010/26/2026

# TABLE OF CONTENTS


**100 INTRODUCTION**
100 PURPOSE OF THIS MANUAL
101 NATURE OF EMPLOYMENT
102 WHISTLEBLOWER POLICY
103 POLICY REVIEW AND APPROVAL PROCESS

**200 EMPLOYMENT**
200 EMPLOYEE COMPLAINT & RESOLUTION PROCESS
201 EQUAL EMPLOYMENT OPPORTUNITY
202 EMPLOYMENT POLICY
203 EMPLOYMENT APPLICATION ACCURACY
204 CHARACTER INVESTIGATIONS
205 EMPLOYMENT PHYSICAL EXAMINATIONS AND SCREENINGS
206 IMMIGRATION LAW COMPLIANCE
207 DRUGS AND ALCOHOL TESTING
208 PROBATIONARY PERIOD
209 EMPLOYMENT CATEGORIES
210 LAYOFFS AND RECALL
211 DRIVING RECORD INVESTIGATIONS

**300 PERSONNEL**
300 POSITION DESCRIPTIONS
301 PERFORMANCE EVALUATIONS
302 CONTINUOUS LENGTH OF SERVICE
303 EMPLOYEE DATA CHANGES
304 ENTERPRISE UNIFORMS
305 ACCESS TO PERSONNEL FILES
306 EMPLOYMENT REFERENCE CHECKS
307 HUMAN RESOURCES RECORDS RETENTION POLICY

**400 CONDUCT**
400 DISCIPLINARY PROCEDURE
401 EMPLOYEE CONDUCT
402 ATTENDANCE POLICY
403 CODE OF CONDUCT
404 NON-DISCLOSURE
405 GRIEVANCE PROCEDURE
406 TERMINATION OF EMPLOYMENT
407 SEVERANCE PAY
408 ANTI- HARASSMENT
409 TWO-SPIRIT INDIVIDUALS AND GENDER IDENTITY
410 PERFORMANCE IMPROVEMENT PLANS

**500 PAY PRACTICES**
501 PAYDAY
502 COMPENSATION

**600 BENEFITS**
600 EMPLOYEE BENEFITS
601 FEDERAL AND STATE TAXES / INSURANCES
602 BAY MILLS INDIAN COMMUNITY 401 (K) RETIREMENT PLAN
603 HEALTH INSURANCE
604 LIFE INSURANCE
605 WORKERS' COMPENSATION
606 DISABILITY COVERAGE AND LIFE INSURANCE GENERAL
607 HOLIDAYS

**700 LEAVE / ABSENCE**
700 ANNUAL LEAVE
701 SICK LEAVE BENEFITS
702 PERSONAL LEAVE – GOVERNMENTAL & ENTERPRISE
703 JURY AND WITNESS DUTY
704 BEREAVEMENT LEAVE
705 EDUCATIONAL LEAVE
706 MEDICAL LEAVE
707 PAID PARENTAL LEAVE
708 MILITARY LEAVE
709 LEAVE OF ABSENCE
710 FAMILY AND MEDICAL LEAVE OF ABSENCES
711 EMPLOYEE BIRTHDAY LEAVE
712 DONATED LEAVE

**800 WORK RULES**
800 WORK SCHEDULES
801 WORK HOURS
802 MEAL AND BREAK PERIODS
803 TIMEKEEPING
804 OUTSIDE EMPLOYMENT
805 SAFETY
806 SECURITY INSPECTIONS
807 USE OF PHONE, COMPUTER AND MAIL SYSTEMS
808 SOCIAL MEDIA POLICIES
809 SMOKING
810 REMOTE WORK
811 BREASTFEEDING
812 MINORS IN THE WORKPLACE

**900 MISCELLANEOUS**
900 TRAVEL POLICY
901 USE OF EQUIPMENT AND VEHICLES
902 RETURN OF PROPERTY
903 EMPLOYEE RECEIVABLES
904 CREDIT CARD POLICY
905 GENERATIVE ARTIFICIAL INTELLIGENCE USE IN THE WORKPLACE

**1000 INCLEMENT WEATHER**

## 100 PURPOSE OF THIS MANUAL

**100.1** This manual is designed to acquaint you with the organization and provide you with information about working conditions, employee benefits, and the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Bay Mills Indian Community to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

**100.2** No policy manual can anticipate every circumstance or question about policy. As the administration of Bay Mills Indian Community continues to grow, the need may arise to change policies described in this manual. The Executive Council therefore reserves the right to revise, supplement, or rescind any policies or portion of this manual as it deems appropriate, in its sole and absolute discretion. Employees will be notified of such changes as they are approved.

**100.3** Management is primarily charged with implementing the Personnel Policies and Department procedures for the Tribe. Human Resources will assist executive management with ensuring these policies and procedures are implemented fairly and consistently between departments by offering training and assistance and notifying executive management of any inconsistent application or lack of adherence to these policies.

**100.4** The day-to-day administration has been delegated to the various Department or Enterprise managers for implementation.

## MISSION STATEMENT

Mino Bimadziwiin, “good life”, guides Gnoozhekaaning, “Place of the Pike”, or Bay Mills Indian Community to promote the sovereignty, culture, and prosperity for our citizens, community, and employees to the benefit of present and future generations.

**101 NATURE OF EMPLOYMENT** *(revised 6/4/2023)*

**101.1** Employment with the Bay Mills Indian Community is voluntarily entered into, and the employee is free to resign at any time. Similarly, Bay Mills Indian Community may terminate the employment relationship at any time, with cause as outlined under the policies and procedures listed herein this manual.

**101.2** Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Bay Mills Indian Community and any of its employees. The provisions of the manual have been developed with management and may be amended or canceled at any time, by the Executive Council.

**101.3** These provisions supersede all existing personnel policies and practices and may not be amended or added to without the express written approval of the Executive Council.

**101.4** These policies shall apply to all tribal positions except those listed below:

A. Tribal officers elected by popular vote and persons appointed to fill vacancies in such tribal offices when acting in an elected capacity.

B. Tribal judges when acting in an official capacity.

## 102 WHISTLEBLOWER POLICY *(revised 1/24/22)*

**102.1** Bay Mills Indian Community is committed to maintaining compliance with all Federal, State, Tribal laws, rules, regulations, and policies and procedures. The Tribe encourages employees to bring forward non-compliance reports that have factual basis.

**102.2** If employees have any concerns about work conditions, they must follow the policy guidelines under section 200 Employee Complaints and Resolution Process.

**102.3** In the event of any concerns regarding actual or potential non-compliance, employees are encouraged to first express their concerns through their departmental chain of command. If unresolved, employees are encouraged to forward their concerns to the Human Resources Director, or appropriate law enforcement agency in a timely manner. Anonymous reports are discouraged because they make it difficult to assess reliability.

**102.4** Any employee, who in good faith, reports suspected violations of Federal, State, or Tribal laws, rules or regulations, policies or procedures will be treated as confidential to the extent that a full investigation may be conducted, consistent with applicable laws, regulations or policies.

**102.5** The Tribe prohibits the discharge, threatening, demotion, suspension or other discrimination or retaliation against any employee for disclosing information, in good faith, of suspected violations of Federal, State, or Tribal laws, rules or regulations, policies or procedures.

## 103 POLICY REVIEW AND APPROVAL PROCESS (08/25/2025)

**103.1** Policies must adapt with the changes and growth of an organization to ensure positive employee experience and organizational culture, and to ensure compliance with applicable regulations. As such, the Executive Council reserves the right to use any process to review, change, and adopt policies, it is generally expected that policy reviews, changes, and approvals will follow the process outlined herein.

**103.2** Policies are discussed and reviewed by Human Resources, Executive Management, or other leadership teams. Appropriate changes and additions are drafted to reflect current needs, and presented to the Legal Department for review.

**103.3** The final draft of the policy is presented to the Executive Council for approval by majority vote. The Executive Council is the only body that can approve or change personnel policies and procedures.

**103.4** The Human Resources Department is responsible for notifying employees of all personnel policy and procedure changes and updating the handbook.

**103.5** The personnel policies and procedures may be supplemented by specific program or department procedures of the Bay Mills Indian Community. Such policies cannot conflict with any policy listed in this manual.

a. Any proposed departmental policies must be reviewed and approved by the overseeing executive manager (General Manager, Tribal Manager, Chief Financial Officer) and Human Resources Director, prior to implementation.
b. Any proposed departmental policies must be reviewed by the Legal Department.
c. Departmental policies and procedures may require additional approval from the Executive Council.
d. Management must ensure all grant requirements, legal and/or gaming compliance requirements are met prior to implementing any departmental procedure.
e. Any such department-specific procedures must be provided to those employees subject to them in writing.

## 200 EMPLOYEE COMPLAINTS AND RESOLUTION PROCESS *(revised 08/10/2026)*

**200.1** Bay Mills Indian Community is committed to maintaining a positive, respectful, and productive work environment. The Tribe strives to provide competitive wages, benefits, and working conditions. Employees who have concerns regarding their working conditions, workplace interactions, compensation, or other employment-related matters are encouraged to address those concerns promptly and professionally through the complaint and resolution process outlined in this policy.

**200.2** Open communication is essential to maintaining a healthy workplace. Employees are encouraged to communicate concerns, questions, or workplace issues directly with their immediate supervisor whenever possible. Most workplace concerns can be resolved effectively through respectful discussion at the department level. Employees should first attempt to resolve the employment-related concerns through their department's chain of command and must submit such concerns in writing to their Department Manager.

**200.3** If an employee is unable to resolve a concern through the chain of command, or if the nature of the complaint presents a conflict of interest or other circumstance that reasonably warrants bypassing the chain of command, the employee may seek assistance from the Human Resource Director or designee. To initiate this process, the employee must submit a written complaint using the "*Employee Complaint and Resolution*" form available through the Human Resource Department.

**200.4** Upon receipt of the "*Employee Complaint & Resolution Form*", the Human Resources Director or designee will review the complaint and determine whether the employee has made a reasonable effort to resolve the matter within the department or has demonstrated good cause for bypassing the chain of command. If the complaint meets these requirements, Human Resources will accept the complaint for review and provide copies to the appropriate Department Manager and Executive Management, as necessary, to facilitate a timely resolution.

**200.5** The Human Resources Director or designee will work collaboratively with the employee, Department Manager, and Executive Management to review the complaint, gather relevant information, and identify an appropriate resolution. Following the review, the Human Resources Director, in consultation with Executive Management, will provide written direction regarding the resolution of the complaint. Depending on the circumstances, resolution may include additional training, coaching, counseling, workplace adjustments, corrective action, policy clarification, disciplinary action or a determination that no action is warranted.

**200.6** The Department Manager will communicate the outcome of the complaint to the employee in writing and will provide copies of the communication to the Human Resources Director and Executive Management. To protect employee privacy and maintain confidentiality, communications regarding the resolution will not disclose any personnel actions taken concerning other employees. If the Department Manager is the subject of, or directly involved in the complaint, Executive Management will provide the written response to the employee.

**200.7** All complaint documentation, including the "*Employee Complaint & Resolution Form*" and any written findings or responses, will be maintained in accordance with applicable records retention requirements. Copies may be placed in the employee's personnel file when deemed appropriate by Human Resources.

**200.8** The complaint process is intended to address workplace concerns that affect an employee's ability to safely, effectively, and consistently perform their job duties within Bay Mills Indian Community. This process does not apply to appeals of disciplinary action, suspensions, terminations, or other employment decisions that are specifically addressed through the Tribe's formal grievance procedure. Employees seeking to challenge such actions must do so in accordance with the applicable grievance process.

**200.9** All complaints will be handled as confidentially as possible. Information related to the complaint will be shared only with individuals who need it to investigate, resolve, or respond to the matter. While every effort will be made to protect privacy, complete confidentiality cannot be guaranteed where disclosure is required to conduct a fair investigation, comply with legal obligations, or protect the safety of individuals.

**200.10** Bay Mills Indian Community prohibits retaliation (403.4) against any employee who, in good faith, raises a workplace concern, submits a complaint, participates in an investigation, or assists in the resolution of a complaint. Any employee who engages in retaliation may be subject to disciplinary action, up to and including termination of employment.

## 201 EQUAL EMPLOYMENT OPPORTUNITY

**201.1** It is the policy of the Bay Mills Indian Community that employment decisions shall be based on merit, qualifications, and competence. In accordance with the spirit of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§2000e(b), 2000e-2(i), we may grant first consideration for employment to people of Indian ancestry. Except where required or permitted by law, employment practices shall not be influenced or affected by virtue of an applicant's or employee's race, color, religion, sex, national origin, age, or any other characteristic protected by law. In addition, it is the employer's policy to provide an environment that is free of unlawful harassment of any kind, including that which is sexual, age-related, or ethnic. This policy governs all aspects of employment, promotion, assignment, discharge, and other terms and conditions of employment.

**202 EMPLOYMENT POLICY** *(revised 2/16/2024)*

**202.1 RECRUITMENT** When any vacancy occurs, the department manager will submit an approved labor request to the Human Resources Department to fill such vacancy. All current and new positions must have an approved job description on file prior to posting. The Human Resource Department, in conjunction with the Department Manager, will utilize any resources it deems appropriate for the recruitment of candidates.

**202.2** All new or existing open positions must follow the Employment Policy, and be posted in accordance with the following guidelines. Changes to presently filled positions that simply consist of clerical changes in comparable job duties, title, or grant changes do not require the manager to post the filled position with modifications. Managers shall submit a justification memo to the Human Resources Department and shall work with the Human Resources Department to determine if position changes are significant enough to require the position to be posted as a new position.

**202.3** All persons seeking Tribal employment must submit an accurate employment application to the Bay Mills Human Resources Department. Those submitting resumes must do so in conjunction with an application if not currently on file. Applicants must submit their application/resume for any specific posted position prior to its deadline. Applications & resumes will be maintained on file for one year.

**202.4 POSTING** The Human Resources Department will post all approved positions for a minimum of five working days at readily accessible locations throughout the tribe as well as any external method deemed appropriate by the Human Resources Director and Department Manager. Applicants not submitting ALL required materials listed in job announcement by deadline risk not being considered for the position.

**202.5** After the closing deadline, the Human Resources Department will review the applications and files with the Department Manager. Individuals must recuse themselves from the hiring process once it has been determined that their immediate family member is a qualified applicant for a position. Management can exclude applicants from the interviewing process that clearly do not meet the posted requirements of the position. Applicants that managers cannot clearly determine whether or not the applicant meets the posted qualifications should be extended an interview to better determine their qualifications. The Department Manager will provide Human Resources, in writing, a list of those applicants he or she would like to interview, and those he or she excluded, along with documentation of both qualifying and disqualifying attributes of each applicant. Immediate family is defined in section 704.3.

**202.6 SELECTION** The tribe has adopted the Preference Policy that gives preference to applicants who meet or exceed the ***minimum qualifications*** for a posted position in the following order:

1. Bay Mills Tribal Members.
2. Spouses\Parents of Bay Mills Tribal Members
    a. Native Parents\Spouses
    b. Non-Native Parents\Spouses
3. Native Americans (Other tribes)
4. Non-Native

**202.7** The Human Resources Director, or designee, and the Department Manager will determine if the applicants meet the ***minimum qualifications*** based solely on the posted requirements of the position and the interview process. Department Managers are responsible for updating annually the position descriptions along with minimum qualifications of the position. If more than one tribal applicant meets the minimum

qualifications, the department manager assumes the responsibility to select the best candidate suited for the position and department. The Human Resources Director, along with the department managers, will be responsible for ensuring compliance with this Employment Policy.

**202.8** Internal non-probationary employees, with exemplary work records may be given preference for any posted position during the selection process over external applicants. Demotions to a previously held position do not have to follow this employment policy. All other hiring decisions must follow this policy, unless the department manager obtains a policy exception from the Executive Council to bypass this policy.

**202.9** Human Resources Department will assume responsibility for communicating all hiring decision, as soon as possible. Communications can be official letter, phone call, email, or in person and should be completed within two (2) business days from the date an official selection has been made.

**202.10 IMMEDIATE FAMILY MEMBERS** The Tribe discourages the hiring of immediate family members, or significant others that would create either a direct or indirect supervisor/subordinate relationship or that would create either an actual conflict of interest or the appearance of a conflict of interest. Department Managers will be responsible for making efforts to prevent such conflicts of interest.

**202.11 EMPLOYMENT WAITING PERIODS** Any tribal employee who is terminated or submits a resignation without notice must serve a 90 day waiting period before they are eligible for re-employment with the Tribe. However, employees who provide and fulfill a two-week written notice will not be subject to any waiting period.

**No waiting periods will be waived**

## 203 EMPLOYMENT APPLICATION ACCURACY

**203.1** Employment Application Accuracy: This Section contains one provision that applies to all employees [§203.1], and two which only apply to "Gaming Enterprise" employees [§§203.2 and 203.3. Instead, the difference is that those persons have to be licensed by the Tribe's Gaming Commission. It is the Commission which has its own application for the requisite license, which includes the required background investigation (mostly criminal history, with a need for fingerprints), as well as a privacy notice and very specific language relating to the consequences of providing false or misleading information on the application for the license.

## 204 CHARACTER INVESTIGATIONS *(revised 8/10/2026)*

**204.1** Persons who are employed in or being considered for specialized roles within the Bay Mills Indian Community require a character investigation, due to the nature of the duties performed, access to sensitive information, responsibility for public trust, regulatory requirements, or work with vulnerable populations. The character investigation may include a criminal background investigation and FBI fingerprint check. Hiring, promotion, transfer, and continued employment in these positions is contingent upon meeting the standards specific to the position, funding source requirements, and applicable Tribal, Federal, or State regulation,

**204.2** Positions subject to a character investigation may include Gaming, Law Enforcement, Health & Human Services, Boys & Girls Club, or any position in which employment requires regular contact with or control over Indian children. The Human Resources Director and Departmental Managers will collaborate to identify which specialized roles require this screening.

**204.3** Falsification, omission of material information, refusal to cooperate with a required investigation, or failure to meet applicable suitability standards may result in denial of employment, removal from consideration, disciplinary action, or termination of employment.

**204.4** Employees subject to a criminal background check must report any disqualifying event occurring after hire when required by policy or regulation. Failure to comply may result in disciplinary action or termination.

**204.5** All information obtained through a character investigation shall be maintained as confidential and accessed only by individuals with a legitimate business, legal, or regulatory need.

**204.6** When permissible by law and regulation, an applicant or employee may be provided an opportunity to explain, clarify, or dispute information obtained during the investigation. Nothing in this section shall limit the Tribe’s authority to make final employment decisions or comply with mandatory regulatory requirements.

**204.7** Nothing in this policy shall be construed to limit or supersede any requirements imposed by Tribal law, Federal law, State-Tribal Compacts, the Indian Gaming Regulatory Act, healthcare regulations, licensing standards, or other applicable regulatory authorities.

## 205 EMPLOYMENT PHYSICAL EXAMINATIONS AND SCREENINGS

**205.1 All newly hired healthcare workers** will receive Tuberculin skin testing. Medical, Dental, Behavioral Health, Community Health and Emergency Medical Service providers with direct patient contact will receive Tuberculin skin testing per the Center for Disease Control (CDC) guidelines.

**205.2** Employees who fail to follow this policy will be subject to the Tribe's disciplinary policy as outlined in section 400.6 for failure to follow policies and procedures.

**Procedure:**

1. Community Health will provide the Tuberculin skin tests and the reading of the tests. **It will be the employee's responsibility to complete this procedure.** The actual Tuberculin skin testing and reading of the test is at no cost to the employee.

2. Employee files are kept confidential in the Human Resources Department within their safety record and in their medical electronic health record.

4. Community Health and/or a Medical Provider will evaluate any **positive** Tuberculin skin test. If necessary, the employee will be referred to their medical provider.

5. Any additional testing, evaluation and/or medication will be at the expense of the employee. If test results are positive, the employee will be excluded from work until there is a negative chest x-ray and has started adequate preventive treatment.

6. If there is an active TB infection, the employee will not return to work until:

    - Cough is resolved
    - 3 negative lab tests for sputum smears are obtained
    - Adequate treatment regime is instituted.

For active TB disease, it is public law that the entire course of treatment be completed.

