

TABLE OF CONTENTS

100 INTRODUCTION

- 100 PURPOSE OF THIS MANUAL
- 101 NATURE OF EMPLOYMENT
- 102 WHISTLEBLOWER POLICY

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. PERSONNEL DATA CHANGES
- 304. ENTERPRISE UNIFORMS
- 305. ACCESS TO PERSONNEL FILES
- 306. EMPLOYMENT REFERENCE CHECKS

400 CONDUCT

- 400 DISCIPLINARY PROCEDURE
- 401 EMPLOYEE CONDUCT
- 402 TARDINESS AND ABSENTEEISM
- 403 CODE OF CONDUCT
- 404 NONDISCLOSURE
- 405 GRIEVANCE PROCEDURE
- 406 TERMINATION OF EMPLOYMENT
- 407 SEVERANCE PAY
- 408 SEXUAL HARASSMENT

500 PAY PRACTICES

- 500 COMPENSATION
- 501 PAYDAY

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 BENEFITS GOVERNMENTAL
701 VACATION LEAVE ENTERPRISE
702 SICK LEAVE BENEFITS - GOVERNMENTAL
703 SICK LEAVE BENEFITS ENTERPRISE
704 PERSONAL LEAVE - GOVERNMENTAL
705 JURY AND WITNESS DUTY
706 BEREAVEMENT LEAVE
707 EDUCATIONAL LEAVE
708 MEDICAL LEAVE
709 MATERNITY LEAVE
710 MILITARY LEAVE
711 LEAVE OF ABSENCE
712 FAMILY AND MEDICAL LEAVE OF ABSENCES
713 EMPLOYEE BIRTHDAY LEAVE
714 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

900 MISCELLANEOUS

900 TRAVEL POLICY
901 USE OF EQUIPMENT AND VEHICLES
902 RETURN OF PROPERTY
903. PAY ADVANCES
904. EMPLOYEE RECEIVABLES

905. CREDIT CARD POLICY

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

Through our business operations, we aim *to conserve our common property, develop our common resources, promote the welfare, self-sustainability, and progress of ourselves, and our descendants*—The Anishinaabe People of Gnoozhekanning, the Place of the Pike, Bay Mills Indian Community.

101 NATURE OF EMPLOYMENT

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.

101.5 These policies may be supplemented by specific program or department procedures of the Bay Mills Indian Community. Any such department specific procedures are provided to those employees subject to them, as long as they do not stringent nor conflict with any policy listed within this manual. Management must ensure all grant requirements, legal or gaming compliance requirements are met prior to implementing any departmental procedure.

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 for they make it difficult to assess reliability.

102.4 Any employee, who in good faith, report 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.

200 EMPLOYEE COMPLAINTS AND RESOLUTION PROCESS

200.1 The employer believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area. If employees have any concerns about work conditions or compensation, they should voice these concerns privately and directly to their supervisors.

200.2 Experience has shown that when employees deal directly with supervisors, and management keeps an open door policy with its employees, the work environment is excellent, communication is clear, and attitudes are positive. We strongly encourage open, honest communication between Management and Employees. Employees should first attempt to resolve any internal employment issues by following the chain of command. Employees should do so in writing to their department manager.

200.3 However, if an employee cannot resolve their complaint within the organizations chain of command, or have an internal conflict that would warrant bypassing this step, he or she can contact the Human Resources Director for assistance with the resolution of their specific complaint. Employees must do so, in writing, using the *“Employee Complaint & Resolution Form”* provided by the Human Resources Department.

200.4 The Human Resources Director will determine if the employee first attempted to resolve his or her complaint within his or her department, or have good cause to bypass the chain of command, prior to moving forward with the *“Employee Complaint & Resolution Form”*. If the employee has satisfied that requirement, the Human Resources Director will accept the official complaint and forward a copy of the complaint form to the department manager and executive management to further facilitate the resolution.

200.5 The Human Resources Director will work in conjunction with the employee, the manager, and executive management to resolve such complaints. The Human Resources Director, in consultation with Executive Management, will issue a written notice to the Department Manager of the proper resolution of the employee complaint. Resolution to any specific complaint may require additional training, counseling, employment changes, disciplinary action or no action at all.

