

MEMORANDUM

TO: Board of Directors
FROM: Joanne Carr, Board Secretary
DATE: December 30, 2015
RE: Workshop Agenda for January 5, 2016

AGENDA

10 a.m. – Budget
11:00 a.m. Gaming Authority Meeting
11:30 a.m. - Legal

Lunch

1:15 p.m. – Partial Waivers
1:30 p.m. – Video Production Proposal
2:00 p.m. – Director McLeod’s Resolutions
3:00 p.m. – Agenda Review
4:00 p.m. – Matters Raised by the Membership
6:00 p.m. – Regular Meeting

**BOARD OF DIRECTORS REGULAR MEETING
NEWBERRY - ZELLAR
NEWBERRY, MICHIGAN
JANUARY 5, 2016
6:00 P.M.**

- I. CALL TO ORDER
- II. INVOCATION: Prayer, Smudging, Presentation of Grandfathers
- III. ROLL CALL
- IV. PRESENTATION:
- V. MINUTES: 10-06-2015
12-21-2015
- VI. RESOLUTIONS: Lease Cancelation - Bradley
Trust Land Lease – Bradley
OVW – Tribal Sexual Assault Services
Tribal Participation Elders Needs Assessment
2016 BIA Wolf Management
2016- BIA – GLRI- Migratory Birds, etc.
Financial Emergency Preparedness Committee
Directing Unspent Tribal Support Funds
Budget:
Law Enforcement – SMART – Adam Walsh
Conservation Management and Public Safety
TRIdent
Elderly Meal Program
Environmental –EPA Pesticides
Environmental – Air Program
Buildings – Sibley Road
Health Center – Horne
Third Party Revenue
Manistique Clinic
HIP Weatherization
Economic Director
Video Production
Education – Education Director
General Conduct Policy
Emergency Conditions Policies
Transfer Policies
Bereavement Policies
Due Process/Retention Policies
Termination Polices – 2 Options
Appeal Policies – 2 Options
Introductory Period Policies
Elimination of Position Policies
- VII. NEW BUSINESS: Committees Request-
Enrollment Request
Key Employee Position
- VIII. ADJOURN TO EXECUTIVE SESSION:
- IX. RECONVENE AND REAFFIRM
- X. ADJOURN

APPEAL POLICY

I. Purpose: The Sault Tribe recognizes the importance of team members to the success of Tribal operations and desires to offer team members the assurance that decisions that impact their continued employment with the Tribe will be subject to adequate and appropriate review.

The company has established an Appeal Board, which offers team members an impartial forum to appeal involuntary terminations from employment due to alleged violations of Tribal policies and regulations.

II. Scope: This policy applies to all team members who have been involuntary terminated due to alleged violations of Tribal policies and regulations and have met the requirements of the introductory period policy.

III. Policy:

A. General Policy:

1. The team member must file an appeal within five days of receiving the termination form after the applicable provisions of the Due Process Policy and Procedures have been utilized.
2. The Tribe recognizes that at times restructuring must occur to ensure the success of the Tribal business and during such restructuring, positions must be eliminated. In order to ensure the Tribe retains a sound business and operational footing, business decisions that result in terminations due to elimination of a team member's position or layoffs are not subject to review through the Appeal Policy.
3. The Tribe recognizes that certain team members must maintain a valid gaming license in order to work in certain positions. Team members who fail to retain a gaming license as a result of alleged misconduct are not entitled to file an appeal with the Appeal Board because such action may contradict a prior determination of the Gaming Commission.

B. Appeal Board Composition:

OPTION 1

1. Two (2) managers outside the chain of command of the affected team member.
2. One (1) team member peer from the same unit involved but outside the line of supervision/chain of command of the affected team member;

OPTION 2

1. One (1) member of the Board of Directors
2. One (1) manager outside the chain of command of the affected team member.
3. One (1) team member peer from the same unit involved but outside the line of supervision/chain of command of the affected team member;

C. Appeal Board Decisions:

1. The decision of the Appeal Board shall be final. Where the Appeal Board finds that a team member has violated the Tribe's policies and regulations, it will uphold the disciplinary action without modification unless it is shown by preponderance of the evidence that the employer has failed to adhere to principles of progressive discipline or has issued a disciplinary action without reasonable connection or severity in relation to the violation found to have occurred. **The decision of the Appeal Board shall only include the following:**
 - a) Uphold the termination.
 - b) Overturn the termination and reinstate the team member;
 - c) Overturn the termination and reinstate the team member subject to certain conditions the Appeal Board deems necessary.
2. ~~The Appeal Board may consider any other action that the Appeal Board may deem appropriate within current Sault Tribe Policies.~~
3. History of pertinent negligent retention information, including but not limited to, sexual harassment, harassment, retaliation or workplace violence shall be considered regardless of timeframe.

IV. **Legislative History:** Resolution No. 2015- XXX, September 2015; Resolution No. 2013-88, April 2013, Resolution No. 2008-156, July 2008

Appeal Procedures

:

A. General

1. Human Resources' Duties

- a. HR shall have no role in the adjudication process other than to moderate and oversee the administrative aspects of the process.
- b. HR shall schedule all appeals filed in accordance with the requirements of this Appeal Procedures, shall ensure an expeditious hearing, and shall ensure that all resources that can be used will be, such that the hearing process is timely.
- c. HR shall compile and present to the Appeal Board, the affected team member, and the supervisor involved in the termination, any information collected during compliance with the Due Process Procedures to include surveillance recordings, and any additional information that the Appeal Board, the team member, and/or the supervisor involved in the termination would consider relevant to the appeal hearing, including any and all relevant witness/reference statements and/or affidavits.
- d. HR shall withhold information from the Appeal Board, the team member, and/or the supervisor if such information is deemed by HR to be a confidentiality or security concern or risk for the Tribe and its enterprises. HR may distribute information pertinent to the Appeal prior to the hearing, however, in most instances, information shall be presented at the beginning of the hearing with an appropriate amount of time allocated for review of the material.
- e. HR shall be responsible for overseeing the random selection of Appeal Board members.
- f. A designated representative from HR, shall serve as the moderator for appeal hearings. The moderator shall oversee the hearing and shall strive to expedite the proceeding and keep the discussion relevant.
- g. HR shall ensure that all appeal hearings are recorded. HR shall retain all recordings of appeal hearings for a period of one (1) year. HR shall limit access to the recordings to the Tribal Chairperson, the Tribal Executive Director, the Tribal Board of Directors, and the Tribal Legal Department; such recordings shall only be provided upon request.

B. Appeal Hearing Conduct

1. Filing an Appeal:

- a. A team member who has been involuntarily terminated due to alleged violations of Tribal policies and regulations and has met the requirements of the introductory period policy shall have five (5) working days from the date they sign their termination, date of signed receipt or returned by postal service in which to file for an appeal of the termination. Such request for appeal shall be made in writing to the HR Department and shall contain information that the team member feels important in the appeal process. Any team member who fails to file for an appeal to the HR Department within the timeframe allowed, automatically waives the right to appeal.