**205.3** Employees with frequent absences or difficulty in carrying out their job responsibilities can be required to have a physical exam. Managers will contact the Human Resources Department, to coordinate physical exams, using the duties and responsibilities as well as the physical requirements of the positions official job description.

## 206 IMMIGRATION LAW COMPLIANCE

**206.1** Bay Mills Indian Community is committed to employing only United States citizens and aliens who are authorized to work in the United States and the Tribe complies with the Immigration Reform and Control Act of 1986, P.L. 99-603, 8 U.S.C. 1101, et seq., and as it may hereafter be amended.

**206.2** As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Service Form I-9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I-9 with the Bay Mills Indian Community, if their previous I-9 is more than three years old or if their previous I-9 is no longer valid.

## 207 DRUG AND ALCOHOL TESTING *(revised 07/08/2024, 08/10/2026)*

**207.1 Purpose.** The purpose of this policy is to implement the Tribe's Plan for a drugfree workplace, as mandated by federal law and regulations, and to enable the Tribe to better carry out its responsibilities to its employees through identification of and assistance to those employees, if any, whose use of illegal drugs on or off duty impairs and impedes the performance of their job responsibilities.

**207.2 Drugs for which Individuals Are Tested.** Employees and applicants may be tested for the presence of controlled substances, illegal drugs, and other substances included in Bay Mills Indian Community's approved drug testing panel, as established by Bay Mills Indian Community Human Resource Department in consultation with the testing laboratory and applicable federal and state guidelines. Bay Mills Indian Community reserves the right to modify the testing panel as necessary to comply with applicable laws, regulations, grant requirements, or workplace safety needs. The testing panel may include, but is not limited to:

A. Marijuana
B. Cocaine
C. Amphetamines
D. Opiates
E. Phencyclidine
F. Barbituates
G. Benzodiazepines
H. Methamphetamine
I. Methadone
J. Oxycodone

**207.3 Sensitive Positions for which Testing Is Mandated.**

A. Any person employed by the Bay Mills Indian Community as an officer of the law, which empowers said employee to carry sidearm and be certified as a law enforcement officer, shall, as a condition of selection for such position, and as a condition for continued employment, be subject to mandatory testing for the presence of the drugs listed in sec. 207.2, above. Any person employed as a dispatcher for the Bay Mills Indian Community will also be subject to these same requirements of employment. For those persons currently employed, such testing shall occur at least once per year, on a schedule determined by the Human Resources Director.
B. Any person employed by the Bay Mills Indian Community who prescribes or has access to medication, such as physician, dentist, nurse practitioner, physician's assistant, pharmacist, or any person who picks up, dispenses, or administers medicines, or any other position in the Tribes Health Center designated by Director of Health & Human Services, shall, as a condition of selection for such position, and continued employment, be subject to mandatory testing for the presence of the drugs listed in sec. 207.2, above. For the persons currently employed, such testing shall occur at least once each year, on a schedule determined by the Human Resources Director**.**
C. Any person whose employment requires them to have regular interaction with children, shall, as a condition of selection for such position, and as a condition of continued employment, be subject to mandatory testing for the presence of the drugs listed in sec. 207.2 above. For the persons currently employed, such testing shall occur at least once each year, on a schedule determined by the Human Resources Director**.**
D. Any person who works within the Bay Mills Fire Crew, or any other position that requires drug testing as a condition of maintaining grant funding, shall, as a condition of selection for such

positions, and as a condition of continued employment, be subject to mandatory testing for the presence of the drugs listed in sec. 207.2 above. For the persons currently employed, such testing shall occur at least once each year, on a schedule determined by the Human Resources Director**.**

**207.5 Drug Testing Methods.** Drug testing under this policy shall be conducted using one or more scientifically accepted testing methods, including oral fluid (saliva/swab) testing and urine testing, as determined by Bay Mills Indian Community Human Resource Department or its designated testing provider. All specimen collections and laboratory analyses shall be performed in accordance with applicable federal guidelines, laboratory standards, manufacturer requirements, and chain-of-custody procedures.

**207.6 General Rules for Conducting Drug Tests**. The Bay Mills Indian Community shall follow applicable federal workplace drug testing guidelines and industry standards, as they may be amended and shall ensure that tests are conducted as follows:

A. Specimens shall be collected by trained and qualified collections personnel using approved collection procedures.
B. Laboratory analysis of specimens shall be performed by laboratories appropriately certified or licensed under applicable federal and state requirements, when laboratory confirmation is required.
C. All testing records and results shall be maintained as confidential as medical information in accordance with applicable laws.

**207.7 Privacy Ensured during Drug Testing.** Bay Mills Indian Community shall conduct specimen collections in a manner that protects the dignity and privacy of the individual while maintaining the integrity of the testing process. Collection procedures shall be appropriate for the specimen type being collected and shall follow applicable federal guidelines, laboratory protocols, and chain-of-custody requirements. Direct observation of specimen collection shall occur only when permitted by applicable testing standards and when there is reasonable suspicion that an individual may attempt to tamper with, substitute, or adulterate a specimen, or when otherwise required by the testing protocol.

**207.8 Opportunity to Justify a Positive Test Result**. When a laboratory-confirmed positive test result is reported, the employee shall be provided the opportunity to discuss the result with Bay Mills Indian Community's selected/designated Medical Review Officer, when applicable, and provide documentation demonstrating that the result may have been caused by the lawful use of a prescribed medication or other legitimate medical explanation. Acceptable justification shall generally require a valid prescription or other appropriate medical documentation. If the employee declines to cooperate with the Medical Review Officer, fails to provide sufficient documentation, or no legitimate medical explanation exists, the Human Resources Director shall notify the employee and the employee's supervisor, in writing, of the confirmed positive results.

**207.9 Refusal to Take a Drug Test When Required.** An employee who refuses to be tested when required shall be subject to immediate dismissal from employment with the Bay Mills Indian Community. Attempts to alter or substitute a specimen provided, or failure to show up to testing site at designated time, is deemed a refusal to take a drug test when required.

**207.10 Mandatory Dismissal.** All sensitive position employees who fall under 207.3 and receive a positive drug sample; without being able to justify results to the Medical Review Officer as defined in 207.9, will be subject to immediate termination. All other employees who do not fall under 207.3 and receive a positive drug sample; without being able to justify results to the Medical Review Officer as defined in 207.9, and that

do not request counseling and or rehabilitation within the time frame designated, or fail to complete the designated program, will be subject to immediate termination.

**207.11 Re-Testing.** An employee who receives a confirmed positive drug test result may request independent confirmation or re-testing when permitted by the testing methodology and laboratory procedures used. Requests must be submitted in writing to the Human Resources Director within one (1) working day after notification of the confirmed positive result. When re-testing is available, any associated costs shall be the responsibility of the employee and must be paid prior to the re-test unless otherwise required by law or collective agreement. If the testing methodology does not permit re-testing of the original specimen, Bay Mills Indian Community Human Resource Director may authorize a new specimen collection or other appropriate review consistent with the testing laboratory's procedures. Sensitive position employees shall remain suspended without pay pending the outcome of any authorized re-test or review.

**207.12 Mandatory Counseling and Rehabilitation.** An employee not listed under section 207.3, who voluntarily admits the use of an illegal drug, or provides a sample which is verified as positive for the presence of an illegal drug shall be immediately suspended. However, the employee is not subject to termination when the employee obtains counseling or rehabilitation and thereafter refrains from using illegal drugs while employed with Bay Mills Indian Community. Employees who wish to undergo drug counseling and rehabilitation program, must follow the following procedure:

A. The employee must submit, in writing, to the Human Resources Director a request to enter the Bay Mills Counseling and Rehabilitation program, within one (1) working day after notification of their positive test results from the Human Resources Director.
B. The Human Resources Director will notify the employee's department manager of the employee's enrollment into the program, and the employee will be placed on an unpaid leave of absence (LOA).
C. The employee must contact the Bay Mills Substance Abuse program and schedule for assessment within two (2) days after receiving notification of their positive test results from the Human Resources Director.
D. The employee will undergo assessment through Bay Mills Substance Abuse Program, or other licensed program that the Bay Mills Substance Abuse Program recommends.
E. Employee will sign a release of information form with the Bay Mills Substance Abuse Program or other licensed counselors, allowing release of pertinent information to the Human Resources Director.
F. During the assessment, the Bay Mills Substance Abuse Program will issue the Human Resources Director a "Return to Work" form, if the counselor deems the employee able to work.
G. The Human Resources Director will immediately notify the employee's manager of his or her ability to return to work.
H. The employee will be responsible for successfully undergoing the appropriate action plan, whether inpatient or outpatient, designated by the counselor during the assessment program.
I. The Bay Mills Substance Abuse Program or other licensed counselor(s) will notify the Human Resources Director if the employee fails to schedule and complete the assessment or fails to complete the recommended action plan designated for rehabilitation and/or counseling, or of the employee's completion of the program.
J. The employee will be required to submit to an additional drug testing at the completion of his or her recommended program. Employee's again testing positive for the presence of an illegal drug, as cited in section 207.2, will be subject to immediate termination with the Bay Mills Indian Community.
K. The Human Resources Director will notify the employee's manager of the employee's completion of their rehabilitation/counseling program.

**207.13 Eligibility for Rehire** An employee whose employment was terminated for a violation of this policy is eligible for rehire with the Bay Mills Indian Community after six (6) months, provided that prior to being rehired the applicant submit to a drug test at the time, date, and place specified by the Human Resource Department, and that such test is negative. For those employees who work under Public Safety eligibility for rehire will be two (2) years from the date of failed drug testing.

**207.4 Reasonable Suspicion.** The Tribe may require an employee to submit to drug and/or alcohol testing when there is a reasonable suspicion that the employee is under the influence of drugs or alcohol in violation of the policy or has otherwise violated this policy. Observations should be documented and forwarded to Human Resources and the employee's supervisor as soon as practical. Reasonable suspicion shall not be based solely on rumor, anonymous allegations without corroboration, or an employee's protected medical condition or lawful use of medication. Reasonable suspicion must be based on specific, contemporaneous, objective, and articulable facts, reasonable inferences drawn from those facts, or a combination of both as listed below:

A. Direct observation of drug or alcohol use, possession, sale, transfer, or distribution while on duty or on Tribal property.
B. Observable signs or symptoms of impairment, including but not limited to the odor of alcohol or drugs, slurred speech, unsteady gait, impaired coordination, confusion, erratic behavior, or other physical indicators consistent with impairment.
C. Abnormal conduct, significant changes in behavior, or other observable actions that reasonably indicate possible impairment.
D. Credible information from reliable sources, or independently corroborated information, indicating that an employee has used drugs or alcohol in violation of this policy during work hours or immediately prior to reporting for duty.
E. Evidence that an employee has attempted to adulterate, substitute, tamper with, or otherwise interfere with a previous drug or alcohol test.
F. The employees' involvement in a work-related accident, near miss, or incident involving a Tribal vehicle, motorized equipment, or Tribal property where impairment is reasonably suspected to have been a contributing factor.
G. The employee's involvement in a workplace incident resulting in injury to themselves or another person where impairment is reasonably suspected to have been a contributing factor.
H. The employee is the subject of a criminal investigation involving unlawful possession, manufacture**,** distribution, or trafficking of controlled substances.

**207.14 Reasonable Suspicion Testing.** Reasonable suspicion drug testing will be conducted using approved methods described within this policy. Reasonable suspicion alcohol testing shall be conducted using an approved evidential breath testing device or other legally authorized alcohol testing method administered by a qualified individual or testing provider. Employees are subject to a **zero-tolerance alcohol standard** while on duty or performing work-related functions. Any confirmed alcohol concentration greater than **0.00** while performing safety-sensitive duties constitutes a violation of this policy. A confirmed violation of this section may result in disciplinary action, up to and including suspension, mandatory referral to an approved rehabilitation program, or termination of employment, depending on the circumstances, the employees' position, prior violations, and applicable law. The Tribe reserves the right to determine the appropriate level of discipline based on the totality of the circumstances.

## 208 PROBATIONARY PERIOD (revised 2/16/2024)

**208.1** All newly hired, promoted, demoted or transferred employees will be on a probationary period for the first six months after their date of hire. For law enforcement positions that require certification training, this probationary period will be for the first eighteen months after their date of hire. The employer will use this period to evaluate employee capabilities, attitude, and work habits. Employees who are promoted/demoted/transferred within the organization must complete a probationary period of the same length with every reassignment to a new position.

**208.2** Any absence of more than 14 unpaid days will automatically extend the probationary period by the length of the absence. If the employer determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee, the employer may extend the probationary period for a specified period, not to exceed 60 days. Any extension must be done prior to the end of the probationary period.

**208.3** Supervisors overseeing probationary employees are to observe carefully the performance of each employee in a new job position. Employee performance deficiencies, conduct or attitude are to be documented.

**208.4** Immediately prior to the completion of the six-month probationary period, the immediate supervisor will complete a standardized probationary period evaluation. Probationary employees must receive a satisfactory rating or higher at the end of the probationary period for continued employment.

**208.5** Employees dismissed during the probationary period shall have no right to appeal the dismissal as outlined in the grievance policies in Part 406.

**208.6** Probationary employment status does not affect eligibility for employer-provided benefits. Employees are eligible for benefit programs according to the terms and conditions of each program. Probationary employees will assume non-probationary status upon satisfactory completion of the probationary period, or extended probationary period.

**209 EMPLOYMENT CATEGORIES** (revised 6/23/2025)

**209.1** It is the intent of the employer to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee will belong to one of the following employment categories:

**209.2 FULL - TIME:** Employees who are regularly scheduled to work at least 30 hours per week are eligible for employer's full benefit package subject to the conditions, and limitations of each benefit.

**209.3 PART - TIME:** Employees who are regularly scheduled to work at least than 20 hours but less than 30 hours per week are eligible for leave benefits, but are not eligible for health insurance, disability, or life insurance coverage.

**209.4 VARIABLE TIME:** Employees who are regularly scheduled to work less than 20 hours per week. Variable time employees accrue sick leave.

**209.5 TEMPORARY:** Employees are classified as temporary if they are: working under a job training / rehabilitation program; hired as interim replacements; hired to temporarily supplement the work force; or to assist in the completion of a specific project. Temporary status should not extend beyond one year of employment, unless grant/contract provisions apply. Temporary employees accrue sick leave.

**209.6 SEASONAL:** Employees are classified as seasonal if their annual employment is customarily 6 months or less, and the period should begin each calendar year in approximately the same part of the year. Seasonal employees accrue sick leave.

**209.7 CHILD LABOR PROVISIONS:** Youths 14 and 15 may perform non-hazardous jobs under the following conditions: no more than 3 hours on a school day, 18 hours in a school week, 8 hours on a non-school day, or 40 hours during the summer months. Also, work may not begin before 7 a.m., nor end after 7 p.m. except from June 1 through Labor Day, when evening hours may be extended to 9 p.m.

**209.8** Youths 16 and 17 years of age may perform various jobs under the following conditions: no more than 6 hours on a school day, 24 hours in a school week, 8 hours on a non-school day, or 40 hours during the summer months. Also, work may not begin before 6 a.m., nor end after 11 p.m. except from June 1 through Labor Day, when evening hours may be extended to 2 a.m.

**209.9** Hazardous jobs include any position working with machinery that could possibly cause a loss of a finger, arm, hand, leg, foot or toe. Youths must be over the age of 16 to use lawn mowers, hedge trimmers, power saws or other related power tools.

**209.10** Youths still in school must maintain at minimum a passing GPA (C) to continue employment during school months. Report Cards must be submitted to their immediate supervisor after each semester. Youths who have dropped out of school may not work Full-Time until they are 18 years of age.

## 210 LAYOFFS AND RECALL

**210.1** Every attempt will be made to notify employees as far in advance as possible about expected layoffs. Both temporary and permanent layoffs will be covered under the provisions of this policy. Generally, there are three reasons for layoffs: seasonal layoffs, reduction in staff due to slower business operations, or the elimination of position.

**210.2 Seasonal:** Employees in this category will be placed on a layoff status at the end of the season. Layoffs and recall will be done at the beginning and the end of each season.

**210.3 Reduction:** Reduction in work force occurs when the staffing levels are not supported by the business operations. Volunteers may be requested first. Secondly, temporary or probationary employees should be laid off next and will maintain no employment status. Lastly, both seniority within the department, and employee performance will be considered prior to layoffs.

**210.4 Position Elimination:** Executive management may eliminate unneeded positions. Attempts will be made to accommodate those into other like positions that he/she may qualify for prior to elimination of the position.

**210.5** Employees who are laid off will be maintained on a recall list for six months. Seasonal employees may remain on the recall list until the beginning of the following season.

**210.6** Employees may be recalled to their previously held positions, or another position with similar level of responsibility and compensation that they qualify for within the organization. The employee will be notified either by phone and/or certified mail of their recall to work. Employees will have up to 5 days from the date notified, or attempted delivery to last known address, to return to work to the position offered; otherwise all rights and employment will be officially terminated. Removal from the recall list terminates all job rights the employee may have. Employees who do not keep a current phone and home address on record with the Human Resources Department will also lose their recall rights.

**210.7** Employees will be recalled according to the needs of the department and their ability to perform the position. The order of recall for employees being reinstated will be in reverse order of the layoff.

**210.8** Any employee on approved leave during a layoff period will be subject to layoff upon returning to work in accordance with the above considerations.

**210.9** Employees laid off will be given the option of selling back their vacation or annual leave. An opportunity to continue coverage under the organizations employee benefit plan will be given to employees receiving benefits at the time of layoff, in accordance with COBRA guidelines.

**210.10** For benefit purposes, an employee's length of service will be reduced by the length of time the employee was laid off.

**210.11** Probationary and temporary employees have no recall rights with the organization. They may be rehired at the discretion of the organization.

**210.12 Note:** Layoffs are not to be used as an alternative to disciplinary action.

## 211 DRIVING RECORD INVESTIGATIONS (Revised 8/27/18)

**211.1** Employees who are required to operate Tribal vehicles or equipment as a function of their position must meet minimum qualifications regarding driving records.

**211.2** As a condition of hire and continued employment, the employee must undergo a pre hire, post driving infraction, and an annual Motor Vehicle Record (MVR) investigation.

**211.3** Employees whose position requires them to utilize a Tribal vehicle or equipment must meet the following standards.

A. Employee must be a minimum of 18 years of age and;
B. Employee must not have suspended/expired license;
C. Employee must have no more than 6 points of non-major moving violations on their MVR within the last 3 years and;
D. The employee's MVR must be free from points received through major moving violations within the last 5 years; and
E. The liability insurance carrier will make the final determination on eligibility.

**211.4** If the employee does not meet the above standards, that individual may not operate a company vehicle. Human Resources will notify the department manager, as well as the employee, of their departmental employee's insured eligibility. The manager must not allow the employee to operate vehicles or equipment owned by Bay Mills Indian Community. If this prevents the employee from fulfilling their job duties and responsibilities outlined in the position description, their employment may be terminated.

**211.5** If the employee has 6 points on their MVR from infractions or patterns not deemed to be serious in nature, the employee will be placed on "watch" status. This means the insurance carrier feels there are conditions that would deem the employee acceptable as a driver, but due to the number/type of infractions reflected on the MVR, they will run the MVR more frequently to ensure there are no other violations within a period of time. The employee and the department manager will be notified of this status.

**211.6** It is the responsibility of the employee to report any changes in licensure (restrictions, suspension, revocation, additional endorsements, etc.) to Human Resources within 48 hours. Failure to report infractions may result in disciplinary action, up to and including termination.

**211.7** Employees who drive Tribal vehicles or equipment are subject to mandatory drug testing post-accident with any Tribal vehicle/equipment. The department manager should notify the Human Resources Director of such accidents immediately, and Human Resources Director will schedule the employee for testing as soon as possible.

## 300 POSITION DESCRIPTIONS

**300.1** Each Bay Mills Indian Community position shall have a written position description. The descriptions shall be as comprehensive as deemed necessary and are to be used for defining essential functions, physical requirements, continued performance, and salary increases. Additionally, the position description will provide a summary of the position, the wage grid placement, FLSA status, and placement in the organizational chart.