200.6 The Department Manager will follow up and issue a written notice to the employee of the proper resolution of this complaint, while copying Executive Management and the Human Resources Director. Such notices will exclude any specifics of actions that may have been taken against other employees to resolve this complaint. If the Department Manager is a participant of the employee’s original complaint, then Executive Management will issue such notice to the employee.

200.7 A copy of the complaint, and follow up from the Human Resources Director & Manager will be placed in the employees file.

200.8 Complaints are limited to issues that affect an employee’s ability to safely and consistently perform his/her employment functions within the Bay Mills Indian Community. Employees wishing to appeal employment disciplinary actions must do so under the tribe’s grievance procedure.

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 1/24/22)*

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. 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.

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.

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

204.1 Certain positions within the Bay Mills Indian Community require a character investigation. Hiring and continued employment in these positions is contingent upon meeting the standard of character the Tribe has adopted or the State Tribal Compact and Federal Statute impose.

204.2 The Tribe will conduct a background investigation on applicants and employees applying for positions considered to be sensitive, whether law enforcement, human services, medical or gaming. The depth of background investigations will depend on the position, and will be outlined in the positions job description, employment contract or hiring agreement. This investigation will, at a minimum, require that a criminal history background check be conducted.

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 I9. Before commencing work, newly rehired employees must also complete the form if they have not previously filed an I9 with the Bay Mills Indian Community, if their previous I9 is more than three years old or if their previous I9 is no longer valid.

207 DRUGS AND ALCOHOL TESTING

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. Using a split sample collection method, the Tribe will test for the following drugs for any employee subject to section 207.3:

- A. Marijuana
- B. Cocaine
- C. Amphetamines
- D. Opiates
- E. Phencyclidine
- F. Barbituates
- G. Benzodiazepines
- H. Methaqualone
- I. Methadone
- J. Propoxyphene

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.

207.4 Reasonable Suspicion Testing. Drug testing of any employee will be required at the discretion of the Department Manager when one or more of the following exists:

- A. Direct observation of drug use or possession, and/or exhibits an odor or physical symptoms of being under the influence of a drug are present;
- B. The employee exhibits abnormal conduct or erratic behavior;
- C. The employee is identified as the focus of a criminal investigation into illegal drug possession, use or trafficking;
- D. Information is provided either by reliable and credible sources, or independently corroborated, of employee drug use during, or immediately prior to, work hours;
- E. Newly discovered evidence that the employee has tampered with a previous drug test is received;
- F. The employee, during work hours, operated a vehicle or motorized equipment which was involved in an accident or the employee caused the destruction of tribal property/equipment;
- G. The employee was involved in an incident resulting in personal injury to any person during working hours.

207.5 Procedures for Reasonable Suspicion Testing. If an employee is suspected of using or being under the influence of an illegal drug, as cited in section 207.2, the appropriate Department Manager, with the assistance of the Human Resources Director, shall gather and document all information, facts, and circumstances leading to and supporting this suspicion. The report shall detail the circumstances, including the applicable dates and times of reported drug-related incidents, reliable and/or credible sources of information, and any other supporting information. The appropriate manager shall then bring all documented information justifying the reasonable suspicion testing to the Human Resources Director.

The Human Resource Director will review all provided documentation and information. If it is determined that reasonable suspicion exists, the Human Resources Director shall require the employee to submit to a drug test.

If the Human Resources Director is unavailable to review this request, then the manager should bring the request to the Human Resources Director's designee on duty at that time for review and approval.

207.6 Drug Testing Methods. Testing for the presence of drugs prescribed by this Rule shall be conducted using urine analysis. A split sample collection method will be utilized when collecting the urine samples.

207.7 General Rules for Conducting Drug Tests. The Tribe shall follow the Guidelines for Federal Workplace Testing, established by the U.S. Department of Health and Human Services and published at 73-Fed. Reg. 71858 (Nov. 26, 2008) and as they may be amended and shall ensure that tests are conducted as follows:

- A. The tests shall be conducted by professionally trained collection personnel;
- B. Analysis of specimens shall be undertaken by a laboratory licensed by the appropriate federal and state agencies; and
- C. Test results are treated in a strictly confidential matter.

