

HIGH BAR FIRST NATION

Personnel Policy & Procedures Manual

*Presented to the High Bar Chief & Council for
review and revision on September 29, 2009 by
Jefferson International.*





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PREAMBLE

The personnel policy and procedures manual of the High Bar First Nation is intended to offer support to its employees by clarifying philosophies, policies, programs and practices.

The High Bar First Nation is member-focused and is committed to working in a unified way toward strengthening an autonomous, healthy, self-sufficient Shuswap community.

The High Bar First Nation strives to support and improve the community and its membership by fairly delivering programs and/or services for the people.

It is expected that the employees of the High Bar First Nation will adhere to these principles and do their best to uphold the values.

It is the employees' responsibility to understand the policies and procedures in this manual and to follow them.

Failure to respect any policy may result in discipline up to and including termination.

If you have any questions or concerns about the interpretation or application of a particular policy or procedure, please review the section with your immediate supervisor(s).

Management Philosophy

The High Bar First Nation believes in the development and administration of written statements in good faith in providing fair employment practices, and equal employment opportunities for present and future job applicants.

The High Bar First Nation intends to provide a work environment that promotes personal advancement and emphasizes open communication. High Bar First Nation intends to treat its employees fairly and honestly and expects that the employees will reciprocate with a commitment to work productively and efficiently.

Personnel policies are approved by the High Bar First Nation Chief and Council and administered by the Executive Director or otherwise direct supervisor.

The Chief and Council reserve the right to make changes to this policy manual at their discretion.

Values

Every employee at the High Bar First Nation is responsible for the development and maintenance of positive relationships with all those with whom they interact. Our values drive the relationships we establish and maintain.

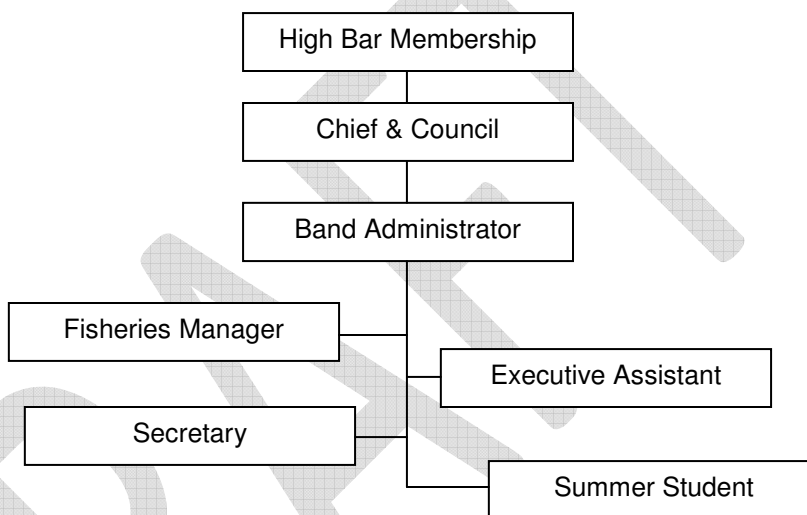
1. Our work together as High Bar First Nations employees should be that of a team environment that encourages all of us to grow and develop as human beings, gaining the strengths of character we need to our best in every aspect of our lives.



2. Managers and supervisors must provide an environment complete with all of the necessary tools, training, skill and additional support required for employees to succeed in their work.
3. Employees and management must have mutual respect for one another. Employees must accept their supervisor's direction and know that they are an important part of the team and be dedicated to helping the team achieve its goals.
4. We should enjoy our work, facing challenges together and supporting each other through difficult situations and celebrating with each other the successes we achieve.

Lines of Authority

The following are the current lines of authority for the High Bar First Nation:



The High Bar First Nation expects all employees to follow the intended “lines of authority” and report to his/her direct supervisor.



SUBJECT: PURPOSE OF THE POLICY AND PROCEDURES MANUAL
SECTION: 1
EFFECTIVE DATE:
APPROVED BY: CHIEF AND COUNCIL

1.1 Purpose of policy and procedures manual.

This policy manual contains statements of personnel policies and procedures to be followed by all High Bar First Nation employees. This manual outlines various policies and also indicates how such policy is to be administered.

This manual is to serve as a reference and working guide for management and supervisory personnel in the day-to-day administration of our personnel policies and procedures.

These written policies should increase our understanding and promote consistency with the High Bar First Nations operations.

It is the responsibility of the managers and supervisors to administer these policies in a consistent and impartial manner.

[The purpose of the personnel policy is to provide a guide for the management of the human resources of the High Bar First Nation.]



**SUBJECT: AUTHORITY AND DISTRIBUTION OF POLICY AND PROCEDURES
 MANUAL**
SECTION: 1
EFFECTIVE DATE:
APPROVED BY:

1.2 Authority and distribution of policy and procedures manual.

It is the High Bar First Nation policy to distribute and issue this Personnel Policy and Procedures Manual to all staff at the point of hire. Furthermore, it is expected that all staff will acquaint themselves with the contents of this manual and be responsible to seek clarification on any policy or procedure required in order to ensure that s/he can adequately adhere to the policies and procedures.

PROCEDURE

- a. The Band Administrator will ensure that Chief and Council and all staff including managers and supervisors have a copy of the Personnel Policy and Procedures Manual.
- b. All of the above will sign the relevant Acknowledgement of Receipt form, acknowledging that they have received a complete copy of the Personnel Policy and Procedures Manual.
- c. The Acknowledgement of Receipt form will be kept in the managers, supervisors or employees' personnel file.
- d. The Band Administrator will be responsible to ensure that all of Chief and Council, Managers, Supervisors and employees will receive amendment to the manual in a reasonable time.
- e. All recipients will return their copy of the High Bar First Nations Personnel Policy and Procedures Manual to the Band Administrator when their employ is terminated.

[No such policy or procedure currently exists.]



SUBJECT: HIGH BAR FIRST NATION PERSONNEL POLICY AND PROCEDURE CHANGES

SECTION: 1

EFFECTIVE DATE:

APPROVED BY:

1.3 Changes to the policy and procedures manual.

It is the High Bar First Nation Personnel Policy to effect changes to this Personnel Policy and Procedures Manual to reflect and ensure observance of relevant changes with labour legislation, human resource practices and organizational development.

It is the policy that all changes to the this Personnel Policy and Procedures Manual are to be approved by Chief and Council, and that all users of the manual will be promptly informed of the update(s).

PROCEDURE

- a. Suggestions for changes to the existing Personnel Policy and Procedures Manual are to be made in writing to the Band Administrator.
- b. The Band Administrator may bring changes, after consideration, to the Chief and Council meeting for consideration and possible approval.
- c. If the Chief and Council approve the change(s), the Band Administrator will update the Personnel Policy and Procedures Manual.
- d. The Band Administrator will distribute the changes to all managers, supervisors and employees who will be responsible to make the appropriate changes in their manuals.

[No such policy or procedure currently exists.]



SUBJECT: SUPERVISOR RESPONSIBILITIES TO EMPLOYEES
SECTION: 2
EFFECTIVE DATE:
APPROVED BY:

2.1 Supervisor responsibilities to employees.

It is High Bar First Nation policy that management and supervisory staff fulfill their roles in an efficient, effective and respectful manner pertaining to all High Bar staff entrusted to them.

It is furthermore the High Bar First Nation policy that managers and supervisors must meet and observe the following values and responsibilities to employees under their supervision:

- 2.1.1 Consider employees as individuals and respect them as you would want to be respected.
- 2.1.2 Make every effort to present employees in a positive light.
- 2.1.3 Make every effort to interpret, explain and clarify Band's policies and procedures to employees ensuring employees are equipped to operationally apply and observe policies and procedures relevant to the High Bar First Nation workplace.
- 2.1.4 Model good work ethics for employees to follow.
- 2.1.5 Take time to publicly praise your employees for performing a job exceptionally well.
- 2.1.6 If a reprimand is necessary, always do so in a private setting.
- 2.1.7 Ensure that every employee thoroughly understands his/her job duties and responsibilities.
- 2.1.8 Improve, enhance and encourage employee confidence in you as a leader by dealing with them in a considerate and fair manner.
- 2.1.9 Ensure employees are placed in a job according to their skills, abilities and experience.
- 2.1.10 Assume responsibility for the actions and work performed by an employee under your supervision.
- 2.1.11 Ensure that all employees, under your supervision, are properly informed and trained in personal safety, work place hazards, safe work practices, and the location of the Band's first aid facilities.

[No such policy currently exists.]



SUBJECT: MANAGEMENT, SUPERVISORY AND EMPLOYEE RESPONSIBILITIES FOR RESOURCES
SECTION: 2
EFFECTIVE DATE:
APPROVED BY:

2.2 Management, supervisory and employee responsibilities for resources.

It is High Bar First Nation policy to hold management, supervisors and staff accountable for the active control of operational expenses and the prevention of waste of material and resources entrusted to them.

As per this policy, management, supervisors and staff are expected to observe the following:

- 2.2.1 To be mindful and aware of any incidence of waste within your area of work, or work station and always to invite suggestions from staff and co-workers to reduce waste and the costs of the operation.
- 2.2.2 Encourage staff and co-workers to be cost conscious in the use of office supplies and materials.
- 2.2.3 Stay informed of the condition of the tools and equipment within your department, work area or workstation to ensure safe and proper working conditions while eliminating waste.

[Possible insertion of a policy that requires personal responsibility for a band owned item over a specified value; a lap top for example.]



SUBJECT: HIGH BAR FIRST NATION EMPLOYEE RESPONSIBILITIES
SECTION: 2
EFFECTIVE DATE:
APPROVED BY:

2.3 High Bar First Nation Employee Responsibilities

It is the High Bar First Nation Personnel Policy to expect reasonable job performance and production from all employees on its payroll.

It is further High Bar First Nation Personnel Policy to expect that:

- 2.3.1 Employees observe and meet specific responsibilities, policies and procedures set out in this manual.
- 2.3.2 Employees put forth best efforts in performing individual duties, while at the same time assisting the High Bar First Nation organization to create and maintain a healthy workplace by working in harmony with co-workers.
- 2.3.3 Employees strive to develop and improve their knowledge and skills to stay abreast of change in work duties, and attend training opportunities.

[No such policy currently exists.]



SUBJECT: JOB POSITION AUTHORIZATION
SECTION: 3
EFFECTIVE DATE:
APPROVED BY:

3.1 Job position authorization.

It is High Bar First Nation policy that all newly created job positions and wage/salary placements pertaining to the relevant job position be approved by the Chief and Council, prior to its incorporation into the High Bar First Nation organization.

PROCEDURE

- a. The band administrator, with the assistance of managers or supervisors, are responsible for identifying a need for a new position within the organization.
- b. The band administrator will draft a job description as well as research and present an appropriate salary/wage suggestion to the Chief and Council.
- c. If/when the position and accompanying salary/wage is approved by Chief and Council, the band administrator will commence recruitment procedures.
- d. The band administrator will ensure that the new position is reflected and included in the organizational structure.



SUBJECT: EQUAL OPPORTUNITY EMPLOYMENT
SECTION: 3
EFFECTIVE DATE:
APPROVED BY:

3.2 Equal opportunity employment.

Subject to the Preferential Hiring Policy of the Canadian Human Rights Commission, it is the High Bar First Nation Personnel Policy to embody and respect the principle of equal opportunity employment and fair treatment in the workplace.

High Bar First Nation prohibits discrimination on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, physical or mental limitations, gender, sexual orientation, age or conviction for which a pardon has been granted, except in bona fide occupational requirements.

It is the intent of the High Bar First Nation that equal employment opportunity will be provided in employment, wage, benefits and all other privileges, terms and conditions of employment. All employees will be held accountable for meeting the standards set out by the Canadian Charter of Human Rights in employment and operational practices.

All candidates are selected on the basis of the following qualifications:

- Education and training.
- Skills and ability.
- Past experience(s).
- Competence.
- Satisfactory employment reference(s).
- Past work performance.
- Length of service (internal candidates).
- Preferential policy placement.

PROCEDURE

- a. All employees in management and supervisory positions will observe, comply and administer the stipulations of the Canadian Human Rights Charter in all employment and operational activities while employed by the High Bar First Nation.



SUBJECT: PREFERENTIAL HIRING PRACTICE
SECTION: 3
EFFECTIVE DATE:
APPROVED BY:

3.3 Preferential Hiring Practice

It is High Bar First Nation policy to practice Preferential Hiring as per exemption acquired under Section 16 of the Canadian Human Rights Charter.

It is the High Bar First Nation policy to promote and serve the interests of Aboriginal people through increased employment opportunities by exercising the Canadian Commission on Human Rights whereby it is permissible for an Aboriginal organization to offer preferential treatment to Aboriginal people as it pertains to employment by means of hiring, promotion or otherwise.

[If High Bar wishes it is able to apply to be able to legally hire band members first before any other person of Aboriginal ancestry.]



SUBJECT: SEASONAL EMPLOYEES – RECALL AND LAY OFF PROCEDURES
SECTION; 3
EFFECTIVE DATE:
APPROVED BY:

3.4 Seasonal employees – recall and lay off procedures.

[Not sure if this is necessary for the High Bar First Nation]

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SUBJECT: JOB POSTINGS
SECTION: 3
EFFECTIVE DATE:
APPROVED BY:

3.5 Job postings.

It is High Bar First Nation policy that all vacant job postings be posted for ten (10) working days.

High Bar First Nations job postings shall include qualifications, duties, date of posting, application deadlines, and other relevant information related to the position deemed necessary by the band administrator.

It is High Bar First Nations policy that whenever possible, vacant positions will be advertised in the band newsletter to ensure accessibility to all band members.

PROCEDURE

- a. The band administrator will ensure that the vacant job posting will be posted internally in effort to promote an existing employee.
- b. The band administrator will determine the extent to which the vacant position will be advertised and in what medium accessing the band newsletter whenever possible.
- c. The band administrator will ensure that all job postings contain statements of qualifications, dates of posting, application deadlines and other relevant information deemed necessary.

[Some of this language is from existing policy].



SUBJECT: SERVICE SENIORITY/LENGTH OF SERVICE
SECTION: 3 – EMPLOYEMENT
EFFECTIVE DATE:
APPROVED BY:

3.6 Service seniority and/or length of service.

It is High Bar First Nation policy to consider length of service as a result of continuous employment with the High Bar First Nation. Employees accumulate length of service by continuing their employment with the band without unauthorized interruptions or termination. Service seniority and length of service is utilized for vacation entitlement, pension and health benefits, statutory holiday entitlement, but not used for job evaluations.

[Important distinction for union purposes.]

PROCEDURE

- a. The band administrator, in conjunction with the payroll section will record and maintain the length of service for all High Bar First Nation employees.



SUBJECT: SELECTION OF CANDIDATES FOR VACANT JOB POSTINGS
SECTION: 3 – EMPLOYMENT
EFFECTIVE DATE:
APPROVED BY:

3.7 Selection of candidates for vacant job postings.

It is High Bar First Nation policy that the short listing and initial review of all applications to assess applicant ability to meet the minimum stated qualifications for vacant positions will be completed by the band manager.

It is furthermore the policy that only job-related questions assessing the relative ability of each candidate's experience, skill, training and suitability for the position will be asked, and that illegal questions which could potentially put the employer at risk in terms of the Human Rights Charter, be avoided.

It is policy that all candidates be asked similar questions during the interview, and that the band manager reserve the right to leave a position vacant or re-post it, if determined there are no qualified applicants for the position.

Except in the case of the senior manager, the band administrator will determine whether or not a hiring panel will be established to review applications and interview selected candidates.

It is High Bar First Nation policy that selection of new employees be based on the following established criteria:

- Education and training.
- Skills and abilities.
- Satisfactory employment references and past work performance.
- Length of service (if applicable).
- Preferential hiring policy (if applicable).

PROCEDURE

- a. The band manager will contact the manager or supervisor where necessary once the closing date for a position has been reached and establish a time and date for short listing.
- b. The band manager will create the interview questions in consult with the job description and job requirements and shall consider the relevance and legal implications of interview questions.
- c. The band manager will invite short listed candidates to attend the interviews,
- d. The band manager will issue regret letters to applicants who were not short listed and copies will be held within the relevant competition files.