**300.2** A copy of the position description will be kept in each employee's personnel file. The employee must sign and date a copy of the description to indicate that they understand the duties, responsibilities and requirements of their position.

**300.3** Position descriptions will be written, after thorough job analysis, by the position's Department Manager, with the assistance of Human Resources. Position descriptions may be amended as necessary by the Department Manager. Revised position descriptions must be signed by an employee to signify acknowledgment and understanding of the change in duties. All revisions must be signed by the incumbent, approved by the Department Manager and HR Director, and a copy be placed in the personnel file.

**300.4** Position descriptions will be reviewed and updated if necessary, by the Department Manager annually, or when there is a significant change in duties & responsibilities.

## 301 PERFORMANCE EVALUATIONS

**301.1** Formal performance evaluations must be conducted by the Supervisor at the end of an employee's initial probationary period. This period allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. (See PPP 208)

**301.2** Six month performance evaluations that include increases in wages should be negotiated prior to hire and are based on funding availability.

**301.3** Performance evaluations are scheduled every anniversary date, on or about the employee's anniversary date of hire in the position. Department Managers may conduct performance evaluations more often if it is deemed necessary.

**301.4** Additional formal performance reviews are conducted, at the discretion of the Department Manager, to provide both supervisors and employees the opportunity to set performance goals, discuss job tasks, encourage and recognize strengths, and identify and correct weaknesses.

**301.5** Performance Evaluations will be reviewed, and updated if necessary, by the Department Manager annually, or when there is a significant change in duties and responsibilities.

**302 CONTINUOUS LENGTH OF SERVICE** (Revised 11/13/2023, 10/13/2025)

**302.1** Continuous length of service for a Tribal employee is that period of employment with the Bay Mills Indian Community that is considered unbroken.

**302.2** Continuous length of service shall be considered broken for the following reasons: A. Acceptance of an employee's resignation by their supervisor.

B. An employee is dismissed.

C. An employee fails to return at the expiration of an approved leave of absence.

D. Layoffs in excess of six months.

Retirement is not considered a break in continuous length of service for leave accrual calculations only.

**302.3** Continuous length of service from other organizations may be considered for leave accrual calculations only, Those organizations are:

BMCC – Bay Mills Community College
BMHA – Bay Mills Housing Authority
BIA – Bureau of Indian Affairs
CORA – Chippewa Ottawa Resource Authority, (including member Tribes)
GLIFWC – Great Lakes Indian Fish and Wildlife Commission, (including member Tribes)
IHS – Indian Health Services
ITC – Inter-Tribal Council of Michigan

**302.4** Continuous length of service from other organizations than those included in §302.3, above, shall be considered for leave accrual calculations only for those employees hired for a health, medical, or law enforcement position, but only in the following circumstances:

A. The General Manager of the relevant Department designates the position as one for which prior employment can be considered for leave accrual; and

B. The General Manager's designation is made in writing to HR, prior to the hiring of an employment position covered by the designation.

## 303 EMPLOYEE DATA CHANGES (Revised 12/9/2019)

**303.1** It is the responsibility of each employee to promptly notify the Human Resources Department of any changes in employee data. Employee mailing addresses, telephone numbers, number and names of dependents, emergency contacts, educational accomplishment, and other such status reports should be accurate and current at all times. All data changes must be turned in to the Human resources Department within 30 days from the date officially changed.

**303.2** Any changes in legal documents require copies of the certified documents to be brought to the Human Resources Department for inclusion in his or her employee file.

**303.3** All future employer documents will be sent to the employee's last known address on file, such as tax forms, pay checks, COBRA notices, and all other employment documents.

## 304 ENTERPRISE UNIFORMS

**304.1** All Enterprise uniformed employees will be issued two uniforms during employee orientation. The employee will pay for the first uniform and receive the second uniform at no cost. This will be payroll deducted over two installments. In the event that employment is not maintained for the full duration of the two installments, the full amount will be deducted from the employees last pay check.

**304.2** All promotions/transfers/demotions may require the purchase of two new uniforms, again one at the expense of the employee and the other at the expense of the employer.

**304.3** The employee will pay the total cost for any additional uniforms. Management reserves the right to request employees to purchase additional uniforms to maintain a neat and tidy appearance of the department.

**304.4** Employee will be charged a small fee upon hire, transfer or renewal for non-licensed employee identification badges, or for a gaming license through the gaming commission.

**304.5** Employees that have worked in one position for one year may be issued one additional uniform at no cost to the employee. It is the responsibility of the employee see their Department Manager to obtain their free annual uniform.

**304.6** Upon resignation/termination, employees may keep their uniforms. Gaming Licensed employees must turn in their gaming badges.

## 305 ACCESS TO PERSONNEL FILES

**305.1** Human Resources files are the property of the employer, and access to the information they contain is restricted. Only employees who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, an employee may review material in his or her employee file. All reviews will be conducted in the Human Resources Department within the presence of an employee of the department.

## 306 EMPLOYMENT REFERENCE CHECKS

**306.1** The Tribe may conduct employment reference checks on applicants being considered for employment. Applicants must provide written authorization for the tribe to obtain employment-related information from former employers and other relevant sources.

**306.2** The Human Resources Department is responsible for conducting and documenting reference checks and maintaining the confidentiality of information obtained during the hiring process. All information requested by the Human Resources Department is limited to employment-related facts

**306.3** Outside parties requesting verification of employment facts regarding current or former employees must be directed to the Human Resources Department. Human Resources will verify any required authorization before releasing information and will disclose only information permitted by Tribal policy, applicable law, or the employees' written authorization.

## 307 HUMAN RESOURCES RECORDS RETENTION POLICY

**307.1** The Bay Mills Indian Community adopts this Human Resources Personnel File Record Retention Policy pursuant to its inherent sovereign authority. This policy establishes the minimum retention requirements for Human Resources records maintained by the Tribe.

**307.2** Personnel records shall be retained in accordance with applicable federal law, Tribal law, funding requirements, grant agreements, contractual obligations, accreditation standards, and approved Tribal policies. Where multiple retention requirements apply, the longest applicable retention period shall be followed. This policy applies to all Human Resource records regardless of format.

**307.3** All personnel records should be stored in a secure manner to ensure safety and confidentiality.

**307.4** Human Resources records will not be altered, deleted, or destroyed if it is relevant to pending, threatened, or reasonably anticipated litigation, arbitration, unemployment proceedings, administrative actions, audits, grant reviews, tax examinations, investigations, or other legal or regulatory matters.

a. When a records hold has been issued, routine destruction shall immediately cease for all affected records. Records subject to a hold shall remain preserved until written authorization is provided by Tribal Legal Counsel.
b. Following release of the hold, applicable retention periods shall resume, and any remaining retention requirements under this policy shall continue to apply.

**307.5** The following records shall be maintained separately from the official personnel file and shall be accessible only to individuals with an authorized and lawful business need:

a. Medical Records
b. Family Medical Leave (FML) records
c. Leave of Absence (LOA) records
d. Workers' Compensation records
e. Background Investigation records
f. Drug and alcohol testing records
g. Form I-9 records
h. Unemployment Claim records
i. Reasonable Accommodation records
j. Any other confidential records protected by federal or Tribal law

**307.6** Public Safety employee records will be kept permanently.

**307.7** Electronic records shall be retained for the same period as their paper equivalents.

**307.8** After the expiration of all applicable retention periods, destruction will be authorized by the Human Resources Director and documented through a records destruction log identifying the records destroyed, applicable retention period, destruction date, and approving authority.

**307.9** Retention Schedule

| Record | Retention Schedule | Record Location |
|---|---|---|
| Posting requisition, job announcement including posted job description, advertising, selection or testing tools and records, interview questions and notes, non-selection notices and criteria, and other decision-making criteria. | Hire + 3 years | Secure HR file and\or HRIS |
| Personnel record which may include status change forms, pay authorizations, contract\job offer letter when applicable, pay history, position history, performance records, discipline records, employee acknowledgments, resume, credentials, signed position description, verification of character investigations. | Separation + 7 years | Secure HR file and\or HRIS |
| Police and conservation officer personnel files | Permanent | Secure HR file and\or HRIS |
| Grant funded HR Records, payroll certifications and personnel activity reports | Separation + 7 years | Secure HR File and\or HRIS; grant files |
| Job descriptions and classifications | Superseded + 7 years | Secure HR server file |
| USCIS Form I-9 and supporting documents | Later of: Hire + 3 years, or Termination + 1 year | Secure HR file (separate from other personnel records) |
| Character investigations which may include criminal background checks, fingerprinting records, motor vehicle record, personal references, professional references, drug testing records, and authorization records (when applicable to the position). | Applicants: upon hiring decision; Employees: Separation + 7 years | Restricted confidential file |
| Employment verifications | Response date + 7 years | Secure HR file and\or HRIS or verification subfolder |
| Family Medical Leave or Medical Leave Records: Requests, approvals, notices, supporting medical certifications | Separation + 7 years | Separate confidential file |

| | | |
|---|---|---|
| Leave of Absence\Paid Parental Leave Records: Requests, approvals, notices, supporting medical or relations certifications. | Separation + 7 years | Separate confidential file |
| Reasonable Accommodation records: requests, medical support and determinations | Separation + 7 years | Separate confidential medical file |
| Workers' Compensation Records: Claims, injury reports and insurer correspondence | Closure/settlement + 10 years | Separate claim file |
| Injury Logs: Incident reports, medical documentation, insurance claims | Calendar year end + 5 years for non-active case files; Resolution plus 10 years for active claims\documentation. | Safety file |
| Medical records, exposure, protected medical information | Employment + 30 years | Separate confidential medical file |
| Complaints, investigations, resolutions | Final resolution + 7 years | Restricted case file |
| Grievance records | Final resolution + 7 years | Restricted case file |
| Benefit enrollment forms | Separation + 7 years | Secure personnel file |
| Retirement documents including eligibility, service, beneficiary, and related records | Life of plan + 6 years; Permanent where beneficiary documented. | Secure benefits file |
| Employer paid life and disability insurance records including claims, tax, and beneficiary records | Policy end + 7 years | Secure benefits file |
| Unemployment Claim Records: claims, notices, separation data, wage records, determinations and appeals | Final closure + 7 years | Separate unemployment claim file |
| Post-Employment Verifications | Response date + 3 years | Secure HR file and\or HRIS or verification subfolder |
| HR policies and procedures, including revised versions | Permanent; retain superseded versions | Secure HR server file |

**400 DISCIPLINARY PROCEDURES** (revised 6/4/2023)

**400.1** Bay Mills Indian Community has adopted a progressive discipline policy to identify and address employee and employment related problems. The purpose of progressive discipline is to assist employees by providing a structured corrective action process to improve and prevent a recurrence of undesirable employee behavior and performance issues. This policy applies to any and all employee conduct that the company, in its sole discretion, determines must be addressed by corrective action.

**400.2** Of course, no discipline policy can be expected to address each and every situation requiring corrective action that may arise in the workplace. Therefore, the Company takes a comprehensive approach regarding corrective action and will attempt to consider all relevant factors before making decisions regarding corrective action. An employee may be subject to disciplinary action for not meeting employer standards of behavior or performance or for violation of a rule or procedure contained within these policies or individual departmental procedures. To assist managers and employees, general policy violations are listed in section 401 of these Personnel Policies and Procedures.

**400.3** In carrying out responsibilities under the progressive discipline procedures outlined in this section, a manager must initiate and complete the disciplinary action as soon as possible. It is important that discipline is applied in a fair and consistent manner. The manager has a critical role in conducting a fair and objective investigation of a situation. An investigation may be as simple as confirming a late arrival through a time clock or more complex with interviewing many employees and reviewing documents. More complex investigations, or for violations listed under sections 401.2, should be conducted in coordination with the Human Resources Director and Senior Management official of the facility.

**400.4** Prior to taking any disciplinary action, the supervisor should first ensure the following;

A. That the employee had knowledge of the Bay Mills Policy & Procedures and/or Departmental Procedure;

B. That a fair and adequate investigation has been conducted ensuring that a policy has been violated; including but not limited to, speaking with both parties involved and relevant witnesses; securing witness statements and statement from both parties, getting surveillance reports or other relevant evidence of wrongdoing;

C. Prepare a written action notification form, or other acceptable document to give to the employee which cites the policy violated along with the actions necessary to correct it.

**400.5** Progressive discipline should be used for violations outlined in section 401.1 of these policies. Only similar occurrences or policy violations should be used to continue with the progressive disciplinary process. Managers should also document all informal discussions it has with employees on performance issues. Under normal circumstances, the Tribe endorses a policy of progressive discipline outlined below in which it attempts to provide employees with reasonable notice of deficiencies and an opportunity to improve.

**400.6 Informal Discussion(s):** Although not a requirement of management, in many situations informal discussion/verbal counseling is sufficient and highly recommended, especially for probationary employees. The purpose of an informal discussion is to clarify policies and expectations. The manager will document informal

discussions in writing for his or her records that the conversation occurred. This action is not considered part of the disciplinary process and is not punitive in nature and therefore cannot be grieved by the employee.

**400.7 Step 1 - Written Warning:** The first step in the corrective action process taken by a manager in which he or she notifies an employee of behavior, performance or violation of policy to be corrected. The manager should follow up with a written warning using an Action Notification form or other acceptable format for all employee performance deficiencies or policy violations that fall under 401.1 that occur within a 12 month period. The Action Notification should describe the unacceptable conduct, outline expectations, and state that further disciplinary action will occur if the behavior continues within 12 months.

**400.8 Step 2 - Written Reprimand:** The Second step in the corrective action process taken by a manager when an employee continues to violate the same or similar policy, behavior or performance for which he or she has received a written warning. The manager should again document with a written reprimand using an Action Notification form or other acceptable formats. The Action Notification should again describe the unacceptable conduct, outline expectations, and state that further disciplinary action, including suspension and/or termination will occur if the behavior continues within 12 months.

**400.9 Step 3 - Final Action Notification:** The third and potentially final step in the corrective action process taken by a manager when an employee continues to violate the same or similar policy, behavior or performance for which he or she has received a written reprimand. Depending upon the severity of the infraction the supervisor may: (1) issues a Final Action Notification; (2) suspend the employee; or (3), terminate the employee. Employment may be terminated based on progressive discipline within a 12-month period or based on the severity of a single incident

**400.10** However, a single incident may be so serious in nature that management should bypass progressive discipline and issue a Final Action Notification with suspension and/or termination. As noted above, the supervisor should work in consultation with Human Resources Director and Senior Manager prior to issuing a Final Action Notification with suspension and/or termination.

**400.11** The manager may immediately suspend pending investigation and, if appropriate, terminate the employee. Matters for which violation is considered serious misconduct are outlined in Part 401.2 of these policies. However, the facts and circumstances of each case will determine what action is appropriate.

**400.12** Suspension: The suspension shall be without pay. No holiday or leave benefits will be accrued or used during this time. The length of suspension is based on the severity of the infraction, but in no case more than (5) five days.

**400.13** Termination- This action is taken by the Management when an employee has continued with actions or behavior for which he or she has received a written warning and written reprimand or for cases of serious misconduct listed under section 401.2.

**400.14** Managers following the progressive disciplinary process, or issuing a final action notification must:

A. Ensure all necessary requirements listed under 400.5 are completed;

B. Meet with the employee ***in person*** to discuss the matter. If necessary, the manager or employee can request a Human Resources Representative or another management official to be present during this process;

C. Give the employee the opportunity to make comments, sign the document, and supply the employee with a copy of the written action notification and submit a copy to the Human Resources Department for inclusion in the employee's personnel file.

D. If the employee fails or refuses to return to the workplace to discuss a Final Action Notification with their manager, then the following steps should be taken:

    1. Document attempts made to contact the employee;

    2. Mail the employees copy of the action notification to the employee's last known address stating last date of employment and reason for separation.

    3. Forward a copy to the Human Resources Department for inclusion in the employee's personnel file

**400.15** Employee behavior that is illegal, such as theft, drugs on property, fighting or acts of violence are not subject to progressive discipline and should be dealt with by management as well as then turned over to the appropriate law enforcement authorities.

**400.16** Uniform application of the disciplinary procedure is necessary to ensure fair and consistent treatment of all employees. It is advised that supervisors contact the Human Resources Director when administering or considering disciplinary action under this policy, to review the employees file and to ascertain the type of disciplinary action taken in similar circumstances.

**400.17** An employee's disciplinary record may be cleared of minor infractions listed under the Personnel Policies and Procedures section 401.1 if the employee works one full year without any further violations of rules of conduct. The employee must put his or her request to have action notification removed in writing to the department manager, and both the department manager and HR Director must agree to remove employee action.

**401 EMPLOYEE CONDUCT** *(revised 1/24/22)*

**401.1** To assure orderly operations and provide the best possible work environment, the employer expects employees to follow rules of conduct that will protect the interests and safety of all employees and the employer. It is not possible to list all the forms of behavior that are considered unacceptable in the work place, but the following are examples of violations of the rules of conduct that may result in progressive disciplinary action. Some minor infractions listed under this section may also be considered more serious in nature depending upon the level of responsibility within the department.

A. Excessive tardiness/absenteeism or irregular attendance
B. Abusing break privileges;
C. Loafing;
D. Failure to follow instructions;
E. Substandard quality or quantity of work;
F. Failure to report or document injuries or accidents in a timely manner;
G. Failure to follow policies and procedures;
H. Failure to care for equipment, supplies or inventories;
I. Horseplay or violations of safety rules;
J. Improper attitude and/or disruptive behavior;
K. Sleeping on the job;
L. Poor customer service;
M. Other

**401.2** Certain types of infractions or misconduct are of a more serious nature and may be dealt with in a different manner under the disciplinary procedure. The following list shows examples of infractions that are considered serious misconduct.

A. Inability to get along with fellow employees
B. Rude or discourteous to guests
C. Disrupting the operations of the tribe;
D. Unlawful sale of alcohol/tobacco to minors;
E. Consumption of alcohol during working hours and/or coming to work under the influence;
F. Falsifying records or information;
G. Theft:
H. Dishonesty;
I. Leaving job without permission;
J. Work refusal/insubordination;
K. Fighting, threats or intimidation;
L. Gambling on company time;
M. Use, consumption, possession or solicitation of drugs or drug paraphernalia on property;
N. Destruction of property or malicious vandalism;
O. Conviction and/or charge of a serious criminal offense;
P. Disclosure of confidential information;
Q. Removing company property without approval;
R. Possession of weapons on property;
S. Misuse or unauthorized use of company property;
T. Sexual harassment *(see section 408*);
U. Improper language or immoral conduct;
V. Loss of Gaming license
**W.** Other

**402 ATTENDANCE POLICY** (revised 2/16/2024, 1/12/2026)

**402.1** The Bay Mills Indian Community expects employees to maintain an acceptable attendance record. Employees must communicate all anticipated absences to their direct supervisor or manager and receive the appropriate approval to use any of the leave afforded to employees by Bay Mills Indian Community.

**402.2** In the event an employee is late or absent for their shift, managers and supervisors will begin progressive disciplinary action to address the excessive tardiness or absenteeism under Section 400, Disciplinary Procedures. Unless a department manager has developed alternative attendance standards, and obtained approval from executive management, the below attendance standards will be utilized when following progressive disciplinary actions:

1. Written Warning: Three (3) unexcused tardies/early outs or one (1) unexcused absence
2. Written Reprimand: six (6) unexcused tardies/early outs or two (2) unexcused absences
3. Final Action Notification: nine (9) unexcused tardies/early outs or three (3) unexcused absences.

**402.3** In the event an employee fails to notify their direct manager or supervisor at a minimum of 1 hour prior to the start of their shift of any absence under the sick leave or personal leave policy, managers and supervisors will begin progressive disciplinary action to address the excessive tardiness or absenteeism under Section 400, Disciplinary Procedures.

**402.4** An unexcused absence is defined as any absence without having any leave time to utilize or without obtaining the proper approval for such leave under the written guidelines within those policies. A tardy is defined any occurrence to where an employee reports to work thirty (30) minutes or less to an employees scheduled shift. Any tardy beyond 30 minutes is subject to managers approval, or otherwise is considered an absence. Employees are still required to give management notice of their tardiness. Progressive Disciplinary actions for Attendance will be implemented on a rolling calendar year under Section 400, Disciplinary Procedures.