207.8 Privacy Ensured during Drug Testing of Urine. An employee subject to testing shall be permitted to provide urine specimens in private, in a room provided by the lab, or other similar enclosure so that the employee is not observed while providing the sample. Collection site personnel of the same gender, however, may observe the individual provide the urine specimen when such personnel have reason to believe that a particular employee may alter or substitute the specimen provided. Reason to believe exists when:

- A. The specimen has a temperature outside the range of 32.5 – 37.7 degrees centigrade (90.5 —99.8 degrees Fahrenheit);
- B. The original specimen shows signs of contamination; or
- C. The Medical Review Officer (MRO) requests the collection to be observed.
- D. The employer has knowledge of an employee's attempt to tamper with or alter previous urine samples.

207.9 Opportunity to Justify a Positive Test Result. When a confirmed positive test result is received from the testing laboratory, the employee shall be provided the opportunity to justify the results by submitting evidence to the Tribe's Medical Review Officer (MRO) that the results could have been caused by the use of a legally prescribed medication. Justification would require a current valid prescription that would have led to the positive sample. If the employee refuses to contact the MRO or cannot justify the positive results, then the Tribe's Human Resources Director will notify the employee, and the employee's manager, in writing, of their confirmed positive test results.

207.10 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.

207.11 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.

207.12 Re-Testing. Any sensitive position employee testing positive may request that the second portion of the original split-sample be re-tested and will not be formally dismissed but will be immediately suspended without pay until the results are received. This request must be received by the Human Resources Director, in writing, within one (1) working day after notification of their positive test results. This second screening will be at the cost of the employee and will be paid in full prior to testing. The results of the re-test shall determine conclusively the presence or absence of an illegal drug.

207.13 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.

207.14 Eligibility for Rehire. Excluding any sensitive position outlined in section 207.3, an employee whose employment was terminated for a violation of part 207 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 Resources Director, and that such test is negative.

207.15 Alcohol Testing No employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch or rest period, as a result of consuming alcohol. Any manager who has reasonable suspicion that an employee has consumed alcohol during work hours or prior to coming to the workplace, can request that employee be subject to breath alcohol testing to determine the Blood alcohol Content (BAC).

The request to subject an employee to a breath alcohol test must be based on specific, reliable observations concerning the appearance, behavior, speech, or body odor of the employee

Department Managers will review the evidence or information and determine whether reasonable suspicion exists to submit an employee to a breath alcohol test. Bay Mills Police Department will be contacted to conduct this testing, and any employee whose Blood Alcohol Content (BAC) is .02 and above will be subject to an immediate three day suspension. Any person working in a position that requires the use of company vehicles and/or equipment, or listed as a sensitive position in section 207.3, are subject to a zero tolerance BAC of .00 and will receive an immediate three day suspension. Second offenses, within a one (1) year period will lead to automatic termination, unless the employee voluntarily enters into and completes the Mandatory Counseling and Rehabilitation Program outlined in 207.13.

208 PROBATIONARY PERIOD

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. 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 employerprovided benefits. Employees are eligible for benefit programs according to the terms and conditions of each program. Probationary employees will assume nonprobationary status upon satisfactory completion of the probationary period, or extended probationary period.

209 EMPLOYMENT CATEGORIES

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. They receive legally mandated benefits only.

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.

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.

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

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 12/9/2019)

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.

302.3 Additionally, continuous length of service from other organizations may be considered for benefit purposes, such as:

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

303 EMPLOYEE DATA CHANGES

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 to come to the Human Resources Department, in person, 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 will conduct reference checks on all potential employees requesting employment with the Tribe. The Human Resources Department will require the employee to sign a release of information to obtain such information.

306.2 All external agencies contacting the Tribe for information about a current or past employee MUST go through the Human Resources Department. Human Resources will ensure they have the necessary signed release of information on the person in question prior to any information being given to the external organizations.

400 DISCIPLINARY PROCEDURES

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 on action notifications 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 TARDINESS AND ABSENTEEISM

402.1 To maintain a safe and productive work environment, the employer expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the employer. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the supervisor as soon as possible in advance of the anticipated tardiness or absence.

402.2 Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

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.

