

OUR MISSION

To provide the leadership and resources that will satisfy the needs of membership. This policy and procedures manual is in keeping with our mission.

OUR VALUES

In fulfilling its mission, the Chief and Council will:

- ~ respect all members
- ~ respect the environment
- ~ utilize the knowledge and wisdom of its Elders
- ~ be fair, open, trusting, sharing and caring
- ~ pursue excellence

OUR GOALS

We will strive to achieve the following goals to the best of our ability:

- ~ meet the needs and expectations of our members
- ~ create a collaborative environment with our staff
- ~ provide open access and the means to success for all members
- ~ continuously improve the quality of our programs and services
- ~ work in partnership with the community

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1.0 Message from Chief and Council

We have been working hard to change with the times to provide you with the best possible service. We will continue on this path and our advice will be included in our planning process over the coming years.

The Chief and Council will not be able to meet every need, but we will be able to substantially enhance our service to you.

Our present challenge is to provide White River First Nation membership with a set of policies and procedures which will help guide us in our daily business. We hope you will take the time to review the enclosed and make suggestions about how to improve on it.

As White River First Nation members - as Yukoners - we are resourceful and we will use those resources available to us to bring us into the future.

Thank you,

2.0 HIRING OF EMPLOYEES

2.1 Code of Conduct

Each new First Nation employee is required to sign a personal contract at the time of hire, thereby agreeing to conduct themselves with the First Nation's Code of Conduct.

All employees of the White River First Nation shall:

- a) maintain the integrity and dignity of the First Nation and its programs, government and staff at all times;
- b) show respect for the authority and jurisdictional structures of the First Nation, Chief and Council;
- c) while on duty and in public, conduct themselves in a manner that will bring credit to themselves, their department and the First Nation;
- d) be polite and courteous toward each other and the public. The use of profanity is not acceptable;
- e) carry out the duties of their positions conscientiously, loyally and honestly, remembering that the primary work task is to serve the White River First Nation membership;
- f) be prompt, courteous and temperate in the performance of their duties;
- g) arrive at work punctually each day and during work hours, devote themselves to their duties of employment and adhere to First Nation policies and procedures;
- h) use initiative to find ways of doing their work more efficiently, effectively and economically;
- i) develop a positive attitude in dealing with fellow employees, other First Nation members, and the Chief and Council;
- j) provide constructive criticism and suggestions through the proper channels, seek to make the workplace as harmonious as possible, and not publicly criticize other employees or policies of the individual departments;
- k) maintain a satisfactory standard of dress and general appearance appropriate to their duties;
- l) recommend changes of policy to senior staff when employees feel it is advisable;
- m) continually work toward self-improvement through self-evaluation and on-the-job training;
- n) use information obtained on the job for the intended purpose only and not for their own personal interests;

- o) release official information acquired on the job only when the release of such information has been authorized by the Council;
- p) refuse any fees, gifts or other tangibles offered in reward for duties performed other than through their employer;
- q) report to work free from the influence of alcohol or drugs, and refrain from the consumption of alcohol or drugs (except for medical purposes) during hours of work;
- r) use First Nation equipment, property or supplies for authorized purposes only;
- s) protect and care for all First Nation property entrusted to them and report any faulty equipment to the relevant senior employee;
- t) notify the Council, in writing, should they wish to seek public office or of their intention to do so

2.2 Confidentiality

All information regarding Council, its activities and plans is considered confidential, unless it has been released in a public forum.

- a) all employees, persons under contract and others related to Council are expected to keep in the strictest confidence any information related to their job and/or operations of the Council.
- b) persons authorized by Council to deal with release of information to the public will be identified by White River First Nation. Only those persons authorized by Council may divulge information to the public;
- c) all requests for personnel information on employees or former employees shall be directed to the Executive Director for response. Provided that the Executive Director is satisfied that the inquirer represents a legitimate source, the following information can be released:
 - i.) whether or not the person is or was an employee;
 - ii.) length of employment
 - iii.) employee's position.

2.3 Orientation

When new employees begin work, they will be provided with an orientation package. This package will include the White River First Nation's Policy and Procedures Manual, letter of offer, job description and confidentiality agreement in addition to TD 1 forms and acknowledgement regarding Notice and Severance. Employee signatures will be required to indicate that they have read and understand all of the above. (If the job description is later changed at any time, such changes will also be provided in writing, explained in person by the employee's supervisor, and signed by the employee.)

2.3.1 Changes to Job Descriptions

If a position requires changes to the job description, the employer will evaluate whether the employee is still qualified to perform the duties. Such changes will comply with commonly accepted principles of employment law and no fundamental change will be imposed without the employee's consent. If changes are required, the job description will be redrafted and the employee given a fair opportunity to review and understand the changes before their signature is required. All changes to job descriptions will be reviewed with the employee by the supervisor. Upon accepting the changes in the job description, both the employee and the supervisor will sign the new job description.