**402.5** In the event an employee exceeds that allowable 40 hours of undocumented sick leave during a given calendar year, managers and supervisors will begin progressive disciplinary action to address the excessive tardiness or absenteeism under Section 400, Disciplinary Procedures.

**402.6** Employees needing to leave the workplace early for personal reasons will follow the same progressive disciplinary guidelines as a tardy. However, any manager may allow an early out or no shift to any employee when the needs of the Department are being met without applying progressive discipline. Managers will get ***consent*** from employees to utilize accrued leave for any hours below their scheduled weekly hours for early outs or no shifts approved by the Manager.

**402.7** On high need days as identified in Section 700.12, an employee must receive approval from their direct manager or supervisor for annual or personal leave usage. In the event sick leave is used for excessive tardiness or absenteeism during high need days managers and supervisors will begin progressive disciplinary action to address the excessive tardiness or absenteeism under Section 400, Disciplinary Procedures.

**402.8** Bay Mills Indian Community considers no call no shows unacceptable. If an employee is a no call no show for any schedule shift, the employee will be automatically terminated, pending first review from Executive Management to review any mitigating circumstances. A No-call No-Show is not showing for your shift or not notifying your department manager within one (1) hour after the start of your shift of your absence.

**402.9** Managers and supervisors must communicate all attendance infractions to employees within a reasonable time period. Unless mitigating circumstances exist, this must be within 14 working days from when the infraction occurred. If Managers and supervisors fail to communicate attendance infractions, General Management will begin progressive disciplinary action to address failure to follow policies and procedures under Section 400, Disciplinary Procedures.

**402.10** Bay Mills Indian Community is committed to ensuring fair and equitable implementation of this policy. If an employee has knowledge of any unfair or inconsistent application of this policy, please report to the Human Resources Director. Attendance infractions will transfer with the employee between tribal departments he/she may work for or transfer to.

**403 CODE OF CONDUCT** (revised 2/4/19)

**403.1** Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. No employee of the Bay Mills Indian Community shall participate in selection or in the award of a contract if a conflict of interest would be involved. Such a conflict would arise when, the employee, or any member of his/her immediate family as defined in section 706.3, or an organization which employs, or is about to employ, any of the above, has a financial or other interest in the selection for award.

**403.2** No employees or agents of Bay Mills Indian Community shall solicit nor accept gratuities, favors, bribes, price breaks, or anything of monetary value from contractors, potential contractors, vendors, or any person or entity which is under consideration by the Tribe to become a contractor or vendor. Depending upon the circumstances, exceptions to this provision may be granted only in situations where the financial interest is less than fifty dollars or the gift is an unsolicited item of nominal intrinsic value.

**403.3** An employee of Bay Mills Indian Community shall be careful to ensure that he or/she is involved in no apparent or potential violations of this provision. Any employee or agent of the Bay Mills Indian Community should report violations of this Code of Conduct to his or/her manager. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to his or her manager of the department as soon as possible.

**403.4** There will be no retaliation against any party who makes a good faith complaint concerning violations of this Code of Conduct; nor will there be any retaliation against any party who provides information in the course of an investigation into alleged violations of this Code of Conduct. All departmental managers have a responsibility to be sensitive to and deal with violations of this Code of Conduct.

**403.5** Any employee or agent of the Bay Mills Indian Community, determined to have committed a violation of this Code of Conduct shall be subject to disciplinary action, up to and including termination.

## 404 NON-DISCLOSURE

**404.1** The protection of confidential and organizational information is vital to the interests of the Tribe.

**404.2** Any employee who discloses confidential information will be subject to disciplinary action (including possible discharge) and legal action, even if he or she does not actually benefit from the disclosed information.

**404.3** Specific departments and/or positions will also be subject to a higher standard of confidentiality in accordance with HIPAA (Health Insurance Portability and Accountability Act) Privacy Rule.

**404.4** Those positions subject to compliance with HIPAA Privacy Rule will be identified on Bay Mills Indian Community “position description”.

**404.5** Personnel hired into a position subject to compliance with HIPAA Privacy Rule must complete the HIPAA Privacy Rule training, as set forth by the Bay Mills Medical Center, within their first week of hire.

## 405 GRIEVANCE PROCEDURE

**405.1** The Bay Mills Indian Community will do its utmost to insure that working conditions are as pleasant as possible and that each employee receives equal, courteous and fair treatment. The tribe seeks to secure, at the lowest level possible, a fair and timely solution to the complaints or grievances of its employees.

**405.2** A grievance is a dispute, or claim arising under the terms of this policy and filed by an employee of any facility owned and operated by the Bay Mills Indian Community. Grievances are limited to matters of alleged violation, mistaken interpretations, or unfair application of a policy or department procedure. Employees who have not completed his or her original hire probationary period are not eligible to utilize this grievance procedure.

**405.3** There shall be a Grievance Board created for the purpose of hearing grievances as defined above in Section 405.2. The Human Resources Director will post a vacancy announcement at the end of each calendar year. Any employee or community member interested in becoming a member of the Grievance Board will submit a short narrative to the Human Resources Director within 14 days from the date of posting. This narrative will briefly state their individual reasons for wanting to participate in this grievance process. The Human Resources Director will bring all submissions to the Executive Council for review and selection. The Executive Council may select up to 20 candidates, ensuring adequate representation between management/non-management and tribal/non-tribal candidates.

The Human Resources Director will be charged with balancing the Grievance Board to ensure there is a majority of tribal membership on each board. There must be at least one manager on the Grievance board. Five (5) candidates shall serve on each Board.

**405.4** The Human Resources Director will make the necessary arrangements to assemble an unbiased Grievance board for each individual grievance. The Human Resources Director, or his/her designee, will serve as the moderator of this grievance process. The moderator's role is to assist the grievance board only. He/she has no vote in the outcome of the grievance and can be asked to exit the process at any time by the grievance board.

**405.5** The Human Resources Director will submit a letter to the executive council asking them to remove any board member who is not fulfilling his or her duties as a member of the grievance board.

**405.6** Employees shall be free to use this procedure without restraint, interference, coercion, discrimination, or reprisal. Any employee, whether acting in an official capacity of the Tribe or on any other basis, shall not interfere with or attempt to interfere with another employee's exercise of his or her rights under this procedure. However, employees may be reprimanded for abuse of this procedure for raising grievances in bad faith or for the purpose of delay or harassment.

**405.7** An employee who wishes to file a grievance under these policies must do so in writing, to the Human Resources Director. The employee must file his or her grievance within five (5) working days of the date the employee was officially notified of the action being grieved. Any employee seeking assistance in submitting a grievance should contact the Human Resources Director. A grievance shall be submitted using the provided grievance forms only and must contain, at a minimum, the following information

A. Nature of the employee's work related grievance;
B. Policy(s) and/or department procedure(s) that is perceived to have been violated or unfairly applied;
C. Name(s) of the person or persons involved, if any;

D. Action requested to be taken by the Grievance Board as pertaining to the personnel policies and procedures;
E. Ensure all relevant documentation is attached; and
F. Other information or evidence the employee considers important to the resolution of the grievance.

**405.8** A grievance, once submitted, shall not be altered without the express consent of both parties involved. An employee may withdraw his or her grievance at any time without prejudice.

**405.9** The Human Resources Director will make every attempt to assemble the Grievance Board within ten (10) working days. Working days for purposes of this policy are defined as Monday through Friday.

**405.10** It shall be the responsibility of the Grievance Board to determine whether the policies contained within this manual and/or Department Procedures were properly applied; or, in the absence of a specific policy, did the manager use good reason and judgment when taking corrective action under these policies and procedures and/or departmental procedures.

**405.11** The Grievance Board shall review the written information presented to it, talk to the employee and any other person(s) involved in the dispute and gather such other information it deems necessary to formulate a decision. Under normal circumstances, the grievance board will:

1. Meet with the employee, reviewing submitted grievance form and documentation as well as hear any relevant witnesses the employee provides;
2. Meet with management, reviewing all documentation provided as well as hear any relevant witnesses the manager provides;
3. If unconfirmed evidence is provided by the employee or manager, the Grievance Board will again speak with the other party allowing them the opportunity to refute the evidence or information.
4. Continue to speak with employee and/or manager until the board has sufficient information to make a decision as to whether the policies were followed.

**405.12** The Grievance Board will forward his or her written decision to the Human Resources Director, who shall forward this decision, in memo form, to both parties within five (5) working days of the completion of its hearing process.

**405.13** By majority vote, the Grievance Board may uphold or reverse any personnel action taken to ensure fair and consistent application of these policies or department procedures.

**405.14** The decision of the Grievance Board is final. To further ensure fairness and consistency of the process, the Executive Council can appoint an advocate to attend and observe any or all grievances. The Executive Council may also request a copy of any grievance file to review.

**405.15** All information presented to the Grievance Board shall be kept confidential.

## 406 TERMINATION OF EMPLOYMENT

**406.1** Bay Mills Indian Community will terminate employment because of an employee's resignation, discharge, retirement, the expiration of an employment contract, or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and Bay Mills Indian Community reserves the right to terminate employment at any time and for any reason.

**406.2** Employees are requested to give two weeks written notice of their intent to resign. Failure to give written notice may result in ineligibility for rehire.

**406.3** Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit.

**406.4** No final paycheck will be issued to any employee (payee) until their Supervisor or Management certifies that:

A. There are no outstanding travel advances to the payee.
B. Repayment for any other debt owed the Tribe by the payee has been satisfactorily arranged.
C. The payee has returned in workable condition all equipment owned by the Tribe.

**406.5** In the event that the Supervisor or Management determines that the payee owes the Tribe, the amount disbursed shall be reduced by the debt owed.

**406.6** Management must complete an exit interview form for each employee leaving the organization that has access to any of the following assets, information or property listed on the exit interview form.

## 407 SEVERANCE PAY

**407.1** Bay Mills Indian Community does not grant severance pay to employees whose employment is terminated. However, the Bay Mills Indian Community reserves the right to make-exceptions to this policy in its sole and absolute discretion.

**407.2** Bay Mills Indian Community does pay for unused annual leave up to the limit of annual leave hours allowed to be carried from one fiscal year to the next, when an individual employment is terminated.

**407.3** Bay Mills Indian Community will not pay for any unused sick leave, when an individual employment is terminated.

**408 ANTI- HARASSMENT** *(revised 10/16/2024)*

**408.1** Bay Mills Indian Community does not tolerate harassment of any of our employees, customers, clients, or vendors. Any form of harassment, including, but not limited to race; religion; religious creed; religious observance /practice /dress /grooming; color; sex; sexual orientation; gender; gender identity (meaning a person's identification as male, female, a gender different from the person's sex at birth, or transgender); gender expression; two-spirit individuals (including a person's gender-related appearance or behavior, whether or not stereotypically associated with the person's sex at birth); national origin; pregnancy; age; medical condition; physical disability; mental disability (including but not limited to learning disabilities, intellectual disabilities, past/present history of a mental disorder); genetic characteristics; or any other characteristic is a violation of this policy.

**408.2** Harassment of employees in connection with their work by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee or who observes harassment of an employee by a non-employee should report such harassment to his or her supervisor or Human Resources. Appropriate action will be taken against any non-employee violating this policy. Harassment of our customers/clients or employees of our customers/clients, vendors, or suppliers by our employees is also strictly prohibited. Any such harassment will subject an employee to disciplinary action, up to and including dismissal from employment, following section 400 of these policies.

**408.3** Harassment can take many different forms. It can involve verbal, physical, or visual conduct and can occur on or off the work site. In addition to the above-listed conduct, "sexual harassment" can also include the following examples of unacceptable behavior:

A. Unwanted sexual advances;

B. Offering an employment benefit (such as a raise or promotion or assistance with one's career) in exchange for sexual favors or threatening an employment detriment (such as termination, demotion, or disciplinary action) for an employee's failure to engage in sexual activity;

C. Visual conduct, such as leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters;

D. Verbal sexual advances, propositions, or requests;

E. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations;

F. Physical conduct, such as touching, assault, impeding or blocking movements.

**408.4** Prohibited conduct under this policy may fall into a large range of behaviors, including the involvement of law enforcement. While every instance of harassment is unwelcome and, therefore, prohibited, the severity and pervasiveness of the conduct will determine the appropriate disciplinary action up to and including immediate termination.

**408.5** If you feel that you are being harassed, you should:

A. First attempt to clearly state to the person that their comments and actions are not welcome.

B. Immediately notify your supervisor. If you do not feel that the matter can be discussed with your supervisor, you should contact the Human Resources Department or designee to discuss your complaint.

**408.6** All complaints of harassment that are reported to management will be investigated as promptly as possible, preferably within ten (10) business days, by the Human Resources Director or designee and the complainant's supervisor (if appropriate) as soon as possible. All complaints of harassment that are reported to management will be treated confidentially to the greatest extent possible based on a need to know and consistent with the need to conduct an adequate investigation.

**408.7** Employees will not be penalized nor retaliated against in any way for submitting a harassment report or for participating in a harassment investigation.

**408.8** If management finds that an employee has violated Bay Mills Indian Community policy, appropriate corrective action will be taken. Furthermore, as part of our attempt to remedy the complainant's concerns, the complainant will be informed of remedial measures and disciplinary actions imposed against the violator.

**408.9** If a fraudulent or malicious complaint is determined to have been made, disciplinary action may be imposed on the complainant, up to and including dismissal.

## 409 TWO SPIRIT INDIVIDUALS & GENDER IDENTITY POLICY *(Revised 10/16/2024, 10/27/2025)*

**409.1** Bay Mills Indian Community is committed to the fair treatment of and equal opportunity for Two-Spirit Individuals, including, but not limited to, Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual (LGBTQIA+) individuals. It is the policy of Bay Mills Indian Community to reaffirm our commitment to creating safe spaces for all employees, regardless of sexual orientation, gender identity, gender expression, and intersex status. The Tribe's ban on discrimination works to create the reasonable expectation of an environment where all employees and applicants for employment at Bay Mills Indian Community are evaluated by their performance, rather than by their sexual orientation, gender identity, gender expression, intersex status, or others' perceptions thereof.

**409.2** Definitions:

A. **Two-Spirit:** A term used by some Indigenous Peoples to describe a person who embodies both masculine and feminine qualities or identifies with a gender outside the male-female binary.

B. **LGBTQIA+:** An acronym for Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, and other identities that fall within this spectrum.

**409.3** Each person, by virtue of his or her[1] particular character and context, has a unique identity. Therefore, the organization will use an employee's legal name as indicated in government-issued identification documents only if it is necessary to meet a legally mandated obligation, but otherwise must identify the employee in accordance with the employee's gender identity and preferred name on all other internal documents.

A. Employees are expected to make every effort to use preferred names and pronouns when addressing colleagues.

B. Employees have the right to use the restroom and facilities that correspond with their gender identity.

C. Any dress code must be flexible and allow employees to dress in accordance with their gender identity or expression.

**409.4** Bay Mills Indian Community is committed to maintaining the privacy and confidentiality of all employees. Information about an employee's sexual orientation, gender identity, or gender transition will not be disclosed without their consent, except as required by law.

**409.5** Some employees may face ongoing harassment and are, along with all other employees, protected under the Bay Mills Indian Community Anti-Harassment policy. See section 408.

**409.6** Mandatory diversity and inclusion training will be provided to all employees, with specific modules focusing on the experiences and challenges faced by Two-Spirit and LGBTQIA+ individuals.

[1] Each person, by virtue of his / her/ their particular character and context, has a unique identity.

## 410 PERFORMANCE IMPROVEMENT PLANS (08/25/2025)

**410.1** Bay Mills Indian Community believes that performance issues are correctable and will provide employees the opportunity to improve their performance, while holding them accountable for past performance. This policy guides managers and employees in addressing the need to improve performance. This process should be grounded in a spirit of respect and support, consistent with the values of Bay Mills Indian Community.

**410.2** A Performance Improvement Plan (PIP) is a series of measures designed to help improve an employee's performance. The PIP will communicate performance discrepancies, when an improved level of performance is to be achieved, and the actions and steps that will assist the employee in meeting performance expectations. The PIP process is meant to be collaborative, transparent, and supportive, providing resources to the employee to succeed.

**410.3** A PIP should be implemented to aid in correcting performance challenges associated with the skills and expertise of employees. A PIP may be used in conjunction with performance-based disciplinary procedures, as outlined in Section 400 of this Manual. Performance Improvement Plans are not to be used for issues of conduct, insubordination, or workplace rule violations, which are governed under the Conduct and Discipline Policy (Section 400).

**410.4** Department supervisors have the responsibility of communicating the expected performance standards of the position through the position description, departmental procedures, applicable regulations, annual performance appraisals, inter-departmental memos, email communications, or other targets, objectives, and goals of the department. Thus, the definition of poor performance is work performance and work product that does not meet the job requirements outlined by their department supervisor in the manner described above.

**410.5** The supervisor is responsible for monitoring the PIP with regular check-ins to measure and discuss improvement. The supervisor is responsible for providing necessary coaching, mentoring, and training to ensure success of the plan. The supervisor may employ techniques such as retraining, reallocation of duties, additional support from colleagues, process or systems changes, or other strategies as appropriate for the position.

**410.6** Performance Improvement Plans should be reviewed with the Human Resources Director prior to issuing. Managers may ask Human Resources to assist in the meeting. Performance Improvement plans must contain three components. A sample format is attached in the appendix.

**410.7 Performance Improvement Plan Component 1:** Written narrative to identify which expected performance standards are not being met, with a summary of specific and objective examples

**410.8 Performance Improvement Plan Component 2:** Identify a plan to improve performance that contains specific standards that the employee is expected to achieve which are objectively or quantitatively measurable, attainable and relevant for the position, and be timebound, with specific dates and timelines for completion of improvement measurements. Support and resources available for the employee should be identified.

**410.9 Performance Improvement Plan Component 3:** Identify consequences of meeting or not meeting PIP. If all goals\objectives are met, the PIP will have been completed successfully. If goals\objectives are

not met, additional steps may be taken which may include Performance Improvement Plan extension, demotion, recommended transfer, or termination of employment.

**410.10** A PIP must contain a meeting schedule for one-on-one follow-up between the manager and employee. These discussions should include how and if objectives are being met, additional resources the employee may need, and address any questions or concerns.

410.11 All PIPs must specify a review period, generally ranging from 30 to 90 days. A written summary of the employees' progress and final outcome will be documented and retained in the employee's personnel file. Human Resources must participate in the final review and determination of next steps.

## 501 PAYDAY

**501.1** Employees will be paid on a biweekly basis. The first day of the pay period is Sunday and the last day is Saturday. Payday will be the Thursday following the end of the pay period.

**501.2** In the event that a regularly scheduled payday falls on a scheduled holiday, employees will receive pay on the last day of work before the regularly scheduled payday unless otherwise stated by Accounting.

**501.3** Timesheets must be approved by 10am the Monday of pay week. No changes can be issued if changed in timekeeper after that.

**501.4** Unless communicated otherwise by the Accounting Department, a payroll correction is needed after the 10 am cut off, management must forward a completed payroll correction form to accounting. Only 75% of the correction will be issued. Hours will be reconciled with next pay period.

**502 COMPENSATION** *(revised 11/13/2023, revised 08/10/2026)*

**502.1** Employees will be compensated fairly, without regard to age, sex, race, color, religion, or disability, and in accordance with all applicable laws and regulations, and subject to such budgetary considerations as business conditions may create.

**502.2** The Human Resources Director has overall responsibility for implementation and the day-to-day administration of this policy. Department managers are responsible for setting clear objectives to subordinates, conducting fair evaluations and helping employees improve performance.

**502.3 Wage Grids.** The Human Resources Director will create and manage wage grids for each division, which must be approved by Tribal Manager/General Manager. Each wage grid will have a labor grade with a starting wage and maximum wage.

**502.4 Job Analysis and Evaluation** Each position in the organization must be thoroughly analyzed and described. The Department Manager, in conjunction with the Human Resources Director, is responsible for the development and evaluation of each current or proposed position description and placed on the departmental organizational chart. Each position will be evaluated and assigned to an appropriate labor grade and rate range. New positions will not be filled until this process is completed and approved by the General Manager/Tribal Manager/ Chief Financial Officer/Health & Human Services Director/Tribal President, the Human Resources Director, and the Executive Council.