SUBJECT: CRIMINAL RECORD CHECKS
SECTION: 3 - EMPLOYMENT
EFFECTIVE DATE:
APPROVED BY:

3.8 Criminal record checks.

It is High Bar First Nation policy that successful candidate(s) for specific positions complete and provide the High Bar First Nation with a satisfactory Criminal Record Check.

It is High Bar First Nation policy that job postings will indicate that a Criminal Record Check is required, for a relevant job posting.

It is High Bar First Nation that offers of employment will be contingent upon obtaining a satisfactory Criminal Record Check for a relevant job posting.

It is High Bar First Nation policy that Criminal Record Check results will be considered confidential for all candidates and be filed in a closed envelop in the personnel file and that all candidates who do not accept job offers, the Criminal Record Checks are destroyed.

PROCEDURE

- a. The band manager will ensure that job postings contain the requirement for Criminal Record Check when positions that have the requirement are posted.
- b. The band manager will ensure that the relevant positions are flagged for Criminal Record Checks, be filled only after the successful candidate has submitted and passed the Criminal Record Check to the band manager.
- c. The band manager will keep and maintain a list of High Bar First Nation positions that require Criminal Record Checks, and job positions that require annual and periodic updates on Criminal Records.
- d. The band manager will update the list of Criminal Record bearing jobs, should legal requirements change or in the event of the creation of a new Criminal Record Check bearing job.
- e. The band manager will notify Chief and Council immediately if a staff member in a designated position has lost Criminal Record Clearance, whereupon a joint decision will be made regarding the status of continued employment.



SUBJECT: REFERENCE CHECKS
SECTION: 3 – EMPLOYMENT
EFFECTIVE DATE:
APPROVED BY:

3.9 Reference Checks.

It is High Bar First Nation policy that the band manager is responsible for verification of employment information provided by the recommended candidate for placement in a High Bar First Nation job position.

It is High Bar First Nation policy that references and some previous employers for the recommended applicant be contacted with respect to details of position(s) held and applicant's overall work performance, attendance and suitability.

It is High Bar First Nation policy that the band manager conduct reference checks for successful candidates for placement in staff positions.

It is High Bar First Nation policy that the Chief and Council conduct reference checks for the successful candidate for band manager.

PROCEDURE

- a. The band manager will conduct reference checks of some of the successful candidates previous employers, after the job interview for staff positions and will offer the candidate the position provided the candidate passed the reference check.
- b. The chief and council will conduct reference checks of some of the previous employers of the successful candidate for band manager.



SUBJECT: DRIVERS LICENCE AND DRIVERS ABSTRACT
SECTION: 3 – EMPLOYMENT
EFFECTIVE DATE:
APPROVED BY:

3.10 Drivers license and drivers abstract.

It is High Bar First Nation policy to require employees and the successful candidate of a job competition, to provide a certified copy of a valid British Columbia motor vehicle license(s) of a class appropriate for the vehicle the Employee will be operating, or operates in their job.

It is High Bar First Nation policy to require employees and the successful candidate of a job competition, to provide initial drivers abstract at the point of sign on to the position, and driver's abstracts on an annual basis into the future while employed by the High Bar First Nation.

The High Bar First Nation has zero tolerance for employees operating a motor vehicle for Band purposes while under the influences of drugs or alcohol, or any intoxicating substance, including impairing prescription medication. An employee who has operated a motor vehicle while conducting Band business in these circumstances may be terminated from employment or disciplined.

PROCEDURE

- a. The band manager will ensure the necessary certified copies of valid British Columbia motor vehicle license(s) of a class appropriate for the vehicle or equipment the employee will be operating are provided by the existing employee or newly signed on employee.
- b. The band manager will, on an annual basis alert and require, managers and supervisors to provide, in collaboration with the relevant employee(s), updated copies of drivers abstracts, and licenses for equipment operation, for filing on Personnel files.
- c. The band manager will ensure a checklist is maintained regarding receipt of the driver license, abstract and licensing requirements for the operation of equipment.
- d. Managers and supervisors will inform the band manager immediately of employee loss of relevant license or if the status of a driver abstract has changed to such an extent that the employee provides a risk to the Employer, whereupon a decision regarding continued employment will be made.



SUBJECT: LETTER OF OFFER (EMPLOYMENT)
SECTION: 4 – NEW EMPLOYEE APPOINTMENT AND ORIENTATION
EFFECTIVE DATE:
APPROVED BY:

4.1 Letter of offer (employment).

It is High Bar First Nation policy that all New Employees in Permanent, Time Limited, Relief, On-call, Seasonal, Summer Time Students and STEP (Secwepemc Training and Employment Programs) Positions will receive a Letter of Offer.

It is High Bar First Nation policy that the Letter of Offer shall include and identify the Job Position Title, Start Date, End Date (if applicable) Salary/Wage placement, Probation period, Eligibility and Waiting Period for Benefits and Pension, an Acceptance of Position signature by the Employee, and a statement that the Employee will be bound by the High Bar First Nation policy.

It is High Bar First Nation policy that the original version of the Letter of Offer is handed to the employee and that a file copy of the Letter of Offer be placed on the employee's personnel file.

It is High Bar First Nation policy that the Letter of Offer be signed by the band manager or in his /her absence by a member of Chief and Council.

PROCEDURE

- a. The band manager will ensure Letters of Employment will be issued to all new staff and that Copies of Letters of Offer are placed on the relevant personnel file.



SUBJECT: EMPLOYEE ORIENTATION
SECTION: 4 – NEW EMPLOYEE APPOINTMENT AND ORIENTATION
EFFECTIVE DATE:
APPROVED BY:

4.2 Employee orientation.

It is High Bar First Nations policy to provide an Orientation Program to New Employees.

It is High Bar First Nation policy that the Employee Orientation Program contains the following elements:

- Introduction and Welcoming to the Workplace
- Documentation
- A Review of Band Values, Norms and Policies
- A Tour of the Band Facilities

PROCEDURE

- a. The band manager and the relevant managers and/or supervisors will ensure New Hires are Introduced and Welcomed within their immediate Work Group during the First Work day.
- b. The Human Resources Manager and the relevant Department Head will ensure New Hires Complete the following documentation:
 - Personal Tax Credits Application (Provincial and Federal), if applicable
 - Emergency Contact Information Form
 - Oath of Confidentiality
 - Declaration of Understanding
 - Issue and employee signoff of receipt of High Bar First Nation personnel policies and procedures manual
- c. The band manager will ensure New Hires are taken on a tour of the Band Facilities and Introduced to all available staff within the High Bar First Nation.
- d. All employees will fully cooperate with the new employee during orientation.



SUBJECT: EMPLOYER FILES (PERSONNEL FILES)
SECTION: 4 – NEW EMPLOYEE APPOINTMENT AND ORIENTATION
EFFECTIVE:
APPROVED BY:

4.3 Employer files.

It is High Bar First Nation policy that:

An Employer File (Personnel File) be created and maintained for all Current and New Employee.

The Contents of an Employer File (Personnel File) Remains the Property of the Employer and that entire file duplications not be provided to Employees.

That duplications of Employer File (Personnel File) by way of photocopy or electronic format or in any other form, not be released to outside parties, unless by way of subpoena.

That all Employees will have access, under supervision of the band manager, to their own Employer File upon written request, and by way of pre-arranged appointment with the band manager.

That no information relating to an Employee's performance shall be placed in the Employer File (Personnel File) unless a copy has been furnished to the employee.

That managers and supervisors will have access to Employer Files (Personnel Files) of their direct Staff, for work related operational purposes only and managers and supervisors and staff members will not have the authority to remove any documentation from Employer Files (Personnel Files).

That the band manager will have access to all Employer Files (Personnel Files).

That Employer Files (Personnel Files) will not be removed from the office without the consent of the band manager, and that no Employer Files (Personnel Files) be taken off the premises of the employer, for e.g. be taken home.

That the band manager will maintain a log/sign-in sheet of persons accessing Employer Files (Personnel Files) be kept and maintained.

That Payroll and Attendance records (Time Sheets) will be located in the Employee Payroll Files and be accessed and maintained under the authority of the band manager.

That there will be no unauthorized access to employee payroll records. Keys to the payroll filing cabinet shall be stamped "DO NOT COPY" and must not be reproduced without authorization from the band manager.



That the Employer Files (Personnel File) contains the following documentation:

- Employee Resumé
- Letter of Offer
- Signed Oath of Confidentiality
- Signed Acknowledgement of Acceptance of High Bar First Nation Personnel Policy and Procedures Manual
- Signed copy of Job Description.
- Signed copies of Annual Performance Evaluations and Probation.
- Sick Notes
- Certified Copies of Qualifications, Training Certificates and specific Certifications and Licenses.
- Letters of expectation
- Letters of discipline
 - Any relevant work related Correspondence to the Employee.

PROCEDURE

The band manager will ensure that:

- a. An Employer File (Personnel File) be created, maintained and kept in a confidential cabinet.
- b. Entire duplications of Employer Files (Personnel Files) not be provided to Employees.
- c. Duplications of Employer Files (Personnel Files) not be provided by way of photocopy, electronic format or in any other form, to outside parties, unless by way of subpoena.
- d. That employees will have access, under supervision of the band manager, to their own Employer Files (Personnel Files), upon written request and by way of pre-arranged appointment with the band manager.
- e. That no information relating to an Employee's performance be placed in the Employer File (Personnel File), unless a copy has been furnished to the Employee.
- f. That managers and relevant supervisors have access to Employer Files (Personnel Files) of direct Staff, for work related operational purposes only, and that managers and relevant supervisors do not remove any documentation from an Employer File (Personnel File).
- g. That the band manager have access to all Employer Files (Personnel Files)
- h. That Employer Files (Personnel Files) will not be removed from the Human Resources Office without the consent of the band manager, and that no Employer File (Personnel File) will be taken off the premises of the Employer, for e.g. taken home.
- i. That a log/sign – in sheet of persons accessing Employer Files (Personnel Files) will be kept and maintained.



- j. That in conjunction with the band manager, payroll and attendance records (time sheets) be located in Employee Payroll Files.
- k. The band manager will ensure that there is no unauthorized access to Employee Payroll Records. That keys to the Payroll cabinet be stamped “DO NOT COPY”, and not be reproduced without her/his and the band manager authority.
- l. That Employer Files (Personnel Files) contain the following documentation;
 - Employee Resumé
 - Letter of Offer
 - Signed Oath of Confidentiality
 - Signed Acknowledgement of Acceptance of High Bar First Nation Personnel Policy and Procedures Manual
 - Signed copy of Job Description.
 - Signed copies of Annual Performance Evaluations and Probation.
 - Sick Notes
 - Certified Copies of Qualifications, Training Certificates and specific Certifications and Licenses.
 - Letters of Expectation
 - Letters of Discipline
 - Any relevant work related correspondence to the Employee.



SUBJECT: OATH OF CONFIDENTIALITY
SECTION: 4– NEW EMPLOYEE APPOINTMENT AND ORIENTATION
EFFECTIVE DATE:
APPROVED BY:

4.4 Oath of confidentiality.

It is High Bar First Nation Personnel Policy that:

The High Bar First Nation Oath of Confidentiality is binding on all Employees, Volunteers, Practicum students, Summer Students, STEP placements, Disability and HRDC Special Placement Work program placements and other non-employees during and after their employment\ placement and\or tenure with the Band.

That all Employees, Volunteers, Practicum students, Summer Students, STEP placements, Disability and HRDC Special Placement Work program placements and other non-employees will be required to sign the Oath of Confidentiality as an indication and agreement that employment is accepted under the terms outlined in the Oath of Confidentiality.

A breach of confidentiality could result in legal proceedings, and/or immediate dismissal.

PROCEDURE

- a. The band manager will ensure that Employees, Summer Students, STEP placements, Disability and HRDC Special Placement Work program placements sign the Oath of Confidentiality, as an indication and agreement that employment\placement is accepted under the terms outlined in the Oath of Confidentiality, and that a signed copy of this document be placed on the relevant Employer File (Personnel File).
- b. Managers and supervisors will ensure that Volunteers, Practicum students, and other non-employees sign the Oath of Confidentiality as an indication and agreement that placement\contracts are accepted under the terms outlined in the High Bar First Nation Oath of Confidentiality, and that a signed copy of the Oath of Confidentiality be placed in the relevant Contract Acceptance File.



- c. Managers, supervisors and the band manager shall ensure that all High Bar First Nation descriptions contain the following elements:
- Name of the Department,
 - Manager or supervisor,
 - Position title,
 - Nature and scope of work,
 - Duties and Responsibilities
 - Position Qualifications (Education, Training, Certification, Experience)
 - An Acknowledgement Page duly signed by all parties stated therein.
- d. The band manager shall ensure that copies of all High Bar First Nation job descriptions are kept in Position Files.
- e. Managers, supervisors and the band manager are shall ensure that all High Bar First Nation Job descriptions be used as a base document for Employee selection, Employee Probation and Employee Annual Evaluations.
- f. Managers, supervisors and the band manager are shall ensure that all High Bar First Nation Job descriptions be reviewed and revised in terms of the relevant clause within the High Bar First Nation Personnel Policy and Procedure.



SUBJECT: PROBATION PERIOD
SECTION: 5 – JOB DESCRIPTIONS, PROBATION AND EMPLOYEE
EVALUATIONS
EFFECTIVE DATE:
APPROVED BY:

5.2 Probation period.

It is High Bar First Nation Personnel Policy that:

- 5.2.1 New Permanent, backfill, seasonal and relief staff be placed on a (3) month probationary period.

All existing staff who successfully compete and are offered a different staff position will be placed on a three (3) month probationary period.

A staff member who accepts a different position within the Band and fails to pass the probationary period for this position shall not be entitled to automatically return to his/her previous position.

At any time during the probation period the band manager may terminate employment without notice or payment in lieu of notice or compensation of any kind.

- 5.2.2 All new management will be placed on a six (6) month probationary period.

All existing management who successfully compete and are offered a different management position will be placed on a six (6) month probationary period.

A manager who accepts a different position within the Band and fails to pass the probationary period for this position shall not be entitled to automatically return to his/her previous position.

At any time during the probation period the Chief and Council may terminate employment without notice or payment in lieu of notice or compensation of any kind.

PROCEDURE

The Band Manager will ensure that:

- a. New Permanent, backfill, seasonal and relief staff be placed on a (3) month probationary period.
- b. Existing staff who successfully compete and are offered a different staff position will be placed on a three (3) month probationary period.
- c. Staff members who accept a different position within the Band and fail to pass the probationary period for this position shall not be entitled to automatically return to his/her previous position, and will be subject to rejection on probation as per the suitability test within labour legislation.



- d. New management will be placed on a six (6) month probationary period.
- e. Existing management who successfully compete and are offered a different management position will be placed on a six (6) month probationary period.
- f. A Manager who accepts a different position within the Band and fails to pass the probationary period for this position shall not be entitled to automatically return to his/her previous position and will be subject to rejection on probation procedures as per labour legislation.
- g. Any time during the probation period the Employer may terminate employment without payment in lieu of notice or compensation of any kind.

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SUBJECT: PROBATIONARY STAFF EVALUATION
SECTION: 5 - JOB DESCRIPTIONS, PROBATION & EMPLOYEE EVALUATIONS
EFFECTIVE DATE:
APPROVED BY:

5.3 Probationary staff evaluation.

It is High Bar First Nation policy that:

Each Manager and supervisor evaluate probationary staff before the end of the probationary period using the Band's established evaluation systems and forms.

The relevant Manager or supervisor will recommend continuation or termination of the Employee's employment.

Should any new employee fail to meet standards of performance, attitude, attendance, safety and cooperation before the end of the probationary period, probation be extended or employment be terminated based on the probationary suitability test.

If the probation period is extended, the staff will be evaluated again before the end of the probation period.

Except in unusual circumstances, the probation period will not be extended more than once.

The Band Manager may be requested to attend and provide input during an employee probationary evaluation.

That all staff that complete successful probationary evaluations be given a step increase commensurate with the current salary/wage grid pertinent to the job position occupied, and that the 3 month service anniversary date, be utilized as implementation date of the probationary step increase.