2. The Appeal Board shall consist of the following members:

- a. Two (2) managers outside the chain of command of the affected team member.
- b. One (1) team member peer from the same unit involved but outside the line of supervision/chain of command of the affected team member;

3. Meeting of the Appeal Board

- a. The Appeal Board will meet within fifteen (15) working days of receipt by the HR Department of a written appeal. Individuals involved with the Appeal Hearing from remote locations may be present in the appeal hearing process through video teleconferencing to minimize travel time provided teleconferencing is available at the time of the hearing.

4. Selection of the Appeal Board

- a. HR shall randomly select members of the Appeal Board according to item 2, Composition of the Appeal Board.
- b. Members of the Appeal Board are required to serve unless a conflict of interest exists. At the time of the Appeal Board selection, the issue of conflict of interest shall be addressed in the manner set forth in section 5 herein.

5. Conflict of Interest

- a. The members of the Appeal Board accept the personal responsibility to be fair, impartial, and unbiased in the interest of all team members as well as representing the organization in their best effort to ensure the Tribe's continued success and mission.
- b. At least three (3) days before a scheduled appeal hearing, HR shall provide Appeal Board members with the names of all team members and supervisors scheduled to appear before the Appeal Board so that Appeal Board members have an adequate opportunity to determine whether a potential conflict of interest exists.
- c. For purposes of this policy, a Conflict of Interest shall be deemed to exist in any of the following circumstances:
 - 1) An Appeal Board Member is an Immediate Family Member of the supervisor involved in the termination and/or the team member requesting the appeal. For purposes of this policy, an "Immediate Family Member" shall mean and include the Appeal Board Member's spouse (spousal equivalent), parents or parents-in-law, children (including stepchildren or foster children), brother or sister (including step and in-laws), grandparent (including step and in-laws), grandchild (including step and in-laws), aunt, uncle, niece or nephew or any other individual the appeal board member feels that they have a relationship that may influence their ability to serve as an impartial member of the board.
- d. If an Appeal Board Member determines that a potential conflict of interest may exist, he/she shall notify HR of the potential conflict as soon as possible before an appeal hearing. If HR determines that a conflict of interest exists, the conflicted Appeal Board Member shall be excused from the Appeal Board for the case involving the conflict and another Appeal Board member will be chosen pursuant to sections 2 and 4 herein. If an Appeal Board Member is found to have an undisclosed conflict of interest, then the appeal hearing decision will be reversed and the Appeal Board Member will not be allowed to serve on the new hearing. Final decision will be HR Director in consultation with Legal.

6. Individuals Required to Attend

- a. Only the following individuals shall be present at any appeal hearings:
 - 1) HR representative(s);
 - 2) the three members of the Appeal Board;
 - 3) the team member who filed the appeal;
 - 4) the supervisor(s) involved in the termination;
 - 5) a Tribal Attorney who shall remain neutral in all facets of the appeal process and provide legal advice to the Appeal Board only when necessary; and
 - 6) any other individual that the Appeal Board and/or Human Resources deems appropriate to assist in the appeal process.
- b. If the team member, without Human Resources concurrence, fails to attend the hearing at the scheduled date and time, the team member shall forfeit his/her right to have an appeal and the appeal hearing shall be cancelled immediately and not rescheduled. If an appeal hearing must be rescheduled, a new date shall be set and the hearing shall be held no later than ten (10) days after the date originally set for the hearing.

7. Quorum and Voting

- a. The presence of all three (3) Appeal Board members shall be required to have a quorum. Each Appeal Board member shall vote by secret ballot.
- b. The decision of the Appeal Board shall be a majority of the three (3) members.
- c. Appeal Board members shall not abstain from voting.

8. Hearing Conduct

- a. Review of Record. The Appeal Board will convene to review the records submitted to the Appeal Board prior to appearance by the team member and supervisor to present their cases. HR Personnel and the Tribal Attorney shall also appear and be available to advise all participants with regard to policy and procedure. Once the Appeal Board has sufficiently reviewed the record, both the supervisor and the team member shall be allowed into the appeal hearing room to present their cases.

- b. Supervisor's Presentation. The supervisor shall present first to the Appeal Board the reasons why management believes that the disciplinary action should be upheld. This presentation shall not exceed one hour without the Appeal Board's permission.
- c. Team Member's Presentation. When the supervisor's presentation has concluded, the team member shall present to the Appeal Board the reasons why he/she believes that the disciplinary action should not be upheld. This presentation shall not exceed one hour without the Appeal Board's permission. The team member bears the burden of proof to show by a preponderance of the evidence that he/she has been subject to improper disciplinary action.
- d. Questions. The Appeal Board may ask questions of either party and may request any additional information they deem necessary in reaching a decision. If the Appeal Board request requires information that is not readily available, the Appeal Board may accept into the record such additional information or choose to suspend the meeting and reconvene when the information is available. The Appeal Board must reconvene for a second/final hearing no later than ten (10) days beyond the date of the original hearing.
- e. Final Comments. After both parties have made their presentations, and if the Appeal Board has no additional questions, then both parties shall have the opportunity to make brief and concise final comments (including any rebuttals) not to exceed fifteen minutes without the Appeal Board's permission.
- f. Proceedings of the Appeal Board. At the commencement of an appeal hearing, the HR Personnel will discuss with the Appeal Board their responsibilities and obligations including, but not limited to, the following:
 - 1) The proceedings are confidential.
 - 2) The proceedings, except for deliberations, will be recorded.
 - 3) The Appeal Board may ask questions of either party and request additional evidence at any time.
 - 4) The Appeal Board may instruct the parties that it has heard sufficient information to make a recommendation, or that the information being offered is not relevant. Aside

from relevancy issues, formal rules of evidence do not apply. The Appeal Board has the authority to extend/waive time limitations during the presentations if it believes that the information offered is relevant and probative of the issues presented as defined below.

- 5) The Appeal Board shall be responsible to make all relevancy determinations throughout the meeting. In making these determinations, the Appeal Board shall consider whether the proposed evidence (either testimony or documentary evidence) relates to the disciplinary action and whether it will affect the Appeal Board's recommendation.
 - 6) The Appeal Board may ask questions of HR Personnel and the Tribal Attorney relating to employment policies and procedures.
 - 7) At the conclusion of the presentation of testimony and evidence, the Appeal Board will privately deliberate and make a decision immediately. No record of the Appeal Board's deliberation will be made.
- g. Proceedings are confidential. The Appeal Hearings are strictly confidential and everything discussed in the Appeal Hearings shall remain confidential and shall not be discussed or revealed to anyone outside of the proceedings.

9. Appeal Board Decision.

- a. The decision of the Appeal Board shall be final. Where the Appeal Board finds that a team member has violated the Tribe's policies and regulations, it will uphold the disciplinary action without modification unless it is shown by preponderance of the evidence that the employer has failed to adhere to principles of progressive discipline or has issued a disciplinary action without reasonable connection or severity in relation to the violation found to have occurred. The decision of the Appeal Board shall only include the following:

- 1) Uphold the termination. ~~If a decision is made to uphold the termination, the Appeal Board may also consider the following:~~
 - ~~a) whether to contest the team member's unemployment pay;~~

~~b) whether to waive any applicable rehire timeframes; or
c) whether to pay out the team member's accrued vacation up to maximum allowed by policy.~~

- 2) Overturn the termination and reinstate the team member;
- 3) Overturn the termination and reinstate the team member subject to certain conditions the Appeal Board deems necessary. The only conditions that can be considered are as follows:
 - a) whether the team member should receive back pay;
 - b) whether to place the team member on a probationary period;
 - c) whether to place the team member on a performance improvement plan (PIP);
 - d) whether to mandate certain trainings available to the team member; and
 - e) whether the original documented disciplinary action should be modified or amended in any way.