**502.5 Exempt/Non-Exempt Determinations.** Each position must be classified as exempt or non-exempt to determine if the position is exempt from the provisions of the Fair Labor Standards Act. The Human Resources Director, in conjunction with the General Manager/Tribal Manager will determine such exemptions.

**502.6 New Hires.** New employees are paid at the minimum rate on the wage grade their job has been assigned to. The Department Manager may request an appropriate starting wage higher than the minimum rate. *(see 502.8).* In determining the appropriate rate of pay for a new hire, consideration must be given to pay equity within the department, as well as the new employee's overall experience, training, and skill level.

**502.7 Promotions.** A promotion is defined as a job change resulting from a job posting or reclassification, in which the new position has a higher grade than that of the previous position. The amount of promotional increase, if appropriate, should be developed with consideration of several factors:

1. The magnitude of the job change (i.e., number of grades, etc.).
2. The current level of the promoted employee's skills and experience as related to the new position.
3. The internal equity of the existing employees (i.e., what other employees in similar positions with comparable experience are earning).
4. The earnings history (including current salary) of the promoted employee.

**5028 Transfers.** Employees transfering to a new position, are subject to the starting wages of that position. The date of transfer will become the new anniversary date for performance evaluations. Upon review and approval by the Human Resources Director, certain positions within a department may

transfer between positions without a change to the evaluation date. Employees transferring must complete a 2-week notice to their current department.

**502.9 Demotions.** Employees being demoted will be subject to the pay range of the new position.

**502.10 Request for Higher Starting Wage.** Department managers may request a higher starting wage for any new hire, employee transfer, or demotion. Higher wage requests that are 10% higher than the normal starting rate must be submitted in writing and receive approval by both the General Manager/Tribal Manager/Chief Financial Officer/Health & Human Services Director/Tribal President and the Human Resources Director.

**502.11 Annual Pay Increase.** Employees may become eligible for a pay increase at the end of one year's service and on each anniversary thereafter. The amount of the increase is dependent upon the employee's performance over the preceding year.

**502.12 Probationary Performance Evaluation.** The supervisor or manager will conduct a performance evaluation at the end of the employee's probationary period. Performance will be measured and documented using the approved performance evaluation form. When agreed upon in the pre-hire job offer only, a compensation increase may be awarded.

**502.13 Annual Performance Evaluation.** The supervisor or manager will conduct a performance evaluation on each annual position anniversary. Performance will be measured and documented using the approved performance evaluation form. The scores of the performance evaluation will be used to determine the amount of a pay raise, if applicable, to be awarded, which shall not exceed 3% of the employee's current rate of pay.

**502.14 Review Process** Any evaluation that results in a wage higher than the standard approved percentage must be reviewed and approved prior to implementation by the General Manager/Tribal Manager/ Chief Financial Officer/Health & Human Services Director/Tribal President, and the Human Resources Director.

**502.15 Maximum Wage.** When an employee attains the maximum pay rate for their current position according to the existing wage grid, the employee will be eligible for an increase not to exceed 1.5% of the employee's current rate of pay with a successful performance evaluation.

**502.16 Education Increases.** Bay Mills Indian Community supports and encourages employees to seek higher education. Managers will request a higher wage when employees earn college degrees. Employees completing an Associate's Degree are eligible for a 3% increase, employees earning a Bachelor's Degree are eligible for a 4% increase, and employees earning a graduate-level degree are eligible for a 5% increase. Employees must submit transcripts to be eligible.

**502.17 Overtime Pay**. Non-exempt employees must be paid overtime, for any hours worked over 40 hours in a week. Law enforcement non-exempt employees must be paid overtime for any hours worked over 80 hours in a pay period. Paid leave, holidays, paid lunches or other leave time does not count towards hours worked for overtime purposes. Overtime will be paid at a rate of 1.5 times the regular rate of pay. (See 801.3 Work Hours)

**600 EMPLOYEE BENEFITS** *(revised eff. 1/1/2025)*

**600.1** Bay Mills Indian Community employees are provided a wide range of benefits depending upon employment category and type of employment.

**600.2** Enterprise Employees will have benefits comparable to the Governmental Employees. However, because of the State-Tribal Gaming Compact and possibly Federal Legislation the benefits may not be identical. An example is that Enterprise Employees are covered by worker's compensation instead of Short- and Long-Term Disability Insurance Coverage as Governmental Employees.

**600.3** For benefit and accrual rates only, an employee's length of service will be reduced by the length of time the employee was on approved leave without pay or layoff exceeding (14) fourteen calendar days. This does not include employees off on approved leave with pay.

**600.4** Bay Mills Indian Community may make provisions under a self-insurance program and utilize an illustrative premium provided it is based on reasonable estimates of expenses.

## 601 FEDERAL AND STATE TAXES / INSURANCES

**601.1** The Bay Mills Indian Community contributes FICA (Federal Insurance Contribution Act), MEDI (Medicare), FUTA (Federal unemployment insurance) and SUTA (State unemployment insurance) for regular or temporary, full- and part-time employees.

## 602 BAY MILLS INDIAN COMMUNITY 401(K) RETIREMENT PLAN *(revised 4/1/21)*

**602.1** The Bay Mills Indian Community adopted a qualified 401(K) Retirement Plan which was implemented on January 1, 1997. A plan overview prepaid by the Plan Manager is available for your review by contacting the Tribal Accounting Department.

**602.2** Bay Mills Indian Community makes a contribution based on a percentage of one's gross compensation for all employees employed for six months (starting the first day of the next full quarter). The amount contributed by Bay Mills Indian Community is determined annually prior to the beginning of the next year. Employees will be notified of each change. The quarters start on January 1st, April 1st, July 1st, or October 1st of each year the Plan is in effect.

**602.3** The Tribe has designated a professional Plan Manager to administer the Plan. Please contact the Accounting Department if you want to have additional questions and they will put you in contact with the appropriate person(s).

**603 HEALTH INSURANCE** *(revised 10/13/2025)*

**603.1 Waiting Period.** Regular full-time employees (as defined in Sec. 209.2) are eligible for health insurance after meeting the waiting periods described in this section.

Unless specified differently in the contract of employment, the waiting period for full-time employees is (60) days of continuous employment, with coverage available on the 1st of the month following completion of the sixty (60) day period.

Employees are required to attend a benefit orientation prior to enrollment. Enrollment cannot be completed until he or she has attended benefit orientation.

**603.2 Waiver of Waiting Period.** The waiting period for benefit eligibility shall be considered fulfilled for those employees whose last employer was the Tribe or an organization with a governing board on which the Tribe is represented. There must be no lapse in time between the previous employment and employment must have been at least sixty (60) days in duration. The organizations for whom previous employment satisfies the waiting period are as follows:

BMCC – Bay Mills Community College
BMHA – Bay Mills Housing Authority
BIA – Bureau of Indian Affairs
CORA – Chippewa Ottawa Resource Authority, (including member Tribes)
GLIFWC – Great Lakes Indian Fish and Wildlife Commission, (including member Tribes)
IHS – Indian Health Services
ITC – Inter-Tribal Council of Michigan

**603.3 Insurance Provider.** Bay Mills Indian Community provides health insurance to eligible employees through a regional insurance carrier.

**603.4 Contract Requirements.** All coverage is subject to the limitations and provisions of the health insurance plan documents and contracts.

**603.5 Persons Eligible.** The employee, spouse and legal dependents up until the year in which they turn 26 years of age are eligible for health insurance coverage.

**603.6 Premium Sharing.** Bay Mills Indian Community may designate a portion of the monthly health insurance premiums to the employee. The employee is responsible for any designated health insurance premium share costs on a bi-weekly basis to maintain eligibility and is subject to any future changes. All premium share costs will be payroll deducted on a pre-tax basis. Employees on approved leave are responsible for any missed payments which will be payroll deducted upon the employee's return, unless other payment arrangements are made by the employee.

**603.7 Look-Back Period.** Bay Mills Indian Community will engage in a look back period in accordance with the Patient Protection and Affordable Care Act (PPACA) to ensure an offer of benefits is provided to all eligible employees.

**603.11 Reporting Required by Employee.** Employees must comply with the reporting requirements of the health insurance contract concerning membership changes to their contract. The following changes for an employee or his/her dependent(s) **must** be reported to the Human Resources Department within **30 days** of the event; failure to comply will delay adding covered person(s) to the employee's contract until the annual open enrollment dates for the group policy

-marriage
-divorce
-birth
-death
-no longer dependent
-adoption
-entry into military
-transfer to another contract

In the event that an employee(s) spouse, and/or dependent(s) become eligible for coverage under more than one contract through Bay Mills Indian Community, the contract holder(s) must notify the Human Resources Department. The employees must choose under which contract his/her dependents and/or spouse will remain covered. Dual health coverage through Bay Mills Indian Community will not be allowed.

**603.13 Employee Waiver of Coverage.** An eligible employee who has health insurance coverage from an external organization or agency may, upon submission of documentation of such coverage to the Human Resources Department, elect in writing to waive the health insurance coverage benefit provided by the Bay Mills Indian Community, and shall further specify in writing, to receive compensation determined by the Executive Council in lieu of enrollment This additional compensation is considered earnings and will be subject to income tax.

## 604 LIFE INSURANCE

**604.1** Regular full-time Governmental and Enterprise Salaried employees are eligible for employer paid life insurance coverage.

**604.2** Each eligible employee will be covered by term life insurance beginning the first day of employment and ending the last day of employment.

**604.3** Coverage and terms of the life insurance are subject to limitations and provisions of the current policy. Check with the Human Resources Department for details.

**604.4** The cost of the life insurance will be paid by the employer.

**604.5** Employees may take out additional coverage at their expense; contact the Human Resources Department for information.

## 605 WORKERS' COMPENSATION *(Revised 11.24.2025)*

**605.1** Enterprise and limited governmental employees are covered under the Tribe's workers' compensation insurance program beginning the first day of employment and ending the last day of employment.

**605.2** Governmental positions that require workers' compensation coverage are subject to individual council approval.

**606 DISABILITY COVERAGE & LIFE INSURANCE** *(revised 8/10/2026)*

**606.1** Eligible governmental employees are covered under the short-term and long-term disability coverage and a Term Life Insurance Policy.

**606.2** Coverage and terms of the disability and Life Insurance coverage are subject to the limitations and provisions of the current policies.

**606.3** The cost of the disability coverage will be paid by the employer.

**606.4** Enterprise management personnel are eligible for employer paid life insurance

**606.5** Specific terms of the disability and life insurance policies applicable to your employment situation can be reviewed by contacting the Human Resources department.

**606.6** Short-term and long-term disability is not medical leave or family medical leave. It is an insurance that covers a portion of an employee's wages while off on an approved medical or family medical leave, and can be applied for through the benefits department in Human Resources.
.

**607 HOLIDAYS** *(revised 8/25/25)*

**607.1 Regular full-time employees** will receive the following paid holidays in 8-hour increments:

New Year's Day (January 1)
Good Friday (Friday before Easter) for Government Employees
Easter (Sunday) for Enterprise Employees
Memorial Day (last Monday in May)
Independence Day (July 4)
Labor Day (first Monday in September)
Veteran's Day (November 11)
Thanksgiving (fourth Thursday in November)
Christmas Eve (December 24)
Christmas (December 25)
New Year's Eve (December 31)

**607.2** Regular part-time employees are eligible for those holidays which are observed on their regularly scheduled days. Regular part-time employees will be compensated for the number of hours they would normally work on these days.

**607.3** A recognized holiday that falls on a Saturday will be observed on the preceding Friday. If that Friday is already an observed holiday, it will be observed on the following Monday. A recognized holiday that falls on a Sunday will be observed on the following Monday. If that Monday is already an observed holiday, it will be observed on the preceding Friday.

**607.4** Government Employees to be eligible for holiday pay, employees must work or be on a paid excused absence the last scheduled day immediately preceding the holiday and the first scheduled day immediately following it. Employees who claim sick leave for these days will be expected to provide verification from a medical practitioner or other evidence as requested by the employer.

**607.5** Enterprise Employees must work the holiday to receive holiday pay.

**607.6** If a recognized holiday falls during an eligible employee's paid absence (annual leave) the holiday time will not be considered as part of the employee's annual leave time.

**607.7** It may be necessary for employees to work on these holidays. If an employee is scheduled to work on a holiday and he or she does not receive other consideration for such overtime, he or she will be granted an equal amount of time off on an alternate day as arranged by the employee and his or her Department Manager.

**607.8** All Full-Time Regular Governmental Employees will be granted paid holidays as long as they meet the criteria cited in 607.4. If a non-exempt employee is required to work on the actual designated holiday, not the day on which it is observed, they will be paid time and a half in addition to the 8 hours of holiday pay. If the employee does not work on that designated holiday, they will receive regular Holiday Pay, in eight (8) hour increments.

**700 ANNUAL LEAVE** *(revised 6/4/2023, 10/13/2025)*

**700.1** Regular full-time (30-40 hours scheduled) and regular part-time (20-29 hours scheduled) employees are eligible for annual leave benefits as described below.

**700.2** All requests for annual leave must be submitted to an employee's manager, at least two (2) working days in advance of the requested leave time. On days identified as high need days, all requests for annual leave must be submitted in writing to an employee's manager at least fourteen (14) working days in advance of the requested leave time (see 700.12 for high need days).

**700.3** Annual leave requests must be approved by an employee's manager. The employee is responsible for getting approval of his or her manager.

**700.4** Requests will be evaluated based upon various factors, including anticipated operating requirements and staffing considerations during the proposed period of absence.

**700.5 Annual** leave shall not be used until after it has been accrued. Annual leave will be accrued at the end of each pay period.

**700.6 It** is the responsibility of the employee to ensure that he or she has adequate annual leave time available before using it.

**700.7** Upon normal termination of employment, employees will be paid for unused annual leave benefits that have accrued through their last day of work, up to the maximum carryover allowed (104 hours).

**700.8** Only regular part-time and regular full-time employment will be counted towards length of continuous service for annual leave benefits. Annual leave is awarded to eligible employees according to the following schedule:

| **Length of continuous service - Accrual rate** | **Part-Time** | **Full-Time** |
|---|---|---|
| Less than 3 years | 1 hour p/w | 2 hours p/w |
| More than 3 years/less than 10 years | 1.5 hours p/w | 3 hours p/w |
| Over 10 years | 2 hours p/w | 4 hours p/w |

**700.9** Regular part-time employees will receive ½ the accrual rate of regular full-time employees. Employees scheduled between 20-29 hours are considered regular part-time (see 209.3)

**700.10** Employees are not eligible for leave accruals until they are (18) eighteen or provide proof of graduation to HR Director. At that time, their eighteenth birthday or proof of graduation will be used as their anniversary date and not their original date of hire.

**700.11** Employees are strongly encouraged to take earned annual leave during the benefit year of its accrual. In the event that an employee has not used all annual leave benefits by December 31st, he or she will be allowed to carry over a maximum of 104 hours into the next year. Any accruals over 104 hours will be lost and will not be compensated.

**700.12** High need days are days identified by Enterprise and Governmental management in which a special event, training, or activity is taking place that requires full staffing by the Department to meet the needs and demands of the operations. All high need days will be communicated by Enterprise management to

employees one (1) month in advance, with annual high need days identified by Enterprise and Governmental management at the start of the year.

**700.13** Employees found to be abusing the annual leave policy will be subject to disciplinary action, up to and including termination.

**700.14** Employees transferring between governmental and enterprise positions will have their leave carry over to their new position. However, employees have the ability to sell back up to forty (40) hours of annual leave prior to transferring.

**701 SICK LEAVE BENEFITS** (revised 6/23/2025)

**701.1** Regular full-time (30-40 hours scheduled), regular part-time (20-29 hours scheduled), variable time (less than 20 scheduled), seasonal, and temporary employees are eligible for paid sick leave benefits for periods of temporary absence due to illnesses or injuries.

**701.2** Sick leave is provided to eligible employees as a benefit of employment. Sick leave is intended and shall be used for illness or injury-related absences from work. It is not an alternate form of annual leave. It is to be used when an employee is unable to report to work and properly perform his or her work duties. It is the intention of his or her manager to monitor use of sick leave carefully and correct situations where misuse or inappropriate use occurs.

**701.3** Regular full-time employees will accrue sick leave benefits at the rate of 2 hours per week. Regular part-time employees will accrue sick leave benefits at the rate of 1 hour per week. Variable employees, seasonal employees, and temporary employees will accrue sick leave benefits at the rate of .034 hours per 1 hour worked.

**701.4** Employees may not use sick leave until after it has been accrued. Sick leave will be accrued at the end of each pay period.

**701.5** An employee may use sick leave benefits for an absence due to illness or injury sustained by the employee. Sick leave may be used for medical, dental or health appointments if it is not possible for such appointments to be arranged during off - duty hours. Sick leave may also be used for an injury or illness in the employee's immediate family when the nature of the illness or injury requires the care or assistance of the employee. Immediate family in such cases shall include employee's spouse, children, parents, siblings or any members of the employee's household.

**701.6** An employee may use a maximum of forty (40) hours of undocumented sick leave during a given calendar year, but no more than three (3) days at any one time. An employee may use up to their total accrued sick leave time with documented illnesses or injuries. Written verification from a medical practitioner or other evidence as required by the employer must be received for an illness or injury to be documented.

**701.7** If illness or injury keeps an employee out of work for more than two days, the employee must provide medical substantiation of the illness.

**701.8** Employees who are unable to report to work due to an illness or injury must notify their supervisor as soon as possible, at minimum one (1) hour prior to the start of their shift. Failure to give adequate notice may result in the request being denied.

**701.9** An employee may not claim sick leave while on approved annual leave unless evidence is received from a medical provider.

**701.10** Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 200 hours. Further accrual of sick leave benefits will be suspended until the employee has reduced the balance below this limit.

**701.11** Sick leave benefits are intended to provide income protection in the event of an actual illness or injury, unused sick leave benefits cannot be used for any other paid or unpaid absence and will not be compensated for at the time of termination of employment or retirement. Sick Leave will transfer between all entities under BMBH, BMGA, and BMIC.

**701.12** Employees found abusing the sick leave policy will be subject to disciplinary action, up to and including termination under Section 400, Disciplinary Procedures.

## 702 PERSONAL LEAVE – GOVERNMENTAL & ENTERPRISE (revised 6/4/2023)

**702.1** It is recognized that situations will arise wherein an employee will not know in advance that time off work will be necessary. It is for this reason that all eligible employees are granted a maximum of sixteen hours of personal leave each calendar year.

**702.2** Regular full-time and regular part-time Governmental and Enterprise Employees are eligible for personal leave. Regular full-time employees will receive sixteen (16) hours of personal leave per calendar year. Regular part-time employees will be granted eight (8) hours of personal leave per calendar year.

**702.3** Eligible employees who begin work during a given year will receive personal leave on a prorated basis.

**702.4** Personal leave will be granted to eligible employees on January 1 of each year.

**702.5** Any personal leave not used by December 31 of a given year will be lost and not compensated. Nor will unused personal leave be compensated for at the time of termination of employment or retirement. Personal Leave will transfer between all entities under BMBH, BMGA, and BMIC.

**702.6** Personal leave does not require two (2) days advance approval, but an employee must notify his/her supervisor of his/her absence as soon as possible, at a minimum one (1) hour before the start of their shift. Failure to give adequate notice may result in the request being denied.

**702.7** It is advised that an employee use personal leave judiciously, as it is intended for unforeseen situations, not as a form of annual leave.

**702.8** Employees found abusing the personal leave policy will be subject to disciplinary action, up to and including termination under Section 400, Disciplinary Procedures.

## 703 JURY AND WITNESS DUTY

**703.1** The employer encourages employees to fulfill their civic responsibilities by serving jury/witness duty when required. Jury/witness duty pay will be calculated on the employee's pay rate times the number of hours the employee would otherwise have worked on the day of absence, minus the amount of compensation the employee receives for being a juror/witness. Regular full-time and regular, part-time employees qualify for paid jury/witness duty leave.