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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 NONDISCLOSURE

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 SEXUAL HARASSMENT *(revised 1/24/22)*

408.1 The purpose of this policy is to protect employees as well as the Tribe itself, and to assure a safe and healthy work environment free from sexual harassment. Inappropriate conduct of this kind will not be tolerated and will subject the harasser to disciplinary action under section 400 of these policies.

408.2 Sexual Harassment Defined. The Equal Employment Opportunity Commission defines “sexual harassment” as unwelcome sexual advances, request for sexual favors, and other verbal and physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating hostile or sexually offensive work environment.

408.3 Complaints of sexually harassing behavior will be investigated immediately by the Human Resources Director or designee, with the assistance of the complainant’s supervisor (if appropriate). A non-fraudulent complaint of sexual harassment will not be held against the victim/complainant in any circumstances. Complaints can be turned in to the Human Resources Department by the victim, a witness to the sexual harassment, by the victim’s supervisor, or the victim’s advocate.

408.4 The following procedures are to be followed by an employee in the event of a sexual harassment occurrence:

- A. Employees should first attempt to clearly state to the person that their comments, actions or behavior should stop.
- B. Notify the Human Resources Director in writing, within a reasonable time frame, of experiencing behavior that the employee feels may be considered sexual harassment.

408.5 When a complaint is received, the investigation by the Human Resources Director or designee and the complainant’s supervisor (if appropriate) will begin as soon as possible. The complainant will be required to record the sequence of events in writing, including dates, times, and details of the incident(s). The investigation will be completed within ten (10) working days, unless further information is necessary. If the investigation is not completed within 10 working days, the complainant will be notified in writing by the Human Resources Director or designee of that fact, and will be advised as to the date by which the investigation will be concluded. Confidentiality will be maintained to the extent possible in conducting a thorough investigation. If the alleged harasser is

found to have committed sexual harassment, he/she will be subject to disciplinary action, up to and including dismissal from employment.

If it is not possible to determine the veracity of the complaint, the complainant and the alleged harasser shall be provided information on sexual harassment and encouraged, with the assistance of the Human Resources Director, to resolve the matter to the satisfaction of both.

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.

500 COMPENSATION

500.1 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.

500.2 The Human Resources Director has overall responsibility for implementation and the day-to-day administration of this policy. Department Managers and Supervisors are responsible for setting clear objectives to subordinate's, conducting fair evaluations and helping employees improve performance.

500.3 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, are responsible for the development and evaluation of each current or proposed position description. Each position will be evaluated and assigned to an appropriate labor grade and rate range. No new positions will be filled until this process is completed and approved by the General Manager and/or Tribal Chairman and the Human Resources Director

500.4 New Hires New employees are normally paid at the minimum rate which represents the lowest rate paid for a particular job/salary grade. 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. The Department Manager may request an appropriate starting wage higher than the minimum rate. (*see 500.8*)

500.5 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 to several factors:

1. The magnitude of the job change (i.e., number of grades, etc.)
2. The current level of the promoted employees 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.

500.6 Transfers When an employee transfers to a new department; either moving to a higher or lower grade level, they are subject to the starting wages of that position. Department Heads can request an appropriate starting wage above the minimum, based on the employees education, experience and

training relevant to the position. This transfer date will be their new evaluation date. Certain positions within department will be allowed to transfer between positions without their evaluation dates being changed.

500.7 Demotions Employees being demoted within the department will be subject to the pay range of the new position. Employees demoted or transferred to another department are subject to the minimum pay rates of the new position.

500.8 All Managers may request a higher starting wage for any new hire, employee accepting a transfer, or demotion. All higher wage requests must be submitted to and approved by both the General Manager/Tribal Manager and the Human Resources Director.

500.9 Employees may become eligible for a pay raise at the end of one year's service and on each anniversary thereafter. The amount of a raise depends on the *employee's performance* over the preceding year and budgetary limitations. Total percent increase may change from year to year based on finances of the company.

500.10 Performance Evaluation A written performance evaluation will be conducted by the supervisor at the end of the employees six month's service using the Human Resources Employee Performance Evaluation, again at the end of a year's service, and on each anniversary thereafter. The results of each annual review will be used to determine the amount of any pay raise to be awarded. Performance is judged by the Manager, using objective measures, to the extent possible, and pay raises are reviewed and approved by the Department Manager.