2.4 Probationary Period

- a) All employees shall be on probation for the first six (6) months of employment. At least two weeks before the end of this six-month probationary period, the immediate supervisor will advise the employee whether or not he/she has been promoted to permanent staff based upon a satisfactory level of performance and the budgetary appropriation for the position.
- b) Within the probationary period, the Council may terminate employment at any time by providing two weeks notice in writing, or pay in lieu thereof.
- c) If the employee's performance is unsatisfactory, the immediate supervisor may recommend that the employee be placed on an extended probation period, for the length of time required to fully evaluate the employee's performance, however, in no event will the total probation period meet or exceed twelve months. An evaluation and salary review will be conducted at least two weeks before the completion of the extended probation period and the supervisor will advise the employee whether or not he/she has been promoted to permanent staff.
- d) Employee performance evaluations, like all personnel files, shall be considered confidential, and kept in a locked filing cabinet. Each employee will receive a personal copy. All surplus copies of these evaluations shall be destroyed.

2.5 Recruitment and Hiring Procedures

- a) All permanent jobs shall be advertised by means of notices and the media wherever possible. Notices issued by the First Nation administration shall be posted in places accessible to all White River First Nation membership and may be made in writing to other suitable First Nation membership, and may be made in writing to suitable advertising resources - locally, territorially or nationally.
- b) Such notices shall include job description, minimum qualifications, salary or salary range and closing date for applications.
- c) Applications for employment shall be received by the First Nation office. Applications shall be submitted on forms obtained from the First Nation office or by resume and covering letter and shall include information on previous experience, references and any other relevant information applicable to the position.

- d) Competitions will have deadlines, and applications by candidates must be received by the day of the competition deadline, in order to qualify.
- e) Candidates from within the First Nation will be given priority, if the candidate meets the qualifications and has the necessary skills.
- f) Where possible, it is advisable to promote current staff members to more responsible positions. Such promotions require the decision of the Chief and Council and should be based on the individual being considered for the promotion having demonstrated capabilities for the job.
- g) In the event that there is a suitable First Nation staff member currently employed in another department, a transfer may be approved, with a decision of the Chief and Council.
- h) Members on the Council, who are directly related to applicants (members of their immediate family) cannot participate in the decision related to that applicant, nor vote on that candidate's acceptance or rejection. The successful applicant will be chosen based on the merits of his/her resume.
- i) The selection of the successful candidate shall be recorded in the Chief and Council meeting minutes, outlining the name, position, salary and starting date.
- j) Steps in the selection of employees shall be as follows:
 - i.) The secretary shall date stamp all applications received and forward to the Executive Director. These will be considered (and stamped) confidential, and will be kept in a locked filing cabinet.
 - ii.) The Executive Director and Council will review all applications.
 - iii.) The Council will confirm the selection of employees by a motion at the next Council meeting.
 - iv.) Council's reasons for any selection of employees will be included in the minutes of the Council's meeting dealing with the issue.
 - v.) The successful applicant(s) will be notified as soon as possible, first by telephone, and then provided with a written offer of employment, signed by the Executive Director. This written offer of employment shall include the job title, the starting salary, the date employment is to start, information regarding notice and severance, a copy of the job description, and any other information relevant to the appointment.
 - vi.) The successful applicant must sign the Acceptance of Employment within the designated period of time stated on the offer.

2.6 Salaries

- a) The starting salary of new employees will be stated in the employee's offer of employment. Salary will be commensurate with the employee's experience and education, and will also take into account the level of responsibility of the position and the budget appropriations of the Council.
- b) The Council may approve a salary range/scale for each position, which will usually approximate salary levels for similar positions in the area.
- c) Employee salaries will be reviewed on an annual basis. Salary adjustments will be determined on the basis of staff performance reviews, compliance with direction arising from previous performance reviews, as well as available funding.

2.7 Employment Categories

- a) Permanent full-time employees are those employees who work at least 35 hours weekly, and who maintain continuous regular employment. All regular full-time employees are eligible for all employee benefits.
- b) Permanent part-time employees are those employees who work less than 35 hours weekly but not less than 17½ hours, and who work on a continuous basis. Regular part-time employees earn most of the same benefits as regular full-time employees but on a pro rated basis.
- c) Casual (hourly) employees are employees hired by the hour, either full-time or part-time for a short term (such as during summer months). Casual employees are paid for Statutory Holidays if employment has exceeded 30 days. Vacation pay is 6% of gross salary earned and is paid on termination of employment. Only mandatory benefits will be paid. Casual positions may not exceed 3 months.
- d) Term employees are those who work either full-time or part-time for a fixed term. If the term is six months or more, employees may receive paid vacations, paid accumulated sick and special leave and are eligible for other employee benefits such as group insurance in addition to mandatory benefits. If the term is less than six months, only mandatory benefits will be paid.
- e) Management includes those employees who have control and direction of other employees, and/or participate in the decision for hiring and discharging of employees, and/or control program budgets. Managerial employees will be designated as such through their job descriptions.

2.8 Temporary Positions and Assignments

The Executive Director is responsible for filling temporary positions and assignments, up to the Manager level.

- a) The Executive Director may select candidates to fill term or casual positions for a

period of 10 weeks or less. Such positions may not be renewed or extended. If such a position is reclassified to permanent, an open competition will be held.

- b) Employees who are required to perform the duties of a higher position on a temporary basis, will be paid at the same rate as that of the higher position, for the period in which they are on acting assignment.