~~4) The appeal board may consider any other action that the Appeal Board may deem appropriate within current Sault Tribe Policies.~~

10. Precedent

- a. The results of each individual appeal hearing panel shall have no "precedential" value.

11. Security

- a. Any appeal that involves violence or threatening and intimidating behavior shall have special security procedures as outlined here.
- b. Security or Law Enforcement will meet the team member who is appealing at the entrance to the facility where the appeal is being held. The team member shall be escorted to the room of the hearing and security shall be available outside the room which shall remain unlocked. Upon culmination of the hearing, security shall escort the team member from the facility and ensure that the member has left the premises.

12. Negligent Retention

- a. History of pertinent negligent retention information, including but not limited to, sexual harassment, harassment, retaliation or workplace violence shall be considered regardless of timeframe.

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BEREAVEMENT POLICY

I. Purpose: The Sault Tribe recognizes that people grieve for the loss of a close relative or friend in many different ways. This is a very personal time that team members may need time off so that they can focus on close family and friends. The bereavement policy outlines what team members have available to them in their time of need.

II. Scope: This policy applies to ~~all full-time and part-time regular~~ team members.

III. Policy: In the event of a death of a close family member, team members may take up to three scheduled working days off with paid bereavement leave subject to sections (1) and (2) below.

(1) Up to three paid bereavement leave days: Family members (legal or blood relatives) that team members are eligible to take up to three paid bereavement leave days for are: their spouse, son, daughter, brother, sister, mother, father, aunt, uncle, niece, nephew, grandparent, grandchild, or another relative living in your residence. For purposes of this section “spouse” means a person to whom a team member is married or with whom they have a relationship, which is characterized by the performance, duration and stability normally associated with marriage. Current in-laws, step relatives or legally adopted are considered the same as blood relatives.

(2) Up to one paid bereavement leave day: Family members (legal or blood) that team members are eligible to take one paid bereavement day leave for are first cousins.

In the event of a death of a friend, co-worker or distant relative such as, but not limited to cousins other than first cousins or other relatives not listed in section (1) or (2) above, team members may utilize their sick, vacation, personal days, compensation time or unpaid leave days, as applicable.

Paid bereavement leave days cannot be banked or held for use at a later date with the exception of burials/services that occur at a later date.

If a team member needs time off in addition to the paid bereavement leave days or a team member is not entitled to paid bereavement leave days, they may utilize their sick, vacation, personal days, compensation time or unpaid leave days, as applicable.

If a team member’s requested time off will exceed 5 days, the team member must request a medical leave of absence in accordance with the Leave of Absence (over 5 Days) Policy, and can still utilize sick, vacation, compensation time or unpaid leave days. Additionally, they may request sick leave donations for medical leave if they are on an approved medical leave of absence.

IV. Legislative History: ~~Resolution No. 2015-XXX, November 2015, Resolution No. 2015-183, August 2015, Resolution No. 2012-39, Feb 2012 and Resolution No. 2011-120, Jun 2011~~

BEREAVEMENT PROCEDURES

I. Procedures:

A. Notification-

1. Normal notification procedures apply until management has approved specific leave requests. (See Attendance Policy)

B. Requested time off: Team Members must discuss with their supervisors the amount of time they need off.

1. At a minimum the team member and supervisor should discuss:

- (a) Time off the team member may need?
- (b) Relationship to the deceased.
- (c) Time needed to travel to and from the funeral/service/gathering.
- (d) Whether the request is for paid bereavement leave days or sick, vacation, personal days, comp time or leave without pay.

2. The leave request may be filled out by the supervisor on behalf of the team member or the team member may complete the leave request before or on their return from bereavement leave. If it is completed by the supervisor, the team member must sign the bereavement leave request upon their return to ensure accurate accounting of leave.

(a) Management shall, unless there are extreme/emergency circumstances, approve the necessary time off.

(b) All denied bereavement leave requests shall be immediately reviewed by the chain of command through the executive level.

Note: You will not be paid bereavement leave for days you were not scheduled to work.

II. Management Rationale

A. The Sault Tribe recognizes that this may place a burden on management and other team members due to the nature of short notice in these instances, but believes that it is important to support the team member in this time of need for the health of the team member and the long term productivity of the company.

B. Out of respect for our team members, there is no expectation that they provide proof of a funeral/service/gathering.

III. Procedures Update History: Original September 2015

ELIMINATION OF POSITION POLICY

I. **Purpose:** The purpose of this policy is to define elimination of position; define the order of precedent for termination due to eliminating positions; and define other requirements for eliminating positions.

II. **Scope:** This policy applies to all team members.

III. Policy:

- A. Elimination of position applies to funding for a position being removed from the budget as approved by the Board of Directors or grant funding no longer being available.
- B. Termination due to elimination of position is an involuntary termination that does not have an appeal due to no funding available to return the individual to the position.
- C. Tribal Preference-Elimination of position preference will be used to promote the retention of team members based upon the order of Hiring Preference Policy unless management determines the team member is essential to operations with HR concurrence of the deviation.
- D. A department may choose to terminate a team member in a lower position and place an individual in a higher level position in the lower position with HR concurrence. This must follow elimination of position preference.
- E. Grant funded positions:
 - 1. When grant funding for a position is no longer available, the position is eliminated and the team member hired for that specific position is terminated regardless of preference status.
 - 2. There is no provision to terminate a team member in a lower position and place an individual in a higher level position in the lower position when grant funding is no longer available for a position.
- F. Prior to terminating a team member due to elimination of position, management should attempt transfer the team member whose position is being eliminated to an open position they are qualified for with approval from HR and the receiving department, see the Transfer Policy.

G. If a team member position is terminated due to elimination of position and is reemployed by Sault Tribe within 6 months of termination they shall:

1. Retain their vacation accrual date, with new manager's approval.
2. Retain their accrued sick hours, with new manager's approval.

IV. Legislative History: Resolution No. 2015-XXX, June 2015

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ELIMINATION OF POSITION PROCEDURES

I. Procedures

- A. Termination due to elimination of position preference will occur in the following order for all position except Housing (See Hiring Preference Policy):
1. Other (non-native)
 2. Other Native American: (Per the Hiring Preference Policy)
 3. Sault Tribe Member Spouse/Dependent
 4. Sault Tribe Member
- B. Termination due to elimination of position preference for Housing will occur in the following order (See Hiring Preference Policy):
1. Other (non-native)
 2. Sault Tribe Member Spouse/Dependent
 3. Other Native American: (Per the Hiring Preference Policy)
 4. Sault Tribe Member
- C. Deviation from elimination of position preference
1. In a situation where a supervisor makes the objective determination that a team member is essential to operations and elects to deviate from elimination of position preference, management shall consult with HR.
 - a. Management and HR shall evaluate this decision by comparing the eliminated position and retained team members' (1) specialized training or skill, (2) length of employment, (3) education, (4) overall job performance and effectiveness and (5) disciplinary record, if any.
 - b. If the Human Resource Department and management find that the deviation has merit, the deviation may occur.
- D. Allowing elimination of position personnel to transfer to a lower position
1. A department may choose to terminate a team member in a lower position and place an individual in a higher level position in the lower position with HR concurrence. This must follow elimination of position preference.
 - a. Elimination of position preference must be followed unless a deviation is approved per paragraph B.