500.11 Exempt/Non-Exempt Each position must be classified as "exempt" or "non-exempt". This determines whether 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.

500.12 Review Process All wage requests outside the standard annual performance based increases must be reviewed and approved prior to implementation. All requests within the enterprise operations must be reviewed and approved by the Department Manager, in conjunction with the Human Resources Director and General Manager. All requests within the governmental operations must be reviewed and approved by the Department Manager, in conjunction with the Human Resources Director and Tribal Manager.

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 signed off 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.

600 EMPLOYEE BENEFITS

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.

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

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 Government and Enterprise 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. For purposes of coverage eligibility, the employee must have worked at least sixty (60) hours during each of the three (3) pay periods immediately preceding the date on which the sixty (60) day period is completed; for those full-time employees who do not meet the work hour requirement upon completion of the sixty (60) day period, coverage will begin on the 1st of the month following the satisfaction of the minimum work hour requirement.

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:

- Inter-Tribal Council of Michigan, Inc.
- Michigan Indian Child Welfare Agency
- Bay Mills Housing Authority
- Bay Mills Community College
- Great Lakes Indian Fish and Wildlife Commission
- Chippewa/Ottawa Resource Authority

603.3 Insurance Provider. Bay Mills Indian Community provides health insurance to eligible employees through Blue Cross/Blue Shield of Michigan.

603.4 Contract Requirements. All coverage is subject to the limitations and provisions of the Blue Cross/Blue Shield policy and contract.

603.5 Persons Eligible. The employee, his/her spouse and legally dependent minor children are eligible for health insurance coverage.

603.6 Responsibility for Premiums. Bay Mills Indian Community may designate a percentage of the monthly health insurance premiums to the employee. The employee is responsible for any designated health insurance premium costs on a bi-weekly basis to maintain eligibility and is subject to any future changes. All premium costs will be payroll deducted. 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. Annually, Bay Mills Indian Community will review hours worked for all variable hour employees. This period is October 1 to the following September 30.

603.8 Eligibility criteria under look-back terms. Employees who have worked 1560 hours (average of 30 hours per week) during the look back period will become eligible for benefit enrollment and will receive an offer to enroll during open enrollment for the immediately following plan year.

603.9 Length of eligibility under the look-back terms. Those who enroll as a result of look-back eligibility, will remain eligible from January 1 to December 31, regardless of the number of hours worked during that period, as long as employment is maintained in a full or part-time position. Employees transferring to a seasonal, temporary, or on-call position will lose eligibility as those classes of employees are not eligible for health insurance benefits.

603.10 Continued eligibility under look-back terms. To continue to be eligible beyond one year, the employee must qualify for eligibility in the following year's look back period by working 1560 hours.

603.11 Reporting Required by Employee. Employees must comply with the reporting requirements of the Blue Cross/Blue Shield 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 (currently December of each year):

- 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.

603.12 Loss of Eligibility. It is a condition of the Blue Cross/Blue Shield contract that any full-time employee who, due to unexcused absences, does not work at least 30 hours per week for three (3) consecutive pay periods shall become ineligible for health insurance, and will not be eligible for reinstatement until open enrollment.

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 of BMIC's sponsored plan or choose to place the additional compensation into their 401 (k) retirement account. Accounting will place this amount into an employee's receivables account until such time that the employee becomes a participant in the retirement plan. At that time the waiver money will be transferred into their 401 (k) retirement account.

604 LIFE INSURANCE

604.1 Regular fulltime 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

605.1 Enterprise employees are eligible for employee paid life insurance.

605.2 Enterprise employees will be covered under the Tribe's workers' compensation insurance program beginning the first day of employment and ending the last day of employment.

605.3 Limited governmental positions that require workers compensation coverage are subject to individual council approval.

606 DISABILITY COVERAGE & LIFE INSURANCE

606.1 Eligible Governmental employees are covered under the short 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

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

607.1 Regular fulltime 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)
- Thanksgiving (fourth Thursday in November)
- Christmas Eve (December 24)
- Christmas (December 25)
- New Year's Eve (December 31)

607.2 Regular parttime employees are eligible for those holidays which are observed on their regularly scheduled days. Regular parttime 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 9 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 in 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.