2.9 Telephone Policy

A telephone log will be maintained. No personal long distance calls will be permitted.

2.10 Travel Policy

- a) Approval from the immediate Supervisor and authorization from the Executive Director must be received, prior to attending an official meeting on behalf of the White River First Nation.
- b) Travel claims will be accompanied by a written explanation of how attending will benefit the First Nation and forwarded to the Supervisor for approval.
- c) Approved Meeting Attendance Forms will be attached to all travel claims submitted to Finance for processing.

When a White River First Nation vehicle is being used to transport members to a meeting, no travel mileage will be issued for private vehicles.

3.0 HOURS OF WORK

3.1 General

- a) Hours of work for First Nation employees will be set by the Council. These hours may be revised at the discretion of the Council.
- b) The basic work week for full-time First Nation employees shall be 35 hours. The hours of work shall be from 8:30 a.m. to 4:30 p.m. Monday through Friday, with one hour for lunch and two paid 15-minute breaks. Some employees, by nature of their employment positions, may be required to work different hours, i.e., carpenters, janitors and public works employees.
- c) Some employees may request, or may be required, to complete their weekly hours of work in a period other than five standard working days. Flexible hours of work may be authorized by First Nation management, if it is satisfied that operational standards are met, and provided that no increase in costs (including overtime) is incurred and provided that such an employee works an average of 35 hours per week over each pay period. In every pay period, such an employee shall be granted days of rest on days which are not scheduled as normal work days for that employee.
- d) Employees are required to record the number of hours worked each day on forms provided by the administration. Supervisors will be responsible for

signing/approving employee timesheets and submitting them to the Executive Director prior to each pay period.

3.2 Lateness or Absence

- a) Employees who will be late or absent are expected to call their immediate supervisor or the Executive Director, within 30 minutes after the opening of the First Nation office, providing a reason for their absence and when they expect to arrive at work. Failure to notify the First Nation office will result in disciplinary action.
- b) Excessive and unreasonable absenteeism or habitual lateness will not be tolerated and will result in disciplinary action (with the exception of reasonable extenuating circumstances, subject to the discretion of the Supervisor).

3.3 Overtime

- a.) "Overtime" shall be classified as time worked over seven hours per day, over 35 hours per week, or work on holidays, as pre-approved by the Executive Director.
- b.) Employees are required to record hours of daily work, including any overtime worked, on forms provided by the administration. Program Managers will be responsible for signing/approving time sheets in their department, and submitting them to the Executive Director prior to each pay cut-off.
- c.) In lieu of overtime pay, permanent employees shall receive compensating time off. Satisfactory arrangements must be made with the employee's supervisor at least two (2) days in advance for the time in lieu taken off.
- d.) Casual employees may sometimes be asked to work overtime in order to meet demands created by unexpected additional work. When this necessity arises, reasonable effort will be made to allocate overtime equally and fairly among available employees and to give reasonable advance notice of such requirements.
- e.) Casual or part-time employees shall receive pay for the overtime hours worked, at a rate not less than one and one-half times his or her regular rate of wages.
- f.) Employees shall not be eligible to claim overtime for attending conferences, seminars, workshops, etc. during the course of their employment with the First Nation. This includes travelling to and from conferences.

3.4 Designated Holidays

- a.) The following days are designated as general holidays for employees:

New Year's Day	Good Friday	Heritage Day	Discovery Day
Victoria Day	Canada Day	Labour Day	Aboriginal Day
Thanksgiving Day	Remembrance Day	Christmas Day	Boxing Day

- b.) If any of the above holidays fall on either a Saturday or Sunday, the following

Monday shall be observed as a holiday.

- c.) When a designated holiday falls within a period of vacation leave with pay, the holiday shall not count as a day of leave.
- d.) Employees who have been employed for at least 30 days prior to the holiday are entitled to general holiday pay, provided they have worked at least 15 of the previous 30 days and worked their regularly scheduled shift the day before and the day after the general holiday.
- e.) Employees who have received prior authorization from the Executive Director to work on designated general holidays are entitled to compensation at 2 ½ times their regular rate of pay **or** time in lieu at 2 ½ times per overtime hour worked.
- f.) Term and casual employees are entitled to general holiday pay at a rate of 20% of the previous 30 days earnings, provided they meet the requirements for General Holiday pay per Canada Labour Standards.

4.0 STAFF DEVELOPMENT

4.1 *Staff Development Policy*

The First Nation will provide opportunities for the professional development of its employees by offering internal staff training and encouraging staff in external training opportunities and in relevant meetings, workshops, seminars and conferences.

Staff members share with the First Nation the responsibility and obligation to advance their own skills and knowledge beyond that attained in their basic training programs. The Chief and Council will encourage staff members who wish to pursue studies or take short courses directly related to their present positions with the First Nation.

Educational leaves of absence, with or without pay, may be granted by the Chief and Council. With the approval of the Chief and Council, employees will be able to return to their former positions upon the successful completion of the course of study.

