



Little River Band of Ottawa Indians

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ORIGINAL

Resolution No. #01-0221-04

**Approving Revisions to Sections 2.9, 4.1, 4.7 and 6.7 of the
Tribal Government Personnel Policies**

WHEREAS, the Tribe's status as a federally-recognized Indian tribe was reaffirmed and restored by Congress pursuant to Public Law 103-324, 108 Stat. 2156 (25 U.S.C. §1300k et seq.)(hereinafter "Little River Act"); and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, resolution # 00-1128-02 adopted by the Tribal Council amended the Personnel Policies of the Little River Band to address the overtime compensation of certain employees; and

WHEREAS, the Tribal Ogema has proposed revisions to sections 2.9 "Types of Appointment", 4.1 "Compensation Policy", 4.7 "Overtime Policy" and 6.7 "Holidays" for final approval by the Tribal Council; and

NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians hereby approves the following revisions to the Tribal Government Personnel Policies:

- a. Replace Section 2.9 "Types of Appointment" with new Section 2.9 "Classification of Employment"
- b. Supercede and Remove Section 4.1 "Compensation Policy"
- c. Replace Section 4.7 "Overtime Policy" with new Section 4.7
- d. Replace Section 6.7 "Holidays" with new Section 6.7

~~2.1 — TYPES OF APPOINTMENT~~

~~The following definitions describe the various categories of employment with the LRBOI included in each category is an identification of benefits eligibility.~~

- ~~A. — Full-time Regular: an employee who works 40 hours per week on a regular basis. All full-time regular employees are eligible for all employee benefits identified in this manual.~~

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- ~~B. Part time Regular: an employee who works less than 32 hours per week and may be on a scheduled or "as needed" basis. Part time regular employees are eligible for benefits on a pro-rated basis as allowed by the specific provisions of the benefit plans.~~
- ~~C. Temporary: an employee who works either part time or full-time, but is hired for a limited period of time, not to exceed one year. Temporary employees are typically hired for special projects, during heavy work-load periods or as substitutes for employees on leave of absence. Temporary employees are not eligible for benefits other than required by law or specified at the time of employment. Indian preference need not necessarily apply to emergency appointments of 60 days or less in order to complete recruitment and hiring of permanent employees.~~
- ~~D. Student or Trainee: a person appointed to participate in a work experience or training program which is for a limited time period. The student/trainee may or may not receive compensation and shall not be eligible for benefits, other than required by law.~~
- ~~E. Salaried employee: an employee in Level 3, Level 4, or Level 5 position. Salaried employees are exempt from the hours and over-time provisions of the Fair Labor Standards Act. Salaried employees who are full-time are eligible for all employee benefits identified in this manual. Salaried employees who are part-time are eligible on a pro-rated basis as allowed by the specific provisions of the benefits plans.~~

~~4.1 — COMPENSATION POLICY~~

~~All regular employees of the LRBQI are considered salaried employees, unless the terms of such employee's appointment clearly states otherwise. Salaried employees are paid in weekly installments. Salaried employees are required to work 40 hours per week on a regular basis to receive full compensation. Employees working less than 40 hours per week shall receive a pro-rated portion of the weekly installment for such employee's salary.~~

~~4.3 — OVERTIME POLICY~~

~~It is the policy of the Tribe not to allow an employee to work more than 40 hours in any week. The following options for work scheduling may be provided:~~

- ~~a) Flex Time. An employee may present an alternate work schedule to his/her supervisor when work required outside the normal schedule is necessary and can be accomplished in a more efficient manner.~~

~~If the supervisor determines that the proposal is feasible, the proposal will be reviewed with the Tribal Manager. If the supervisor and the Tribal~~

~~Manager agree with the proposal, the employee will be placed on the flexible work schedule, within the context of a 40 hour work week.~~

~~The policy regarding flex time is balanced by the fact that the Tribe does have regular business hours which the public and our tribal members rely on. Effort must be made to provide for work during regular hours of operation.~~

- ~~b) Compensatory Time. If it is necessary an employee's work schedule will require that employee to work more than 40 hours in a given work wee; that employee may be granted compensatory time in accordance with the procedures set forth in Section 5.2.~~

6.1 HOLIDAYS

~~The Little River Band recognizes the following designated holidays and grants time off with pay to all employees.~~

_____ New Year's Day _____	_____ Federal Reaffirmation Day _____
_____ Treaty Recognition Day _____	_____ (September 21) _____
_____ (March 28th) _____	_____ Veteran's Day _____
_____ Memorial Day _____	_____ Thanksgiving Day _____
_____ Independence Day _____	_____ Christmas Eve Day (half day) _____
_____ Labor Day _____	_____ Christmas Day _____

- ~~a) Employees who are on leave of absence without pay are not entitled to holiday pay during that period of time. Employees who have been subject to disciplinary action and are on suspension are also not entitled to holiday pay during that period of time.~~
- ~~b) Whenever one of the designated holidays falls on a Sunday it shall be observed on the following Monday; if the holiday falls on a Saturday, it shall be observed on the preceding Friday.~~
- ~~c) Employees required to work on any designated holiday will be granted an additional personal day, to be taken at the employee's discretion with approval of their supervisor.~~
- ~~d) A holiday that falls within an annual leave period is still a holiday, and time off will not be deducted from an employee's accrued annual leave.~~

2.9 Classification of Employment

A. The following definitions describe the various categories of employment with the **LRBOI**. Included in each category is an identification of benefits eligibility.