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

700.2 All requests for annual leave must be submitted in writing to an employee's manager at least one working day in advance of the requested leave time.

700.3 Annual leave requests must be approved by an employee's manager. The employee is responsible for getting signed 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 parttime and regular fulltime 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:

<u>Length of continuous service - Accrual rate</u>	<u>Part-Time</u>	<u>Full-Time</u>
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 end of the last pay period containing 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 Employees transferring into governmental positions, from enterprise positions, will be paid out their remaining vacation balance. He or she will start accruing annual leave at the end of his or her first working pay period in their new position based on their length of continuous service.

701 VACATION LEAVE – ENTERPRISES

701.1 Regular fulltime and regular parttime employees are eligible for vacation leave benefits as described below.

701.2 All requests for vacation leave must be submitted in writing to an employee's supervisor at least one working day in advance of the requested leave time.

701.3 Vacation leave requests must be approved by an employee's Department Manager or their designee. The employee is responsible for getting signed approval of his or her supervisor and the Manager and submitting the approval request to the Human Resources department.

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

701.5 Vacation leave shall not be used until after it has been accrued. Vacation leave will be accrued at the beginning of each year of employment following the first complete year.

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

701.7 Upon normal termination of employment, employees will be paid for unused vacation leave benefits that have accrued through their last day of work.

701.8 Only regular parttime (20-29 hours scheduled) and regular fulltime (30-40 hours scheduled) employment will be counted towards length of continuous service for vacation leave benefits. Vacation leave is awarded to eligible employees according to the following schedule:

Length of continuous service	Earned Leave (FT – PT)
Six months	40 hours/29 hours
One year	40 hours/29 hours
Two through four years	80 hours per year/58 hours
Five through ten years	120 hours per year/87 hours
Ten years or more	160 hours per year/116 hours

701.9 Regular part-time employees will accrue vacation leave at the maximum amount of hours scheduled under part-time regular status.

701.10 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.

701.11 Employees are strongly encouraged to take earned vacation leave during the benefit year of its accrual or lose it. In the event that an employee has not used all vacation leave benefits by the end of their benefit year, they have the option of selling one week (40 hours) back, provided they accrue two or more weeks of vacation time per year.

701.12 Employees transferring from governmental position will accrue as a newly hired probationary employee for their first six months, and then will accrue at their seniority level with the Tribe after one year.

702 SICK LEAVE BENEFITS GOVERNMENTAL

702.1 Regular fulltime (30-40 hours scheduled) and regular parttime (20-29 hours scheduled) employees are eligible for paid sick leave benefits for periods of temporary absence due to illnesses or injuries.

702.2 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.

702.3 Regular fulltime 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 (see 209.3)

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

702.5 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.

702.6 An employee may use a maximum of 48 hours of undocumented sick leave during a given calendar year, but no more than two 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.

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

702.8 Employees who are unable to report to work due to an illness or injury must notify their supervisor as soon as possible.

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

702.10 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.

702.11 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.

703 SICK LEAVE BENEFITS – ENTERPRISE (revised 7/6/20)

703.1 Regular fulltime (30-40 hours scheduled) and regular parttime (20-29 hours scheduled) employees are eligible for paid sick leave benefits for periods of temporary absence due to illnesses or injuries.

703.2 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 vacation leave. It is to be used when an employee is unable to report to work and properly perform his or her work duties.

703.3 Regular fulltime employees will be granted 40 hours of sick leave benefits at the completion of their six (6) month probationary period. Regular part-time employees will be granted 20 hours of sick leave benefits at the completion of their six (6) month probationary period. Employees will be granted the equivalent amount every year on their anniversary date.

703.4 Employees may not use sick leave until after it has been awarded.

703.5 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.

703.6 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 hour before the start of their shift. Failure to give adequate notice may result in request being denied.

703.7 Sick leave is subject to managerial approval. Documentation may be required at the discretion of management for approval of sick leave.

703.8 Unused sick leave benefits will not carry over year to year as well as not be paid out upon termination of employment

703.9 Employees found to be abusing the sick leave policy will be subject to disciplinary action, up to and including termination.

704 PERSONAL LEAVE GOVERNMENTAL

704.1 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.