4.2 *Training and Development*

Any proposed employee training and related costs must be pre-approved by the Supervisor

Employees who submit a request for training and subsequently do not attend or complete training paid for by WRFN may be required to reimburse WRFN for the costs of tuition and materials.

4.2.1 Educational/Professional Leave

- a) Employees of the First Nation may be granted educational leave, with full or partial pay being paid at the discretion of the Supervisor and/or Chief and Council upon successful completion of the course/workshop. Travel assistance may also be provided.

- b) Employees must obtain approval from the Executive Director and the Council for educational leave and should apply to the Council for the leave at least three months prior to it commencing.
- c) Applications shall provide all relevant details about the course/workshop, including how it will benefit the applicant's professional development and improve the applicant's performance/abilities in his/her employment with the First Nation.
- d) Professional examination leave may also be granted, with pay and travel assistance, to enable employees to sit for professional examinations. Application approval will require a written request and approval from the Executive Director and Council. Whenever possible, attempts should be made to sit examinations in the community.
- e) If, at the request of the employee, WRFN assists with educational costs or grants educational leave with full or partial pay, the employee may be required to sign a contract agreeing to return to the employment of WRFN for a minimum specified period of time after the education program, failing which the employee may be required to reimburse WRFN.

5.0 EMPLOYMENT LEAVE

Employees will be required to submit leave forms to their Supervisor for any non-work related absence during working hours.

5.1 Leave with Pay

- a.) With the exception of sick leave and extended vacation leave (more than 2 days), leave forms shall be submitted to the employee's immediate supervisor at least 5 working days prior to leave commencing).
- b.) Once signed by the Supervisor, leave forms shall be submitted to the Finance office to be recorded in the Leave Tracking book.
- c.) Leave forms will be attached to the timesheet to which it applies and filed in the employees personnel file.

5.1.1 Vacation Leave

- a.) Unless otherwise earned or negotiated, permanent employees shall earn vacation as follows:
 - i.) Up to five years of continuous employment:
 - ~ 1 ¼ days per full month of employment
 - ~ (equals three weeks leave for each 12 months of employment)
 - ii.) After five years of continuous employment:
 - ~ 1 2/3rd days per full month of employment
 - ~ (equals four weeks leave for each 12 months of employment)

- b.) Employees who begin work during the middle of the month should be entitled to leave credits, provided they work 10 days during the month.
- c.) Employees who are engaged for a term of over six months, shall earn vacation leave at a rate of 1¼ days per full month of employment
- d.) An employee earns, but is not entitled to claim, vacation leave with pay within the first six months of continuous employment.
- e.) The First Nation's administration will maintain a current record of holiday credits for all First Nation employees.
- f.) Employees should schedule their holidays in the calendar year in which they are earned. A maximum of five (5) days vacation leave may normally be carried over into the next fiscal year, with the permission of the Supervisor.
- g.) No vacation pay will be paid in addition to an annual salary, to full-time employees.
- h.) Employees should attempt to provide their supervisors as much advance notice as possible in requesting their vacation time. Two weeks notice should be provided, in writing, to the employee's supervisor. Under unusual circumstances, the Supervisor may approve holidays on shorter notice.
- i.) In granting vacation leave, subject to the operational requirements of the First Nation administration, reasonable efforts will be made:
 - i.) to grant vacation leave to employees for at least two consecutive weeks, if earned and requested;
 - ii.) to grant vacation leave after six months of employment, to the extent of credits earned, if so requested by the employee and approved by the immediate supervisor;
 - iii.) not to disturb employees, or recall them to duty, after they have proceeded on leave.
- j.) When an employee ceases to be employed, the employee will be paid earned holiday pay due.
- k.) In the event of the death of an employee of the First Nation, the employee's estate shall be paid earned vacation pay, in addition to any other monies owing
- l.) The Executive Director or accountant/controller shall maintain a chart of vacation schedules for First Nation staff. This will help ensure that vacations are scheduled in a way which will enable the First Nation administration to meet its responsibilities during staff absences.
- m) When an employee will be going on vacation, it is the supervisor's responsibility to ensure:

- i.) Whenever possible, another employee is trained to take over key functions of the position. To facilitate this, each employee should prepare a procedures list regarding their daily, weekly and monthly duties. Most of these should be covered in the employee's job description, however, specific information, such as where to find something, etc. may be useful to the employee who will be filling in.
 - ii.) It may be necessary to hire an employee, on a temporary basis, to cover for the employee going on vacation. If this is the case, the temporary employee should be brought in a few days beforehand, to enable the employee going on vacation to train him/her. (Option (i.) is preferable, if possible, since it will save the First Nation the expense of having to hire a temporary employee.)
 - iii.) Important responsibilities that are time-related, i.e., a report that will be coming due to a funding agency, should be taken care of before the person responsible is scheduled to leave on vacation.
- n) Employees with accumulated vacation pay credits at the time of their employment termination will be paid outstanding earned vacation pay.
- o.) Vacation Leave policy is for permanent staff and those engaged for a term of six months or more. Casual employees or those employed for a term of less than 6 months will receive 6% vacation pay.

5.1.2 Bereavement Leave

Employees who are absent from work as a result of death in their immediate family may use up to five days of paid bereavement leave, with the approval of the employee's immediate supervisor and the Executive Director. In addition, up to three days travelling time may be granted if the funeral services occur outside the territory.