E. Transfer of personnel to an open position prior to termination due to elimination of position- See Transfer policy

III. Procedures Update History: Original June 2015

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DUE PROCESS POLICY (Formerly Employee retention)

I. Purpose: The Tribe recognizes the importance of team members to the success of its ~~governmental~~ operations and desires to have the highest team member retention rate reasonably possible.

The Tribe has determined that in order to achieve this goal, it must offer team members the assurance that decisions, which impact their continued employment, will be subject to adequate and appropriate review.

II. Scope: This policy applies to all team members who have completed their defined Introductory Period (See the Introductory Period Policy).

III. Policy: The Tribe has determined that before a supervisor terminates or lays off a team member, the Human Resource Department has the authority to review any such action to determine whether the termination or layoff is justified or unjustified under any applicable policy. The Human Resources (HR) Department has the ability to render binding decisions.

The Tribe has determined that in order to ensure compliance with this **Due Process ~~employee retention policy~~**, any supervisor who fails to abide by the requirements of this policy or any procedures implemented in furtherance of this policy shall be subject to appropriate disciplinary action.

If you have any further questions regarding the Due Process Policy, please see your supervisor or the Human Resource Department.

DUE PROCESS PROCEDURES

I. Definitions General

~~1. Applicability~~

- ~~a. These Employee Retention Procedures apply to all team members of the Sault Ste. Marie Tribe of Chippewa Indians who have completed their Introductory Period, regardless of full time or part time status.~~

A. Introductory Period

1. "Introductory Period" refers to the specified time period during which the tribe can terminate a team member immediately, as defined in the **Introductory Period applicable employment** policy, provided, however, any team member who has completed the Introductory Period in a position and transfers to another position shall be deemed to have completed the Introductory Period in that position for purposes of these Procedures.

B. Supervisor

1. "Supervisor" refers to any person possessing the authority to, place on a disciplinary leave of absence, terminate or otherwise make an employment decision regarding a team member.

II. Procedures

A. Termination.

1. A Supervisor shall not terminate a team member ~~as listed below who has allegedly violated an applicable employment policy~~ without first complying with these Procedures:
 - a. Allegedly violated an applicable employment policy
 - ~~b. Eliminated a position due to budgets or grant funding~~
 - ~~c. 3 Day no call/no show~~
 - ~~d. Non- Compliance with their job description, except as directed for drug free workplace.~~
 - ~~e. Non- return from LOA~~

B. Layoff.

1. A Supervisor shall not layoff a team member without first complying with these Procedures.

~~C. Suspension or Leave of Absence~~

1. Disciplinary Leave of Absence pending termination: A supervisor has the authority to place a team member on a disciplinary leave of absence pending termination when the team member's actions ~~has allegedly committed an act which~~ warrants termination ~~or suspension~~ under an applicable employment policy.
2. ~~Leave of Absence pending layoff: A supervisor has the authority to place a team member on a leave of absence pending layoff provided the absence is due to lack of available work, season ending, or another valid reason and is consistent with tribal layoff procedures governing the order in which team members are laid off.~~
3. ~~Leave of Absence pending termination due to elimination of position: A supervisor has the authority to place a team member on an leave of absence pending elimination provided the funding has been eliminated or the grant has ended and is consistent with tribal elimination of position procedures governing the order in which team members are eliminated.~~

~~Timing: A Supervisor may place a team member on a disciplinary leave of absence pending termination or require a team member to take an absence pending layoff prior to the review by the Sault Tribe Human Resources Department (HR), as required by paragraph four (4).~~

D. Submit the ~~Retention Due Process~~ Summary Form to HR for Review

1. If a supervisor elects to place a team member on a disciplinary leave of absence or requires a team member to take a ~~leave of~~ absence in accordance with requirements of paragraph ~~C three (3)~~, the Supervisor must complete the ~~Retention Due Process~~ Summary Form and submit the ~~Retention Due Process~~ Summary form and all supporting documentation to HR for review within three working days of taking such action.

E. Disclosure Prior to HR Review.

1. Prior to any disciplinary leave of absence pending termination or ~~leave of~~ absence pending layoff, a Supervisor shall inform the team member of the reason(s) for such action. The Supervisor, however, shall not inform the team member that the team member is in fact terminated or laid off until all of the following occur:

- a. The supervisor submits the **Retention Due Process** Summary Form and all supporting documentation to HR, as required by paragraph **D four (4)**.
- b. HR reviews the alleged violation to determine:
 - 1) If termination is justified under any applicable employment policy
 - 2) **A termination due to elimination of position is supported by documentation indicating the grant has ended or budget modification showing elimination of funding and is consistent with tribal elimination of position procedures governing the order in which team members are terminated due to elimination of position;**
 - 3) A layoff is supported by documentation indicating a lack of available work, **season ending**, or another valid reason and is consistent with tribal layoff procedures governing the order in which team members are laid off; and
- c. HR responds in writing to the supervisor indicating that the termination or layoff is justified **or unjustified**.

F. Termination - HR Review (Team Member Actions)

1. In determining whether termination is justified under the applicable employment policy, HR shall evaluate the following:
 - a. the **Retention Due Process** Summary Form and all supporting documentation provided by the Supervisor;
 - b. relevant information provided by the Supervisor during consultation with HR;
 - c. relevant information contained in the team member's personnel file;
 - d. relevant information obtained from the Tribal Gaming Commission in situations where the team member's alleged misconduct may impact the team member's ability to retain a valid gaming license;
 - e. any other relevant information.

G. Termination- HR Review (Elimination of Position)

1. In determining whether a termination due to elimination of position is justified, HR shall evaluate the following:
 - a. supporting documentation provided by the Supervisor indicating that the grant has ended or funding has been removed from the budget.
 - b. Whether the termination due to elimination of position is consistent with tribal elimination of position procedures governing the order in which team members are eliminated.

H. Layoff- HR Review

1. In determining whether a layoff is justified, HR shall evaluate the following:
 - c. supporting documentation provided by the Supervisor indicating that a layoff is caused by lack of available work, **season ending**, or another valid reason; and
 - d. Whether the layoff is consistent with tribal layoff procedures governing the order in which team members are laid off. ~~In a situation where a Supervisor makes the objective determination that a team member is essential to operations and in accordance with tribal layoff procedures elects to deviate from established tribal layoff procedures governing the order in which team members are laid off, HR, shall evaluate this decision by comparing the laid off and retained team members': (1) length of service; (2) education; (3) specialized training or skills (4) over all job performance and effectiveness; and (5) disciplinary record, if any.~~
- I. A team member who has the ability to waive the **Retention Due Process** policy provision relating to layoff procedures, if HR concurs with that determination. However, Human Resources has to concur that the waiver is in the best interest of the team member. **DELETE?**

J. HR Review - Presumption

1. Termination (Team member Actions)
 - a. In conducting its review, as required by paragraph ~~Fix (6)~~, to determine whether termination is justified, HR shall give deference to a Supervisor's interpretation of the facts surrounding an alleged incident, provided that the information evaluated by HR supports such an interpretation.
 - b. For example, if a Supervisor alleges that a team member has engaged in theft in violation of the Policy and Procedures Manual in completing its evaluation, HR shall presume that the team member did in fact engage in

theft, provided that the information considered during its review supports such an interpretation.

