recognized holiday are eligible for the Holiday Pay Benefit.
- 3.4 Employees returning from sick leave the day after a holiday are eligible for the holiday pay benefit if the Medical Professional releases the employee to return to work on the holiday. (Example: Veteran's Day is on a Monday and the Medical Professional release of the employee to return on Monday. The employee returns

to work on a Tuesday but was able to work Monday or the recognized Tribal Holiday.)

Working Employees – Pre-Scheduled Time Off

- 3.5 Employees must work the preceding and following scheduled work days to be eligible for holiday pay benefit unless the employee is on a pre-scheduled time off (i.e. vacation, personal, unpaid time off, funeral, jury duty, parental time, etc.).
 - 3.5.1 If the employee does not work the preceding and following scheduled work day, the employees is not eligible for the holiday pay benefit. (See 3.6)
- 3.6 When there are two (2) holidays in a row:
 - 3.6.1 If the employee calls in the day preceding “**or**” following the holidays, the employee is eligible for at least one paid holiday. (See 3.6)
 - 3.6.2 If the employee calls in the day preceding “**and**” following the holidays, the employee is not eligible for either paid holiday (See 3.6)

Employees Eligibility for Holiday Pay Benefit – Calling in the Day Prior to or After a Tribal Holiday

- 3.7 Employees who call in the day prior to or after a holiday stating he/she is ill/sick, must provide the supervisor with documentation or an explanation certifying the employee was capable of working the holiday in order to qualify for the holiday pay benefit.
- 3.8 Supervisors have the discretion of approving the holiday pay benefit based upon the employee’s documentation or explanation for the absence.
 - 3.8.1 Supervisors may develop department standard operating procedures to maintain consistency on the application of holiday pay within their departments.

New Employees Starting the Day after a Recognized Tribal Holiday

- 3.9 New employees who start their workday the day after a tribally recognized holiday and after their effective start date (which is Sunday within the Payroll System) are eligible for holiday pay. I.e.: Employee is scheduled to start on a Monday, which is a tribally recognized holiday within the workweek, and the employee starts on Tuesday. The employee is eligible for Holiday Pay.

Employees Eligible for Holiday Pay Benefit

- 3.10 Employees in the following statuses are eligible for holiday pay benefit:
 - 3.10.1 Regular Full-Time (30+ hours/week)
 - 3.10.2 Regular Half-Time (20 to 29.99 hours/week)
 - 3.10.3 Regular Part-Time (19.99 hours or less each week)
 - 3.10.4 Probationary Employees
 - 3.10.5 Limited Term
 - 3.10.6 Emergency/Temporary

- 3.10.7 Seasonal I – only if the employee worked the day before and after the holiday
- 3.10.8 Substitute/Relief - only if the employee worked the day before and after the holiday
- 3.10.9 Modified Duty
- 3.10.10 Agricultural Workers

Holiday Pay Benefit

- 3.11 Amount of Holiday Pay Benefit for those statuses that are eligible according to 3.10 of this work standard:
 - 3.11.1 Full-Time - eight (8) hours of holiday pay benefit for full day holidays and four (4) hours of holiday pay for one-half day holidays.
 - 3.11.2 Half-Time - four (4) hours of holiday pay benefit for full day holidays and two (2) hours of holiday pay for one-half day holidays.
 - 3.11.3 Part-Time - two (2) hours of holiday pay benefit for full day holidays and one (1) hour of holiday pay for one-half day holidays.
- 3.12 Holiday pay benefit equals the statuses listed in 3.11 and is not based on the amount of hours worked per day.

Holiday Worked Benefit

- 3.13 Non-Exempt Employees who work on tribally recognized holidays are eligible for the holiday worked benefit and the holiday pay benefit.
 - 3.13.1 Supervisors have the discretion to approve vacation or personal time for the employee call-ins the day before or after the tribally recognized holiday. (See 3.7 and 3.8 of this work standard.)
- 3.14 Exempt employees are not eligible for the holiday worked pay benefits.
- 3.15 Non-exempt (hourly) employees, in the status in 3.10 who work on a holiday, are eligible for holiday worked benefit and holiday pay benefit.
 - 3.15.1 Non-exempt employees will receive the holiday worked benefit, plus time and a half for working on the holiday.
 - 3.15.2 Non-exempt employees who attend training on an observed Tribal Holiday are eligible for holiday pay benefit and holiday worked benefit.

Employees Not Eligible for the Holiday Pay Benefit

- 3.16 Employees on suspension the day before the holiday, the holiday or the day after the holiday.
- 3.17 Employees in the following statuses are not eligible for holiday pay benefit:
 - 3.17.1 Leave of Absence (Medical, Personal, Educational, Military, etc.)
 - 3.17.2 Investigative Leave
 - 3.17.3 Lay-off
 - 3.17.4 Youth Workers
 - 3.17.5 Student Interns
 - 3.17.6 Adult Worker - Vocational Rehabilitation

4 PROCEDURES

Supervisor:

- 4.1 Approves or denies holiday pay and/or holiday worked benefits for employees under supervision within the Kronos Time and Attendance System utilizing this Holiday Work Standards.
- 4.2 Is responsible for report and investigating employee's errors in time recorded and reporting errors to Time and Attendance staff.
- 4.3 Enter and insure accurate records of employee's time within Kronos Time and Attendance System.
- 4.4 Maintains Time Off Request Forms for seven (7) years.

Time and Attendance Staff:

- 4.5 Reviews all employee time records.
- 4.6 Contacts supervisor for questions and clarifications.
- 4.7 Will edit employee's time for statuses and criteria as stated above in this work standard.

5 REFERENCES

- 4.1 Personnel Policies and Procedures Section IV A. 4