"Immediate family" shall be defined to include one's spouse, son, daughter, foster child, mother, father, sister, brother, grandmother, grandfather, parent-in-law, sister or brother-in-law, grandchild or parent surrogate by tradition. Common-law spouses are recognized for employee leave purposes.

5.1.3 Compassionate Leave

Employees may request and obtain compassionate leave of up to five days if there is serious illness in their immediate family, with the approval of the employee's immediate supervisor and Executive Director.

"Immediate family" shall be defined to include one's spouse, son, daughter, foster child, mother, father, sister, brother, grandmother, grandfather, parent-in-law, sister or brother-in-law, grandchild or parent surrogate by tradition. Common-law spouses are recognized for employee leave purposes.

If travel is required, up to two days additional leave may be approved, with the permission of the Executive Director.

5.1.4 Court Leave

a.) Court leave with pay may be granted to employees by the Executive Director under the following conditions:

- i.) when the employee is subpoenaed to appear as a witness or to serve on a jury; or
- ii.) if the employee must appear in court as an official delegate for the Council.

b.) If an employee is required to appear in a court for personal reasons, either as a plaintiff or as a defendant, leave shall either be taken without pay or chargeable against accumulated holiday credits.

5.1.5 Marriage Leave

Employees who have completed at least six months of continuous employment with the First Nation, and who provide their immediate supervisor with at least 20 days notice prior to the requested commencement leave, may be granted leave with pay for up to five working days for the purposes of getting married.

5.1.6 Maternity, Paternity and Adoption Paid Leave

With the prior approval from the Executive Director and immediate supervisor, an employee may be granted up to two days paid maternity or paternity leave. With the prior approval of the Executive Director, an employee may be granted up to three days with pay to facilitate adoption proceedings.

5.1.7 Sick Leave

a.) Permanent employees and employees engaged for a term of six months or more shall accumulate sick leave credits at a rate of 1 ¼ days per month to a maximum of 30 days

b.) An employee earns, but is not entitled to claim, sick leave credits during the first six months of employment.

c.) Sick leave may be granted with pay when an employee is unable to perform work duties due to illness or injury, and the employee has the necessary sick leave credits. The employee's immediate supervisor shall be notified no later than 30 minutes after the start of the working day of the employee's absence, and shall be provided with an indication of when the employee expects to return to work.

d.) Upon management's request, an employee must produce a medical certificate after two consecutive days of illness in one week or when a request for medical leave comes after 4 days of sick leave have been used in the previous 30 days

e.) An employee will receive sick leave with pay only for the number of days accumulated to a maximum of 30 days

f.) Recognized holidays which fall within the period of sick leave will not be charged

to the employee's accumulated sick leave.

- g.) If an employee becomes ill and the illness persists beyond seven days, the employee should apply for short-term disability benefits through the group insurance plan.
- h.) If for some reason, the employee is not eligible for short-term disability benefits, application shall be made for sick benefits under Unemployment Insurance.
- i.) The First Nation administration will assist the employee in applying for the above.
- j.) Accumulated sick leave credits will be carried over to the next calendar year.
- k.) On termination of employment, no financial compensation shall be provided for accumulated sick leave credits.

5.1.8 Voting Leave

Employees who are eligible to vote in First Nation, territorial and federal elections, and whose names appear on the voter's list, shall be granted time off as follows on election days:

- a) Federal elections - Up to four full hours prior to polls closing
- b) Territorial elections - three full hours prior to polls closing; and
- c) First Nation elections - one hour off.

5.1.9 Special Leave with Pay

- a) Permanent employees and employees engaged for a term of more than six months may earn Special Leave credits at rate of 2.92 hours per month to a maximum of 5 days per calendar year.
- b) Special Leave will be approved at the discretion of the Supervisor.
- c) Employees may earn, but are not entitled to claim, special leave credits during the first six months of employment.
- d) Special leave will not be carried over to the next calendar year and no compensation will be paid for accumulated Special Leave upon termination of employment.

5.2 Leave Without Pay

5.2.1 General

Employees may apply to the Executive Director for leave without pay. The reason and

length of leave time requested must be clearly stated on the application. Acceptance or rejection of the request is the responsibility of the Chief and Council with the recommendation of the Executive Director.

5.2.2 Maternity and Parental Leave

At least two weeks' notice prior to an anticipated leave is required. In the event the employee must stop working and begin pregnancy or parental leave before their chosen commencement date as a result of a complication or because birth has occurred earlier than the due date, the two weeks' notice provision above does not apply. At least four weeks' notice must be given of the employee's anticipated return or resignation.

Maternity and Parental leave are governed by the Canada Labour Code.

5.2.3 Compassionate Leave

Compassionate Care leave is governed by the Canada Labour Code.