2. Termination (Elimination of Position):

- a. In conducting its review, as required by paragraph ~~G seven-(7)~~, to determine whether an elimination of position is justified, HR shall give deference to a supervisor's determination that the elimination is justified, provided that the information evaluated by HR supports such a determination and the determination is consistent with tribal elimination preference procedures governing the order in which team members eliminated.
- b. For example, if a supervisor desires to eliminate a position due to funding being removed in the budget and is consistent with tribal elimination preference procedures governing the order in which team members are eliminated HR shall presume that the elimination of position is justified, provided that the Supervisor submits documentation to HR indicating that the elimination is justified and the elimination is consistent with elimination of position procedures.

3. Layoff:

- a. In conducting its review, as required by paragraph ~~H seven-(7)~~, to determine whether a layoff is justified, HR shall give deference to a supervisor's determination that the layoff is justified, provided that the information evaluated by HR supports such a determination and the determination is consistent with tribal layoff procedures governing the order in which team members are laid off.
- b. For example, if a supervisor desires to layoff an team member because of lack of available work ~~or season ending~~ and asserts that the layoff is consistent with tribal layoff procedures governing the order in which team members are laid off HR shall presume that the layoff is justified, provided that the Supervisor submits documentation to HR indicating that the layoff is justified and the layoff is consistent with layoff procedures.

K. HR Decision and Authority

1. Human Resources written decision submitted to the supervisor pursuant to paragraph ~~E five-(5)~~ shall state the rationale for its conclusion. HR has the authority to review any and all terminations and layoffs, which includes the authority to determine the following:

a. Termination Justified.

- 1) The termination is justified because the team member violated an applicable employment policy that warrants termination or the position has been eliminated in accordance with all applicable policies and procedures. The Supervisor shall complete the appropriate termination form.

b. Termination Unjustified.

- 1) The termination is unjustified because the team member did not violate an applicable employment policy that warrants termination or the policies and procedures for elimination of position were not followed. The team member shall not be terminated and shall be reinstated to his or her current position.

c. Failure to follow these Procedures - Termination of Layoff Justified.

- 1) Even though the supervisor failed to abide by the requirements of these procedures, the termination or layoff is **found** justified because the team member violated an applicable employment policy that warrants termination or the funding for the position has been eliminated. The Supervisor must contact HR to receive training on these Procedures. The Supervisor shall be disciplined pursuant to paragraph **O thirteen (13)**.

d. Failure to follow these procedures – Termination or Layoff Unjustified

- 1) The Supervisor failed to abide by the requirements of these Procedures, and the termination or layoff is **found** unjustified ~~because the team member did not violate an applicable employment policy that warrants termination~~, the team member shall be **reinstated** to his or her current position. The Supervisor must contact HR to receive training of these Procedures. The Supervisor shall be disciplined pursuant to paragraph **O thirteen (13)**.

~~e. Retrained, Transferred or Referred to EAP.~~

~~The termination is unjustified because it would be beneficial to both the team member and the Tribe to retrain, transfer, or refer the team member to EAP. The team member shall not be terminated. The Supervisor shall be responsible for initiating retraining or transferring the team member or making the referral to EAP.~~

e. Layoff Justified

- 1) The layoff is justified because documentation indicates that the layoff is due to lack of available work, **season ending**, or another valid reason and the layoff is consistent with tribal layoff procedures governing the order in which team members are laid off. The Supervisor shall complete the appropriate documentation.

~~(I) Example. Assume that a Supervisor seeks to layoff a non-Indian team member because of lack of available work and asserts that the layoff is consistent with tribal layoff procedures governing the order in which team members are laid off. The layoff would be justified if the following exist:~~

~~(A) the Supervisor submits documentation, such as a memorandum, to HR stating that the layoff is necessary due to lack of available work; and;~~

~~(B) the layoff is consistent with tribal layoff procedures governing the order which team members are laid off, which would exist in this case because under layoff procedures non-Indians are laid off first.~~

~~(II) Example. Assume that pursuant to layoff procedures, a Supervisor makes the objective determination that a non-Indian team member is essential to operations. Also, assume that a Supervisor elects to layoff a tribal member team member because of lack of available work and the non-Indian works in a similar position at the tribal entity or enterprise. The layoff would be justified if the following exists:~~

~~(A) the Supervisor submits documentation, such as a memorandum, to HR stating that the layoff is necessary due to lack of available work; and;~~

~~(B) the layoff is consistent with tribal layoff procedures governing the order in which team members are laid off because a consideration of the factors listed in paragraph seven (7) indicates that team member is essential to operations.~~

f. Layoff Unjustified

- 1) The layoff is unjustified because of lack of documentation indicating that the layoff is necessary due to lack of available work, **season ending**, or another valid reason or the layoff is not consistent with

tribal layoff procedures governing the order in which team members are laid off. The team member shall not be laid off and shall be reinstated to his or her current position.

L. Written Notice

1. HR shall provide written notice of its decision within five (5) working days of receiving the Retention Summary Form from the Supervisor. If extenuating circumstances prevent HR from providing written notice within five (5) working days, HR shall notify the supervisor of such delay and shall provide written notice within five (5) working days of providing notice of the delay.

M. Paid or Unpaid Disciplinary Leave of Absence

1. In the event that HR concludes that termination or a layoff is unjustified, it has the authority to determine whether any disciplinary leave of absence served will be paid or unpaid.

N. Report to Chairperson and Board

1. HR shall provide a written and oral report to the Tribal Chairperson and the Tribal Board of Directors at least once every three (3) months and upon request. This report shall discuss the overall effectiveness and compliance with these procedures.

O. Failure to Abide by these Procedures

1. Any Supervisor who fails to abide by these Procedures, shall be subject to disciplinary action, which shall include the following:
 - a. first violation: a verbal ~~reprimand-warning~~;
 - b. second violation: a written ~~reprimand-warning~~
 - c. third violation: a one (1) week disciplinary leave of absence without pay or disciplinary probation of either 30, 60, or 90 days; and
 - d. fourth violation: demotion or termination.
2. Any Supervisor who fails to abide by these Procedures shall participate in retraining on these procedures immediately following the violation.
3. In order to ensure that proper disciplinary action is brought against any supervisor who fails to abide by these Procedures, HR shall inform the supervisor's immediate supervisor of the violation of these Procedures. The immediate supervisor shall institute the above disciplinary action. HR shall monitor the above provisions to ensure that any Supervisor who violates these Procedures is subject to appropriate disciplinary action and is afforded retraining.

In the report required by paragraph twelve (12), HR shall include a discussion on compliance with the above provisions.

L7

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INTRODUCTORY PERIOD POLICY

I. **Purpose:** The introductory period is established to benefit both the team member and the company. It is a period of adjustment and adaptation, both personally and in terms of learning the job requirements and work rules.

