

# **PERSONNEL POLICIES AND PROCEDURES MANUAL**

## **SECTION IV - COMPENSATION AND BENEFITS**

### **A. SALARY**

#### **1. Tribal Job and Salary Structure**

- a. An ongoing plan will be instituted based on standard employee grades and step levels to assure that a uniform approach is taken to establish equitable salary and wage levels.
- b. Employee performance evaluations will be a resource in determining whether an employee receives an increase in pay for the upcoming year. An overall satisfactory rating must be attained in order to be granted an increase in pay.
- c. Merit increase shall be granted upon the recommendation of the supervisor, the Area Manager, the HRD Manager and the General Manager.

#### **2. Workday [Timekeeping WS 10-17-12](#)**

- a. The regular Tribal workday is from 8:00 a.m. to 4:30 p.m. with an hour for lunch. The exception to these hours occurs only if the program/enterprise hours must vary for the purpose of providing service (such as retail hours beyond 4:30 p.m.). Shifts will be developed as needed, and the shift hours will then become the regular workday for assigned employees for that program/enterprise.
- b. Employees are expected to be at work each scheduled work day.
  - 1) Employees who do not report for work because of inclement weather or unforeseen circumstances will not be paid for that day. Employees may elect to use personal day(s) to cover this absence. [Emergency Closings 11-08-12](#)
  - 2) In case of an unavoidable delay or absence, the supervisor must be notified no later than thirty (30) minutes after the scheduled starting time. Employees are encouraged to notify their supervisor before their scheduled starting time.
    - i. Employees failing to report to their assigned jobs or failing to call in within the thirty (30) minute time allowed will be subject to disciplinary action.
    - ii. Permission to leave early must be obtained by the employee from his/her supervisor.

#### **3. Overtime**

- a. Any and all overtime will be kept to a minimum and must be approved by the Supervisor and Area Manager.
  - 1) In the case of potential overtime that may occur at night, on holidays or on weekends, supervisors will delegate this authority to a specific employee and outline specific situations and actions that warrant overtime.
- b. All overtime must be reported to the supervisor for evaluation.
- c. Overtime will be approved only if the program or enterprise budget is capable of paying it.
- d. Overtime will be approved only for hours worked in excess of forty (40) hours per week. Personal/vacation days and holidays will not count toward the forth (40) hour

- requirements.
- e. Tribal employees are expected to work overtime if required. Time and one-half will be paid for this overtime.
  - f. Exempt employees are not eligible for overtime.
    - 1) The HRD Office will maintain a list of exempt employees.
4. Holidays [Holiday Pay WS Final 04-2011](#)
- a. Tribal holidays consist of the following:
    - 1) One-half day Christmas Eve
    - 2) Christmas Day
    - 3) New Year's Day
    - 4) Memorial Day
    - 5) Veteran's Day
    - 6) Independence Day
    - 7) Labor day
    - 8) Thanksgiving Day
    - 9) Indian Day (day after Thanksgiving)
    - 10) One-half day Good Friday
    - 11) Code Talker's Day (Oneida Day, Friday prior to Memorial Day)  
[BC Resolution 12-11-13](#)
  - b. To be eligible for a paid holiday, employees must work the preceding and following scheduled work days (except for employees who are on a prescheduled work leave or an approved extended sick leave.) Employees who are granted a sick day directly prior to a holiday must certify that they were capable of working the holiday in order to qualify for a paid holiday.
  - c. All regular employees will be given holiday pay for the maximum pay of eight (8) hours per day.
  - d. Holidays falling on a Saturday will be observed the preceding Friday; holidays falling on a Sunday will be observed on the following Monday. [Holiday Observance Calendar 2017](#)
  - e. The Oneida Tribe acknowledges its responsibility to make a reasonable accommodation to employees who wish time off to observe religious holidays. Requests for such time off will be granted where possible, based on the scheduling and staffing needs of affected departments. Employees wishing to take time off work for religious observances should inform their supervisor as early as possible. Employees may use personal time for such requests if eligible; otherwise the time off will be treated as unpaid leave.
5. Vacation/Personal Days
- a. Every Tribal employee, except temporary employees, shall be allowed personal and vacation days with pay to the extent that personal days and vacation are accumulated. Temporary employees shall be allowed personal and vacation days in accordance with Section II.C.4. [GTC Resolution 07-02-12](#)
  - b. The amount of personal and vacations days shall be determined by continuous

service for the Tribe. A "lay-off" from tribal employment shall not be considered in interruption in continuous service where the lay-off is in accordance with the Tribe's Layoff Policy, nor shall a preapproved leave of absence. [Vacation and Personal Time Accrual 3-6-12](#)