5.2.4 Cultural Leave

- a) Cultural Leave is limited to five (5) working days
- b) the days must be used consecutively and within the given year
- c) Cultural Leave will be without pay
- d) There shall be a minimum of 5 days notice given before Cultural Leave is taken
- e) Only full-time employees of White River First Nation are eligible to receive Cultural Leave

6.0 EMPLOYEE BENEFITS

6.1 *Disability and Group Insurance*

The First Nation Council has chosen to obtain disability and group insurance for First Nation employees. Such coverage would provide protection to both the First Nation and its employees for cases of long-term illness or disability. Long term disability and group insurance is available, covering regular full-time employees. Joining the plan is at the discretion of the employee.

6.2 *Fringe Benefits*

The First Nation may choose to consider other fringe benefits for staff. Some of these might include: subsidized day care, subsidized housing and transport allowance.

6.3 *Holiday Benefits- See vacation and other leave benefits*

6.4 Workers' Compensation

First Nation employees are covered by Workers' Compensation. Workers' Compensation provides wage replacement coverage when an employee is required to be off work due to a job-related accident or illness.

7.0 EMPLOYEE PERFORMANCE REVIEWS

After the probationary evaluation has been completed and approved by Council, each employee will have his/her performance reviewed at least once per year. This evaluation will be done by the Executive Director and/or immediate supervisor. A standard evaluation form will be used. Council will review both the evaluation and the employee's reply to the evaluation and make its recommendations.

The evaluation will be an objective evaluation of the person's work, ability and training needs. The evaluation will include recommended areas for improvement and training schedules, if necessary. The employee will be expected to attend all training as directed by his or her immediate supervisor. Failure to do so as directed, may result in disciplinary measures being taken.

This evaluation will remain confidential and become a permanent part of the employee file.

8.0 Discipline Policies

8.1 Introduction

The concept of discipline implies a respect on the part of all employees for the goals and expectations of the First Nation. These disciplinary policies have been developed as a guide for First Nation supervisors and employees to ensure and promote proper order, efficient control and acceptable conduct.

It is preferable that supervisors communicate openly with First Nation employees regarding any breach of conduct or unsatisfactory work performance and encourage the employees to voluntarily correct their behaviour. It is not feasible to prescribe procedures for every possible offence. Each case must be considered individually.

8.2 Causes for Disciplinary Action or Discharge

While it is not possible to describe all of the actions or behaviour which may lead to discipline or termination for cause, the following are some examples of conduct which will merit discipline:

- a) incompetence in the performance of duties;
- b) negligence in the performance of duties;
- c) misconduct in terms of attendance, tardiness, insubordination or personal behaviour.

8.3 *Disciplinary Steps*

There will normally be four steps taken in disciplinary action: verbal reprimand, written reprimand, suspension (with or without pay) and termination. In some cases, it may prove necessary to bypass one or more steps depending upon the seriousness of the offence. However, except where the offence is so serious that it merits immediate termination for a first offence, employees will not be discharged unless they have had a written reprimand and the opportunity to correct their performance, actions or behaviour.

8.3.1 *Verbal Reprimand*

A verbal reprimand will be given by the Executive Director, or immediate supervisor, after a review of the facts. The employee will be given an opportunity to improve and advised of the action to be taken if another offence occurs. A written report of the verbal reprimand will be kept in the employee's file, together with the employee's acknowledgement of same. The employee may submit a written comment on the verbal reprimand, which will be placed in the employee's personnel file.

8.3.2 *Written Reprimand*

The Executive Director will review the facts with the employee. A written reprimand will be prepared and given to the employee, which will include the reason for the reprimand and notice of the action that will be taken if another offence occurs. All written reprimands will be signed by both the employee and supervisor. A copy of the letter will be given to Council and another copy will be placed in the employee's personnel file. The employee will be given the opportunity to make explanations, either verbally or in writing, in order to ensure that the situation is clearly understood on both sides. The employee's written explanations will be retained in the personnel file.

The employee may, after a period of 12 months, request that the written reprimand be removed from the personnel file. Such a request will be granted if the employee's behaviour or performance is now satisfactory.

8.3.3 *Suspension*

The Executive Director and the employee's supervisor may suspend an employee, with or without pay, for up to one week. Suspension is an enforced, temporary absence from duty with or without pay.

The supervisor and/or Executive Director will provide to the employee written notice of the suspension, which will state the effective date, the duration of and reason for the suspension. A copy of this written notice will be provided to the Council, which may, at its discretion, recommend further disciplinary action against the employee. Another copy of the letter will be placed in the employee's personnel file. The employee may dispute the suspension by notice to the Council.

8.3.4 *Termination for Cause*

Where, further to disciplinary action, an employee fails to improve performance or

behaviour, a termination letter approved by Council, reviewed by WRFN's lawyer and signed by the Executive Director or the Chief, will be given to the employee.

In addition, certain conduct is so serious that an employee may be immediately discharged for a first offence. The following list is meant to serve as an example only and is not exhaustive of the behaviour which may result in immediate termination for cause:

- a) theft from the WRFN,
- b) fraud,
- c) dishonesty,
- d) committing an illegal or criminal act while on duty and
- e) fighting or assaulting another employee at the workplace.

9.0 RESIGNATION AND TERMINATION WITHOUT CAUSE

9.1 *Staff Resignation*

Employees wishing to terminate their employment must give written notice of at least one month (20 working days) for management personnel and two weeks (10 working days) for all other personnel to the immediate supervisor. In special circumstances, and with the consent of the Executive Director, the employee may resign with less notice.