PROCEDURE

- a. All Managers, supervisors will ensure that probationary staff are evaluated at least 2 weeks before the end of the probationary period to determine suitability of an Employee's continued employment with the High Bar First Nation. If there is reason to determine that an employee has failed the test for suitability at this point, rejection on probation procedures have to be actioned in consultation with the band manager.
- b. All Managers or supervisors may request the band manager to attend and provide input in an Employee Probationary Evaluation.
- c. Employees will be provided with a copy of the probationary evaluation.
- d. The original probation evaluation document will be placed on the Employee's personnel file.



SUBJECT: PROBATIONARY MANAGERS AND BAND MANAGER EVALUATIONS
SECTION: 5 – JOB DESCRIPTIONS, PROBATION & EMPLOYEE EVALUATIONS
EFFECTIVE DATE:
APPROVED BY:

5.4 Probationary managers and band manager evaluations.

It is High Bar First Nation Personnel Policy that:

Each probationary Manager and supervisor be evaluated by the band manager

The probationary Band Manager will be evaluated by all members of Chief and Council.

PROCEDURE

- a. The band manager will ensure that probationary manager and supervisors be evaluated using the Band's established evaluation systems in terms of the Probationary Staff Evaluation Policy and Procedure contained in the High Bar First Nations Personnel Policy and Procedures Manual.
- b. Chief and Council will ensure that the probationary Band Manager is evaluated before the end of the probationary period to determine suitability of continued employment with the High Bar First Nation. If there is reason to determine that the employee failed the test for suitability at this point, rejection on probation procedures have to be auctioned.
- c. All Managers or supervisors may request the band manager to attend and provide input in an Employee Probationary Evaluation.



SUBJECT: EMPLOYEE ANNUAL EVALUATION
SECTION: 5- JOB DESCRIPTIONS, PROBATION & EMPLOYEE EVALUATIONS
EFFECTIVE DATE:
APPROVED BY:

5.5 Employee annual evaluation.

It is High Bar First Nation Personnel Policy that:

Employee Performance evaluations be performed annually, by Managers and supervisors for all employees at least thirty (30) working days prior to the Employee Anniversary date.

The Band Manager, Managers and supervisors' performance be evaluated for all employees at least thirty (30) working days prior to the Employee Anniversary date.

The Band Manager will be evaluated by Chief and Council, Managers will be evaluated by the Band Manager, supervisors will be evaluated by the Band Manager.

Copies of the Employee Evaluation will be filed on the Employer File (Personnel File), and a copy be handed to the Employee.

Results of the Employee Evaluation will be used for the identification of training needs, planning for performance improvement and, depending on the specific situation, for disciplinary action.

Completion of a Successful Employee Evaluation may lead to a merit increase, if funding is available.

PROCEDURE

- a. The Manager or supervisor will conduct the Employee Evaluation meeting and forward the signed and completed evaluation for the attention of the Band Manager.
- b. The Band Manager will action a step increase for the relevant employee if it is recommended, or in consultation with the relevant Manager or Supervisor, determine an action plan to address poor performance, this might include disciplinary action which might include termination of service of an employee if sufficient grounds can be found.
- c. The Band Manager will ensure that Employee Evaluations are filed on the Employer File (Personnel File), and the relevant Employee be provided with a copy.



SUBJECT: EMPLOYEE PERFORMANCE EVALUATION APPEAL PROCESS
SECTION: 5 – JOB DESCRIPTIONS, PROBATION & EMPLOYEE EVALUATIONS
EFFECTIVE DATE:
APPROVED BY:

5.6 Employee performance evaluation appeal process.

It is High Bar First Nation Personnel Policy that:

All Employees be given the opportunity to appeal employee performance evaluation decisions, in writing within five (5) working days of the Employee receiving his/her Evaluation results.

The Employee Performance Evaluation Appeal Committee will resolve the Appeal within thirty (30) working days, and may, depending on the specific circumstances extend resolution beyond thirty (30) working days, in consultation with all parties involved, agreements to extensions of the time frame will be done in writing.

The following Performance Evaluation Appeal process be followed:

Staff

An Employee Performance Evaluation Appeal Committee is initiated when the staff member submits in writing, his/her appeal to the Band Manager, stating full reasons for the appeal.

Management

A Management or Supervisor Performance Evaluation Appeal Committee is initiated when the Manager or Supervisor submits in writing, stating full reasons for his/her appeal, to the Band Manager.

Process

5.6.1 Strike a Performance Evaluation Appeal Committee consisting of the Band Manager **[suggest other suitable members.]**

OR

In the event of a Band Manager Performance Evaluation Appeal, a Performance Evaluation Appeal Committee will be struck consisting of the Chief and Council.

5.6.2 The Performance Evaluation Appeal Committee will review available records, the Employer File (Personnel File), facts and the employee's verbal and written input associated with the appeal of the evaluation.

5.6.3 The Performance Evaluation Appeal Committee will render a verbal decision, by meeting with the relevant Employee and will provide the decision in written form.

5.6.4 The Performance Evaluation Appeal Committee decision will be final and binding.

5.6.5 An Employee may withdraw an evaluation appeal at any time, by giving written notice to the Human Resources Manager.



PROCEDURE

- a. The Band Manager will arrange for a Performance Evaluation Appeal Committee to be struck upon the receipt of a request for Evaluation Appeal, and will ensure time lines are respected and the necessary extensions be obtained in specific circumstances.
- b. The Band Manager will ensure all parties are advised in the event of a Performance Evaluation Appeal be withdrawn, and will ensure a copy of the request for withdrawal is filed on the Employer File (Personnel File).

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SUBJECT: FAILURE TO CONDUCT EMPLOYEE PERFORMANCE EVALUATIONS
SECTION: 5 – JOB DESCRIPTIONS, PROBATION & EMPLOYEE EVALUATIONS
EFFECTIVE DATE:
APPROVED BY:

5.7 Failure to conduct employee performance evaluations.

It is High Bar First Nation Personnel Policy that:

A Manager, Supervisor or Band Manager who fails to provide an employee with a performance evaluation within 60 days after their anniversary date, may be subject to the Band's policy of progressive discipline.

In the event that an Employee Performance Evaluation was not completed prior to the Anniversary date, the Employee will be provided with a retro-active merit increase, if the Employee Performance Evaluation warrants the merit increase, and if budget is available.

PROCEDURE

- a. The Band Manager will provide a list of staff anniversary dates to all Managers and Supervisors to assist them in meeting the requirement to perform probationary and annual performance evaluation.
- b. The Band Manager will, upon receipt, implement retroactive Employee Evaluation merit increases, using the Employee Anniversary date, in the event of a late Employee Performance Evaluation.



SUBJECT: HOURS OF OPERATION
SECTION: 6 – HOURS OF WORK
EFFECTIVE DATE:
APPROVED BY:

6.1 Hours of operation.

It is High Bar First Nation Personnel policy that within the ambit of the applicable Federally Regulated, Canada Labour Code:

The Band maintains a 35 hour work week or all Office Staff with regular hours of operation Monday to Friday, 8:30 a.m. to 4:30 p.m.

That each employee is entitled to an unpaid one hour lunch break from 12:00 to 1:00, after 5 hours of work, or as assigned by the applicable Manager or Supervisor.

That Employees receive two paid fifteen (15) minute breaks each day, at times assigned by the applicable Manager or Supervisor.

That all other Field employees who work outside the above stated regular hours of operation will have their hours of work scheduled, according to either Federally Regulated Canada Labour Code or Provincially Regulated Employment Standards Act as applicable.

PROCEDURE

- a. All Managers and Supervisors will ensure that they are individually in compliance with the Hours of Operation.
- b. All Managers and Supervisors will ensure that Employees under their supervision are made aware, and are in compliance with the Hours of Operation.



SUBJECT: OVERTIME HOURS
SECTION: 6 – HOURS OF WORK
EFFECTIVE DATE:
APPROVED BY:

6.2 Overtime hours.

It is High Bar First Nation Personnel Policy that:

Overtime hours are those hours worked beyond the standard hours applicable to an Employee in a specific job category.

That Overtime should be kept to a minimum and should be worked only under special circumstances and when it is unavoidable.

That all Overtime should be pre-arranged and be approved by the applicable Manager and/or Supervisor.

That all employees be required and available to work overtime when requested.

That applicable Managers and/or Supervisors will attempt to provide Employees with as much notice as possible when overtime is required.

Managers will attempt to minimize the amount of overtime through effective supervision and equitable scheduling.

Earned overtime must be recorded on the employee time sheet and paid out, or taken as lieu time as soon as practically possible.

PROCEDURE

- a. Managers and supervisors will determine the need, and estimate the required time for overtime work, within their specific departments and workplace(s), and will assign specific Employees to work approved Overtime.
- b. Managers and supervisors will provide Employees with 24 hour's notice of the requirement to work Overtime, this requirement may be waived under special circumstances with Employee consent.
- c. Managers and supervisors will ensure that all Overtime worked within their specific Departments and workplace(s), is pre-approved, equitable, and assigned to the Employee that normally performs the work associated with the Overtime.
- d. Managers and supervisors will ensure Earned Overtime is recorded on the Employee Time Sheet and that the Overtime be paid, or taken as lieu time, during the following pay period, or as close to it as possible.



SUBJECT: COMPENSATION OF OVERTIME
SECTION: 6 – HOURS OF WORK
EFFECTIVE DATE:
APPROVED BY:

6.3 Compensation of overtime.

It is High Bar First Nation Personnel Policy that:

Staff be compensated for overtime at the rate of time and half for hours worked in excess of 8 hours in a day or 40 hours in a week in accordance with the Canada Labor Code.

Compensation may, at the discretion of the Band Manager, be in the form of lieu time, or monetary payment.

Lieu time for accrued overtime must be taken as soon as possible, within departmental operational constraints, and in the same fiscal year.

No accrued overtime lieu time, or monetary payment, will be permitted to be carried over to the next fiscal year.

PROCEDURE

- a.** Managers and Supervisors will determine if Compensation for Overtime will paid overtime or lieu time.
- b.** Managers and Supervisors will ensure that lieu time or payment for overtime worked is either taken or paid before the end of the next pay period or as soon as possible thereafter.
- c.** Managers and Supervisors will ensure no lieu time and payment for overtime worked will be either taken or paid and not be carried over into the next fiscal year.



SUBJECT: EMPLOYEE ATTENDANCE
SECTION: 6 – HOURS OF WORK
EFFECTIVE DATE:
APPROVED BY:

6.4 Employee attendance.

It is High Bar First Nation Personnel Policy that:

Every Employee be at his/her workstation and ready to work at the beginning of scheduled daily work hours.

Employee remain at work until the end of the scheduled work hours, except for scheduled breaks and lunch

Managers and/or and fellow employees must be aware where the employee is going and how long the employee is expected to be away, when work related activities, and special circumstances take an employee away from his/her workstation.

All absences, including those for work-related activities, are subject to approval by the employee's Manager or Supervisor.

Absenteeism of Managers and Supervisors are subject to approval by the Band Manager.

The High Bar First Nation will manage attendance issues in a way that balances fairness with consistency.

Attendance records coupled with management decisions based on objective facts and prompt action will be integral aspects of managing individual attendance situations.

The performance of the High Bar First Nation operations and the employment security of all persons working here are, in part, dependent on the collective performance of all of us.

There are two types of absence and lateness problems, they are:

6.4.1 Culpable

Refers to absences that are within the employee's control. This can include not calling in absences, flat tires, car problems, alarm clocks not going off, missing buses, etc. In general, culpable absences, lateness and tardiness are issues addressed through the progressive disciplinary procedure.

6.4.2 Non - culpable

Generally, this refers to legitimate, substantiated illness or other circumstances such as subpoena, airport closures, etc., that is beyond the employee's control.



PROCEDURE

- a. Management is to:
 - provide a good example;
 - ensure all employees and supervisors understand the Attendance Policy;
 - monitor attendance;
 - ensure supervisors are meeting their responsibilities of this policy;
 - provide a safe and healthy work environment.

- b. Supervisors are to:
 - provide a good example;
 - recognize good or improved attendance;
 - understand this policy;
 - carefully and consistently record and analyze attendance;
 - review any attendance patterns;
 - follow-up with each employee who is absent, late or tardy when they return to work;
 - coach and encourage employees;
 - take corrective action (i.e. progressive discipline);
 - ensure each employees work in a safe and healthy manner.

- c. Employees are to:
 - understand they have a responsibility to be fit for work, come to work on time, and work their scheduled hours;
 - encouraged to make all appointments with doctors and dentists outside of normal working hours;
 - provide a minimum of 24 hours notice when you know you are going to be absent e.g. appointments, funerals, weddings, etc.
 - follow the established call-in procedure;
 - account for his/her absence to the satisfaction of the Manager or Supervisor, and or Band Manager;
 - work in a safe and healthy manner.

PROCEDURES: IN THE EVENT OF AN ABSENCE

d. Call - In Procedure

The employee must directly notify and seek approval from his/her Manager or Supervisor for absence within 30 minutes before the start of regular hours.

The employee is to leave a message they indicating that he/she will not be at work and leave a contact telephone number.

If an employee fails to meet his/her call-in responsibilities or the reason for the absence is not acceptable, the relevant Manager or Supervisor will ensure, the employee will be recorded as AWOL (Absent With Out Leave) and disciplinary action may be taken.



e. Medical Clearance

In cases where absences are of three (3) days or more the employee will be required to obtain a clearance from their doctor to return to work. The fact that an employee has obtained a “doctor slip” from his/her doctor will not automatically result in the High Bar First Nation accepting the situation as being non-culpable in nature. In certain circumstances, further medical information may be required.

f. Return to Work Interview

No employee, no matter how good his/her attendance record, should return to work after an absence without the relevant Manager or Supervisor, verbally commenting on the fact that the employee's absence was noted.

The return to work interview should be:

- initiated by the relevant Manager or Supervisor;
- held as soon as possible after employee's return to work;
- held in privacy

The relevant Manager, Supervisor and/or Band Manager will:

- approach the employee in a friendly and supportive manner;
- confirm the reason for the absence.

If the employee's rate of absence is above normal, the relevant Manager, Supervisor and/or the Band Manager will:

- express concern for the employee's attendance;
- remind the employee that his/her absence rate is not acceptable;
- take appropriate action;
- if the employee failed to follow the call-in procedure or the reason for the absence is suspect, discipline should be applied.

The relevant Manager or Supervisor has to document and record all incidents of absences, lates, and leaving early.



SUBJECT: TIME SHEETS
SECTION: 6 – HOURS OF WORK
EFFECTIVE DATE:
APPROVED BY: CHIEF AND COUNCIL

6.5

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SUBJECT: ABANDONMENT OF POSITION
SECTION: 6 – HOURS OF WORK
EFFECTIVE DATE:
APPROVED BY:

6.6 Abandonment of position.

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SUBJECT: DISCIPLINARY AND REPRIMAND POLICY AND PROCEDURES
SECTION: 7 – DISCIPLINE AND DISPUTE RESOLUTION
EFFECTIVE DATE:
APPROVED BY:

7.1 Disciplinary and reprimand policy and procedures.

It is High Bar First Nation Personnel Policy that:

A progressive disciplinary procedure be implemented and followed.

That discipline within the High Bar First Nation be viewed and applied as corrective rather than punitive.

That discipline be applied respectfully and confidentially.

It is Employee responsibility to acquaint themselves with the contents of the progressive disciplinary procedure and code contained within the High Bar First Nation Personnel Policy and Procedure Manual.

This progressive discipline policy is intended as a guideline.

The principles of the progressive disciplinary policy and the steps involved also apply to Seasonal, STEP, On call, Emergency backfill and Probationary employees. However, at any time during the probationary period, an employee may be discharged, if the person is considered to be unsuitable.

The High Bar First Nation considers its employees to be good, honest, industrious employees who expect and prefer a fair, orderly, and efficient atmosphere in which to work. The need for disciplinary measures is confined to those who have little respect for the rights of others or who ignore or defy the rules of proper conduct, or those who render poor work performance. To this end, this policy outlines the Band's philosophy with respect to discipline.

In appropriate circumstances, the Disciplinary Committee may decide to suspend an Employee on full pay, pending an investigation, or to dismiss, or to forego the cumulative and progressive disciplinary procedure.