II. **Scope:** This policy applies to all team members.

III. Policy:

- A. Definitions: Introductory team member: a new team member, a rehired team member, a team member who transfers to a new position within the same company and a seasonal team member. All introductory team members shall serve an introductory period.
- B. The introductory period is the initial (90) calendar days, if the team member is a non-exempt (hourly) team member. If the team member is an exempt team member the introductory period is 180-calendar days. If the team member is a seasonal team member, the introductory period will be the first 90 calendar days of their employment or the duration of the first season, whichever is a shorter period of time.
1. All introductory team members' introductory periods shall be extended by the number of days they missed from their normal work schedule during their introductory period for **any days they were scheduled to work or would normally have been scheduled to work. sickness, layoff, etc.**
 2. Team member's introductory period may be extended an additional 30, 60, or 90 calendar days, if such an extension is deemed appropriate by management.
- C. If, at any time during the introductory period, team members are unable to adapt successfully to the requirements of the position, the department or the company as a whole, their employment can be terminated immediately, except as noted in number 6 below.
1. Supervisors may offer advice when a problem becomes apparent, but is not required to do so.
 2. Team members may be given advance notice, but that also is not required.
 3. If a team member decides at any time during the introductory period that they would be happier employed elsewhere, they are free to resign.
 4. If a team member is terminated during the introductory period, they are not eligible for company sponsored benefits, unless required by applicable law.

5. Team members are also ineligible for utilization of the Due Process and Appeal policies.
 6. Any team member who has completed the Introductory Period in a position and transfers to another position with no break in service shall be deemed to have completed the Introductory Period in that position for purposes of the Due Process and/or Appeal Policy.
- D. After the completion of their introductory period, team members will remain “At Will” team members. See Employment at Will policy for further details.
- E. To determine which benefits an introductory team member is eligible for, see the benefits summary sheet for the home company in which they are employed.

IV. Legislative History: Resolution No. 2015-XXX, December 2015

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INTRODUCTORY PERIOD PROCEDURES

I. Procedures:

- A. To extend an introductory period, a supervisor must, prior to the end of the team member's first 90 days of employment indicate the recommendation on an employee performance evaluation form.
1. The recommendation must list areas for improvement, a corrective action plan, goals and a time frame for achieving the goals/improvements.
 2. The time frame for the extended introductory period, not to exceed a maximum of 90 calendar days, must also be indicated on the employee performance evaluation form.
 3. The supervisor must reevaluate the team member at the end of the extended introductory period. The team member must receive a satisfactory job rating at the end of the team member's introductory period for continued employment.

II. Procedures Update History: Original December 2015

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RESOLUTION NO: _____

TRIBAL PARTICIPATION IN A NATIONWIDE ELDER NEEDS ASSESSMENT

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq (“Tribe”); and

WHEREAS, an elected Board of Directors (“BOD”) makes up the governing body of the Tribe; and

WHEREAS, long-term care, a category that includes health promotion, home health services, personal care, housekeeping assistance, meals-on-wheels, skilled nursing care, assisted living, and other in-home services, is an emerging unmet need in Indian Country; and

WHEREAS, the North Dakota, Alaska, and Hawaii national resource centers on Native Aging have been awarded grants through the Administration on Aging, Department of Health and Human Services, to provide technical assistance on the health and social needs of American Indian, Alaska Native, and Native Hawaiian elderly and assist these groups in conducting a needs assessment which is a requirement for their AoA grant; and

WHEREAS, the needs assessment is designed to yield information on the following Native elder health care needs:

- General Health Status
- Activities of Daily Living
- Visual, Hearing, and Dental
- Tobacco and Alcohol Use
- Nutrition, Exercise, and Excess Weight
- Social Support, Housing, and Work

WHEREAS, in addition to providing technical assistance, the grant to the North Dakota, Alaska, and Hawaii resource centers on Native Aging is required by the Older Americans Act to perform research and disseminate the results of the research, and

WHEREAS, the North Dakota, Alaska, and Hawaii national resource centers on Native Aging are asking Tribes throughout the nation to volunteer to participate in a partnership arrangement, to identify the needs of American Indian and Alaska Native elders nationwide, in which the resource centers and the Tribe/consortium will each assume responsibilities:

What the Resource Center will provide:

- Needs assessment instruments
- Assistance in sampling
- Training of interviewers
- Consultation with interviewers via email or telephone
- Data entry and analysis
- Data storage
- Production of tables and comparisons with national statistics

What each Tribe/consortium will provide:

- A Tribal Resolution documenting participation in the Native elder social and health needs assessment as applicable
- A list of elders to interview
- Interviewers or volunteers to conduct the survey
- Interpretation of the results with local input
- Development of recommendations for actions
- Dissemination of the results to tribal leaders and health officials

WHEREAS, summary information from your needs assessment, along with a national comparison report from all the needs assessments, will be returned to the governing council and to the local contact person; and

WHEREAS, the confidentiality of enrolled members and Tribal/consortium information is of the utmost importance; therefore, the information in this needs assessment will be collected anonymously by tribal members with the information stored at the UND School of Medicine and Health Sciences within a locked file cabinet and destroyed after a period of three years.

NOW, THEREFORE, BE IT RESOLVED, that the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes participation in the "Identifying Our Needs: A Survey of Elders" Native elder social and health needs assessment. The Tribal Council grants permission to the North Dakota, Alaska, and Hawaii National Resource Centers on Native Aging to use all collected needs assessment information in aggregate format for the purpose of disseminating state, regional, and national results from analyses of the data.

FURTHER, BE IT RESOLVED, that specific information collected within boundaries of Sault Ste. Marie Tribe of Chippewa Indians belongs to Sault Ste. Marie Tribe of Chippewa Indians and may not be released in any form to individuals, agencies, or organizations without additional tribal authorization.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**OVW FISCAL YEAR 2016
TRIBAL SEXUAL ASSAULT SERVICES PROGRAM**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C 467 et seq; and

WHEREAS, the United States Department of Justice, Office On Violence Against Women provides funding dedicated solely to the provision of direct intervention and related assistance to victims of sexual assault; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is eligible to apply for an OVW Fiscal Year 2016 Tribal Sexual Assault Services Program; and

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians proposes to provide services to tribal members who reside in the Tribe's seven county service area and who are the victim of sexual assault.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes application to the Office on Violence Against Women for funding of a Tribal Sexual Assault Services Program.

BE IT FURTHER RESOLVED, that Aaron A. Payment, Tribal Chairperson, is hereby authorized to submit said proposal to the Department of Justice, Office on Violence Against Women, to negotiate, execute, and amend any documents resulting therefrom on the Tribe's behalf.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**ENVIRONMENTAL – AIR PROGRAM DEVELOPMENT
ESTABLISHMENT OF FY 2016 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2016 budget for Air Program Development with Federal EPA Revenue monies of \$12,861.60. No effect on Tribal Support.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**BUILDINGS - SIBLEY ROAD PROPERTY
ESTABLISHMENT OF FY 2016 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2016 budget for Buildings - Sibley Road Property with Other Revenue monies \$227,351.52.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**CONSERVATION MANAGEMENT AND PUBLIC SAFETY
FY 2016 BUDGET MODIFICATIONS**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modifications for Conservation Management and Public Safety for changes in the Personnel Sheets, increase expenses and an increase in Federal BIA monies \$16,919.86.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**EDUCATION – EDUCATION ADMINISTRATION
BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the ??????