Adjustments will be made on the last pay cheques for such items as holiday pay, overpayments, and any amounts owing to the First Nation. If an employee has not provided the required notice, the employer may retain a portion of the holiday pay and/or other sums due to the employee upon termination, as defined by the Canada Labour Code.

9.2 *Termination Without Cause*

Subject to the provisions relating to employees on probation, where the WRFN decides to terminate the employment of any permanent employee without cause, WRFN must provide written notice of termination of employment, or pay in lieu thereof. The written notice of termination will include the effective date of termination. In the event that the First Nation does not give the employee sufficient notice of termination, the First Nation will pay the employee wages at his or her regular rate of wages for his or her regular hours of work, in lieu of required notice.

a.) Permanent Employees with Less Than Three (3) Months of Continuous Service:

Where the WRFN decides to terminate the employment of a permanent employee with less than three (3) months of continuous service, WRFN will give the employee notice in writing at least seven (7) days prior to the date of termination.

b.) Permanent Employees with More Than Three (3) Months of Continuous Service:

Where the WRFN decides to terminate the employment of a permanent employee with more than three (3) months of continuous service, WRFN will give the employee notice in writing at least two (2) weeks before the termination date.

c.) Permanent Employees with More Than Twelve (12) Months of Continuous Service:

Where the WRFN decides to terminate the employment of a permanent employee with more than twelve (12) months of continuous service, WRFN will give the employee notice in writing of least two (2) weeks, plus one (1) week per year of continuous employment and severance pay in accordance with Canada Labour Code.

9.3 *Layoff*

Lay-off may occur when program funding which provides for an employee's wages and benefits ceases to exist or there is an interruption in the flow of funding for other reasons. Lay-off notices will be signed by the Executive Director and will follow the provisions of the Canada Labor Code.

9.4 *Money Owing to Employee*

All money owing to an employee will be paid to the employee within ten (10) working days.

9.5 *Money Owed to WRFN by Employee*

Upon termination of employment, all money owed to WRFN by an employee will be deducted from the employee's final pay cheque.

10.0 CONFLICT OF INTEREST

10.1 *Guidelines*

A First Nation employee should not place him/herself in positions where he/she is under any obligation to any person who might benefit from special considerations or to have monetary interests which could conflict in any manner with the discharge of his/her duties as an employee or member of the White River First Nation.

Employees and Council members should exercise care in the management of their private affairs in order not to benefit, or appear to benefit, from the use of information required during the course of their work, when such information is not generally available to the public.

Employees and Council members should not place themselves in a position where they could derive direct or indirect benefits or interests from White River First Nation contracts over which they can influence decisions.

Employees or Council members should not hold an outside office or employment that could place on them demands inconsistent with their duties for the White River First Nation.

While acknowledging the above, members of Council, with abilities in business should not be excluded from participating in economic opportunities. Interest should be declared and the individual withdrawn from discussion and decision-making concerning the matter.

10.2 *Disclosure and Resolution of Conflict of Interest Situations*

All employees and Chief and Council are expected to disclose to the Executive Director or Council all business or commercial or financial interests where such interests might conceivably be construed as being in actual or potential conflict with their duties:

- a.) In case of the above, the Executive Director or Council will respond forthwith to the matter under discussion with the employee or Council member and attempt to resolve it.
- b.) The White River First Nation Chief and Council will make the final decision and advise the employee in writing, of the conduct expected. This is binding and is cause for dismissal if not adhered to.
- c.) In case of a Councilor requesting arbitration of Council's decision, a panel may be called to hear both sides of the problem. This panel will consist of the following:
 - ~ One member from Council (with that portfolio)
 - ~ One First Nation Elder
 - ~ One outside person

10.3 *Personal Conflict of Interest*

Where, due to close relationship ties, Conflict of Interest concerns exist between employees or leadership that may affect operations in the workplace, roles will be restructured so as to eliminate the potential conflict situation.

- a) In the case of a conflict between Supervisor and employee, Chief and Council shall appoint a Designated Authority to assume the role of Supervisor in relation to that employee. The person designated shall, in cooperation with the Supervisor, be responsible for all supervisory duties in relation to that employee; signing of timesheets, approval of leave, meeting attendance, etc.
- b) Leadership in Conflict of Interest situations with employees shall not participate in any decision making in regards to that employee.

11.0 SALARY ADMINISTRATION

In the setting of salary scales or range of pay for a particular position, as well as designating a salary for a specific employee, the Council may wish to consider the following factors:

- ~ salaries should be roughly equivalent to pay ranges for similar positions with other First Nations nearby, or equivalent salaries for work of equal value in nearby communities;
 - ~ pay should commensurate with the individual's qualifications and experience;
 - ~ the First Nation's revenues, budgets and allocations for the position/department.
- a.) All salaries shall be paid according to the terms and conditions of employment. Annual salaries for employees shall be paid at the rate approved by the First Nation Council.
 - b.) It is the policy of the First Nation Council to pay its full-time employees on a bi-weekly basis. Should any pay day fall on a holiday, pay cheques will be prepared on the last working day prior to the holiday.
 - c.) Employees shall be provided with a statement of earnings and all deductions made from their pay cheques.