That Managers, Supervisors and Employees respect and accept the fact that the Band Manager is not directly or operationally responsible for the direct counseling or discipline of any High Bar First Nation Employee

That disciplinary committees be composed as follows for different levels of Employees:

7.1.1 Employee positions – Band Manager, Manager, Immediate Supervisor.

7.1.2 Management positions –, Band Manager...

7.1.3 Band Manager – ...



That the disciplinary issues fall into the following two categories:

Job Performance (e.g. low output, poor quality of work, etc.)

Conduct (e.g. tardiness, absenteeism, theft, insubordination, working under the influence of alcohol/drugs, etc.).

That Coaching and Counselling be applied, prior to engaging in Progressive Disciplinary Procedures.

Initial incidents of unsatisfactory job performance or minor conduct infractions should result in counselling and coaching the employee with respect to the requirements of the job.

The relevant Manager or Supervisor will keep informal reference notes for follow up.

A letter of Expectation containing specific information, and follow up dates, regarding undesirable job performance and/or conduct will be given to the relevant Employee, and a copy will be placed on the Employee File.

The objective is to assist the employee recognize that a problem exists and to develop effective solutions to rectify it. The majority of problems can be resolved at this stage.

That Progressive Discipline be applied:

With the exception of very serious offences, the High Bar First Nation supports the step approach to discipline, permitting the employee an opportunity to respond to correction.

In the event the employee does not respond, the next progressive disciplinary step in the procedure will be followed in order of seriousness:

The severity of the initial penalty depends on the nature of the behavior or incident.

VERBAL WARNING - stating further disciplinary action for further breach of work place rules.

FIRST WRITTEN WARNING - stating further disciplinary action for further breach of work place rules.

SECOND WRITTEN WARNING – stating further disciplinary action for further breach of work place rules.

THIRD WRITTEN WARNING – stating further disciplinary action for further breach of work place rules.

FINAL WRITTEN WARNING – stating further disciplinary action for further breach of work place rules.

DISMISSAL - dismissal is the response to Progressive discipline and a Significant Incident when lesser forms of discipline have not corrected an employee's misconduct or where an offence is so serious that it may justify immediate termination (i.e. theft, gross insubordination, physical abuse).



PROCEDURE

All Managers and Supervisors will follow the procedures below in the event of corrective counseling and disciplinary action within their respective departments and workplace(s).

a. PROGRESSIVE DISCIPLINE PREPARATION

Determine the facts of the case including the following:

Quality of Performance – Has the quality of performance of this employee generally been satisfactory and has his/her behavior giving rise to the discipline been triggered by some unusual occurrence.

Length of Service – How long has the employee worked for the Band? A short-term employee or probationary employee would be given different consideration from an employee with a considerable length of service.

Discipline History – Previous infractions will weigh heavily on determining the severity of present or future forms of discipline.

Seriousness of Infraction – Some infractions are serious enough to result in severe discipline up to and including immediate termination.

Provocation – Did the actions of the employer, supervisor, or another employee provoke or cause the employee to react as they did?

Premeditation – If the employee's conduct was willful and planned then the employee is liable to more serious discipline.

b. PROGRESSIVE DISCIPLINE PROCEDURE

All Managers and Supervisors will follow the progressive Disciplinary procedure statement 3 and 4, below, within the ambit of the Disciplinary Code, recognizing that coaching and counselling may take place between disciplinary steps.

c. VERBAL WARNING

The first step in the disciplinary process is a conversation between the direct Supervisor and the employee about a job performance or conduct problem. The verbal warning is the most frequently used corrective measure because it is appropriate for minor infractions.

The private discussion between the Supervisor and Employee must:

- distinguish the work rule or norm being contravened;
- determine the employee's explanation for the behavior;
- describe the required behavior;
- ensure the employee understands the situation and agrees that the expectations are reasonable and attainable;
- conclude with the supervisor advising the employee that this is a verbal warning and that further disciplinary action may be taken if there is not improvement.



Following the interview the Manager or Department Head will accurately summarize the interview and keep a confidential copy thereof..

The Manager or Supervisor will document the nature and content of the incident as a Verbal Warning.

d. WRITTEN WARNINGS

The Manager or Supervisor will arrange a formal meeting with the relevant Employee, and provide the relevant written warning to the Employee, and ensure the Employee is provided with a copy of the letter and also ensure that a copy is placed on the Employee File (Personnel File).

The Manager or Supervisor will provide Written Warnings for breach of work place rules in the following progressive way:

FIRST WRITTEN WARNING - stating further disciplinary action for further breach of workplace rules.

All Managers, Department Heads or Supervisors will ensure that Written Warnings 1, 2, 3 and the Final Written Warning will contain the following elements:

- a description of the misbehavior;
- the employee's explanation of his/her action;
- results of management's investigation and decision;
- the behavior that is required in the future and rationale;
- any assistance management is prepared to provide;
- the consequence of non-compliance;

SECOND WRITTEN WARNING – stating further disciplinary action for further breach of workplace rules.

THIRD WRITTEN WARNING – stating further disciplinary action for further breach of work place rules.

FINAL WRITTEN WARNING - stating dismissal for further breach of work place rules.

e. DISMISSAL

All Managers and Supervisors will ensure that the decision for dismissal is made collectively by a disciplinary Committee constituted within the ambit of this policy.

The Band Manager, in concert with the relevant disciplinary committee members, will ensure that a letter of Dismissal is provided to the Employee, and forward a confidential copy to Payroll for processing Final Payment.

All Managers and Supervisors will ensure that arrangements are made with the dismissed employee for the return of High Bar First Nation property.



f. SUSPENSION WITH FULL PAY FOLLOWING PROGRESSIVE DISCIPLINE

All Managers, Supervisors and the Band Manager have to ensure that the following policy is followed in the event of a decision to suspend an employee on full pay following progressive discipline:

The disciplining Manager or Supervisor will set up a confidential meeting with the appropriate disciplinary committee to review the facts at hand and determine the appropriateness of Suspension on Full pay or Dismissal; the following behaviors are serious enough for the Band to consider a suspension with pay:

- Nonperformance or inadequate performance of employment.
- Excessive absenteeism or tardiness without adequate excuse.
- Gross misconduct - violation of rules, carelessness or recklessness resulting in endangerment to self or others, disorderly conduct, theft, drinking or using illegal substances on the job, drinking or using illegal substances when it affects the performance on the job, falsifying records, attendance at work under the influence of intoxicating or illegal drugs or substances, gross negligence.
- Verbal threats or physical threats or violence - where an employee threatens verbally or causes physical harm to another employee, the Council, clients, band members, or other individuals.
- Breach of confidentiality - where an Employee breaches the confidentiality of a client, or the Employee's duty of confidentiality to the Band.
- Misrepresentation or falsification of information on application for employment including but not limited to information regarding previous work and educational history or qualifications.
- Dishonesty of information on forms, correspondence, documents or any written material including but not limited to information regarding work related matters.
- Insubordination.
- Libel/slander.

If a decision has been made to suspend an employee with full pay, the disciplinary committee will meet with the employee and provide the employee with a letter to this effect.

g. SUSPENSION ON FULL PAY, FOLLOWING A SIGNIFICANT INCIDENT

All Managers, Supervisors and the Band Manager have to ensure that the following policy is followed in the event of a decision to suspend an employee on full pay following significant incident:



The disciplining Manager or Supervisor will set up a confidential meeting with the appropriate disciplinary committee to review the facts at hand and determine the appropriateness of Suspension on Full pay or Dismissal; the following behaviors are serious enough for the Band to consider a suspension with pay, following a significant incident:

- Gross misconduct - violation of rules, carelessness or recklessness resulting in endangerment to self or others, disorderly conduct, theft, drinking or using illegal substances on the job, drinking or using illegal substances when it affects the performance on the job, falsifying records, attendance at work under the influence of intoxicating or illegal drugs or substances, gross negligence.
- Verbal threats or physical threats or violence - where an employee threatens verbally or causes physical harm to another employee, the Council, clients, band members, or other individuals.
- Breach of confidentiality - where an Employee breaches the confidentiality of a client, or the Employee's duty of confidentiality to the Band.
- Misrepresentation or falsification of information on application for employment including but not limited to information regarding previous work and educational history or qualifications.
- Dishonesty of information on forms, correspondence, documents or any written material including but not limited to information regarding work related matters.
- Insubordination.
- Libel/slander.
- Other valid disciplinary reason as determined by the disciplinary committee.

If a decision has been made to suspend and employee with full pay, following a significant incident, the disciplinary committee will meet with the employee and provide the employee with a letter to this effect.



SUBJECT: CODE OF CONDUCT
SECTION: 7 – DISCIPLINE AND DISPUTE RESOLUTION
EFFECTIVE DATE:
APPROVED BY:

7.2 Code of conduct

It is High Bar First Nation Personnel policy to provide a Disciplinary Code of Conduct to be observed by all Employees of the Band and that this Code serves as a base document in the application of the Band Disciplinary Policy and Procedure.

It is High Bar First Nations Personnel Policy that:

Certain rules and regulations regarding employee behavior are necessary for the efficient and safe operation of the organization, for the benefit and protection of the employees.

That all employees are expected to conduct themselves in a manner that is conducive to the efficient operation of the High Bar First Nation.

The following list of rules and regulations is not all-inclusive, but serves as a guide for expected behavior.

Disciplinary action for offenses not specifically covered by the current list will be administered consistent with the nature of the offense.

That the High Bar First Nation enforce and respect the following Disciplinary Code which contains examples, but not limited to the examples, of prohibited Employee conduct and which will subject and Employee or group of Employees to disciplinary action, which might include dismissal:

HIGH BAR FIRST NATION DISCIPLINARY CODE

- 7.2.1 Failing to follow or perform job instructions, poor work effort, and unsatisfactory work performance.
- 7.2.2 Smoking in a non-smoking area.
- 7.2.3 Failing to practice good housekeeping.
- 7.2.4 Failing to wear or use required safety equipment, disregarding safety rules and common safety practices, and horseplay.
- 7.2.5 Violating the High Bar First Nation dress code.
- 7.2.6 Failing to be at your work station, ready to work at the scheduled starting time; stopping work, putting away tools, washing up or leaving work station before authorized time or without permission; wasting time.
- 7.2.7 Carelessness, wasting time, and/or error in judgment resulting in damage to property and/or parts; wasting material, tools, supplies, etc.
- 7.2.8 Failure to notify the Band of absence or lateness.
- 7.2.9 Making false or malicious statements concerning any employee or High Bar First Nation.
- 7.2.10 Removing or defacing of posted material, signs or surfaces.
- 7.2.11 Deliberately abusing, destroying, damaging or defacing High Bar First Nation property, tools, equipment, or property of others on High Bar First Nation premises.



- 7.2.12 Removing High Bar First Nation property from the premises without appropriate authorization.
- 7.2.13 Leaving the premises during working hours without the permission of the Manager, Band Manager and/or the Immediate Supervisor.
- 7.2.14 Willfully damaging or sabotaging High Bar First Nation property or property of others; stealing High Bar First Nation property or property of others.
- 7.2.15 Insubordination: refusing to follow a direct order from your Supervisor.
- 7.2.16 Possession, using, selling, distributing, exchanging, or consuming alcohol or drugs on High Bar First Nation property or on High Bar First Nation time; reporting to work under the influence of alcohol or drugs.
- 7.2.17 Possessing firearms, explosives, or illegal weapons on High Bar First Nation property or on High Bar First Nation time.
- 7.2.18 Engaging in fraudulent or dishonest conduct, including omitting or falsifying facts in records or verbal reports, entering time of another employee, entering time that does not represent actual time worked.
- 7.2.19 Threatening, abusing, or assaulting any High Bar First Nation employee; provoking or voluntarily participating in a fight on High Bar First Nation property; acting in a disorderly or indecent manner.
- 7.2.20 Promoting, or participating in an unauthorized work stoppage, slowdown, or other interference with High Bar First Nation operations.
- 7.2.21 Failure to return to work on expiration of vacation or authorized leave of absence.
- 7.2.22 Disclosure of confidential information to unauthorized persons.
- 7.2.23 Harassment as defined in this policy manual.
- 7.2.24 Willful breach of Safety Policy and Procedures.

PROCEDURES:

- a. All Managers, Supervisors and Employee have the responsibility to acquaint themselves with the content of the High Bar First Nation Disciplinary Code of Conduct and have to ensure compliance with this Code of Conduct, as disciplinary action to the point of dismissal will be taken in the event of breach of the Code of Conduct.



SUBJECT: DISPUTE RESOLUTION
SECTION: 7 – DISCIPLINE AND DISPUTE RESOLUTION
EFFECTIVE DATE:
APPROVED BY:

7.3 Dispute Resolution

It is High Bar First Nation Personnel Policy that:

Employees receive fair and equitable treatment at all times.

Situations may arise where an Employee is dissatisfied with the treatment afforded him/her, general work conditions, or work practices; such dissatisfaction has to be dealt with under the dispute resolution policy.

It is High Bar First Nation Personnel Policy that the **INFORMAL DISPUTE RESOLUTION PROCEDURE** be followed below:

7.3.1 Dispute towards a Co-Employee

If an employee has a grievance toward a co-employee, the employee should first discuss the grievance with the co-employee involved.

If the employee is not satisfied with the results of this discussion, the employee will ask the relevant Manager or Supervisor, to attempt to facilitate a resolution. The co-employee is entitled to be present at meetings when there is a dispute against him/her being discussed.

If the employee is not satisfied with the results of this discussion and feels that the dispute is not yet settled, the Employee shall follow the Formal Dispute Resolution Procedures outlined below.

7.3.2 Dispute towards a Manager, Department Head or Supervisor

If an employee has a dispute towards a Manager or Supervisor the Employee should first discuss the grievance with the direct Supervisor, who will involve the next level of Management. The relevant Manager, or Supervisor is entitled to be present at meetings when there is a dispute against him/her discussed.

If an employee is not satisfied with the results of this discussion and feels that the dispute is not yet settled then the employee shall follow the Formal Dispute Resolution Procedures outlined below.

7.3.3 Dispute towards Council

The High Bar First Nation Chief and Council are elected officials and not employees.

Any Employee who has a grievance towards a Councilor may refer the grievance to the Band Manager who will request the appropriate Councilor to attempt resolution of the Grievance at the informal level in concert with the member(s) of Council referenced in terms of the Chief and Council Governance Policy.



It is High Bar First Nation Personnel Policy that the **FORMAL DISPUTE RESOLUTION PROCEDURE** be followed below in, if no resolution was reached using the Informal Dispute resolution procedure:

- 7.3.4 The Employee (including any High Bar First Nation Manager, Supervisor or Band Manager) shall, after attempting unsuccessfully to resolve the dispute informally, submit the grievance in writing to his/her immediate Supervisor who might be a High Bar First Nation Manager, Supervisor or the Band Manager).

The Immediate Supervisor shall advise the Manager of receipt of the written formal grievance/dispute.

The relevant Manager or Supervisor will advise the Band Manager of receipt of the Formal written grievance/dispute and will investigate, interview and obtain all relevant information to resolve the dispute at the formal level by meeting with the aggrieved, other possible parties involved and follow up with a written response.

The relevant Manager or Supervisor shall be obliged to discuss an employee's formal grievance and shall attempt to resolve the formal grievance within five (5) working days of notification of the grievance.

The Manager or Supervisor may consult with the Band Manager when assessing the situation and determining a response. The Manager or Supervisor shall provide a written response to the employee within five (5) working days.

Any Employee who has unsuccessfully attempted to resolve a grievance towards a Councilor at the informal level, may refer the grievance to the Band Manager who will request the appropriate Councilor, to attempt resolution of the Grievance at the formal level in concert with the member(s) of Council referenced in terms of the Chief and Council Governance Policy, where after the resolution will be binding and the grievance/dispute resolution will be deemed exhausted at this level.

If agreement is reached at any stage of the Formal Grievance Procedures, the grievance shall be considered resolved. Specified time limits are exclusive of Saturdays, Sundays and holidays.

It is High Bar First Nation Personnel Policy that the **APPEAL COMMITTEE PROCEDURE** be followed below, if no resolution was reached using the Formal Dispute resolution procedure:

- 7.3.5 If the Employee is not satisfied with the decision, reached at the formal dispute resolution procedure, the Employee has the option of referring the matter to an Appeal Committee.

The relevant Manager or Supervisor will request the Band Manager to strike an Appeal Committee.