**703.2** If an employee is required to serve jury/witness duty beyond the period of paid jury/witness duty leave, he or she may use any available paid time off (for example, vacation benefits) or may request an unpaid jury/witness duty leave of absence.

**703.3** Each employee must show the jury/witness duty summons to his or her supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits with his or her Department Managers approval.

**703.4** Either the employer or the employee may request an excuse from jury/witness duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

**703.5** Insurance benefits will remain in effect and unchanged for the full term of the jury/witness duty absence.

**703.6** Accrual for benefits calculations, such as vacation, sick leave, or holiday benefits, will not be affected during unpaid jury/witness duty leave.

**704 BEREAVEMENT LEAVE** *(Revised 3/8/22, 6/8/26)*

**704.1** Employees are eligible for paid bereavement leave in the event of a death of an immediate family member.

**704.2** If an employee wishes to take time off due to the death of an immediate family member, the employee must notify his or her supervisor immediately. Up to 32 hours paid bereavement leave can be granted to allow the employee to attend the funeral services and make any necessary arrangements associated with the death.

**704.3** The employer defines immediate family in such a case as the:

1. Employee's spouse,
2. Employee's parents/step-parents
3. Employee's brother's/sisters/step-siblings
4. Employee's children/step-children
5. Employee's father-in-law/mother-in-law,
6. Employees grandparent's/great-grandparents
7. Employee's grandchildren/great-grandchildren
8. And/or any person whose financial or physical care is the principal responsibility of the employee.
9. Long-Term partners

**704.4 Note:** Bereavement leave is a benefit the employer provides its employees to assist in their time of need. Bereavement leave, under normal circumstances, is provided only for time off to attend funeral services that fall on the employee's regular scheduled days. Bereavement leave is subject to management approval.

**704.5 If** the approved bereavement leave is insufficient, or the employee is not eligible for bereavement leave under the immediate family definition, the employee may request other paid or unpaid leave to attend the funeral or make arrangements.

**704.6** Annual leave may be approved by an employee's immediate supervisor without the usual advance notice to allow an employee to attend the funeral of an individual not listed in Section 704.3.

**705 EDUCATIONAL LEAVE (revised** *06/08/2026***)**

**705.1** In accordance with the guidelines set forth in this policy, the employer may provide paid educational leave of up to 6 hours per week for full-time and part-time employees who wish to pursue educational goals which improve the employee's job skills or lead to a degree. Requests will be evaluated based on a number of factors, including relative merit of the course, anticipated operational requirements and staffing considerations during the proposed period of absence.

**705.2** Educational leave is up to the discretion of and must be approved by the Department Manager. The employee must provide a class schedule to their Department Manager at the start of the course. Proof of attendance may be required.

705.3 Educational leave will not be approved for asynchronous courses that do not have a set meeting time.

**706 MEDICAL LEAVE** *(revised 8/10/2026)*

**706.1** The employer will provide unpaid medical leave to full-time and part-time employees who are temporarily unable to work due to an illness or injury.

**706.2** As soon as an eligible employee becomes aware of a need for medical leave of absence, he or she must provide their Department Manager a satisfactory statement from an approved health care provider that verifies the existence and nature of the illness or injury. The statement will contain the approximate date the leave is expected to begin, its anticipated duration, and the date the employee is expected to return to work. Any changes in start date, duration, and expected end date should be promptly reported to the Department Manager and the Human Resources Department. The Department Manager is responsible for completing a status change form placing the employee on Medical Leave and submitting to Human Resources within 48 hours of receipt of the satisfactory statement.

**706.3** Eligible employees will be granted Medical Leave for the period of disability, up to a maximum of 90 days. If additional time is needed, the employee must provide sufficient documentation from their licensed provider to extend their Medical Leave to their Department Manager and the Human Resources Department, for an extension of no more than 90 days. The Department Manager must complete a status change form extending the Medical Leave and submit it to Human Resources within 48 hours.

**706.4** The employer will continue to provide the employee's normal insurance benefits for the term of the medical leave, but in no case for more than 180 days.

**706.5** Accruals for benefit calculations, such as annual leave, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

**706.6** Employees returning from Medical Leave are required to provide sufficient documentation from an approved medical provider to their Department Manager verifying the employee's fitness to return to work. To the extent possible, employees will be returned to their former position or will be offered the first available comparable position for which they are qualified. The Department Manager is required to complete a status change form and submit it to Human Resources within 48 hours, along with all statements from an approved provider.

**706.7** Employees using a combination of Family Medical Leave, Paid Parental Leave, or Medical Leave, may only use a maximum of 180 days total in any rolling calendar year.

**706.8** Medical leave shall be counted from the first day the employee is absent.

**706.9** Employees must utilize any accrued sick, annual, and personal leave which will run concurrently with the Medical Leave.

**706.10** Employees who are eligible for short-term disability under 606 and want to file a claim, must meet with Human Resources to initiate the claim process. Any approved short term disability claim will run concurrent with Medical Leave. Earnings under short-term disability will be offset by any paid leave option used during Medical Leave. Department Managers must consult with Human Resources for time-keeping purposes. Short-term disability is not the same as Medical Leave.

**706.11** If an employee fails to report to work at the expiration of the approved leave period, the employer will assume that the employee has resigned.

**707 PAID PARENTAL LEAVE** *(revised 8/10/2026)*

**707.1** Bay Mills Indian Community will provide paid parental leave to eligible employees following the birth of an employee's child or the placement of a child with an employee in connection with adoption. The purpose of paid parental leave is to enable the employee to care for and bond with a newborn or a newly adopted child. This policy will run concurrently with Family Medical Leave, as applicable. This policy will be in effect for births, adoptions or placements of foster children.

**707.2** Eligible employees must meet the following criteria:

a. Have been employed with the Tribe for at least 12 months.
b. Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date the leave would begin.
c. Be a full- or part-time, regular or variable employee (temporary or seasonal employees and interns are not eligible for this benefit).

In addition, employees must meet at least one of the following criteria:

d. Have given birth to a child or maintain a parental role with the newborn child.
e. Be a spouse or committed partner of an individual who has given birth to a child. The Affidavit form can be requested from Human Resources. Marriage certificate or affidavit documenting committed partnership is required.
f. Have adopted a child, and the child is younger than 5 years old. The adoption of a new spouse's child is excluded from this policy.
g. Have court ordered guardianship placement of a minor child younger than 5 years old in your home.

**707.3** Eligible employees will receive a maximum of 12 weeks (equivalent to 84 days, including non-work days) of paid parental leave per birth, adoption or placement. Multiple births, adoption (e.g., the birth of twins or adoption of siblings), or placement does not increase the amount of paid parental leave granted for that event. In no case will an employee receive more than 12 weeks (equivalent of 84 days) of paid parental leave in a rolling 12-month period, regardless of whether more than one birth, adoption, or court ordered guardianship event occurs within that 12-month time frame. Each week of paid parental leave is compensated at 100 percent of the employee's regular, straight-time weekly pay. Paid parental leave will be paid on a biweekly basis on regularly scheduled pay dates.

**707.4** Approved paid parental leave may be taken at any time during the 6-month period immediately following the birth, adoption, or court ordered guardianship placement of a child with the employee. Paid parental leave may not be used or extended beyond this 6-month time frame.

**707.5** In the event of an employee who has given birth, paid parental leave will run concurrent with any short-term disability leave/benefit provided to the employee for the employee's own medical recovery following childbirth.

**707.6** Employees must take paid parental leave in one continuous period of leave and must use all paid parental leave during the 6-month time frame. Any unused paid parental leave will be forfeited at the end of the 6-month time frame.

**707.7** Upon termination of the individual's employment at the Tribe, he or she will not be paid for any unused paid parental leave for which the employee may have been eligible.

**707.8** Paid parental leave taken under this policy will run concurrently with leave under the Family Medical Leave policy and the leave will be counted toward the 90 days of available Family Medical Leave. All other requirements and provisions under the Family Medical Leave policy will apply. Please refer to the Family Medical Leave policy for further guidance.

**707.9** Accruals for benefit calculations, such as annual, sick, and holiday leave will be suspended during the paid parental leave and will resume upon return to employment. Personal leave will not be affected.

**707.10** The employer will continue to provide the employee's normal insurance benefits for the term of the Paid Parental Leave.

**707.11** If a recognized holiday occurs while the employee is on paid parental leave, the holiday will be recorded as holiday pay. Holiday pay will not extend the total paid parental leave period. If inclement weather, administrative leave, or other closure occurs while the employee is on paid parental leave that time will be recorded as paid parental leave and will not extend the total paid parental leave period.

**707.12** The employee will provide their supervisor and the Human Resource Department with notice of the request for leave at least 45 days prior to the proposed date of the leave (or if the leave was not foreseeable, as soon as possible). The employee must complete the Paid Parental Leave Request Form and provide all documentation as required by the HR department to substantiate the request.

**707.13** As is the case with all Tribal policies, the organization has the exclusive right to interpret this policy.

**707.14** Employees using a combination of Family Medical Leave, Paid Parental Leave, Medical Leave, and Leave of Absence may only use a maximum of 180 days total in any rolling calendar year.

7**07.15** Employees who are eligible for short-term disability under 606 and want to file a claim, must meet with Human Resources to initiate the claim process. Any approved short term disability claim will run concurrently with Paid Parental Leave and will not extend the paid parental leave period. Earnings under short-term disability will be offset by any paid leave option used during Paid Parental Leave. Department Managers must consult with Human Resources for time-keeping purposes. Short-term disability is not the same as Paid Parental Leave.

**707.16** If an employee fails to report to work at the expiration of the approved leave period, the employer will assume that the employee has resigned.

## 708 MILITARY LEAVE

**708.1** A leave of absence without pay will be granted to any employee who is conscripted or called into active duty by a reserve branch of the United States armed services.

**708.2** The employee will be reinstated with full seniority to his or her former position or to a comparable position if application for re-employment is made within 90 calendar days of the date of an honorable discharge or the date of release from hospitalization following discharge.

**708.3** Any employee who is a member of a reserve component of the armed forces will be placed on unpaid leave for his or her annual two-week training duty. Benefit programs will be unaffected, and the employee may elect to use any vacation entitlement for the absence. Training leaves will not normally exceed two weeks per year, plus reasonable travel time.

**709 LEAVE OF ABSENCE** *(revised 8/10/2026)*

**709.1** In accordance with the guidelines set forth in this policy, the employer may provide an unpaid leave of absence to employees who wish to take time off from work duties to fulfill personal obligations.

**709.2** Leaves of absence may be granted for a period of up to 30 calendar days. All requests must be in writing and approved by Department Manager. The Department Manager is responsible for completing a status change form placing the employee on leave and reporting to Human Resources.

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

**709.4** Accruals of benefit calculations, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

**709.5** Medical and disability benefits will be paid by the employer for the duration of the leave of absence.

**709.6** To the extent possible, employees returning from a leave of absence will be returned to their former position or will be offered the first available comparable position for which they are qualified.

**709.7** An employee currently on a leave of absence may request early termination of the leave. The granting of such requests is at the discretion of Department Manager.

**709.8** If an employee fails to report to work at the expiration of the approved leave period, or make appropriate arrangements with their Department Manager and Human Resources, the employer will assume that the employee has resigned.

**709.9** The granting of all leaves of absence will be upon review of each individual request and a decision will be made on a non-precedent setting basis.

**709.10** Leave of absences cannot be extended beyond 30 days.

**709.11** Employees using a combination of Family Medical Leave, Paid Parental Leave, Medical Leave, and Leave of Absence may only use a maximum of 180 days total in any rolling calendar year.

**710 FAMILY MEDICAL LEAVE (***revised 8/10/2026)*

**710.1** The Bay Mills Indian Community recognizes the Family Medical Leave Act of 1993. As an expression of our sovereign status, Bay Mills Indian Community will provide leave protections that mirror or exceed the protections of the Family Medical Leave Act of 1993 as described within this policy.

**710.2** The intent of this policy is to provide job protection to employees who need to miss work for extended periods of time for personal medical needs or the medical needs of their family members.

**710.3** Employees who have worked for Bay Mills Indian Community at least 12 months and have worked at least 1250 hours in the previous twelve months, are covered by the provisions of this policy.

**710.4** Eligible employees will be granted leave for the period of the disability, up to a maximum of 90 days. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 90 days. The following reasons are allowable under this policy:

A. To care for a child upon birth or upon placement for adoption or foster care;

B. To care for a parent, spouse, or child with a serious health condition; or

C. When an employee is unable to work because of a serious health condition.

**710.5** When Family Medical Leave is requested for the reasons listed above, the employee must provide documentation to their manager from a medical provider indicating the need to be absent from work. The documentation must include a start date, an expected return to work date, and any restrictions or accommodations the employee may need upon their return to work. Additional documentation establishing the family relationship or proof of foster care placement or adoption may be required. The Department Manager is responsible for completing a status change form placing the employee on leave and reporting to Human Resources immediately.

**710.6** The employer will continue to provide the employee's normal insurance benefits for the term of the medical leave, but in no case for more than 180 days. If an employee does not return to work at the end of his or her Family Medical Leave, the employee may be liable for repayment of all employer paid benefits during the Family Medical Leave.

**710.7** Family Medical Leave may be taken on an intermittent basis or on a reduced leave schedule when medically necessary. Medical certification is necessary when the treatment for a serious health problem is best accommodated by intermittent or reduced leave. Employees must request intermittent leave with their department managers and provide a completed certification form. Managers are required to consult with and forward documentation to Human Resources immediately.

**710.8** Family Medical Leave is unpaid, whether the employee is exempt or non-exempt. Pay will be reduced by the amount of time on intermittent Family Medical Leave, whether the employee is exempt or non-exempt.

**710.9** Family Medical Leave shall be counted from the first day the employee is absent. The Department Manager must complete a status change form and submit to Human Resources immediately.

**710.10** Employees must utilize any accrued annual, sick, or personal leave which will run concurrently with the Family Medical Leave.

**710.11** Short- and long-term disability is independent of Family Medical Leave.

**710.12** Accruals for benefit calculations, such as annual leave, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to employment.

**710.13** Employees returning from Family Medical Leave are required to provide a physician's verification of the employee's fitness to return to work before they may resume any work duties. To the extent possible, employees will be returned to their former position or will be offered the first available comparable position for which they are qualified.

**710.14** Employees using a combination of Family Medical Leave, Paid Parental Leave, Medical Leave, and Leave of Absence may only use a maximum of 180 days total in any rolling calendar year.

**710.15** Employees who are eligible for short-term disability under 606 and want to file a claim, must meet with Human Resources to initiate the claim process. Any approved short term disability claim will run concurrent with Family-Medical Leave. Earnings under short-term disability will be offset by any paid leave option used during Family-Medical Leave. Department Managers must consult with Human Resources for time-keeping purposes. Short-term disability is not the same as Family-Medical Leave.

**710.16** If an employee fails to report to work at the expiration of the approved leave period, the employer will assume that the employee has resigned.

**711 EMPLOYEE BIRTHDAY LEAVE** *(Revised 06/08/2026)*

**711.1** All full-time and part-time employees are eligible to receive a day off with pay for their birthday.

**711.2** Birthday leave requests are subject to approval by an employee's manager based on operating requirements. All requests for birthday leave must be submitted in writing to an employee's manager at least one week in advance of the requested day off.

**711.3** The paid birthday equivalent to 8 hours can be taken within the pay period of the actual birthday date. Employees who do not request birthday leave, or use within the pay period of their birthday, will lose it.

**711.4** Employees are not eligible for birthday leave until they are (18) eighteen or provide proof of graduation to the department manager.

**712 DONATED LEAVE** *(revised 3/11/2024, revised 8/10/2026)*

**712.1** Bay Mills recognizes that employees may have medical emergencies, resulting in the need for additional time off in excess of their available sick/personal time. To address this need, all eligible employees will be allowed to donate accrued leave from their current balance to the donated leave bank.

**712.2** Employees can donate up to 50% of their current annual or sick leave balance any time during the first, second, and third quarters of the year. Terminated employees or employees who have given their notice of resignation are not eligible to donate sick or annual leave.

**712.3** Donated leave will be converted to an hourly rate of the employee donating the leave rate when allocated to the donated leave bank.

**712.4** All non-probationary, regular full-time (30-40 hours scheduled) and regular part-time (20-29 hours scheduled) employees are eligible to request leave from the donated leave bank.

**712.5** Employees can request donated leave using the "Request for Leave Form". All requests must be submitted in writing to their department manager and approved by executive management. All requests must be reviewed by Human Resources to confirm eligibility prior to receiving donated leave.

**712.6** Employees must have currently exhausted all their leave and be on approved Medical or Family Medical Leave (FML) to qualify for donated leave.

**712.7** Employees can receive a maximum of 160 hours of donated leave in any rolling calendar year.

**712.8** Human Resources will be responsible for the communication and administration of the donated leave bank.

**712.9 DECLARED EMERGENCIES:** During periods of Federal, State, or Tribal declarations of emergency, the Tribe recognizes the need to protect the wellbeing of its members, employees, patients and patrons. In the event of any declared emergency, the Tribe may modify the manner of implementation of this policy and grant leniency.

**712.10** Earnings under short-term disability will be offset by any amount of donated leave used.

## 800 WORK SCHEDULES

**800.1** Work schedules will be set by an employee's immediate department manager according to operating requirements. Employees may not alter their set work schedule without the written permission of their department manager.

**800.2** Employees requesting to switch or change their schedule must have prior approval from their department manager.

**801 WORK HOURS** *(Revised 3/28/22, revised 08/10/2026)*

**801.1** The normal full-time work schedule for all employees is 40 hours a week, or 80 hours a pay period. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

**801.2** Each employee's work schedule will be set by his or her department manager according to the needs of the Tribe and the Enterprise.

**801.3** Non-exempt employees must be paid overtime, for any hours worked over 40 hours in a week, or 80 hours in a pay period for Law Enforcement. Paid leave, holidays, paid lunches, or other leave time does not count towards hours worked. Law Enforcement Captain, or their designee, may approve overtime for unscheduled hours worked in lieu of total hours worked. (See 502.17 Overtime Pay).

**801.4** Overtime must be approved by the department manager in advance of the excess hours being accumulated. Time spent traveling outside of normal working hours shall not be eligible for compensation. Non-exempt employees attending trainings shall be compensated for attendance during their regular scheduled work hours.

**802 MEAL AND BREAK PERIODS** *(Revised 3/28/22)*

**802.1** Full and part-time employees who are scheduled to work six or more hours on a given day will receive a thirty (30) minute meal period. Governmental employees must work at least 6 hours in a workday to receive a 30-minute paid meal period. Governmental employees must punch out when they leave the workplace for non-work related purposes or take a lunch break. All Government Departments do not qualify for paid lunch. Those department directors will communicate their internal policies to their staff.

**802.2** Meal periods will be scheduled by an employee's immediate supervisor according to operating requirements.

**802.3** Employees should be relieved of all active responsibilities during meal periods.

**802.4** Unless requested or approved by a manager, an employee will not receive additional compensation for time worked through a meal period.

**802.5** Only Enterprise Employees are eligible for the employee paid or reduced cost employee meals provided by management. Only Enterprise Employees may use the enterprise employee breakrooms.

## 803 TIMEKEEPING

**803.1** Accurately recording time worked is the responsibility of every employee. Federal regulations require the employer to keep an accurate record of time worked. Time worked is all the time actually spent on the job performing assigned duties.

**803.2** The employee must comply with the timekeeping system implemented by the employer. Failure to properly comply with the requirements of the timekeeping system can result in disciplinary action.

**803.3** All employees must record their time through use of a time clock, unless otherwise stated by the Executive Council.

**803.4** Employees must punch in and out at the beginning and end of their scheduled shift. Employees must punch out and in if they leave the workplace for non-work related purposes, including lunch. Employees must have approval from their department manager to leave the workplace for non-work related purposes during their scheduled shift. Failure to properly utilize the time clock can result in disciplinary action.

**803.5** Tampering, altering, falsifying time records or recording time on another employee's time record may result in disciplinary action, up to and including discharge.