704.2 Regular fulltime and regular parttime Governmental Employees are eligible for personal leave. Regular fulltime employees will receive sixteen (16) hours of personal leave per calendar year. Regular parttime employees will be granted eight (8) hours of personal leave per calendar year.-

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

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

704.5 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.

704.6 Personal leave does not require 24 hour advance approval, but an employee must notify his/her supervisor of his/her absence as soon as possible. Employees may be denied personal leave request if they do not notify their manager in a timely manner, or have a valid reason to request the use of personal leave.

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

705 JURY AND WITNESS DUTY

705.1 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 fulltime and regular, parttime employees qualify for paid jury/witness duty leave.

705.2 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.

705.3 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.

705.4 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.

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

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

706 BEREAVEMENT LEAVE *(Revised 3-28-22)*

706.1 Regular fulltime and regular parttime employees are eligible for paid bereavement leave in the event of a death of an immediate family member.

706.2 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.

706.3 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 fatherinlaw/motherinlaw,
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

706.4 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.

706.5 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.

706.6 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 706.3.

70

707 EDUCATIONAL LEAVE

707.1 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 eligible 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.

707.2 Educational leave must be approved by the Department Manager. The employee must provide a class schedule to their Department Manager.

708 MEDICAL LEAVE

708.1 The employer will provide unpaid medical leave to employees who are temporarily unable to work due to an illness or injury.

708.2 As soon as an eligible employee becomes aware of a need for a medical leave of absence, he or she must provide a satisfactory statement from a physician 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 can be expected to return to work. Any changes in this information should be promptly reported to the Department Manager.

708.3 Eligible employees will be granted leave for the period of the disability, up to a maximum of 90 days. Employees may take any available sick leave or annual leave prior to the effective date of the medical leave of absence. 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.

708.4 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.

708.5 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.

708.6 Employees returning from medical leave are required to provide a physician's verification of 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.

708.7 Employees using a combination of FMLA, Maternity & Medical Leave, may only use a maximum of 180 days total in any rolling calendar year.

709 MATERNITY LEAVE

709.1 Unpaid maternity leave will be granted to regular fulltime and regular parttime employees who do not qualify under Section 712 Family and Medical Leave Absences.

709.2 Maternity leave is normally granted for six- (6) week's duration. Exceptions occur on the advice of the physician. Employees may use accumulated sick and annual leave to cover any period of the maternity leave.

709.3 An employee returning from maternity leave is entitled to the same or equivalent position at the same rate of pay as when he or she left. Employees must return within six (6) weeks following termination of pregnancy.

709.4 If both parents work for the Tribe, only one parent may be approved the use of maternity leave at a time.

710 MILITARY LEAVE

710.1 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.

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

710.3 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 twoweek 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.

711 LEAVE OF ABSENCE

711.1 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.

711.2 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.

711.3 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.

711.4 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.

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

711.6 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.

711.7 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.

711.8 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.

711.9 The granting of all leaves of absence will be upon review of each individual request and a decision **will** be made on a nonprecedent setting basis.

712 FAMILY AND MEDICAL LEAVE OF ABSENCES

712.1 The Bay Mills Indian Community will comply with all applicable requirements of the Family and Medical Leave Act (FMLA) of 1993.

712.2 Employees who have worked for Bay Mills Indian Community and who have both: worked at least 12 months (not necessarily consecutively); and have worked at least 1250 hours in the previous twelve months, are covered by the provisions of the FMLA.

712.3 Covered employees are eligible for up to 12 weeks unpaid, job protected leave in any calendar year for the following reasons.

- (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.

712.4 When FMLA leave is taken to care for a sick family member or because of an employee's own serious health condition, the leave may be taken intermittently or on a reduced leave schedule when medically necessary. Medical certification that the treatment for a serious health problem is best accommodated by intermittent or reduced leave is necessary to do so. Employees must request intermittent leave with their department managers.

712.5 FMLA Leave is unpaid, whether the employee is exempt or non-exempt and exempt employee's pay will be reduced by the amount of time on intermittent leave.

712.6 The employer will continue existing health coverage and benefits for the extent of the FMLA leave. If an employee does not return to work at the end of his or her FMLA leave, the employee may be liable for repayment of all employer paid benefits during the FMLA leave.