The Band Manager will strike an Appeal Committee consisting of the Band Manager and two (2) independent Councilors, and attempt to resolve the grievance at Appeal level within 10 working days of receipt of the request for Appeal, depending on circumstances the 10 working day time line may be waved



under special circumstances. The Appeal Committee finding will be binding and the grievance/dispute resolution will be deemed exhausted at this level.

The Appeal Committee will investigate, interview and collect information pertaining to the grievance and inform the Employee of their decision by meeting with the Employee and follow up in written form.

PROCEDURE

All Managers, Department Heads, the Human Resources Manager, Supervisors and Employees will follow the procedure below:

INFORMAL DISPUTE RESOLUTION PROCEDURE

a. Dispute towards a Co-Employee

If an employee has a grievance toward a co-employee, the employee should first discuss the grievance with the co-employee involved.

If the employee is not satisfied with the results of this discussion, the employee will ask the relevant Manager or Supervisor, to attempt to facilitate a resolution. The co-employee is entitled to be present at meetings when there is a dispute against him/her being discussed.

If the employee is not satisfied with the results of this discussion and feels that the dispute is not yet settled, the Employee shall follow the Formal Dispute Resolution Procedures outlined below.

b. Dispute towards a Manager or Supervisor

If an employee has a dispute towards a Manager, or Supervisor the Employee should first discuss the grievance with the direct Supervisor, who will involve the next level of Management. The relevant Manager or Supervisor is entitled to be present at meetings when there is a dispute against him/her discussed.

If an employee is not satisfied with the results of this discussion and feels that the dispute is not yet settled then the employee shall follow the Formal Dispute Resolution Procedures outlined below.

c. Dispute towards Council

The High Bar First Nation Chief and Council are elected officials and not employees.

Any Employee who has a grievance towards a Councilor may refer the grievance to the Band Manager who will request the appropriate Councilor, to attempt resolution of the Grievance at the informal level in concert with the member(s) of Council referenced in terms of the Chief and Council Governance Policy.



FORMAL DISPUTE RESOLUTION

- d. The Employee (including any Manager, Supervisor or the Band Manager) shall, after attempting unsuccessfully to resolve the dispute informally, submit the grievance in writing to his/her immediate Supervisor who might be a Manager, Supervisor or the Band Manager).

The Immediate Supervisor shall advise the Manager of receipt of the written formal grievance/dispute.

The relevant Manager will advise the Band Manager of receipt of the Formal written grievance/dispute and will investigate, interview and obtain all relevant information to resolve the dispute at the formal level by meeting with the aggrieved, other possible parties involved and follow up with a written response.

The relevant Manager shall be obliged to discuss an employee's formal grievance and shall attempt to resolve the formal grievance within five (5) working days of notification of the grievance.

The Manager may consult with the Band Manager when assessing the situation and determining a response. The Manager shall provide a written response to the employee within five (5) working days.

Any Employee who has unsuccessfully attempted to resolve a grievance towards a Councilor at the informal level, may refer the grievance to the Band Manager who will request the appropriate Councilor to attempt resolution of the Grievance at the formal level in concert with the member(s) of Council referenced in terms of the Chief and Council Governance Policy, where after the resolution will be binding and the grievance/dispute resolution will be deemed exhausted at this level.

If agreement is reached at any stage of the Formal Grievance Procedures, the grievance shall be considered resolved. Specified time limits are exclusive of Saturdays, Sundays and holidays.

APPEAL COMMITTEE PROCEDURE

- e. If the Employee is not satisfied with the decision, reached at the formal dispute resolution procedure, the Employee has the option of referring the matter to an Appeal Committee.

The relevant Manager will request the Band Manager to strike an Appeal Committee.

The Band Manager will strike an Appeal Committee consisting of the Band Manager and two (2) independent Councilors, and attempt to resolve the grievance at Appeal level within 10 working days of receipt of the request for Appeal, depending on circumstances the 10 working day time line may be waived under special circumstances. The Appeal Committee finding will be binding and the grievance/dispute resolution will be deemed exhausted at this level.

The Appeal Committee will investigate, interview and collect information pertaining to the grievance and inform the Employee of their decision by meeting with the Employee and follow up in written form.



SUBJECT: SALARY AND WAGE GRID DEVELOPMENT
SECTION: 8 – SALARIES AND WAGES
EFFECTIVE DATE:
APPROVED BY:

8.1 Salary and wage grid development.

It is High Bar First Nations Personnel Policy to develop and implement a Wage and Salary Administration Program that provides for equal pay for work of an equal value and equal pay for work of comparable worth.

PROCEDURE

The Band Manager will analyze comparable salary and wage rates in conjunction with salary and wage experts to fulfill the purposes set out above.



SUBJECT: DETERMINATION OF SALARY AND WAGE LEVEL PLACEMENT IN OFFERS TO NEW EMPLOYEES
SECTION: 8 – SALARIES AND WAGES
EFFECTIVE DATE:
APPROVED BY:

8.2 Determination of salary and wage level placement in offers to new employees.

It is High Bar First Nation Personnel Policy that:

The Band Manager has the responsibility and authority to determine the Salary or Wage offer to the successful applicant to a High Bar First Nation job position

PROCEDURE

- a. Where the successful applicant meets the requirements of a job position, the Band Manager will recommend a salary or wage placement, of the applicable wage and salary structure, and after consideration of the skills, education and experience a successful applicant.



SUBJECT: WAGE INCREASES FOLLOWING EMPLOYEE EVALUATION
SECTION: H – SALARIES AND WAGES
EFFECTIVE DATE:
APPROVED BY:

8.3 Wage increases following employee evaluation.

It is High Bar First Nations Personnel Policy that:

Each employee's performance will be evaluated annually, using the standard and applicable Employee Evaluation Form and procedures, and that upon successful completion of an evaluation, the employee be given a merit increase, provided budgetary conditions permit.

PROCEDURE

- a. All Managers and Supervisors will ensure that completed Employee Annual Evaluation Forms be forwarded to the Band Manager, who will, upon receipt, according to the relevant recommendation, request to implement the Evaluation Increment using the relevant Employee Anniversary date.



SUBJECT: SALARY AND WAGE INCREASES AND ADJUSTMENTS FOR THE BAND MANAGER
SECTION: H – SALARIES AND WAGES
EFFECTIVE DATE:
APPROVED BY:

8.4 Salary and wage increases and adjustments for the Band Manager.

It is High Bar First Nation Personnel policy that:

Chief and Council shall have the authority to approve a one step salary increase/adjustment for the position of Band Manager, in terms of Performance Evaluation results and the attainment of higher formal qualifications in line with the qualification statement for the position.

PROCEDURE

- a. Upon completion the successful completion of the Annual Employee Evaluation for the Band Manager, and upon recommendation and approval of Chief and Council, payroll implementation of a one step adjustment/increase in salary will ensue.



SUBJECT: ACTING ALLOWANCES
SECTION: H – SALARIES AND WAGES
EFFECTIVE DATE:
APPROVED BY:

8.4 Acting allowances.

It is High Bar First Nation Personnel Policy that:

Where an Employee has been requested and approved by the Band Manager as applicable, to temporarily assume the responsibilities of another position with a greater wage or salary structure, the Employee wage or salary level be adjusted to Step 1, of the wage or salary structure of the temporary position, or the first step on the wage or salary structure that provides the employee with a wage or salary increase, at a minimum of 3% (three percent)

The adjusted wage or salary for increased responsibility shall apply where the period of increased responsibility is for a period of ten (10) continuous work days or more. This policy is not intended to apply to periods of vacation leave, and is subject to budgetary provision/process.

Where it is determined within a department that needs to temporarily assume increased responsibilities of another position, the Manager shall have the authority to approve the temporary increase in responsibility, except as defined below.

Where it is determined that an employee needs to temporarily assume responsibilities for their Manager, who reports to the Band Manager, the Band Manager will need to approve the temporary increased responsibility.

PROCEDURE

- a. The relevant Manager or Supervisor will identify an Employee to assume acting responsibilities for a period of ten (10) days or more, and will inform the Band Manager of the start and end date of the Acting Period.
- b. The Band Manager will provide the Acting Employee with a letter stating the Acting arrangement, wage or salary increase, as well as the start and end date of the Acting arrangement.
- c. The Band Manager will advise and provide payroll of the Acting arrangement and will effect the change in salary or wage, to ensure the Acting Employee receives either Step 1 of the greater salary or wage, or identify and action the relevant step that would provide a minimum of a 3% increase.
- d. The relevant Manager or Supervisor will ensure the necessary approval is obtained from the Band Manager if an Employee acts in the position of Manager or Supervisor.



SUBJECT: PAY DAYS AND SUBMISSION OF TIME SHEETS
SECTION: H – SALARIES AND WAGES
EFFECTIVE DATE:
APPROVED BY:

8.4 Pay days and submission of time sheets.

It is High Bar First Nation Personnel Policy that:

Band Pay days occur every second Friday for all Employees.

The pay period will cover the two weeks, which begins on a []

The time sheets must reflect the actual time worked, which must be completed on a daily basis.

Employees are to complete their time sheets themselves.

Completing, filling out, or tampering with another employee's time sheet is prohibited and subject to disciplinary action.

All Managers and Supervisors shall ensure that all department employee's time sheets are accurately completed and signed prior to being submitted to the Band Manager [when?]

The Band Manager must approve and sign all time sheets for all Employees.

Late submission or inaccurate / incomplete time sheets will result in delayed payment.

POLICY

- a. Payroll Employees will ensure that a pay run for all Employees is run every [] and that the pay period will cover the two weeks, which begins on a [] prior to the payday.
- b. All Managers, and Supervisors will ensure that all relevant Employee time sheets are accurately completed and signed prior to being submitted to the Band Manager [when?].



SUBJECT: STATUTORY AND NON-STATUTORY HOLIDAYS
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.1 Statutory and non-statutory holidays.

It is High Bar First Nation Personnel Policy that:

A Statutory Holiday/Non Statutory Holiday is a legal holiday for which employees, who qualify, are entitled to a day off with pay.

Employees who qualify and work on a Statutory Holiday are entitled to premium pay and another day off with pay.

The High Bar First Nation shall observe the following statutory and non-statutory holidays:

Statutory Holidays

New Years Day	January 1 st
Good Friday	
Victoria Day	3 rd Monday of May
Canada Day	July 1 st
Labor Day	1 st Monday of September
Thanksgiving	2 nd Monday of October
Remembrance Day	November 11 th
Christmas Day	December 25 th
Boxing Day	December 26 th

Non-statutory Holidays

Easter Monday	
National Aboriginal Day	June 21 st
BC Day	1 st Monday of August

When a day designated as a statutory/non-statutory holiday coincides with the employee's normal day of rest, the holiday shall be moved to the Monday following the statutory/non-statutory holiday.

Employees are eligible for payment of a statutory or non-statutory holiday after thirty (30) days of previous continuous employment with the Band prior to that holiday, and having been paid for at least fifteen (15) days within those thirty (30) days.

PROCEDURE

- All Managers and Supervisors will ensure that the employees be given the relevant Statutory and non- Statutory holidays.
- All Managers, and Supervisors, Payroll employees and the Band Manager will ensure that Employees receive payment of a statutory or non-statutory holiday after thirty (30) working days of continuous employment with the Band prior to that holiday, and having been paid for at least fifteen (15) days pay within those thirty (30) days.
- Payroll Employees will ensure that employees who work on a Statutory Holiday will be paid premium pay and receive another day off with pay.



SUBJECT: VACATION LEAVE
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY: CHIEF AND COUNCIL

9.2 Vacation leave.

It is High Bar First Nation Policy that:

Annual Vacation Leave be provided to permit an employee the opportunity to enjoy rest and recreation away from their place of work.

Employees are entitled to vacation leave after earning the vacation days.

Vacation accrual is calculated on length of service on the employee's anniversary date as follows:

<u>Anniversary Date</u>	<u>Vacation Entitlement</u>
Years One to Two	10 calendar days
Years Three and Four	15 calendar days
Year Five	20 calendar days
Beyond year five	Add one consecutive calendar day on top of 20 days per year, for each consecutive year of continuous employment after 5 years of continuous years of service for all staff.

That Vacation days can be accrued and earned on a monthly basis if required. The minimum vacation leave that can be booked is one-half ($\frac{1}{2}$) day.

That vacation requests of Managers and Supervisors be approved by the Band Manager, and that vacation requests by the Band Manager be approved by Chief and Council.

That Managers and Supervisors are responsible for approving and scheduling vacations, that vacation scheduling be based on fairness to all employees, and that service seniority (years of service) be taken in consideration when vacation scheduling is done.

That employees are responsible for planning ahead for vacation and working out a complete schedule with their Manager or Supervisor.

That Managers and Supervisors will approve, or not approve, vacation requests based on the operational needs of the department.

That two (2) weeks' advance notice of expected vacation is required to ensure fair and equitable scheduling, however, vacation requests with less than two weeks' notice may be approved on an exception basis, at the discretion of the relevant Manager or Supervisor.

That each employee use all of his/her annual vacation entitlement prior to their anniversary date. Unused vacation time will be scheduled by the relevant Manager.



That Term and Seasonal employees be entitled to paid vacation calculated at 4% of gross wages and if a Term or Seasonal employee has work for the Band for six years, paid vacation entitlement be calculated at 6% of gross wages, and that this be paid upon completion of the term.

That monitoring of all Employee vacation entitlement is the responsibility of the Band Manager.

That when the efficient operation of the Band is not affected, every effort will be made to allow employees to schedule vacations according to their personal preference. However, should the efficient operation of the Band be affected, then the Band Manager and/or the relevant Manager or Supervisor may restrict and review vacation scheduling.

That carry over of unused vacation leave of a previous year be approved by the relevant Manager or Supervisor. That carry over of unused vacation leave of a previous year of the Band Manager or be approved by Chief and Council. That carry over of unused vacation leave of a Manager or Supervisor, be approved by the Band Manager.

That carry over in any year do not exceed five (5) days and that accrued carryover do not exceed annual leave entitlement, plus five (5) days.

PROCEDURE

- a. All Managers and Supervisors are responsible to approve, complete, keep and work according to an annual schedule for vacation leave for themselves and all employees within their Departments
- b. All Managers and Supervisors will schedule annual vacation leave using length of service of Employees and Operational requirements as a guideline.
- c. All Managers and Supervisors will ensure that requests for carry over of vacation leave of a previous year for themselves or Employees are approved and the request be forwarded to Band Manager.
- d. The Band Manager will ensure the correctness and monitor all Employee vacation entitlements.
- e. Payroll section will ensure that Term and Seasonal employees be entitled to paid vacation calculated at 4% of gross wages, and if a Term or Seasonal employee has work for the Band for six years, paid vacation entitlement be calculated at 6% of gross wages, and that this be paid upon completion of the term



SUBJECT: SICK LEAVE
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.3 Sick leave.

It is High Bar First Nation Policy that:

All regular employees except part-time, term employees, relief and emergency relief shall accumulate sick leave at the rate of 1 1/4 days per month, to a maximum of forty five (45) working days.

That Employee sick leave be used for the following reasons:

1. personal illness,
2. medical appointments, i.e., doctor, dentist, orthodontist, counseling, etc., for self or immediate family, appointments should be scheduled so as not to disrupt day to day procedures,
3. illness of immediate family.

That Employees taking sick leave must report such to their immediate Supervisor as per call in procedures as stipulated in this Manual.

That Managers or Supervisors must report their sick leave to the Band Manager.

That after three (3) consecutive days of absence from work due to any of the above-mentioned reasons the employee **will be** required to provide a medical certificate to the immediate, Manager or Supervisor,

That an employee will not be granted sick leave pay if he/she has no sick leave entitlement accumulated.

That sick leave days are non-transferable between employees.

That the Band Manager maintains and accurate record of all Employee sick leave.

PROCEDURE

- a. All Employees taking sick leave for personal illness, medical appointment, and illness of immediate family, will report such to their immediate Manager, or Supervisor, as per this Manual.
- b. All Employees will, after three (3) consecutive days of absence from work due to personal illness, medical appointments or illness of immediate family, provide a relevant medical certificate to their immediate Manager, or Supervisor.
- c. The Band Manager will maintain an accurate record of all Employee Sick Leave records.