**803.6** Managers must ensure that an employee’s timecard is audited and all leave accruals inputted, prior to signing off and submitting to payroll each pay period. Unless notified otherwise, the deadline for this is Monday at 10 AM of a payroll week.

## 804 OUTSIDE EMPLOYMENT

**804.1** An employee may hold a job with another Employer as long as their manager determines no conflict exists or he or she satisfactorily performs his or her job responsibilities with the Bay Mills Indian Community. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of outside work requirements.

**804.2** If the employer determines a conflict of interest exists or that an employee's outside work interferes with performance or the ability to meet the requirements of the organization, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with the Tribe.

**804.3** All requests are subject to management discretion and approval, as well as any potential contract restrictions.

## 805 SAFETY

**805.1** Establishment and maintenance of a safe work environment is the shared responsibility of the employer and employees from all levels of the organization. The employer will attempt to do everything within its control to assure a safe environment and compliance with federal and local safety regulations. Employees are expected to obey safety rules, wear safety equipment provided, and exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the organization are expected to report or correct unsafe conditions as promptly as possible.

**805.2** All accidents that result in injury must be reported to your manager, as well as the proper documentation completed and reported to the safety department, regardless of how insignificant the injury may appear.

**805.3** Employees working in positions that have access to or use harmful chemicals are required to know the location and familiarize themselves with the Material Safety Data Sheets (MSDS) provided for each chemical they use while employed with the Tribe.

## 806 SECURITY INSPECTIONS

**806.1** The employer wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other prohibited items. To this end, the employer prohibits the control, possession, transfer, sale, or use of such materials on its premises. The employer requires the cooperation of all employees in administering this policy.

**806.2** Desks, lockers, and other storage devices that may be provided for the convenience of employees remain the sole property of the employer. Accordingly, management can inspect these areas at any time, either with or without prior notice. Law Enforcement should be contacted if there is reasonable suspicion of illegal activities.

## 807 USE OF PHONE, COMPUTER AND MAIL SYSTEMS

**807.1** The Tribe discourages the use of company phones, email and mail systems for personal use. The department manager may set further departmental restrictions on acceptable use within his or her department. All usage must be professional and comply with other tribal policy guidelines.

**807.2** The use of employer-paid postage for personal correspondence is not permitted.

## 808 SOCIAL MEDIA POLICIES

**808.1** Bay Mills Indian Community recognizes that many of its employees use social networking sites such as Facebook, Twitter, LinkedIn, YouTube and MySpace, to name a few. However, employees' use of social media could become a problem if it:

- Interferes with the employee's work
- Is used to harass or discriminate against co-workers or our clients
- Creates a hostile work environment
- Divulges confidential information about our agency or our clients; or
- Harms the goodwill and reputation of our organization.

As a result, employees are encouraged to use social media within the following guidelines. If one is uncertain about the appropriateness of a social media posting, check with the appropriate manager.

**Social Media Guidelines:**

- Do not post any comment or picture involving an employee or patron of our organization without their express consent.
- Unless given written consent, an employee may not use the Bay Mills logo or any organizational material in social media posts.
- All postings on social media must comply with the Bay Mills policies on confidentiality and disclosure of proprietary information. If an employee is unsure about the confidential nature of information he or she is considering posting, consult the appropriate supervisor, or whoever is in charge of these matters.
- Do not link to the organization's website or post any organizational material on a social media site without written permission from management.
- Do not post any negative comments or picture involving any Tribal entity, Tribal management personnel, or the Tribal Council.
- If an employee posts photographs, comments or other information about patrons or co-workers that are construed as being defamatory, harassing, and libelous, could create a hostile work environment and/or disrupt the operations of the Tribe, the employee will be subject to disciplinary action up to and including the immediate termination of employment.

**808.2** A “tribal social media account” is a social media account, page, group, or platform administered on behalf of the Tribe, Tribal Business, Tribal Department, or Tribal Program. This policy applies to all of Bay Mills Indian Community’s entities, including Bay Mills Gaming Authority and the Bay Mills Business Holdings.

Any request to create a social media page, group, or account associated with a Bay Mills program must be submitted to and approved by Executive Management. Bay Mills Indian Community’s Media Consultant

must be added as an administrator on all tribal social media accounts upon approval of the account from Executive Management.

All content visible on a tribal social media account or that can be accessed through the social media account shall comply with the terms of use and/or terms of service of the hosting website, this policy, applicable standard operating procedures, any guidelines created by the entity and any other applicable tribal, state, or federal laws. Content on a tribal social media account shall be professional, courteous, and respectful.

The following content shall not be posted on a tribal social media account, either by an administrator or a guest:

(a) Content that promotes personal purposes, including, but not limited to:

1. campaigning activities for the purpose of endorsing a political candidate.
2. soliciting business opportunities, customers, goods or money for personal benefit.
3. promoting or advertising a company, organization, product or service.

However, this section shall not prohibit the posting of impartial, objective information about a company, organization, product or service.

(b) Content that condones drugs, illegal activity, illegal use of weapons, violence, obscenity or inappropriate nudity.
(c) Content that invades a person’s privacy.
(d) Content that is copyrighted, patented or trademarked or that was created by another, unless the proper authorization to post such content has been received.
(e) Content that could be construed as speaking on behalf of Bay Mills Indian Community, except as authorized by Executive Management.
(f) Content that reveals proprietary, sensitive, or confidential information of the Tribe, or any Tribal Business, Tribal Department, or Tribal Program.

## 809 SMOKING

**809.1** To provide and maintain a safe and healthy work environment for all employees, it is the policy of the Tribe to prohibit the use of all commercial tobacco and smoking products, including chewing tobacco and electronic cigarettes (E-cigarettes) on all company premises except in designated areas.

**809.2** Smoking is prohibited in all of the non-designated areas within the Tribal work sites, without exception. This includes common work areas, departments, facilities, conference and meeting rooms, private offices, hallways, stairs, restrooms; employer owned or leased vehicles, and all other enclosed facilities or non-designated areas.

**809.3** Smoking breakrooms and outdoor smoke areas may be designated at the Tribes discretion. While the Tribe may make these areas available to smokers, it in no way has any legal responsibility to do so. Employees who choose to use these smoking areas do so at their own risk.

**809.4** Outdoor designated smoke areas are assigned by the Department Managers of each facility. To ensure consistency, managers working within facilities with more than one department should coordinate and assign one outdoor area.

**809.5** No additional breaks beyond those allowed under the Tribes break or leave policy (***may be taken without prior approval***), for the purpose of using tobacco products.

**809.6** Employees using tobacco products in the designated areas must dispose of the remains in the proper containers. Failure to comply with all of the components of this policy will result in disciplinary action that can lead up to and include employment termination.

## 810 REMOTE WORK

**810.1** Remote work may allow an opportunity for employees to work at home, on the road or in a satellite location. Bay Mills Indian Community (BMIC) considers remote work to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Remote work may be appropriate for some employees and jobs, but not for others. It is the policy of the Bay Mills Indian Community to permit employees to utilize remote work arrangements where they elect to do so, to the extent it is consistent with this policy. Management will make the determination about which positions are eligible for remote work arrangements. Management must communicate that decision, in writing, with the assistance of Human Resources (HR).

Some employees may be better prepared than others to manage the unique requirements of remote work. When evaluating a remote work request, supervisors should consider whether the employee has a record of satisfactory performance in the workplace and has demonstrated the ability to:

1. Prioritize work to meet deadlines
2. Accomplish job duties with minimal supervision
3. Communicate effectively with clients, stakeholders, and team members
4. Manage time effectively

Supervisors and Managers must presume that an eligible employee has the capability to adequately work at least 20% of their regularly scheduled hours under a remote work arrangement for the trial period described in Section 810.3. If a supervisor, or Manager, denies an employee's request to work remotely, that decision must be communicated to the employee in writing.

**810.2** Temporary remote work arrangements may be approved for circumstances such as inclement weather, special projects, or business travel. All temporary remote work arrangements are made on a case-by-case basis, focusing first on the needs of the Tribe. Remote work will not be granted in cases where an employee is on an approved medical leave as the employee should be relieved of all duties during medical leave. In cases of personal illness or injury, the employee is strongly encouraged to utilize paid leave options first, but may be approved for remote work based on the needs of the tribe and if the employee is well enough to perform work.

**810.3** A signed agreement between managers and employees is required before an employee is permitted to work from a non-office location on a recurring basis. Managers and employees should determine short-term and long-term goals, and should meet regularly to discuss progress and results.

Employees utilizing a remote work arrangement must follow the performance evaluation process in section 301; and, a six-month performance evaluation must be provided in writing to evaluate the effectiveness of the individual working remotely, as indicated in section 301.2. Similarly, the performance evaluations should include any specific criteria deemed appropriate relating to remote work, such as: responsiveness; one's ability to work remotely; and the criteria set forth in section 810.1.

**810.4** Managers should ensure remote employees have identified and implemented the following as part of the remote work agreement:

1. Choose a quiet and distraction-free working space;
2. Have an internet connection that's adequate for the job;

3. Ensure that other employees in the organization, and people from outside the organization, have the ability to consistently reach the employee;
4. Dedicate his or her full attention to the job duties during working hours;
5. Adhere to break and attendance schedules agreed upon with his or her manager;
6. Ensure the work schedule overlaps with other team members in the department for as long as is necessary to complete job duties effectively.

**810.5** BMIC will provide remote work employees with equipment that is essential to their job duties, such as laptop computers, VPN access, and other supplies and equipment. Non-essential equipment (e.g. home internet access and a personal phone) will not be provided by the employer, but will be required for remote work. Department Managers will determine what equipment is deemed essential based on employee position responsibilities. Equipment supplied by the organization is to be used for business purposes only. Any supplies or equipment purchased for remote work will require written approval before the purchase is made. Purchases can then be formally approved using a miscellaneous reimbursement form and a check request.

**810.6** Remote working employees must follow all company policies and procedures as if working from an office-based setting. Furthermore, employees are expected to attend in person meetings when requested by Administration. Managers and Supervisors are encouraged to use telephone and video conferencing as an alternative to in-person meetings for remote workers.

**810.7 Consistent** with the organization's expectations of information security for employees working at the office, remote working employees will be responsible for ensuring the protection of confidential and/or proprietary information accessible from a home office. Steps to protect this information may include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

**810.8 Remote** work employees are required to accurately record all hours worked using the Kronos time-keeping system.

**811 BREASTFEEDING POLICY** *(revised 1/24/22)*

**811.1** Breastfeeding has been shown to be the superior form of infant nutrition, providing a multitude of health benefits to both infants and mothers. The Bay Mills Indian Community, and all its entities, support and promote a breastfeeding-friendly work environment to enable mothers to breastfeed or express their milk during work hours.

Bay Mills Indian Community expects employees and management to have a positive and supportive attitude toward employees who need to breastfeed or express milk during the workday. Discrimination against and harassment of lactating employees in any form is unacceptable.

**811.2** The frequency, duration and timing of lactation breaks will vary between individuals. Employees who wish to breastfeed their infants or express milk during scheduled work hours should work directly with their departmental manager to develop an agreed upon flexible work schedule that minimizes workplace disruption. Where possible, lactation breaks are to be provided as time off without requiring the use of employee paid leave time. Flexible work schedules agreements may include:

A. Flexible schedules;
B. Extended break periods;
C. Paid or unpaid leave if needed beyond breaks;

**811.3** Managers must make reasonable efforts to provide location accommodations close to the employee's work area where they can privately breastfeed or express breastmilk. At minimum, designated areas should include:

A. A safe, clean, private location;
B. Must have ability to be locked and free from intrusion;
C. An electrical outlet;
D. Comfortable chair;
E. Nearby access to running water.

Employees may, if available, use their private office area for breastfeeding or milk expression, if they prefer. Where suitable workplace facilities are not available on-site, the employee and their manager should discuss suitable alternatives and agree on the most appropriate arrangement.

**811.4** The duration of breastfeeding and lactation is the personal and individual choice of the employee. Thus, the Bay Mills Indian Community will continue to support and accommodate the lactating employee for as long as the employee chooses to express breast milk for their child.

**811.5** Employees may use their own cooler packs to store expressed breastmilk, or may store milk in a designated refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date.

**811.6** Accommodations made between the employee and management regarding flexible work options and designated areas should be documented in writing by management, signed by both parties, and placed in the employee's personnel file

## 812 MINORS IN THE WORKPLACE (*revised 10/16/2024)*

**812.1** Bay Mills Indian Community recognizes and provides safety for minors in the workplace by ensuring employment is not detrimental to the minor's health or safety, the minor is adequately supervised, and employment does not interfere with the minor's education. Minors will also be treated fairly regardless of race, color, national origin, religion, sex, or sexual orientation.

**812.2 Age of Minors:** Minors are defined as an individual under the age of 18-years-old.

**812.3 Work Permits:** Each minor child employed with Bay Mills Indian Community must have a work permit. Work permits are available at https://www.michigan.gov/leo/bureaus-agencies/ber/wage-and-hour/work-permits and from most schools or their administrative offices. If a minor changes jobs, a new work permit is required for the new employer. A work permit may be taken away for poor academic performance or an employer's non-compliance with governing regulations.

**812.4 Hours of Work:** A minor may not work during school hours while school is in session. Minors aged 14- and 15-years-old combined hours of school and work cannot exceed 48 hours in a workweek. Furthermore, 14- and 15-year-old minors may not work before 7:00 am or after 9:00 pm. Minors aged 16- and 17-years-old may work twenty-four (24) hours per week when school is in session, and 48 hours per week when school is not in session. Minors are limited to working no more than 10 hours a day, with a weekly average of eight (8) hours per day. A minor may not work more than six (6) days a week.

**812.5 Breaks and Lunch Periods**: Workers less than 18 years old may not work more than five (5) hours without a 30-minute uninterrupted break. A minor should receive the same number of breaks an adult would be given in the same position, including two fifteen-minute breaks and one-half hour lunch during an eight (8) hour workday.

**812.6 Minors employed in workplaces involving alcohol/cannabis:** Minors aged 14- to 17-years-old may be employed in a business where alcoholic beverages are sold or consumed if the sale of food or other goods is at least 50% of the total gross receipts. Minors under the age of 17-years-old cannot sell, serve, or supply alcoholic beverages. Employing minors within the cannabis industry is strictly prohibited.

**812.7 Hazard Workplace Restrictions:** A minor's safety should be considered when they are employed with Bay Mills Indian Community. Employers shall not employ minors to perform certain job tasks, such as serving alcohol or selling cannabis. Prohibited tasks may include but are not limited to working on scaffolding, operating power machinery (except office equipment and some lawn maintenance equipment), contact with hazardous substances (except household cleaning solutions), chemicals, explosives, or radioactive substances, jobs in logging or sawmills, jobs using woodworking machinery, work on construction sites, excavation sites, bridges, streets, or highways. Minors are also prohibited from slaughtering, butchering, cutting meat, or using meat slicers.

**812.8 Safe Supervision of Minors:** A minor may not be employed unless the employer or another employee 18-years-of-age or older provides supervision. Supervision means being on the premises to direct and control the work of minors and to assist in case of an emergency. Other employees and supervisors should avoid being alone with a minor by having another adult or another minor in the room. The supervisor should make every effort to have another individual present when meeting with a minor, but if one-to-one interaction must occur, individuals should meet in open spaces, well-illuminated spaces and spaces with windows.

**812.9 Interactions with Minors:** Interactions with minors will follow Bay Mills Indian Community's Anti-Harassment Policy. Adults will not permit any of the following interactions between or with minors:

A. Bullying;
B. Hazing;
C. Derogatory name calling;
D. Ridicule or humiliation;
E. Truth or dare or similar games;
F. Prohibited touching;
G. Use vulgar or excessive Profanity;
H. Tell off-color jokes or banter;
I. Discuss personal problems or sexual experiences;
J. View sexually suggestive material or make those materials available to minors;
K. Comment on other people's bodies;
L. Use alcohol or narcotics or offer alcohol or narcotics to minors.

**812.10 Physical Contact with Minors**: Physical contact with minors is NOT permitted.

A. Any intended affection unwanted by the minor is prohibited.
B. Any touching of a sexual nature is prohibited.
C. Any touching conducted in private is prohibited.

**812.11 Any person violating these policies with a minor may be immediately dismissed.**

**812.12 Disciplining Minors:** A supervisor or manager must have another adult employee with them when interacting with minors regarding disciplinary actions or notices. Any minor who works for Bay Mills Indian Community must follow the employee policies and procedures set forth by the organization.

**812.13 Outside Contact with Minors:** Bay Mills Indian Community recognizes that relationships exist outside of the workforce and that employees may have family members who are minors in the workplace. Employees who are not related to a minor should limit their contact outside of the workplace to a professional nature.

**900 TRAVEL POLICIES** *(revised 6/9/2025)*

**900.1** Bay Mills Indian community hereby establishes the following policy to provide for reimbursement to employees for reasonable and necessary travel costs incurred in the performance of their duties.

**900.2 ALLOWABLE EXPENSES:** Bay Mills Indian Community will reimburse the employee for amounts incurred for reasonable travel expenses when required by an employee's position. This may include transportation costs, (i.e., mileage, bridge fare, coach airfare, bus, or taxi fees) overnight accommodations, meals (minus ones provided at the training/conference), and parking. It is required that employees travel in the method most advantageous to the Tribe. Employees bringing family with them are only eligible for reimbursement for a single occupancy rate.

**900.3 MILEAGE**: Credit will be given for mileage when an employee uses his or her own vehicle in the performance of duties, if a Tribal vehicle is unavailable. A Tribal vehicle must be the first option for travel. An employee may elect to use their personal vehicle for travel even when a Tribal vehicle is available; mileage will be calculated at the GSA reimbursement rate described as "If government-furnished automobile is authorized and available." If more than one employee is traveling to the same destination they are encouraged and expected to travel in the same vehicle unless otherwise authorized by management. Mileage to Chippewa County International Airport (CIU) will be calculated at a standard 50 miles roundtrip. Only one person per vehicle will be reimbursed for the mileage. The rate of reimbursement for mileage is determined by the Bay Mills Indian Community Executive Council. Information on rates and effective dates are available on the GSA website, www.gsa.gov/perdiem

**900.4 PER DIEM ALLOWANCE:** In lieu of actual expenses incurred, an employee may be reimbursed for away-from-home expenses using the per diem rates from the GSA website in following scenarios:

A. Single Day Travel: When the total round trip travel occurs within one day, fifty percent (50%) of the destination's per diem rate will be provided to each traveler. To receive this amount, the destination, one way, must be 100 miles or more from Bay Mills. This distance must be confirmed with the documentation provided with the travel form, such as map quest or other sources that provide travel distance to a destination. Travel that is within 100 miles of Bay Mills in a single day won't receive any per diem.
B. Multiple Day Travel: Travel that requires an overnight stay, or multiple days of travel, will provide the employee with 75% per diem for the first and last days of travel and 100% for any day in between.
C. Extended Travel: When a travel period exceeds two weeks, where room and board are provided at no cost to the employee, the employee will be reimbursed for daily incidentals of ($5.00).

**900.5 DOCUMENTATION:** Adequate documentation (all receipts) of the business and time away-from-home, including training agenda and MapQuest information, or another source of documentation verifying mileage, must be provided with the travel form. The mileage print-out should use a work address and the actual address of the travel destination that will be submitted with the BMIC Travel Statement Form before it is approved. If receipts are not submitted for ALL expenses, the employee will not be reimbursed for missing receipts.

**900.6 USAGE OF COMPANY CREDIT CARD:** Employees will not be reimbursed for travel costs incurred when using the company credit card.

A. An employee may use the company credit card to reserve/book lodging, airfare, and registration/conference fees.

B. Employees are not allowed to use company credit card to pay for food, and be reimbursed for the difference of the per diem rate and actual cost of meal.
C. Employees are not allowed to use the company credit card to pay for gas and then be reimbursed for the difference of the mileage and actual cost.