- c. Except as provided for in section g, the accrual of personal days shall be as follows:  
[BC Resolution 04-13-11-F](#)
  - 1) 0-3 years of service - 6 days per year;
  - 2) 4-7 years of service - 8 days per year;
  - 3) 8-14 years of service - 10 days per year;
  - 4) 15+ years of service - 12 days per year;
- d. Except as provided for in section g, the accrual of vacation days shall be as follows:
  - 1) 0-3 years of service - 12 days per year
  - 2) 4-7 years of service - 15 days per year;
  - 3) 8-15 years of service - 20 days per year;
  - 4) 15+ years of service - 25 days per year.
- e. Part-time employees accrue personal and vacation days for time actually worked at a ratio of a full-time employee.
- f. Service is defined as working for Programs/Enterprises which are contracted by the Tribe of specifically sponsored by the Tribe.
- g. Vacation and personal days shall be capped at 280 hrs. [BC Resolution 11-10-10-D](#)  
An employee shall cease to accrue vacation and personal hours when he or she has reached 280 total hours. Supervisors shall notify their employees when said employees have accumulated 200 total hours of vacation and personal time.
  - 1) An employee may trade back accumulated vacation and personal hours in accordance with Section IV.A.5.n. below. [GTC Resolution 5-23-11-B](#)
- h. Upon termination from Tribal employment, employees will be paid for any unused personal and/or vacation days.
  - 1) Employees who have used the Tribally-sponsored loan program will be required to honor the terms of the loan agreement.
- i. Personal Days can be used for any reason so long as the request is approved by the employee's supervisor at least twenty-four (24) hours in advance (unless the absence is due to illness or unforeseen circumstances).
  - 1) In the case of illness or unforeseen circumstance, the supervisor shall be notified no later than fifteen (15) minutes before the scheduled starting time.
  - 2) Programs and enterprises may institute stricter standards of notification. These standards will be submitted to and approved by the Personnel Department.
- j. An employee shall notify his/her supervisor of an intent to use personal days in the following ways:
  - 1) Three (3) to five (5) days - one (1) week advance notification
  - 2) Six (6) days or more - two (2) weeks advance notification.
- k. An employee shall notify his/her supervisor one (1) day in advance if he/she will take off one (1) or two (2) days of vacation. Programs and enterprises may institute

stricter standards of notification.

- 1) Three (3) to five (5) days of vacation require a one (1) week advance notification.
  - 2) Six (6) or more days of vacation require at least two (2) weeks advance notification.
- l. The burden shall be on the supervisor to show that a denial of a personal day or a vacation day is based upon interference with the business of the Tribe.
  - m. Personal or Vacation Days cannot be taken when an employee is on probation.
  - n. Trade-back for Cash - Each fiscal year, the Oneida Business Committee shall analyze fiscal conditions to determine whether employees may trade back personal and/or vacation hours for cash that fiscal year. [Work Standard 10-11-11](#)
    - 1) If the Oneida Business Committee approves trade-back for cash, they shall also determine whether (a) and/or (b) applies:
      - i. All employees will have the opportunity to trade-back hours one time that year.
        1. By August 15, each employee who has accumulated twenty-four (24) hours or more of vacation and/or personal days may opt to trade in his/her hours for cash.
        2. Employees will receive their trade back on or before September 30 of that year.
      - ii. Only those employees who are unable to utilize their personal and/or vacation time due to working conditions, such as a shortage in staffing, as determined by the HRD Manager or designee, will have the opportunity to trade back hours on a quarterly basis.
        1. Employees will receive their trade back within sixty (60) days after opting to trade back hours.
    - 2) When trade-back for cash is approved by the Oneida Business Committee, the following standards shall apply:
      - i. Employees must decide which status (vacation or personal or both) from which their trade-back will be drawn.
      - ii. Employees may not trade for cash more than eighty (80) hours in one year. [GTC Resolution 5-23-11-B](#)
  - o. Additional Duties Compensation
  - p. Travel Time Compensation [Work Standard 3-20-13](#)

B. INSURANCES [See separate publication](#) for information on Tribal Insurance plans. [Separating an Employee WS 5-6-13](#)

C. RETIREMENT PLAN [\(See separate publication for information on Tribal Retirement Plan\).](#)

D. LEAVES

1. Meeting Attendance
  - a. Approval for attending any meetings inside normal working hours must be approved in advance by the employee's immediate supervisor. [\(BC Action, 5-16-89\)](#)
  - b. Employees who receive stipends or honoraria in excess of \$50.00 for attending

meetings during working hours will forfeit the amount in excess of \$50.00 from their regular paycheck. Stipends for travel or per diem will not be deducted if accompanied by receipts for such expenses.