SUBJECT: RETURN TO WORK AFTER STRESS LEAVE, SERIOUS INJURY OR ILLNESS
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.4 Return to work after stress leave, serious injury or illness

It is High Bar First Nation policy that:

As protection for both the employee and the Band, employees who have been absent from work because of stress leave, serious illness, surgery, or injury will be required to obtain a medical clearance form, provided by a qualified medical practitioner, specifically stating that the employee has recovered from the condition that caused the leave and is capable of performing his/her normal duties or assignments.

PROCEDURE

- a. All Managers and Supervisors will ensure that employees returning from stress leave, serious injury or illness provide a medical clearance form, provided by a qualified medical practitioner, before the relevant employee is allowed to resume their responsibilities.
- b. All Managers and Supervisors will forward the relevant clearance certificate to the Band Manager for filing on the relevant Employer File (Personnel File).



SUBJECT: BEREAVEMENT LEAVE
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.5 Bereavement leave.

It is High Bar First Nation policy that employees be given bereavement leave as follows:

9.5.1 For Immediate Family

An employee shall be entitled to paid bereavement leave when a member of the employee's immediate family dies.

The employee shall be entitled to bereavement leave for a period of five (5) work days, and upon approval by the relevant Manager or Supervisor, an additional three (3) paid work days bereavement leave for the purpose of out of province travel or for travel of a distance greater than 500 km.

9.5.2 For Extended Family

An employee shall be entitled to bereavement leave when a member of the employee's extended family dies.

The employee shall be entitled to paid bereavement leave for a period of two (2) working days and upon request to the relevant Manager or Supervisor an additional three (3) paid working days bereavement leave for the purpose of out of province travel or for travel of a distance greater than 500 km.

9.5.3 Band Member Funeral

Employees have the option to attend a Band Member's Funeral and are entitled to be absent from work for up to (1/2) one-half day with pay.

Employees who do not attend the funeral services must report to work.

PROCEDURE

- a. All employees taking bereavement leave must advise their relevant Manager, or Supervisor immediately or as soon as practical, and provide proof prior or upon return from the bereavement leave.
- b. The relevant Manager or Supervisor will indicate under "Other" in the time sheet that bereavement leave was authorized.
- c. The Band Manager will ensure that the bereavement leave is processed.



SUBJECT: LEAVE OF ABSENCE
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.6 Leave of absence.

It is High Bar First Nation policy to:

Grant a leave of absence to Employees in exceptional circumstances where a special need is established.

That recommendations for leaves of absence be at the sole discretion of the employee's Manager or Supervisor in light of the operational needs and requirements of that department.

A request for a Leave of Absence by a Manager or Supervisor, Director will be made to the Band Manager.

A request for a Leave of Absence by the Band Manager will be made to Chief and Council.

That all Leaves of Absences be without pay.

That all Leaves of Absence be limited to a maximum of 12 calendar months.

That all Leaves of Absence be backfilled by at the discretion of the relevant Manager or Supervisor.

PROCEDURES

- a. All Employees requesting a leave of absence must do so in writing to their relevant Manager or Supervisor, at least 3 months prior to the commencement of the Leave of Absence.
- b. The Manager or Supervisor will recommend an approval or disapproval to the Band Manager.
- c. Upon approval of the request the relevant Manager or Supervisor will request the Band Manager to staff the relevant position with a Time limited Employee.
- d. The Band Manager will be responsible to process the relevant documentation.



SUBJECT: MATERNITY AND PARENTAL LEAVE
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.7 Maternity and parental leave.

It is High Bar First Nation Policy to provide for Maternity and Paternal Leave as per Canada Labour Code. It is therefore Band policy that the following be observed:

(Note: Leaves of Absence under this section are unpaid.)

9.7.1 Job Modification/Reassignment

An employee who is pregnant or nursing may, from the beginning of the pregnancy to the end of the 24th week following the birth, request the employer to modify her job functions or reassign her to another job if, by reason of the pregnancy or nursing, continuing any of her current job functions may pose a risk to her health or of the baby.

An employee's request for job modification or reassignment must be accompanied by a certificate of a qualified medical practitioner of the employee's choice indicating the expected duration of the potential risk and the activities or conditions to avoid in order to eliminate the risk.

Where a request has been made, the employer must examine the request in consultation with the employee and, where reasonably practicable, shall modify the employee's job functions or reassign her.

An employee who has made such a request is entitled to continue her current job while the employer examines her request, but if the risk posed by continuing any of her job functions so requires, she is entitled to paid leave of absence until the employer either modifies the job, reassigns her, or informs her in writing that it is not reasonably practicable to modify her job functions or reassign her.

An employee whose job functions are modified or who is reassigned shall be deemed to continue to hold the job that she held at time of making the request, and shall continue to receive the wage and benefits that are attached to that job.

If modification or reassignment is not reasonably practicable, the employee is entitled to a leave of absence without pay for the duration of the risk as indicated in the medical certificate.

An employee who is pregnant or nursing is entitled to leave of absence during the period from the beginning of the pregnancy to the end of the 24th week following the birth, if she provides the employer with a certificate of a qualified medical practitioner of her choice indicating that she is unable to work by reason of the pregnancy or nursing and indicating the duration of the inability.



An employee whose job functions have been modified, who has been reassigned, or who is on a leave of absence must give the employer at least two weeks' notice in writing of any change in the duration of the risk or in the inability as indicated in the medical certificate, unless there is a valid reason why that notice cannot be given. A new medical certificate must accompany the notice.

The Band cannot require an employee who is pregnant to take a leave of absence simply because she is pregnant.

However, the Band may require a pregnant employee to take a leave of absence if she is unable to perform an essential function of her job and no appropriate alternative job is available for that employee.

The required leave can only be for such time as the employee is unable to perform the essential function. Determination if the employee is unable to perform the essential function shall be made at the sole discretion of the Band Manager.

9.7.2 Maternity Leave

Every employee who has completed six consecutive months of continuous employment with an employer is entitled to an unpaid leave of absence of up to 17 weeks.

The leave may begin not earlier than 11 weeks prior to the estimated date of birth and end not later than 17 weeks following the actual date of birth.

The Band requests a certificate from a qualified medical practitioner certifying that she is pregnant.

9.7.3 Parental Leave

Every employee who has completed six (6) consecutive months of continuous employment with an employer is entitled to an unpaid Parental leave of absence as follows:

Where an employee has or will have the actual care and custody of a newborn child, the employee is entitled to a leave of absence of up to 37 weeks in the 52 week period beginning on the day on which the child is born or the day on which the child comes into the employee's care, and

Where an employee commences legal proceedings under the laws of a province to adopt a child or obtains an order under the laws of a province for the adoption of a child, the employee is entitled to a leave of absence of up to 37 weeks in the 52 week period beginning on the day when the child comes into the employee's care.

The aggregate amounts of parental leave of absence that may be taken by two employees in respect of the birth or adoption of any child must not exceed 52 weeks.



9.7.4 General

Every Employee who intends to take a maternity leave or parental leave must give at least four weeks' notice in writing to the employer unless there is a valid reason why that notice cannot be given and must inform the employer in writing of the length of leave intended to be taken.

Every employee who intends to take or who is on maternity leave must give the employer at least four week's notice in writing of any change in the length of leave intended to be taken, unless there is a valid reason why that notice cannot be given.

As mentioned above, every employee who intends or is entitled to take a leave of absence related to maternity or parental leave is entitled to be reinstated in the position that the employee occupied when the leave of absence commenced.

Where for any valid reason the employer cannot reinstate the employee in the same position, the employer shall reinstate the employee in a comparable position with the same wages and benefits and in the same location.

Where an employee takes a leave of absence referred above, and during the period of the leave the wages and benefits of the group of employees of which that employee is a member are changed as part of a plan to reorganize the industrial establishment in which that group is employed, that employee is entitled, on being reinstated in employment, to receive the wages and benefits that the employee would have been entitled to receive had the employee been working when the reorganization took place.

The employer shall notify the employee in writing of the change in wages and benefits as soon as possible.

The pension, health and disability benefits and the seniority of an employee who takes or is required to take a maternity or parental leave shall accumulate during the entire period of the leave.

Where contributions are required from an employee in order for the employee to be entitled to pension, health or disability benefit, the employee is responsible for and must, within a reasonable time, pay those contributions for the period of any leave unless, before taking the leave or within a reasonable time thereafter, the employee notifies the employer of his or her intentions to discontinue contributions during the leave period.

An employer who pays contributions for pensions, health and disability benefits must continue to pay those contributions during the employee's leave of absence at least in the same proportion as if the employee were not on leave.

The employer may cease paying its share of benefit contributions if the employee does not pay his or her contributions within a reasonable time. Note that employees should receive a written notice before the Band ceases paying its share of any contribution.



Where pension, health and disability benefit contributions have not been paid during the leave of absence, the benefits shall not accumulate during the leave of absence.

On the employee's return to work, employment shall be deemed to be continuous with employment before the employee's absence.

For the benefits other than pension, health and disability benefits, on the employee's return to work, employment shall be deemed to be continuous with employment before the employee's absence.

An employee who takes a maternity or parental leave of absence of the type described above is entitled to benefits under any income-replacement scheme or insurance plan in force at the workplace on the same terms as any employee who is absent from work for health related reasons and is entitled to benefits under the scheme or plan.

Every Employee who intends or is required to take a leave of absence related to maternity or parental leave is entitled, on making a written request to the Band Manager, to be informed in writing of every employment, promotion or training opportunity that arises during the period when the employee is on leave of absence and for which the Employee is qualified.

PROCEDURE

- a. It is the responsibility of all Managers, Supervisors, the Band Manager and Employees to follow the procedures in the policy set out above.



SUBJECT: COURT LEAVE
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.8 Court leave.

It is High Bar First Nation Personnel Policy that:

Employees are granted time off for mandatory Jury Duty in a BC Provincial Court or Supreme Court for appearances as a witness, when the employee must serve or is required to appear as a result of a court order or subpoena.

The employee provides a copy of the court order or subpoena to the relevant Manager or Supervisor when requesting time off.

The employee be entitled to full pay for each day of Jury Duty or service as a witness, to a maximum of ten (10) working days, including statutory and non-statutory holiday pay.

That any monies paid to the employee in the event of Jury duty, not be deducted or claimed from the employee.

In cases where an employee's private affairs have occasioned a court appearance, such leave to attend court shall be without pay.

In the event an accused employee is jailed pending a court appearance, such leave shall be without pay.

PROCEDURE

- a. All Managers, Supervisors or Employees called for Jury Duty or appearances must provide their immediate Supervisor with the court order or subpoena when requesting time off.
- b. The Manager or Supervisor will provide the Band Manager with a copy of the subpoena or court order for filing on the Employer File (Personnel file)
- c. The Manager or Supervisor will ensure that the Employee time sheet indicate Jury Duty or Witness duty under "other".



SUBJECT: TRAINING LEAVE
SECTION: 9 – HOLIDAYS, LEAVE AND VACATION
EFFECTIVE DATE:
APPROVED BY:

9.9 Training leave.

It is High Bar First Nation Personnel Policy that the following training policy be observed:

9.9.1 Leave for taking Job Related and Mandatory Courses

All Employees will be granted leave with pay to take courses requested by the Employer.

The Employer shall bear the full cost of the course, including tuition fees, entrance or registration fees, laboratory fees, and course required books, necessary travel and subsistence expenses and other legitimate expenses where applicable.

The fees will be paid by the Employer when due.

9.9.2 Educational Leave

All Full time employees may be granted educational leave on the following conditions:

- Granting of the Educational leave will be to take advanced or special training which will be to the benefit of the Employer and may be for varying periods of up to one year, which may be renewed by mutual agreement.
- An Employee granted Educational leave under this clause shall, under certain circumstances with individual merit, receive 100% of their basic pay, and the Employer will bear the full cost of the training.
- An Employee granted Educational leave under this clause shall sign a statement with a copy to the employee to the effect that, on completion of the training they will remain in the service of the Employer for a period equivalent to two times the length of their educational leave.
- An Employee who leaves the services before above period expires shall refund the cost of their training on a pro-rata basis.
- In the event that and Employee receives outside support, such as a scholarship, fellowship or bursary, the total of outside support must be reported by the Employee to the Employer.
- Outside support will be offset against the Employee's salary to an amount not exceeding the Employees annual salary.



- If the Employer fails to return to work on the prearranged date, the employee shall be required to repay in full all monies pertaining to cost of training and salary received, and a signed agreement with the Employer to retain the monies will be set up.
- Termination of employment by the Employee or by the Employer for just cause during Educational leave, will nullify any obligation of assistance by the Employer under this clause.
- Employees who have obtained a higher formal qualification as a result of Education leave granted, may be eligible for a salary step increase under clause H. 06 of this manual.

9.9.3 Leave for Writing Examinations.

Leave of absence with full pay shall be granted to allow Employees to write examinations for courses approved by the Employer.

Employees shall advise the Employer of the time and place of the examination.

9.9.4 General

Where training is either a condition of employment or a pre-requisite for advancement, employees must successfully complete the required training within an allotted time frame.

The employee must provide proof of successful completion to his/her Manager or Supervisor. Copies of all certificates, licenses, etc., will be filed in the employee's personnel file.

Leave of absence for training/educational purposes may be granted in exceptional circumstances where a departmental need is established.

Granting such a leave is a matter for the sole discretion of the relevant Manager or Supervisor in light of the operational needs and requirements of that department. A request for leave by a Manager or Supervisor will be forwarded to the Band Manager. A request for training leave by the Band Manager will be forwarded to Chief and Council.

Proof of completion of the training/education must be provided to the relevant Manager, Supervisor or Band Manager, as per the relevant reporting structure.

An employee who fails to successfully complete the training/education must provide a written explanation.

The Training/education leave will be paid if the training is deemed by the Band to be a requisite for continued employment.

All mandatory training required to obtain, or maintain certification and Occupational Health and Training will be paid training.

Employees are not eligible for a wage or salary step increase in the event of completing job related or Mandatory courses.

PROCEDURE

- a. It is the responsibility of all Managers and Supervisors to follow the policy set out above.



SUBJECT: OCCUPATIONAL HEALTH & SAFETY
SECTION: 10 - GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.1 Occupational health and safety.

It is the policy of the High Bar First Nation to provide a safe working environment for all employees, to provide instructions covering safe working methods, and to make available special equipment required to protect employees against any particular hazard.

The High Bar First Nation and its employees will adhere to W.C.B legislation in making policies to protect the health and safety of workers and the occupational environment in which they work.

Employees are specifically instructed not to use or operate a machine, including a motor vehicle, as part of their employment while under the influence of intoxicating substances.

Employees failing to adhere to High Bar First Nation safe work practices and W.C.B regulations are subject to disciplinary action.

According to W.C.B regulations, an employee has the right to refuse to do a job when he/she has reasonable cause to believe that:

- The use or operation of a machine or equipment presents a danger to the employee or co-worker, or;
- When a condition exists at work that presents a danger to an employee, the employee may refuse to work. However, in refusing work, the employee must advise his/her Supervisor immediately, stating his or her reasons.

PROCEDURE

- a. All employees will comply and work within WCB regulations pertaining to their workplace.



SUBJECT: BUSINESS AND REQUIRED APPAREL DRESS CODE
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.2 Business and required apparel dress code.

It is High Bar First Nation Personnel Policy that:

Employees project and promote a favorable and professional image in their business dress.

Employees dress appropriately for their particular work setting, for meetings and engagements within and outside the High Bar First Nation.

Employee attire be clean, tidy and appropriate for the workday events and activities.

An Employee who is considered to be dressed inappropriately be sent home to change dress appropriately.

Time lost to change clothing will be without pay.

Disciplinary action may result if an Employee continues to arrive at work inappropriately dressed.

Each Manager or Supervisor is responsible for establishing and maintaining a reasonable dress policy appropriate for the job duties and requirements of the position.

All employees are expected to dress in accordance with professional and safety standards and WCB guidelines where applicable.

PROCEDURE

- a. It is the responsibility of all employees to follow the policy set out above.



SUBJECT: ORDERLY AND SAFE WORK STATIONS
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.3 Orderly and safe work stations.

It is High Bar First Nation policy that:

All employees maintain their work stations in a clean, orderly manner ensuring safety at the same time.