1. Permanent, Full time – Employees scheduled to work at least 32 hours/week or at least 64 hours during a two-week pay period in a position that is expected to continue for more than one year will be classified as permanent, full time. All permanent, full time employees are eligible for all employee benefits.

2. Permanent, Part time - Employees scheduled to work less than 32 hours/week or less than 64 hours during a two-week pay period in a position that is expected to continue for more than one year will be classified as permanent, part time employees. All permanent, part time employees are eligible for benefits on a pro-rated basis as specified by the specific provisions of the benefit plan.
3. Temporary – Employees hired for a position that is expected to continue less than one year shall be considered temporary employees. Temporary employees may work up to 40 hours/week or 80 hours in a two-week pay period. Temporary employees are not eligible for benefits other than required by law or specified at the time of employment.
4. Student Intern – A person selected to participate in a work experience that is for a limited time period not to exceed one year. The student, intern or trainee may or may not receive compensation and shall not be eligible for benefits other than required by law.

B. Employees shall also be classified as hourly or salaried as follows:

1. Hourly – Employees working in a position that is classified as Level 4 or less by the job description for that position shall be paid at an hourly rate of pay.
2. Salaried – Employees working in a position that is classified as Level 5 or above by the job description for that position shall be considered a salaried employee. Salaried employees are expected to keep office hours consistent with their position and departmental needs.

4.7 Overtime Policy

- A. For the purposes of assigning overtime pay, employees shall be classified by the normal hours of operation for the department in which they are employed.
 1. Hourly employees working in a department (Public Safety and Surveillance) that must have personnel on duty 24 hours a day, 7 days a week shall incur overtime pay at the rate of one and a half times regular pay, whenever the employee is required to work more than 12 hours in a day or 80 hours in a two week pay period. Overtime must be pre-approved with the employee's immediate supervisor and documented on the **Work Schedule Variance Approval Form** (see Attached). It is the responsibility of the employee to attain the appropriate form and signatures to be submitted with their Employee Time Record.
 2. Hourly employees working in a department that normally has personnel on duty during normal business hours, M-F, 8 am to 5 pm, shall incur overtime pay at the rate of one and a half times regular pay, whenever the employee is required to work more than 12 hours in a day or 40 hours in a week. Overtime must be pre-approved with the employee's immediate supervisor and documented on the **Work Schedule Variance Approval Form** (see Attached). All efforts should be made to grant compensatory time in accordance with the procedures set forth in Section 5.2 before approving overtime for employees in the 40 hour/week job category. It is the responsibility of the employee to attain the appropriate form and signatures to be submitted with their Employee Time Record.

6.7 Holidays

- A. The Little River Band of Ottawa Indians recognizes the following designated holidays and grants time off with pay to all employees.

New Years Day	Veteran's Day
Treaty Recognition Day (March 28 th)	Thanksgiving Day
Memorial Day	Friday after Thanksgiving Day
Independence Day	Christmas Eve Day (half day)*
Labor Day	Christmas Day
Federal Reaffirmation Day (Sept. 21 st)	

1. Hourly employees, working in a department (Public Safety and Surveillance) that must have personnel on duty 24 hours a day, 7 days a week, and that are required to work on the exact date of any designated holiday will be paid at two times their regular rate of pay for all hours worked. Employees must work their regularly scheduled day before and after the designated holiday in order to receive holiday pay.
2. Employees on a leave of absence without pay or suspended due to disciplinary action are not entitled to holiday pay during that time period.
3. Hourly employees working in a department that normally has personnel on duty during normal business hours, M-F, 8 am to 5 pm, as well as all salaried employees, shall observe holidays that fall on Saturday on the preceding Friday and shall observe holidays that fall on Sunday on the following Monday.
4. Holidays that fall within an employee's pre-approved annual leave or personal time off request will be granted holiday pay for the observed holiday.


IT IS FURTHER RESOLVED THAT the Tribal Council hereby directs the Tribal Ogema to take such steps as may be required to implement the revisions approved above.

CERTIFICATE OF ADOPTION

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 9 FOR, 0 AGAINST, 0 ABSENT, and 0 ABSTAINING, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on February 21, 2000, at the Little River Band Community Center in Manistee, Michigan, with a quorum being present for such vote.


Charles Fisher, Council Recorder

Attest:


Joan Spalding, Council Speaker