11.1 *Advances on Salary*

- a) Advances on pay or honoraria should be requested only as a last resort and after all other avenues of remedy have been exhausted.
- b) Advances on pay shall not exceed 65% of the employees regular bi-weekly gross earnings
- c) Advances on honoraria shall not exceed 65% of expected gross earnings
- d) All requests for advances on pay or honoraria, whether cash or purchase order over \$150.00, shall be approved at a duly convened Chief and Council meeting.
- e) The Executive Director may approve advances in the form of purchase orders provided the request does not exceed \$150.00
- f) All advances by either cash or purchase order shall be deducted, in full, from the employees next pay or honoraria cheque
- g) Prior to any additional advances being considered, receipts for purchase orders must be submitted to the Finance office for deduction from pay or honoraria.

12.0 PERSONNEL FILES

12.1 *General*

- a.) Personnel files will be maintained on a current basis for all employees. These files will include such information as the employee's original employment application, date employment started/terminated, original salary level and any subsequent increments, signed copies of the employee's job description, Code of Conduct contract, performance evaluations, TD-1s (if applicable), personal vehicle usage contract (if applicable), current information on the employee's vacation and sick leave credits, etc...
- b.) Employees shall have access to their personnel files, in the presence of the accountant/ controller or other authorized staff member.
- c.) Employees will receive personal copies of their written job descriptions, any subsequent additions or alterations to their job descriptions, this Policy and Procedures Manual, and other relevant information.
- d.) If an employee terminates, the First Nation employment file for the employee will be closed.

12.2 *Confidentiality of Personnel Files*

- a.) Employees' personal information shall be kept confidential. For this reason, access and handling of personnel files will be restricted to the employer and payroll processor.
- b.) Other than persons normally having access to a file, written permission of the employee will be required before allowing access to anyone else.

13.0 GRIEVANCE PROCEDURES

It is a policy of the White River First Nation that its employees receive fair and equitable treatment at all times and that all employee relations be conducted in a harmonious manner. In spite of the intent, however, it is recognized that situations may arise where an employee is dissatisfied with his/her on-the-job treatment. Such dissatisfaction may be called a grievance. In such cases, an employee will follow the following procedure:

- a.) The employee will submit a written report of the grievance to the Executive Director. This report will include all of the details of the situation, be signed and dated by the employee, and should be submitted within five (5) working days of the event prompting the grievance.
- b.) The Executive Director, Acting Assistant Executive Director, or immediate supervisor will make every effort to solve the grievance at the initial step.
- c.) If, within five (5) working days following the submission, the employee is not satisfied with the solution of the grievance, the employee will submit a written

report to the Council, which will include the first report and the actions taken to solve the problem to date.

d.) The decision of the Council will be final. The employee and the Executive Director, Acting Assistant First Nation Manager, or immediate supervisor will each be granted time before Council to present their case.

e.) In the case of a grievance against Council, a third-party independent arbitrator may be engaged to handle the grievance.

14.0 HARASSMENT POLICY

The WRFN is committed to providing a working environment in which all individuals are treated with respect and dignity. Every WRFN employee has the right to a working environment free from harassment. WRFN employees have a responsibility to treat other employees with respect and the responsibility to speak up when harassment occurs.

Harassment is any behaviour that demeans, humiliates, or embarrasses a person. It is any behaviour that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time. Harassment is a lack of respect.

It is essential that employees inform WRFN supervisors, management or Chief and Council if they are being harassed.

Step 1: Ask the harasser to stop.

If the employee can, he or she should tell the harasser to stop. If the activity or behaviour does not stop after the person has been confronted, or if the employee does not feel comfortable confronting the person, the employee should follow the procedure in step 2.

Step 2: Discuss the incident with a person in a position of authority

Complaints must be dealt with in as confidential and expeditious a manner as possible. If a person in authority receives a complaint of harassment, he/she must inform the Executive Director or the Chief and Council immediately.

Step 3: Investigation

The Supervisor or the Chief and Council will investigate the allegation by:

a.) Interviewing the employee alleging harassment and documenting the nature of the complaint, including: the dates/time frames in which the incident(s) occurred; the name/position of the alleged harasser; and all relevant facts.

b.) Interviewing the alleged harasser, if possible.

c.) Interviewing any witnesses, if appropriate.

Step 4: Resolution

The Executive Director or Chief and Council will recommend a resolution of the complaint.

Any substantiated complaints regarding incidents of harassment by WRFN employees will be addressed by management or Chief and Council. Disciplinary action up to and including termination of employment for just cause, could result. Retaliation against the complainant or witnesses will not be tolerated.

WRFN acknowledges its responsibility to support and assist any employee who believes that he/she has been harassed by Members or other parties who are non-WRFN employees, during the course of their dealings with WRFN. If an employee believes he or she is being harassed by a third party in the course of their employment, the employee should bring his or her concerns to the attention of the Executive Director or the Chief and Council. The Executive Director or the Chief and Council will be responsible for appropriately investigating and addressing the matter.