PROCEDURE

- a. It is the responsibility of all employees to follow the policy set out above.



SUBJECT: DRUG AND ALCOHOL USE
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.4 Drug and alcohol use.

It is High Bar First Nation policy that:

A work environment free from the adverse effects of drug and alcohol abuse be created and maintained.

That the use, possession, sale, distribution, exchange, or consumption of alcohol or illegal drugs on Band property, or on Band time, is strictly prohibited.

That any employee engaged in such activity will be subject to progressive discipline, up to and including termination.

PROCEDURE

- a. It is the responsibility of all employees to follow the policy set out above.



SUBJECT: ACCIDENTS AND INJURIES IN THE WORKPLACE
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.5 Accidents and injuries in the workplace.

It is High Bar First Nation policy that:

All employees must report any accidents, injuries or near misses, sustained on the job to their respective Manager or Supervisor, as soon as they occur.

The Manager and/or relevant Supervisor investigate, advise Band Manager of the incident and then complete and file a report to W.C.B.

PROCEDURE

- a. It is the responsibility of all employees to follow the policy set out above.



SUBJECT: AFTER HOURS ENTRY
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.6 After hours entry.

It is High Bar First Nation Personnel policy that:

Employees are not allowed to enter the Band premises after normal working hours for any reason without the prior written approval of his/her Manager or Supervisor.

PROCEDURE

- a. All employees shall obtain prior approval from their immediate supervisor to enter the Band premises after hours.



SUBJECT: TELEPHONE, MAIL, FAX AND PHOTOCOPY PERSONAL USEAGE
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.7 Telephone, mail, fax and photocopy personal usage.

It is the policy of the High Bar First Nation that:

No personal long-distance calls are allowed.

Personal calls may be made locally in cases of emergency only.

Personal mail is not to be run through the Band's postage meter under any circumstances.

Faxes are not to be used for personal use.

Photocopiers are not to be used for personal use.

PROCEDURE

- a. It is the responsibility of all employees to observe the above policy.
- b. Employees who need to make personal long distance calls in case of an emergency have to obtain permission from their immediate supervisor to do so.



SUBJECT: INTERNET/E-MAIL POLICY
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.8 Internet and email policy.

It is High Bar First Nation Personnel policy that:

The Internet and E-Mail Policy applies to all High Bar First Nation band, (hereinafter “the Band”) employees, guests and third parties (hereinafter “Users”) whose access to or use of Internet and email resources is provided by the Band or available through equipment owned or leased by the Band, whether or not that access is during normal working hours and whether such access is from the Band’s premises or elsewhere.

That the Internet and e-mail facilities are for the benefit of the Band and that:

- Users understand that email messages and documents may be subject to the same laws, regulations, policies and other requirements as information communicated in other written forms and formats;
- Disruption of the Band’s activities from inappropriate use of the Band’s email and Internet services be avoided; and
- Users are provided guidelines describing their personal responsibilities regarding confidentiality, privacy and acceptable use of the Band’s Internet and email as defined by this policy.
- That the KIB add disclaimers to e-mails.

That the following principles of acceptable use be adhered to:

- Internet and email resources should be dedicated to legitimate Band business activities and governed by rules of conduct similar to those applicable to the use of other information technology resources.
- The use of Internet and email resources imposes certain responsibilities and obligations on all Users and is subject to the Band’s policies and procedures and all provincial and federal laws.
- Use must be legal and ethical and acceptable. Acceptable use demonstrates respect for intellectual property, ownership of information, network system security mechanisms, and individuals’ rights to privacy and freedom from intimidation, harassment, and unwarranted annoyance.

That all Internet and e-mail users shall:

- Respect and uphold the law, including provincial and federal laws and regulations and the laws of other jurisdictions;
- Comply with the Band’s stated policies, procedures and standards;
- Be courteous and follow accepted standards of etiquette;
- Protect others’ privacy and confidentiality;
- Reflect responsible use of email and Internet resources; and
- Use information technology resources efficiently and productively.



That the following actions constitute Acceptable use:

- Acceptable Internet and email activities are those that conform to the purpose, goals, and mission of the Band and to each User's job duties and/or responsibilities.
- Reasonable incidental use of electronic mail or the internet for personal communications, research or self-improvement is permitted as long as it does not disrupt productivity or harm the Band's reputation.
- To minimize system load, personal use should be outside workday hours.
- To minimize the loss of productivity all personal, non-work related use of the Band's computer systems must be done during coffee and lunch breaks, provided that it does not result in increased costs to the Band.

The following list, although not exhaustive, provides examples of unacceptable uses:

- Engaging in any illegal activity or using the Band's resources for any illegal purpose;
- Knowingly disseminating harassing, abusive, malicious, sexually explicit, threatening, or illegal information, including jokes or cartoons;
- Using the Band's resources for purposes unrelated to the Band's business activities, such as personal commercial use, advertisements, solicitations or promotions;
- Using the Band's resources to send messages expressing controversial potentially offensive and/or defamatory comments of individuals, bodies corporate or groups including, but not limited to, religion, politics and social policies;
- Downloading or using the material, software or other intellectual property of others in violation of software licenses, copyright and trademark laws;
- Accessing on-line radio stations or streaming video clips not related to work is prohibited at any time because of the large band width required by these services;
- Disclosing any passwords or security means and methods adopted by the Band; and
- Downloading or using any software not approved for use by the Band.

That users understand and recognize:

- That electronic correspondence is not inherently private, that messages could be misdirected and that the Band takes no responsibility resulting from the disclosure of private communications occurring over the Band's resources.
- The Band retains the right to monitor any and all electronic communications and use of the Internet to ensure the integrity of the system and compliance with this Policy.
- Users are reminded that ALL documents, including electronic copies, may be subject to a court order and, as such, disclosure may apply to a user's personal documents as well as any work-related documents.
- That use of Internet and email resources may be subject to limitations as determined from time to time by Council.

Other Use:

- That all use of the Band's Internet and email resources for commercial purposes unrelated to the Band or for non-commercial, charitable or not for profit uses must first be approved in writing. Any such use must comply with this Policy.



Privacy Considerations

- The Band does not routinely monitor files in User's accounts and data on the network. However, the Band reserves the right to view or scan any files, email or software stored on the Band's systems or transmitted over the Band's networks and may do so periodically to verify that software and hardware are working correctly, to look for particular kinds of data or software (such as computer viruses or unauthorized software), or to audit the use of the Band's resources.
- Potential violations of this Policy that come to the Band's attention during these and other activities may result in disciplinary action.
- Users must not send email messages containing unusually sensitive information over the Internet without using an encryption method approved by the Band.
- Furthermore, the Band must be provided with a copy of all passwords and/or private keys needed to decrypt the communications.

That Internet and e-mail use be subject to the following sanctions and actions:

- Violations of this Policy may result in suspension of the User's access to the Band's Internet and email resources, followed by review of any costs and/or charges incurred by the Band. Violations of this Policy may subject Users to the loss of Internet and email privileges and may result in disciplinary action, including termination.
- Illegal acts involving the Band's Internet and email resources may also subject violators to prosecution by local, provincial, and/or federal authorities.
- Suspected law violations may be referred to police agencies.
- The Band may seek legal action against any violators, including damages, indemnification and costs.

PROCEDURES

- a. It is the responsibility of all employees to follow the policy set out above.



SUBJECT: USE OF HIGH BAR FIRST NATION PROPERTY – OFF SITE & FOR BAND PURPOSES
SECTION: 10 - GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.9 Use of High Bar First Nation Property off site and for band purposes

It is High Bar First Nation Personnel policy that:

All Band equipment/property stays on Band facilities.

Use of Band equipment/property off work site on Band business requires:

- Prior written approval by the appropriate Manager or Supervisor.
- Property/equipment must be logged out and in within the time frame specified by the Manager or Supervisor.

Personal use of Band equipment is prohibited.

PROCEDURES

- a. Managers, Supervisors and Employees are to ensure that Band Property and Equipment remain on Band facilities at all times.
- b. In the event where Band property or equipment is required for Band Business off site, the Manager, Supervisor or Employee will obtain permission and follow the relevant sign in and sign out procedure.
- c. All Managers, Supervisors and Employees will ensure that Band property or equipment is not used for personal use.



SUBJECT: PROPERTY AND EQUIPMENT CARE
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.10 Property and equipment care.

It is High Bar First Nation Personnel Policy that:

It is the responsibility of each employee to understand the machines/equipment required for performing regular/assigned duties.

Good care and maintenance of machinery/equipment used during the course of employment, is_essential as well as the conservative use of supplies, will benefit all employees as well as the High Bar First Nation.

If a machine/equipment is found to be not working properly or in any way appears unsafe, employees have to ensure that the appropriate Manager or Supervisor is notified immediately so that repairs or adjustments may be made.

Under no circumstances should an employee start or operate a machine deemed unsafe, nor should any adjustment or modifications to safeguards be made.

In accordance with WCB regulations, all employees have the right to refuse unsafe working conditions.

PROCEDURE

- a. All Managers and Supervisors will ensure that Employees will be properly trained and certified to operate High Bar First Nation equipment.
- b. Employees will ensure that any defects or unsafe equipment is reported to their immediate Supervisor, or Manager.
- c. All High Bar First Nation employees will exercise their right to refuse operating unsafe equipment or property.



SUBJECT: SMOKING POLICY
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.11 Smoking policy.

It is High Bar First Nation Personnel policy that:

Smoking, at any time, is prohibited in any building of the High Bar First Nation. This policy has been adopted for the health and safety of all employees.

Adherence to this policy will be strictly monitored.

Smoking is permitted in designated outdoor areas only.

Smoking in non-designated areas is subject to disciplinary action.

PROCEDURE

- a. All Managers, Supervisors and Employees will collectively observe this policy at all times by not smoking in the Band office and in non-designated areas.
- b. All Managers, Supervisors and Employees have the duty to report individuals observed smoking in the Band office and non-designated areas.
- c. The relevant Manager, or Supervisor will take the necessary disciplinary action which may include dismissal of transgressors of this policy



SUBJECT: TRAVEL AND TRAINING APPROVAL
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.12 Travel and training approval.

It is High Bar First Nation Personnel policy that:

Managers and Supervisors make decisions affecting his/her department and the department's operating budget.

The Manager or Supervisor is responsible for the disbursement of all travel and/or training funds allocated to his/her department's budget.

All employees are required to obtain prior approval from his/her Manager or Supervisor for, and prior to, any training and/or travel.

That Employees be entitled to the applicable per diem rates.

That Employees be entitled to the applicable hotel accommodation rates.

PROCEDURE

- a. Managers and Supervisors have the responsibility to control and manage the disbursement of all training and/or travel disbursements as per budget allocation.
- b. All Employees have to obtain prior approval from their immediate Supervisor prior to any training or travel.
- c. All employees will be informed by their immediate supervisor upon the approval of training of their entitlement to, and be paid the applicable per diem rates.
- d. All Employees will be informed by their immediate supervisor upon the approval of training of their entitlement to, and be paid approved hotel accommodation rates.



SUBJECT: TRAVEL RATES
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.13 Travel rates.

It is High Bar First Nation Personnel Policy that:

The High Bar First Nation recognizes the importance of employees required to use his/her own vehicle in the performance of job duties and attending job related approved training.

In the event it is necessary to use an employee owned private vehicle for Band business, the employee will be reimbursed at the Canada Treasury Board rate, as amended from time to time.

All employees must obtain the approval of his/her Manager or Supervisor prior to using his/her own vehicle for Band business.

All employees will be entitled to and be paid the applicable travel rate when on approved Band business which includes approved training.

PROCEDURE

- a. It is the responsibility of all employees to follow the policy set out above.



SUBJECT: VOTING
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.14 Voting.

It is High Bar First Nation Personnel Policy that:

Any Employee eligible to vote in a Federal, First Nation, Provincial, or Municipal election or referendum shall be given the opportunity to leave work to vote, four (4) hours before the close of the polls.

On all voting days the Band Facilities will close four hours before the close of the polls to enable all eligible Employees to vote.

PROCEDURE

- a. All Managers, Supervisors and Employees will observe this policy in that all Band facilities will be closed down four hours before the close of the polls.
- b. All Managers and Supervisors will ensure that time sheets indicate Voting under “Other” and that all Employees receive full pay for the hours in which the Band is closed for voting.



SUBJECT: NON-EMPLOYEES AT THE WORK PLACE
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.15 Non-employees at the work place.

It is High Bar First Nation policy that:

This section applies to volunteers, practicum students, community service workers and any other non-employee who may perform work on High Bar First Nation premises from time to time.

Individuals who are sentenced to perform community services hours must not work with children and that Managers or Supervisors obtain approval from the Band Manager for accepting the community service worker into the department.

Volunteers sign an oath of confidentiality.

Anyone working with children or having unsupervised access to children is required to pass a criminal record review.

The Manager or Supervisor must obtain approval from the Band Manager prior to accepting volunteers, practicum students, community service workers and any other non-employee who may perform work in the department.

Children who are ill should not be in the work place under any circumstances what so ever.

No unauthorized persons are allowed in areas where children are present.

PROCEDURE

- a. All Managers and Supervisors will, seek the necessary approval from the Band Manager when considering placement of Community Service Workers, Practicum students and non-employees who may perform work for the Band.
- b. All Managers and Supervisors will ensure that the Community Service Workers and practicum students sign the necessary Oath of Confidentiality form and complete a Criminal Record check and applicable forms required for the placement.
- c. All employees will ensure that they do not bring any children into the work place without obtaining prior permission from supervisors and subject to safety considerations.



SUBJECT: CONFLICT OF INTEREST
SECTION: 10 – GENERAL POLICIES
EFFECTIVE DATE:
APPROVED BY:

10.16 Conflict of Interest

It is High Bar First Nation policy that all employees shall refrain from conflicts of interest.

That for the purposes of this policy, conflict of interest refers to a situation where an employee's personal relationship(s) or financial interest(s) could reasonably be seen as influencing the employee's duty to act in the best interests of the Band. Such conflicts or interest include but are not limited to:

- 10.16.1 Holding shares in a corporation which seeks to do business with the Band;
- 10.16.2 Being a relative of an individual who is employed by or involved with a business which seeks to do business with the Band or does business with the Band;
- 10.16.3 Being involved with or investing in a business which is competitive to the business conducted by the Band;
- 10.16.4 Being retained by another company or organization, whether on a consultancy or part-time basis, to advise on business similar to that which is being transacted by the Band;
- 10.16.5 Accepting "kickbacks" or "bribes";
- 10.16.6 Failing to advise the Band of a situation which involves the acceptances of gifts, favours and entertainment;
- 10.16.7 Being investigated, charged, indicted or convicted for a criminal activity which may have an impact on the perception of the employee's business conduct and which, if publicly known, might affect the reputation of the Band's high ethical standards.

That, if an employee becomes aware of, or becomes involved in a conflict of interest, he or she shall immediately disclose such conflict of interest to his or her immediate Supervisor, or Manager.

All direct reports to the Band Manager shall disclose conflict of interest directly to the Band Manager.

All employees who have any influence on transactions such as purchases, contracts or leases shall disclose to their immediate Supervisor, Manager or Band Manager, in the event of direct reports to the Band Manager, as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

An employee who is unsure whether something constitutes a conflict of interest shall immediately discuss the specific concern with his or her immediate Supervisor, Manager or to the Band Manager if in direct reporting relationship to the Band Manager.



The supervisor, department head or CEO will determine whether:

- 10.16.8 A conflict of interest exists;
- 10.16.9 The seriousness of the potential or actual conflict of interest;
- 10.16.10 What steps are necessary to protect the employee and the Band against the conflict of interest;
- 10.16.11 The decision maker shall be guided by other policies which may apply, and may consult legal counsel if the conflict of interest involves an issue of legal sensitivity.