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**ELDERLY – HESSEL, ST. IGNACE, AND
MANISTIQUE MEAL PROGRAMS
FY 2016 BUDGET MODIFICATIONS**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modifications to Hessel, St. Ignace, and Manistique Elderly Meal Programs for an increase in Tribal Support of \$12,000.00 (\$4,000 each).

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**ENVIRONMENTAL – EPA PESTICIDES
ESTABLISHMENT OF FY 2016 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2016 budget for EPA Pesticides with Federal EPA Revenue monies of \$65,176.01. No effect on Tribal Support.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**HEALTH CENTER WAGE REVISIONS FOR HORNE STAFF
FY 2016 BUDGET MODIFICATIONS**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modifications for American Indian Substance Abuse, Mental Health, IHS After Care, Community Health Nurse, Health Center – Medical/Nursing, Health Center – Pharmacy, St. Ignace Clinic, Manistique Clinic, Munising Clinic, Health Center Walk-In-Clinic, Marquette Clinic, PHN Case Management, ITC Family Spirit Program, and Third Party Revenue for changes in the Personnel Sheets, reallocation and increase in expenses, and an increase in Third Party Revenue monies \$24,242.47.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**HIP WEATHERIZATION
REQUEST TO ESTABLISH FY 2016 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2016 budget for HIP Weatherization with Tribal Support monies of \$97,500.00.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**LAW ENFORCEMENT – SMART ADAM WALSH GRANT
ESTABLISHMENT OF FY 2016 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2016 budget for SMART Adam Walsh Grant with Federal DOJ Revenue monies of \$61,981.93. No effect on Tribal Support.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**MANISTIQUE CLINIC
FY 2016 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modification for Manistique Clinic for changes in the Personnel Sheet, reallocation and increase in expenses, and an increase in Third Party Revenue monies \$154,004.46.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**THIRD PARTY REVENUE
FY 2016 BUDGET MODIFICATION**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the FY 2016 budget modification for Third Party Revenue for an increase in transfer out monies of \$351,120.88.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**TRIDENT
ESTABLISHMENT OF FY 2016 BUDGET**

BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the establishment of a FY 2016 budget for TRIDENT with Other Revenue monies \$6,300.00.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

2016 BIA ENDANGERED SPECIES – WOLF MANAGEMENT

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Inland Fish and Wildlife Department is tasked with the management of tribal wildlife resources in the Treaty of 1836 Ceded Territory; and

WHEREAS, the Inland Fish and Wildlife Department, in carrying out this task, needs to develop management plans for important tribal wildlife species; and

WHEREAS, the gray wolf is both culturally and ecologically important, as well as, currently listed under the Endangered Species Act; and

WHEREAS, the Bureau of Indian Affairs continues to provide competitive funding through the Endangered Species Grant Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend and execute any agreements thereof for the 2016 Endangered Species Grant administered by the Bureau of Indian Affairs.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**2016 BIA GREAT LAKES RESTORATION INITIATIVE –
MIGRATORY BIRDS AND ADAPTIVE MANAGEMENT**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Inland Fish and Wildlife Department is tasked with the management of tribal wildlife resources in the Treaty of 1836 Ceded Territory; and

WHEREAS, the Inland Fish and Wildlife Department, in carrying out this task, has undertaken a long-term migratory bird habitat planning and restoration project on the upper St. Marys River which is funded in part by the Bureau of Indian Affairs through GLRI; and

WHEREAS, the Inland Fish and Wildlife Department, in carrying out this task, has undertaken numerous other adaptive management development projects within the 1836 ceded Territory; and

WHEREAS, the Bureau of Indian Affairs continues to provide competitive funding for habitat restoration projects through the Great Lakes Restoration Initiative.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorizes Aaron Payment, Tribal Chairperson, or his duly authorized representative to sign, negotiate, amend and execute any agreements thereof for the 2016 Great Lake Restoration Initiative Grant administered by the Bureau of Indian Affairs.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**DIRECTING THAT ALL UNSPENT 2015 AND 2016 TRIBAL SUPPORT FUNDS
ARE TO BE DEPOSITED IN THE LAND CLAIMS SELF-SUFFICIENCY FUND AS
ADDITIONAL PRINCIPAL TO THAT FUND**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians settled certain land claims against the United States as evidenced and implemented by the Michigan Indian Land Claims Settlement Act, PL 105-143, 111 Stat 2652 (Dec 15, 1997); and

WHEREAS, in section 108 of that Act, Congress mandated that the settlement funds provided to the Tribe under the Act were to be deposited into a trust fund created for the benefit of the Tribe, to be known as the "Self-Sufficiency Fund," and further provided that the Board of Directors of the Tribe shall be the trustee of and shall administer that Fund in accordance with the provisions of the Act; and

WHEREAS, section 108(a)(1)(C) of the Act authorizes the Board of Directors to add "any other funds that the board of directors chooses" to the principal of that Fund; and

WHEREAS, it is in the best interests of the Tribe to increase the amount of principal in this Fund.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby directs that all tribal support funds remaining unspent and uncommitted at the conclusion of calendar years 2015 and 2016 shall be deposited in the Self-Sufficiency Fund as additional principal to that Fund.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

EMERGENCY CONDITIONS POLICIES

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.c. 467 et seq; and

WHEREAS, the Board of Directors has previously approved Emergency Conditions policies for Governmental, Enterprise and Casino team member manuals; and

WHEREAS, the specific modifications to the Emergency Conditions sections of the Governmental, Enterprise, and Casino team member manuals are as attached pages 1 through 3.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors enacts the proposed revisions to the Governmental, Enterprise, and Casino Emergency Conditions policies as attached on pages 1 through 3, beginning on January 1, 2016.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

FINANCIAL EMERGENCY PREPAREDNESS COMMITTEE

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe Organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 USC § 476; and

WHEREAS, the Tribe self-administers a number of federal programs and benefits in a wide variety of areas including health, education, social and family services, and many other areas which depend upon the availability of federal funds that have been appropriated to the Tribe for these services; and

WHEREAS, in recent years, such funding has been subject to suspension or sequester as the result of political differences in the Congress, severely harming the Tribe and its members who rely upon these funds for vital services; and

WHEREAS, it appears to the Board that there is a significant risk of similar suspensions or sequestering of funds in the future; and

WHEREAS, it is reasonable and prudent to take steps in advance of any such suspension or sequester of funds to prepare for and minimize the harm that may be caused by such an event.

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby establishes a Financial Emergency Preparedness Committee which shall be comprised of the following tribal officers and employees:

1. Tribal Chairperson or designee.
2. Treasurer of the Board of Directors
3. Executive Director or designee
4. Chief Financial Officer or designee
5. General Counsel or designee
6. Health Director or designee
7. ACFS Director or designee
8. _____
9. _____
10. _____

The Committee shall meet at least bi-weekly to identify those governmental services that may be affected by a suspension or sequester of federal funds and to develop a financial emergency preparedness plan designed to prepare for and minimize the harm that may be caused by such an event.