712.7 An employee returning from a FMLA leave will be reinstated to his or her former position or an comparable position.

713 EMPLOYEE BIRTHDAY LEAVE

713.1 All non-probationary, regular fulltime (30-40 hours scheduled) and regular parttime (20-29 hours scheduled) employees are eligible to receive a day off with pay for their birthday.

713.2 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.

713.3 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.

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

714 DONATED LEAVE *(revised 9/17/2021)*

714.1 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.

714.2 Employees can donate a maximum of 40 hours or no more than 50% of their current Vacation, Annual or Sick leave. Eligible employees can voluntarily donate leave at any time during the first three quarters of the fiscal year, except in connection with termination of employment.

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

714.4 All non-probationary, regular fulltime (30-40 hours scheduled) and regular parttime (20-29 hours scheduled) employees are eligible to request leave from the donated leave bank for their regularly scheduled hours. On-Call, Seasonal and Temp Employees are eligible to request donated leave if they have been required to quarantine or unable to work due to the Tribes Covid-19 related policies for their regularly scheduled hours.

714.5 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.

714.6 Employees must have currently exhausted all their leave and be on approved Medical or Family & Medical Leave (FMLA) to qualify for donated leave.

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

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

714.9 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.

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 the prior approval from their department manager.

801 WORK HOURS *(Revised 3-28-22)*

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, or compensatory time, 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.

801.4 Overtime or compensatory time 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 parttime 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 break-rooms.

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.

8

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 employerpaid 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.

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 break-rooms 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 coordinated 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:

- Prioritize work to meet deadlines
- Accomplish job duties with minimal supervision
- Communicate effectively with clients, stakeholders, and team members
- 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, business travel or where employees are on medical leave or unable to come to work due to illness or injury. All temporary remote work arrangements are made on a case-by-case basis, focusing first on the needs of the Tribe.

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 (eg. 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 employees personnel file

900 TRAVEL POLICIES

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. 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. 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 awayfromhome 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.** (Do we want this separate or is having it above sufficient?)

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 PAY ADVANCES

903.1 Payroll advances are only available to active current employees after their 90 days probation. Advances are only issued on the week following the regular payday.

903.2 Payroll advance amounts will equal 75% of hours worked minus any deductions (health insurance, 401k, payroll deductions, etc.) then 50% of the remaining available.

903.3 All payroll advance requests must be accompanied by an approved, completed timesheet. (Hours cannot be recorded on the timesheet for work which has not yet been performed except for pre-approved sick/vacation/annual leave.) They must be turned in by 11 am on Mondays and 12 pm the rest of the week. Advances may not be picked up before 4 pm.

903.4 For each payroll advance, a fee will be charged that is determined by accounting.

903.5 The amount of the check received by an employee as a payroll advance will be deducted from the employee's first scheduled paycheck following the advance.

904 EMPLOYEE RECEIVABLES

904.1 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 a 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.

904.2 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.

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

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

905.2 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.

905.3 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.

905.4 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.

905.5 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.

905.6 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, 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.
- 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.

905.7 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.

905.8 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.

905.9 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.

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

905.11 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.

1000 POLICY ON INCLEMENT WEATHER & EMERGENCIES

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 Tribal Chairperson or the Tribal Manager in the event of inclement weather. The Tribal Chairperson 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 has an announced school closure due to inclement weather, the Tribal Government will delay the start of the work day until 10:00 AM. This section does not apply to emergency service employees (law enforcement and ambulance), and public works & maintenance employees. Prior to 9:00 AM, the Tribal Chairperson or Tribal Manager will determine whether to close the Tribal Government for the entire day.

1. In the event of a power outage, all staff will report to work as scheduled. The Tribal Chairperson 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.

2. In the event of public emergency, the Tribal Chairperson or Tribal Manager will have the authority to close Tribal Government facilities and operations.

1000.3 The Tribal Chairperson, 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. Telephone call & email to the Tribal Manager, who shall communicate to Department Managers and Directors. Department Managers shall be responsible for ensuring communication of closures and delays to employees (whether through a “call tree,” text message chain, email, or other means practical for their department);
5. Where feasible, the official website for the Bay Mills Indian Community; and,
6. 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.