- c. Stipends or honoraria for intra-tribal meetings during normal working hours will result in the employee's paycheck being reduced by the full amount of the stipend.

2. Funeral Leave [\(Work Standard, 8-2-11\)](#)

- a. All regular employees will be given a three (3) day leave without loss of pay for funeral services for immediate family. Immediate family includes:

Husband	Mother	Brother
Wife	Father	Sister
Mother-in-law	Son	Grandparent
Father-in-law	Daughter	Grandchild

- b. Three (3) day leave for other persons will be given only if the employee is responsible for making funeral arrangements, subject to prior approval of supervisor.
- c. All other funeral leave will be limited to no more than one (1) day with pay subject to the notification and approval of the immediate supervisor. [\(Management Directive, 12-17-2009\)](#)

3. Leave of Absence [\(Work Standard, 6-10-14\)](#)

- a. A leave of absence without pay may be granted to employees for a justifiable reason (including caring for a child, spouse or parent with a serious health condition) and when in the best interest of the Tribe.

- 1) Leaves of absence will not exceed three (3) months.

- i. All leaves of absence must be approved by the supervisor, Area Manager, HRD Manager and General Manager. [\(HR Interpretation, 12-8-16\)](#)
    - ii. Requests must be documented and submitted to the supervisor with as much advance notice as possible.
    - iii. Disposition of requests will be made on the basis of staffing requirements.

- 2) Upon returning, the employee will be reinstated in the former position with full status and benefits. Holiday, vacation, and sick leave will not be accrued during the leave of absence.

- 3) No later than fifteen (15) working days prior to the expiration of the leave period the employee must give notice in writing of his/her intent to return to the position. Notice must be presented to the supervisor.

- i. Failure to provide written notice will be interpreted to mean that the employee does not intend to return following the leave. The position will be posted and filled through the selection process. [\(HR Interpretation 11-21-11\)](#)

4. Maternity Leave

- a. Maternity leave will be granted for a period of six (6) weeks without pay.

- 1) An employee may elect to cover any portion of this time by using accumulated sick days.

- 2) Any maternity-related absences for longer than six (6) weeks must be taken as a medical leave of absence.

5. Military Leave

- a. In addition to the following provisions, the Tribe's Military Service Protection Act shall

- govern Military Leave.
- b. A Military Leave of Absence is afforded employees entering active duty without accumulation of holiday, vacation or personal time during the period of leave. Any accumulated benefits prior to leave will be maintained for the employee.
  - c. Time off for inactive duty training, examinations to determine fitness for duty and funeral honors duty shall be afforded to employees without the accumulation or loss of holiday, vacation or personal time. An employee will receive pay from the Tribe for any hours work that the employee was required to miss due to reservist training.
    - 1) Any pay received for performing any of the above duties shall be deducted from the employee's pay. ([GTC Resolution - 1-26-08A](#))
6. Jury Duty
- a. During a period of jury duty, an employee will receive pay from the Tribe for any hours of work missed due to jury duty.
    - 1) Jury duty pay will be deducted from the employee's paycheck when determining the amount of pay
    - 2) No overtime will be allowed in determining employee pay while serving on jury duty.
7. Educational Leave ([BC Action, 5-4-90](#))
- a. A leave of absence for education purposes will not exceed one (1) year.
8. Parent Policy Leave ([BC Action, 3-2-94A](#))
- a. Employees who are parents, guardians, or those individuals specifically referred to as "immediate family" as defined in Section IV, page 6 of these Personnel Policies and Procedures which includes husband, wife, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, grandparent and grandchild may request to participate in their child(ren)'s educationally sanctioned events not to exceed four (4) hours per employee per month
    - 1) These four (4) hours shall not accumulate.
  - b. Approval to utilize the four (4) hours must be obtained from the supervisor.
    - 1) An employee shall request his/her supervisor to utilize this leave with a minimum of twenty-four (24) hours' notice.
    - 2) The Supervisor may request verification of
      - i. Guardianship of the child(ren) and/or
      - ii. The attendance of the employee at their child(ren)'s educationally sanctioned -event.
  - c. The burden shall be on the supervisor to show that a denial of the Parent Policy Leave which is based upon interference with the business of the Tribe.
  - d. This leave shall not be paid as overtime. The supervisor may have the option to use flex time to cover this time off to attend their child(ren)'s educationally sanctioned events.
  - e. All employees, except Emergency/Temporary, Youth Workers, Student Interns, and Seasonal Workers during their first season, and Substitute Reliefs are eligible to participate in this benefit.