**900.7 TRAVEL APPROVAL PROCESS:** The following process should be followed when requesting travel and returning from traveling:

A. The Travel Authorization and Travel Advance Request form must be filled out before any travel is conducted on behalf of the Tribe. The form must be filled out completely, according to the instructions included in Appendix A. Such information must include the appropriate receivable account, obtained from Accounting. The receivable account number is unique to each employee and won't change on future travel.
B. Specific details about the proposed travel must be included in the information box, including the applicable budget the travel will come from to verify available funds.
C. Travel advances will be allowed for 90% of the estimated cost of travel, rounded up to the nearest dollar.
D. A check request form must also be included with the Travel Authorization and Travel Advance Request form and must include the same appropriate receivable account number.
E. The Travel Authorization and Travel Advance Request form shall be prepared and submitted to the employee's Department Manager for approval. Management must verify all the information is accurate and all inclusive of the necessary documents that should be included, hotel reservation information, MapQuest information, etc.
F. Management must also verify that the travel is included within budget parameters.
G. ***Travel advances must be completed and submitted to Accounting by 10AM, the Thursday before the travel date***.
H. After an individual returns from traveling, travel statements must be completed immediately after returning to work, otherwise the employee's accounts receivable will be payroll deducted to clear the balance out.
I. The Travel Statement and Travel Advance Write-Off form should be utilized to clear the remaining travel balance. Appendix A has the instructions needed to enter this information.
J. The second check request in Appendix A includes both the program to be charged and a reduction in the receivable account by the amount provided from the payroll advance. Following the information in Appendix A should help an individual clear out travel information.

**900.8 TRAVEL ADVANCES:** Employees may request travel advances to cover expenses of travel that will be incurred for the benefit of the Tribe and Department. ***Travel advances must be completed by 10AM, the Thursday before the travel date.***

**900.9 PER DIEM/MILEAGE:** Per Diem rate may change each year, please go to the GSA website for rates or contact the Accounting Department for the current mileage rate.

## 901 USE OF EQUIPMENT AND VEHICLES

**901.1** When using Tribal property, employees are expected to exercise care, maintenance, and follow all operating instructions, safety standards, laws and guidelines.

**901.2** Please notify the department manager if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair.

**901.3** The improper, careless, illegal, negligent, destructive, or unsafe use or operation of equipment or vehicles, can result in disciplinary action, including discharge.

**901.4** Tools and equipment should remain at the department or job in a secure location at the end of each shift.

**901.5** Vehicles should also remain at the department or job site, unless there is written permission that specifies otherwise. Such permission must come from the GM/Tribal Manager, Chairman, or the Executive Council.

**901.6** Using vehicles, equipment or tools for personal use is strictly prohibited.

## 902 RETURN OF PROPERTY

**902.1** Employees are responsible for all property, keys, computers, materials, or written information issued to them or in their possession or control. Employees must return all property of the employer that is in their possession or control in the event of termination of employment.

**902.2** The employer may withhold the employee's last paycheck until employer property has been returned. The employer may also take all action deemed appropriate to recover or protect its property.

## 903 EMPLOYEE RECEIVABLES

**903.1** Each employee of the Bay Mills Indian Community is assigned an employee receivable when either a payroll or a travel advance is requested. The following rules are in force for any outstanding balance that results from said request:

A. An employee's receivable will be reconciled monthly. Any outstanding balance after reconciliation will be made known to the employee with a notice from the Accounting Department. Any credit balance will be issued to the employee by check.

B. For those employees with outstanding balances, a repayment plan must be set up with the controller to clear their balance.

C. If an employee has an outstanding balance at the time of his or her termination of employment, his or her last check will go towards that balance. A check for any balance remaining after the deduction will be made out to the employee. Each supervisor must check with Accounting when terminating an employee to see if the employee has any outstanding advance.

**903.2** Tribal Members – Any payment made to a tribal member, excluding G.A., can have a percentage deducted for any outstanding receivable balance. The percentage will not exceed twenty (20) percent.

**904 CREDIT CARD POLICY** *(revised 6/28/21)*

**904.1 PURPOSE** To specify the policy regarding appropriate use of BMIC credit cards.

**904.2 STATEMENT OF POLICY** A Tribal credit card may be approved and issued to employees within BMIC, BMGA, and BMBH after a need is demonstrated by providing justification in a memorandum or email and receiving approval from the employee's supervisor and BMIC's President.

**904.3 RULES OF USE**

1. **Allowable Uses of BMIC Credit Card: Allowable** uses are those that are necessary for the employee to complete his/her tasks. A check request, with or without a purchase order, should be the primary means of making purchases and paying bills. A company credit card should only be utilized in instances where a check request isn't feasible or there isn't an automated monthly payment occurring. Some other examples would include travel, training, or repairs on a department vehicle. It is important to note that the fleet vehicles should have charges flow to the fleet fund for repairs. Employees should check with their supervisor before making a purchase, if they are unsure if a purchase falls outside of the organization's rules of use or not.

2. **Unallowable Uses of the Tribal Credit Card: Any** purchase that is made expressly for the benefit of the individual, not in the capacity as an employee, is unallowable. An example of unallowable costs would include booking an extra (personal) day at a hotel on the company credit card when traveling, outside of training/session (arrival/departure) related days. Another example of unallowable purchases is making food purchases on a company credit card and then requesting per diem on a travel form. Per diem is provided to employees for food related costs; hence, charging costs on the company card, while getting per diem, is a form of double dipping. Any purchase that could be made via check request should be done via check request to ensure the proper approvals are received ahead of the purchase being made. An employee should get approval, in writing, ahead of making any purchase that could be deemed questionable with a company credit card before making a purchase.

3. **Other Rules of Use:** Interdepartmental purchases are not allowed. Any promotional items received from the use of the credit card must be turned in to the employee's supervisor or Accounting. Reward points earned through the use of the card are property of the organization. BMIC is exempt from paying sales tax; hence, a tax exemption form should be obtained to provide the merchants that require proof of tax-exempt status.

**904.4 ROLES AND RESPONSIBILITIES** All purchases made must comply with the Procurement policy. For grant and contract related purchases, this includes getting multiple quotes ahead of formally making a purchase and contacting Grants management about conducting a vendor check annually. Employees should get a W9 from new vendors and provide a copy to Accounts Payable before making purchases.

**904.5 BMIC CREDIT CARD ADMINISTRATION The** CFO, Controller, and Accounts Payable (AP) are responsible for the overall administration of the credit card program, including:

- Keep an issuance log for all employees that have a company credit card. The log should have the employee's signature and the date the card was received on it.

- Review and process requests for new accounts after receiving approval from the President.
- The CFO/Controller will periodically review card usage and credit card statements submitted to Accounts Payable from cardholders to ensure that the policy and procedures are followed.
- Monitor compliance with the Credit card Policy and Procedure.
- Follow up on action involving noncompliance with Policy and Procedure.
- Report suspected misuse to the Executive Council and applicable manager.
- Review the Policy and Procedure with new cardholders.
- Return/Destroy cancelled credit cards.

**904.6 CARDHOLDER** The credit cardholder is solely responsible for all expenses charged to his/her assigned credit card. The liability for the expenses pass to BMIC upon submission of the approved credit card statement, with all supporting documents and approval by the immediate supervisor, to Accounts Payable during the applicable timeframe.

1. *Responsibilities*
    - The cardholder is responsible for obtaining an itemized receipt directly from the merchant for every purchase. The receipt must be included with the submission to AP to satisfy the formal approval.
    - Ensure all purchases are approved by the immediate supervisor. Travel-related purchases must be supported by a copy of an approved Travel Authorization Form. Travel forms and documentation should be sent with the CC information to allow AP to reconcile everything simultaneously.
    - Do not allow anyone else to use your credit card, <u>except in the case where a card has been issued in the name of a manager intended for departmental purchases. Authorization must be granted in advance and the department manager is ultimately responsible for appropriate use of the card.</u>
    - Secure the credit card at all times to protect it from unauthorized use.
    - Do not take the credit card off the premises, except for approved travel and purchases.
    - Use the card only for appropriate Tribal business, as outlined above.
    - When purchasing inventory to resell by BMIC, or goods described as exempt from payment of vendor, so that the BMIC Tax Agreement, obtain a Sales Tax Exemption Form to submit to the vendor, so that the Tribe is not charged sales tax.

2. *Monthly Process*
    - At the end of each month after, Accounts Payable sends a copy of the Credit Card Statement, the cardholder must:
        - Reconcile the Credit Card Statement to the purchase documentation and receipts.
        - If there is an item that is listed as purchased, but was not received, the cardholder will immediately notify Accounting and submit all necessary documentation to assist in resolving the matter.
        - On the Credit Card Submittal Form, list all purchases separately. List the vendor from whom the purchases were made, the item(s) purchased, the amount, and what

department and expense code to charge. Attach the receipts and the copy of the Credit Card Statement form.

- Date and sign the cardholder's full name on the Credit Card Submittal Form, obtain the immediate supervisor's full signature (for approval), and forward the purchases documents (payment request, receipts, and statement) to Accounts Payable by the 10th of each month or the preceding business day.
- The credit card must be returned to the supervisor or Accounting when employment ends, when it is no longer needed, or when changing positions within the Tribe.

**904.7 RECOVERY OF UNALLOWABLE EXPENSES Unallowable** charges to the credit card is the sole responsibility of the cardholder and will become a liability of the cardholder which must be paid within 30 days from the statement date:

- Failure to provide timely and appropriate documentation that verifies that a charge is for a Tribal business objective, with appropriate approval, will result in the charge being placed into the employee cardholder's Account Receivable (owed by that employee to the Tribe). If adequate documentation regarding the charge is not provided within 30 days, payroll deductions will automatically begin from the cardholder's paycheck.
- Upon the provision of proper documentation, including receipts, the charge may be reversed out of the employee's Accounts Receivable, if all the complete information is received within 60 days of the statement date.

**904.8 CARDHOLDER'S SUPERVISOR The** direct supervisor of the cardholder is responsible for these actions:

- Review and consider the employee's written request for a company credit card, based on the business needs of the department, and forward the request to the BMIC President for approval/denial.
- Review/approve each purchase request prior to the purchases occurring. The approved travel Authorization shall constitute prior approval of all reasonable and allowable travel expenditures. A travel form should be provided simultaneously for consideration.
- Review the monthly credit card statement and expense submittal and supporting documentation, to ensure all approvals were obtained and each transaction made was an appropriate purchase.
- Confirm that receipts match transaction for reported merchants, dollars spent, and that sales tax was not charged.
- Approve the Credit Card submittal with full signature and date affixed.
- Notify Accounting when a cardholder resigns, transfers, or is terminated.
- Retrieve the card when an employee's duties no longer requires a card, or when the employee departs or changes jobs, and return the card to the Accounting Department.

**904.9 ACCOUNTING DEPARTMENT Accounts** Payable receives and disperses the credit card statements each month, with the due date written on the statement. The complete statement is reviewed by the CFO/Controller. They will highlight questionable purchases for further review. When the Credit Card Submittal Form is sent to Accounts Payable for payment by the cardholder, Accounts Payable will forward the highlighted purchase documents to the CFO/Controller. A random sampling of four (4) AOT purchases will be reviewed each month by the CFO/Controller.

1. Accounts Payable has a credit card to pay some vendors and take advantage of discounts/benefits that are available. Before payment is made:
    - Accounts Payable must have all check requests reviewed by the CFO/Controller.
    - Any invoices found that do not have an approved check request attached, shall be removed from the payment request.
    - Accounts Payable shall refer the check requests to the CFO/Controller for approval of payment.
    - Upon Receipt of the approval for payment, Accounts Payable shall process the payment.

2. Employee Credit Card Submittal Forms shall be reviewed by Accounts Payable for completeness, including:
    - Check that purchases match up with submitted receipts and that all receipts are submitted.
    - Check that there are appropriate codes for payment.
    - Check that there are correct signatures on the form.
    - Have the CFO/Controller review any purchases which appear questionable.
    - Charge any missing receipt to the employee's receivable and notify the employee and applicable manager of the outstanding balance the will be sent to payroll for deductions.
    - Process Payment.

3. Any processed payment shall be provided to the appropriate Accounting Department personnel for filing.

**904.10 POLICY AND PROCEDURE EXCEPTIONS** Exceptions to the policy may be requested in writing, addressed to the Executive Council. Accounting will need meeting minutes and written authorization for a policy exception.

**904.11 POLICY VIOLATION Violating** this policy may result in disciplinary actions ranging from cancellation of the credit card to termination of employment, depending on the severity of the violation.

## 905 GENERATIVE ARTIFICIAL INTELLIGENCE USE IN THE WORKPLACE *(adopted 5/11/2026)*

**905.1** Bay Mills Indian Community recognizes that Generative Artificial Intelligence (AI) tools (e.g., Gemini, ChatGPT, Nano Banana, Midjourney, or Copilot) are becoming prevalent in the workplace. The purpose of this policy is to establish clear guidelines that prioritize the security of tribal data, the protection of cultural intellectual property, and the accuracy of government work.

Furthermore, this policy acknowledges the environmental impact of AI and encourages mindful usage to align with Bay Mills Indian Community's commitment to environmental and treaty stewardship, in reflection of Resolution No. 26-01-14B passed by the General Tribal Council on January 14, 2026. As such, Bay Mills Indian Community does not actively promote or mandate the use of AI. Instead, this policy serves to mitigate risks for employees who choose to explore these tools independently. In addition, nothing in this policy prohibits managers or directors from prohibiting the use of AI on a project or item not specifically outlined in this policy.

**905.2 This** policy applies to all employees, contractors, consultants, and volunteers of the Bay Mills Indian Community, Bay Mills Gaming Authority, and Bay Mills Business Holdings. AI is a tool, not a substitute for human judgment. Employees, contractors, consultants, and volunteers remain completely responsible for any work product they submit, regardless of how it was generated. Any use of AI in the workplace can only occur in a way that protects the Bay Mills Indian Community's confidential, private, financial, and personal information, as well as cultural knowledge as the highest priority.

**905.3** To ensure the safety of Bay Mills Indian Community's interests, the following restrictions on the use of AI apply:

905.3(A): Private, sensitive, proprietary, confidential, intellectual property, and financial information must never be uploaded, typed, or pasted into any AI system.

This includes, but is not limited to, enrollment data; personally identifiable information such as names, addresses, birthdays, phone numbers; health records or HIPAA-protected information; legal strategies or privileged communications; draft resolutions or internal policy discussions; financial and banking information; employee data, including benefits, salaries, work schedules; the use of AI transcription and note-taking tools during portions of meetings that contain such information; and any non-public information that an employee has access to as part of their work.

905.3(B): Cultural knowledge information and data must never be uploaded, typed, or pasted into any AI system.

This includes, but is not limited to, treaty fishing, hunting, or gathering information, including locations, techniques, and practices; historic property location and use information; traditional ecological knowledge; cultural stories; language translations in Anishinaabemowin; and any non-public sensitive or aggregated cultural data.

905.3(C): AI shall not be used to create or alter any external communications, images, or announcements that are made or issued on behalf of, by, or between Bay Mills Indian Community, its entities, or individual Departments.

This imagery includes, but is not limited to, the Bay Mills Indian Community tribal seal; Bay Mills Indian Community tribal flag; Bay Mills Tribal Court tribal seal; Bay Mills Police Department logo; any logo of Bay Mills Gaming Authority, Bay Mills Resort & Casino, Wild Bluff Golf Course, Bay Mills Business Holdings, Four Seasons Market & Deli, Bay Mart, or Northern Light Cannabis Company.

905.3(D): AI shall not be used to make any determinations on hiring, social services eligibility, or any action affecting the rights of tribal citizens or employees.

**905.4** If an employee chooses to use AI for any not-prohibited use, they must follow these steps:

905.4(A) Verification: Every sentence generated by an AI tool must be fact-checked and personally confirmed by the employee.

905.4(B) Bias Review: Every sentence generated by an AI tool must be reviewed for inherent biases that may be culturally insensitive or contrary to the values of Bay Mills Indian Community.

905.4(C) Disclosure: Any material created with significant generative AI assistance must include a disclaimer: *"Portions of this document were drafted using generative AI and have been reviewed and verified for accuracy by [Department/ Employee Name]."*

905.4(D) No Software Installation: Employees may not install third-party AI plugins, tools, or software on Tribally owned devices.

**905.5** Any violation of this policy can be considered under the Employee Handbook, including in the "Disclosure of confidential information," and "Failure to follow policies and procedures" sections. Violations are subject to all disciplinary actions available in the Employee Handbook, in addition to revocation of IT privileges; mandatory retraining; suspension or termination of employment. Violations can also result in civil or criminal prosecutions if tribal, state, or federal laws are violated.

**905.6** Bay Mills Indian Community makes no warranties, express or implied, regarding the accuracy or reliability of AI tools. The employee assumes all risks of loss or damage resulting from the use of AI. Bay Mills Indian Community shall not be liable for errors, omissions, or data breaches caused by an employee's unauthorized use of AI tools.

**1000 POLICY ON INCLEMENT WEATHER & EMERGENCIES** (revised 08/25/2025)

**1000.1** Due to the severe weather conditions of the Upper Peninsula, the Tribe may designate inclement weather days when weather patterns may harm or potentially harm employees of the Tribe while traveling to and from work or performing the requirements of their positions.

1. Employees of the Tribe will contact their department manager when any of the following exist:
   a. Icy and hazardous roads;
   b. Whiteouts due to severe blizzards;
   c. Downed trees across the roads or highways;
   d. Washed-out roads due to flooding;
   e. High winds above 60 miles per hour.
2. Governmental Department Managers will contact the President or the Tribal Manager in the event of inclement weather. The President or Tribal Manager shall be responsible for monitoring email and telephone calls and will be the primary authority to approve or deny an inclement weather day.
3. Governmental Employees missing work for approved inclement weather days will be reimbursed for their regular wages for that day. The General Manager of the Enterprises may issue waivers for attendance infractions for days he or she deems appropriate.

**1000.2** In the event that Brimley Area Schools and Ojibwe Charter Schools all have an announced school closure or delay due to inclement weather, the Tribal Government will delay the start of the workday until 10:00 AM. Employees must report to work and begin their shift at 10:00 AM. The shift will end at the normally scheduled time. Meal breaks will not be altered. If an employee is absent outside of the delay or closure time, paid time off options must be used, and Attendance Policy 402 shall apply. The delayed start of the workday and\or closures will not apply to emergency service employees (law enforcement and ambulance) or tribal maintenance employees.

1. Prior to 9:00 AM, the President or Tribal Manager will determine whether to close the Tribal Government for the entire day.
2. In the event of a power outage, all staff will report to work as scheduled. The President or Tribal Manager will have the authority to close Tribal Government facilities for the day in the event that power is not likely to be restored.
3. In the event of public emergency, the President or Tribal Manager will have the authority to close Tribal Government facilities and operations.

**1000.3** The President, or the Tribal Manager, will communicate closures and delays to the public by all of the following means:

1. The Facebook Page for the Bay Mills News.
2. The Official Facebook Page for the Tribal Chairperson.
3. Email to “All Users”.
4. Where feasible, the official website for the Bay Mills Indian Community.
5. Where feasible, local television stations (including 9&10 News and 7&4 News).

Employees are responsible for monitoring these sources for up-to-date information regarding closures and delays.
**1000.4** Inclement weather delays and closures do not apply to Bay Mills Gaming Authority or Bay Mills Business Holdings operations. However, in the event of an inclement weather delay or closure, the President or

the Tribal Manager will indicate the times in which the delay or closure will be applicable (i.e., from 8:00AM to 4:30PM, or 6:00PM to 11:00PM). During the applicable inclement weather times, BMGA & BMBH managers work with employees to make travel accommodations and alternatives as a result of inclement weather. Furthermore, enterprise employees who do not receive alternative accommodations and governmental employees who are required to work as a matter of public safety will receive time and a half pay for reporting to work during hazardous conditions during indicated times of closure.

**1000.5 Inclement weather closures are NOT a paid time off entitlement.** If inclement weather delays or closures are called while an employee is already on a pre-approved annual leave, sick leave, or personal leave, the employee shall not be compensated for time taken off since the inclement weather was a circumstance not considered during the initial request. If the inclement weather closure also causes cancellation or closure of facilities under the Tribe's control for which the original annual, sick, or personal leave request was made, the employee may cancel the leave time upon supervisory approval.

**1000.6** If an employee is on an approved remote work arrangement during an inclement weather delay or closure, the employee is expected to perform work if able.