The decision maker may, depending on circumstances, institute one or more of the following steps:

- 10.16.12 Establish internal safeguards to protect the business from conflict of interest;
- 10.16.13 Require that the employee cease to be involved in the situation giving rise to the conflict of interest;
- 10.16.14 Remove the employee from a position of influence over the business with respect to matters which give rise to the conflict of interest;
- 10.16.15 Require that the employee re-pay any benefit he or she has received as a result of the conflict of interest;
- 10.16.16 Discipline the employee, up to and including termination for cause, for being involved in the conflict of interest. In determining the nature of such discipline the decision maker shall consider:
 - the employee's disclosure or the existence of conflict of interest, if such disclosure was made;
 - whether such disclosure was made promptly;
 - the severity of the conflict of interest;
 - whether the conflict of interest involved any kind of dishonesty;
 - whether the Band was actually harmed by reason of the conflict of interest;
 - whether or not such harm, if any, can be repaired in any way; and
 - whether disciplinary steps, short of termination, are adequate to deal with the infraction

PROCEDURE

- a. It is the responsibility of all employees to follow the policy set out above.



SUBJECT: TERMINATION OF EMPLOYMENT - LAYOFF NOTICE
SECTION: 10 – LAYOFF AND TERMINATION
EFFECTIVE DATE:
APPROVED BY:

10.17 Termination of employment -layoff notice.

It is High Bar First Nation Personnel policy that the following policy be observed to ensure compliance with Canada Labour Code Part 111, in the event of Termination of Employment by way of Layoff notice:

The termination of an employee's employment shall not be considered a lay-off in the event an employee's employment is terminated for just cause.

The elimination of positions or termination or lay off may be necessary due to redundancy, lack of funding or completion/cancellation of projects. In such circumstances, the High Bar First Nation may terminate an employee without cause.

In such cases of termination, an employee who has completed three (3) consecutive months of continuous employment, except where termination is by way of dismissal for just cause, will be entitled to:

- Two (2) weeks notice in writing, or
- Two (2) weeks wages, at his/her regular rate, in lieu of written notice.

In a situation where the employee had been employed for less than three (3) months, the employer shall make every reasonable effort to provide a notice of lay off.

An employee who has completed twelve (12) consecutive months of continuous employment, except where the termination is by way of dismissal for just cause, will be entitled to notice or lay off, or pay in lieu of notice as well as a severance pay component.

Employees who have completed twelve (12) consecutive months of continuous employment except where the termination is by way of dismissal for just cause will be entitled to:

Working notice or pay in lieu of notice

- Two (2) weeks notice in writing, or
- Two (2) weeks wages, at his/her regular rate, in lieu of written notice, and pay the employee severance pay which is the greater of:

Severance pay

- Two (2) days wages at the employee's regular rate for his/her regular hours of work in respect of each completed year of employment that is within the term of the employee's continuous employment; or
- Five (5) days wages at the employee's regular rate for his/her regular hours at work.

An employee who is dismissed for just cause is not entitled to any notice or wages in lieu of notice.



PROCEDURE

- a. The determination for lay off for an employee position is initially made by the Manager or Supervisor will inform the Band Manager for final approval.
- b. If the lay off is approved the relevant Manager or Supervisor and the Band Manager will meet with the employee to inform the employee of the situation. A letter of lay off will be handed to the employee, stating the lay off conditions.
- c. The Band Manager will inform the payroll section to implement final pay procedures.
- d. Chief and Council will make recommendations the lay off of the Band Manager.

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SUBJECT: RESIGNATION
SECTION: 11 – LAYOFF AND TERMINATION
EFFECTIVE DATE:
APPROVED BY:

11.1 Resignation.

It is High Bar First Nation Personnel Policy that employees who wish to resign from service, and remain in good standing with the Employer, shall provide a written notice of resignation:

The Band Manager will provide at least eight (8) weeks, forty (40) working days notice of resignation.

Managers and Supervisors will provided at least four (4) weeks, twenty (20) working days notice of resignation.

All other employees will provide at least two (2) weeks, ten (10) working days notice of resignation.

Employees may resign in good standing, giving less than the required notice, only in extenuating circumstances.

Employees who resign from employment with the High Bar First Nation are not entitled to any severance pay.

The Employer has no right to refuse to accept and Employee resignation in term of the Freedom of Association stipulation within Labour Legislation.

The Employer reserves the right to press Criminal Charges against and Employee, in meritorious cases, for e.g. Breach of Confidentiality, and Criminal Conduct, after acceptance of an Employee Resignation and after the departure of an Employee.

PROCEDURE

- a. The Band Manager will provide Chief and Council with at least eight (8) weeks, forty (40) working days notice of resignation, whereupon the Chief and Council can begin recruiting for a replacement.
- b. Managers and Supervisors will provide the Band Manager with at least four (4) weeks, twenty (20) working days notice of resignation, whereupon the Band Manager will be given an authority to recruit, if so decided.
- c. All Employees who wish to resign from the High Bar First Nation shall provide their Department Head with a minimum of two (2) weeks (10 working days) written notice of resignation.
- d. The Manager, will upon receipt, forward a copy of the letter of resignation to the Band Manager.
- e. The Band Manager will file the original letter of resignation on the resigning employee's file.
- f. Employee personnel files of resigned employees will be kept in the HR Confidential Archives for a period of 5 years.



SUBJECT: RETURN OF BAND PROPERTY
SECTION: 11 - LAYOFF AND TERMINATION
EFFECTIVE DATE:
APPROVED BY:

11.2 Return of band property.

It is High Bar First Nation Personnel Policy that:

Any Band property issued to an employee must be returned to the High Bar First Nation at the time of termination, lay off, dismissal or resignation.

The following list is not exhaustive but includes the following potential items to be returned:

- tools
- uniforms
- intellectual property
- project files, documents and records
- computers, laptops, and diskettes
- keys
- equipment
- office supplies
- gas cards
- calling cards
- credit cards
- cell phones, and pagers
- Pass codes

Each employee is responsible for paying for any lost or damaged items.

Any unreturned property will be deemed stolen and treated as a theft.

PROCEDURE

- a. Managers and Supervisors shall ensure that all High Bar First Nation property assigned to Employees while in employment is recorded and signed for by the employee upon issuing and return to the employer.



SUBJECT: FINAL PAY
SECTION: 11 – LAYOFF AND TERMINATION
EFFECTIVE DATE:
APPROVED BY:

11.3 Final pay.

It is High Bar First Nation Personnel policy that:

On the final day of employment, the Band Manager, Manager, or Supervisor receive all keys and High Bar First Nation property from the employee before the final payroll cheque will be issued.

The employee will pick up his/her final payroll cheque from the High Bar First Nation band office.

The final cheque shall include all earned pay, remaining vacation pay, and any monies due to the employee.

PROCEDURE

- a. The Band Manager, Managers and Supervisors will ensure that departing employees return all assigned Employer property before the employee's final pay cheque is released.
- b. Pay roll Employees will be required to check that all band property has been returned by contacting the relevant Manager or Supervisor prior to releasing the Employee final pay cheque.



SUBJECT: EXIT INTERVIEW
SECTION: 11 – LAYOFF AND TERMINATION
EFFECTIVE DATE:
APPROVED BY:

11.4 Exit interview.

It is High Bar First Nation Personnel policy that:

At the time the resigning employee picks up his/her final cheque he/she may be requested to attend an exit interview with the Band Manager.

The Exit Interview is an optional exercise for the employee.

PROCEDURE

- a. The Manager or Supervisor may request the Band manager to conduct a confidential Exit interview with departing employees.



SUBJECT: HARASSMENT
SECTION: 12 – HARASSMENT
EFFECTIVE DATE:
APPROVED BY:

12.1 Harassment.

It is High Bar First Nations policy that:

The Band will not tolerate harassment based on race, national or ethnic origin, colour, religion, age, gender, sexual orientation, marital status, family status, disability as defined in the *Canadian Human Rights Act*, or conviction for an offence for which a pardon has been granted. The Band will make every reasonable effort to provide a workplace free from unlawful harassment for all Employees.

This policy applies to all employees and volunteers of the High Bar First Nation, and to all members of the public who may have dealings with the Band, including Band members, vendors, suppliers, clients and customers. It applies at all offices and other premises where the Band's business is conducted, as well as at any place where Band-related social, business or other activities occur away from the office. Anyone who works at the Band who believes that another employee of the Band or the public has harassed him or her in the workplace may use the procedures in this policy.

Every employee is entitled to employment free from harassment based on the grounds listed above, including employment free from sexual harassment.

All Band employees are required, as a term of their employment with the Band, to abide by this policy and are expected to conduct themselves in a way which is respectful of co-workers.

An employee who unreasonably refuses to participate in an investigation under this policy may be subject to disciplinary action.

For the purpose of this policy, harassment means engaging in vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome. Harassment can be a single incident or a series of incidents. The unwelcome comment or conduct does not have to be directed at a specific person for harassment to occur. Comments or conducts that tend to ridicule or disparage a group protected by the *Canadian Human Rights Act* may give rise to an offensive work environment and therefore to harassment.

For the purpose of this policy, sexual harassment means any conduct, comment, gesture or contact of a sexual nature:

- that is likely to cause offence or humiliation to any employee, or
- that might, on reasonable grounds, be perceived by that employee as placing a condition of a sexual nature on employment or on any opportunity for training or promotion.



The following are some examples of unacceptable conduct even if no job-related threats or benefits are associated with them:

- 12.1.1 Demands for sexual favors, sexual jokes and comments, leering, sexual or suggestive gestures, visual displays such as pin-ups, and derogatory comments.
- 12.1.2 Remarks, jokes, or innuendoes about race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability where the speaker has been advised that they are offensive or where they are by their nature offensive;
- 12.1.3 The display of or distribution by mail, fax, or electronic means of offensive material;
- 12.1.4 Unwanted physical contact;
- 12.1.5 Verbal abuse or threats;
- 12.1.6 Mimicking accent, speech or mannerisms;
- 12.1.7 Refusing to work with someone based on his or her race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted; or
- 12.1.8 Sexual assault.

Retaliatory actions against an individual who has exercised his or rights under this policy in good faith or participated in an investigation under this policy in good faith may be the basis for a separate complaint and discipline under this policy.

No Band employee will be criticized or penalized in any way because he or she has, acting honestly and in good faith, brought a disagreement or complaint relating to harassment to the attention of the Personnel Committee.

The Band provides an informal as well as a formal complaint procedure for its employees. In addition, any employee may make a complaint of discrimination under the *Canadian Human Rights Act*. For example, gender harassment constitutes discrimination based on sex under the *Canadian Human Rights Act*.

Resolution of a complaint through the Band's internal procedures may result in one or more sanctions as set out in this policy.

Confidentiality will be maintained throughout the informal or formal complaint procedure and the investigation to the extent practicable and appropriate under the circumstances. Disclosure of information will only be made to the extent required to investigate the complaint thoroughly, to take disciplinary measures, or as required by law.



Rights If You Are Being Harassed

If you are the complaint, you have the right:

- to file a complaint and have it dealt with promptly, without fear of embarrassment or reprisal;
- to have a person of your choice accompany you during the process;
- to make sure that no record of the complaint is placed on your personnel file, as long as it was made in good faith;
- to be informed about the progress of your complaint;
- to be informed of the type of corrective measures that will result from the complaint;
- to receive fair treatment.

Rights If You Are Accused of Harassment

If you are the individual accused of harassment, you have the right:

- to be informed of the complaint;
- to be given a written statement of the official allegations, and to respond to them;
- to have a person of your choice accompany you during the process;
- to be informed about the progress of the complaint;
- to receive fair treatment.



PROCEDURES

That the following Anti-Harassment Procedures be observed by all employees:

a. **Speak Up**

The first thing to do if you are being harassed is to tell the person harassing you to stop, if possible. Let them know that you are embarrassed, humiliated, demeaned or otherwise bothered by what they are doing or saying. You should speak to the person directly, or write them a letter. If you write a letter, date it and keep a copy. If you speak to them, you may want to tell a friend what you have done and why. Often, a person may not be aware that his or her behaviour is bothersome, and will change the behaviour once they realize this.

b. **Keep Notes**

Record all unwelcome or harassing behaviour. Write down what has happened, when it occurred, where it occurred, how often it occurred, who witnessed the occurrence, and how you felt about it. Write down every incidence of harassment.

c. **Report It – Informal Procedures**

If the harassing behaviour occurs again, or if you are unable to deal directly with the person harassing you, you may request your Supervisor or Manager to conduct an informal investigation. They will ask for details of what happened, ensure you understand the harassment policy, any options you may have and how you may want to proceed. You may ask them to help you write a letter or speak to the harasser on your behalf. If these attempts to resolve the situation don't work, you can ask to help you file a formal complaint.

d. **Formal Complaint Procedures**

At any time, you may make a formal complaint in writing to your Supervisor, Manager or to the Band Manager, if your Supervisor or Manager is involved, and an investigation will follow.

The Supervisor or Manager will investigate in concert with the Band Manager every formal complaint by interviewing the complainant, the alleged harasser, and any witnesses. All employees have the responsibility to co-operate in the investigation.

The following information will be required:

- your (the complainant's name, department and position;
- the name, department and position of the alleged harasser;
- details of what happened;
- dates, times, and how often these situations occurred;
- where they happened; and,
- the names of any witnesses.

The Supervisor or Manager and Band Manager will complete its investigation and come to an appropriate resolution within thirty (30) calendar days of the complaint, unless a longer period is appropriate in the circumstances, in which case you will be informed of the proposed time frame.



The Department Head or Manager and the Human Resources Manager will follow these steps:

- a. Provide a copy of the written complaint to the person about whose conduct there has been a complaint (the “respondent”) or advise the respondent in writing of the allegations;
- b. Provide the respondent with an opportunity to respond to the complaint orally or in writing;
- c. Investigate the complaint by speaking to the complainant, to the respondent and to other individuals where appropriate, in confidence;
- d. Where it is found that the complaint is substantiated, there will be formal disciplinary action taken against the respondent, and a record of the proceedings and the result will be placed in the respondent’s employee file.
- e. Where it is found that the complaint is not substantiated, no further action against the respondent will be taken and a record of the proceedings and the results will be kept in a confidential file for five (5) years by the Band Manager, after which it will be destroyed;
- f. The complainant and respondent will be advised of the resolution in writing.
- g. If the complainant withdraws his or her complaint before a resolution, the Supervisor or Manager and the Band Manager reserve the right to proceed with the investigation and reach a resolution of the matter if in its judgment such action is warranted.

Appeal Procedure

Any Employee found to be in violation of this harassment policy by the Supervisor or Manager and the Band Manager may appeal the decision.

The Appeal procedure is:

- a. Provide a written appeal request to the Band Manager within five (5) working days of the decision.
- b. Provide the Band Manager with the name of a volunteer, who will be your nominee on the Appeal Committee.
- c. The Band Manager convenes an Appeal Committee consisting of two (2) independent Supervisors or Managers and the Band Manager.
- d. The Appeal committee, meeting as a group, reviews all existing documentation relied upon in the original investigation.
- e. The Appeal Committee collects further documentation and conducts further interviews, at its discretion.
- f. The Appeal committee renders a final decision on the complaint, which may uphold or overturn the original decision.
- g. The Complainant and respondent are advised in writing of the Appeal Committee’s findings.



Resolutions

Resolutions resulting from an investigation, whether formal or informal, may include one or more of the following:

- A formal apology;
- A written warning delivered to the person whose conduct was harassment (and where possible placed in the person's employee file);
- Counselling;
- Attendance at educational seminars;
- Disciplinary action which may include termination of employment.

The Employer will take such disciplinary measures as it deems appropriate against any person under the Band's direction or against any member of the general public who subjects any employee to harassment as per this policy.

In addition to any sanction imposed by the Band, employees and Council of the Band who engage in harassment could face sanctions imposed under the *Canadian Human Rights Act*.

Disclosure

A copy of the Band's Personnel Policy and Procedures, including the Harassment Policy will be issued to all High Bar First Nations employees. All employees are encouraged to speak with their Supervisor, Manager, and/or Band Manager if they have questions about the policy.

Unsubstantiated Complaints

If a person, in good faith, files a harassment complaint that is not supported by evidence gathered during an investigation, that complaint will be dismissed, and no record of it will be put in the accused harasser's file. As long as the complaint was made in good faith, there will be no penalty to the person who complained, and no record in his or her file.

Complaints Made In Bad Faith

In the rare event that the complaint was made in bad faith – in other words, the person making the complaint had absolutely no basis and deliberately and maliciously filed the complaint –that person will be subject to the Band's progressive disciplinary policy and a record of the incident will be placed in his or her file.

PROCEDURE

- a. It is the responsibility of all employees to follow the policy set out above.