CERTIFICATION

We, the undersigned, as Chairman and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly call, notice, convened, and held on the ____ day of _____, 2015; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron Payment, Tribal Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

GENERAL CONDUCT POLICIES

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934, 25 U.S.C. 467 et seq; and

WHEREAS, the Board of Directors has previously approved General Conduct policies and Infraction procedures for Governmental, Enterprise and Casino team member manuals; and

WHEREAS, the specific modifications to the General Conduct policies and Infraction procedures sections of the Governmental, Enterprise, and Casino team member manuals are as attached pages 1 through 3.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors enacts the proposed revisions to the Governmental, Enterprise, and Casino General Conduct policies and Infraction procedures as attached on pages 1 through 4 beginning on January 1, 2016.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**LEASE CANCELLATION TO
DORIS L. BRADLEY AND CLINTON D. BRADLEY
BIA LEASE NO: 469-23-00006-12**

WHEREAS, the Sault Ste. Marie Tribe of Chippewa Indians (Tribe) is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934 25 USC 467, et. seq.; and

WHEREAS, Doris L. Bradley and Clinton D. Bradley request BIA LEASE NO: 469-23-00006-12 be cancelled.

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairperson, Aaron Payment and Treasurer, Dennis McKelvie to execute this lease cancellation, and land being described as:

State of Michigan, County of Chippewa, Kinross Township
Part of Section 29 and S1/2 Section 20, Township 45 Range 1 W
Lot 607, Cedar Grove Estates III

BE IT FURTHER RESOLVED, that Tribal staff is directed to prepare the appropriate lease cancellation documents.

BE IT FURTHER RESOLVED, the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby requests the Bureau of Indian Affairs to cancel Lease No. 469-23-00006-12 pursuant to applicable law and regulations.

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

RESOLUTION NO: _____

**TRUST LAND LEASE –LOT 607
KINROSS, MICHIGAN
BRADLEY**

RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby authorized its Tribal Chairman, and Treasurer, to execute a lease to the land located at Kinross, Michigan to, Clinton M. Bradley, a single man, and Clinton D. Bradley, a married man land being described as follows:

Lot 607, Cedar Grove Estates III

C E R T I F I C A T I O N

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom _____ members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the _____ day of _____ 2016; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of _____ members for, _____ members against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

**BOARD OF DIRECTORS REGULAR MEETING
JANUARY 5, 2016
Sponsor's List**

RESOLUTIONS:

Lease Cancellation – Bradley-Brenda Jeffreys
Trust Land Lease – Bradley – Brenda Jeffreys
OVW – Tribal Sexual Assault Services – Jami Moran
Tribal Participation Elders Needs Assessment – Sheryl Hammock
2016 BIA Wolf Management – Eric Clark
2016- BIA – GLRI- Migratory Birds, etc.- Eric Clark
Financial Emergency Preparedness Committee- Director McLeod
Directing Unspent Tribal Support Funds –Director McLeod

Budgets:

Law Enforcement – SMART – Adam Walsh – Bob Marchand
Conservation Management and Public Safety-Bob Marchand
TRIdent – Bob Marchand
Elderly Meal Program – Sheryl Hammock
Environmental –EPA Pesticides-Kathie Brosemer
Environmental – Air Program-Kathie Brosemer
Buildings – Sibley Road-Bill Connolly
Health Center – Horne-Bonnie Culfa
Third Party Revenue-Bonnie Culfa
Manistique Clinic-Bonnie Culfa
HIP Weatherization-Joni Talentino/Juanita Bye
Economic Director -Administration
Video Production-Jennifer Dale-Burton
Education – Education Director-Christine McPherson

General Conduct Policy-Brenda Johnson
Emergency Conditions Policies- Brenda Johnson
Transfer Policies- Brenda Johnson
Bereavement Policies- Brenda Johnson
Due Process/Retention Policies- Brenda Johnson
Termination Polices – 2 Options- Brenda Johnson
Appeal Policies – 2 Options- Brenda Johnson
Introductory Period Policies- Brenda Johnson
Elimination of Position Policies- Brenda Johnson

NEW BUSINESS:

- I. Committees Request-Variou Committees
Enrollment Request-Julie Salo
Key Employee Position-Bonnie Culfa

TERMINATION POLICY (PREVIOUSLY SEPARATION, VOLUNTARY OR INVOLUNTARY POLICIES)

I. **Purpose:** It is the policy of our company to retain the services of all team members who perform their duties efficiently and effectively. However, it may become necessary under certain conditions for the team member or Sault Tribe to terminate employment. The Termination Policy defines different terminations, what the requirements are for the termination and what team members may receive upon termination.

II. **Scope:** This policy applies to all team members.

III. **Policy:**

A. **Voluntary terminations** are due to, but not limited to, resignation, retirement, non-return from a leave of absence, 3 day no call/no show, or **failure to comply with the requirements of the job description.**

1. If a team member resigns or retires they are required to give at least a two-week notice for non-exempt team members and a 30-day notice for exempt team members.
2. If a team member fails to give and/or follow through with the notice, they forfeit any accrued vacation pay due at the time of separation (**See the Vacation Policy**).
3. If a team member is absent from work for 3 consecutive days, without **being excused or** giving proper notification or **fail to return from a leave of absence**, they will be considered a voluntary quit **without proper notice and they will forfeit any accrued vacation pay due at the time of separation.** (**See the Vacation Policy**).
4. Management has the right to accept resignations immediately rather than wait for the expiration of the notice. Payment of wages to the resignation date **may shall** be made ~~in consultation with the Human Resource Director or designee.~~
5. **Team members terminated for non-compliance with their job description due to, but not limited to, loss of insurability for driving (when required), prohibited conduct under the Drug Free Workplace Policy, failure to maintain a gaming license or failure to maintain a favorable background investigation will be considered voluntarily terminated.**

Because the team members are unable to give proper notification due to non-compliance with their job description, they shall be paid out any accrued vacation pay due at separation. (See the Vacation Policy).

B. **Involuntary terminations** are due to, but not limited to, poor quality of work, misconduct, or willful negligence in the performance of your job duties.

1. All involuntary terminations shall be reviewed under the Due Process Policy prior to the Team member being terminated
2. Because involuntary terminations are unable to give proper notice, they shall be paid out any accrued vacation pay due at separation. (See the Vacation Policy).

C. **Terminations Due to Elimination of Position** are due to funding being removed from the budget or a loss of grant funding

1. Management shall give non- exempt team members a minimum of 2 weeks notification of the position being eliminated unless specifically approved by executive management due to extenuating circumstances.
2. All terminations due to elimination of position shall be reviewed under the Due Process prior to the team member being terminated
3. Because terminations due to elimination of position are unable to give proper notice, they shall be paid out any accrued vacation pay due at separation. (See the Vacation Policy).

IV. **Legislative History:** Resolution No. 2015-XXX

TERMINATION PROCEDURES

I. Procedures:

A. General:

1. Team members are responsible to return all property, materials, or written information issued to them or in their possession upon termination of employment.
2. Team members must sign their termination unless they are unable to return to sign.
3. When the team member declines to sign or declines to return to sign the termination, a non- return letter (See HR Forms for a template) must be mailed certified along with the termination.
4. Management must complete a Separation Clearance Checklist and any other department specific requirements.

B. Exit Interviews:

1. If a team member resigns voluntarily, they are asked to complete an "exit interview". The exit interview will help the company pinpoint areas of team member dissatisfaction. Supervisors are required to have the team member meet with a representative of Human Resources, within 24 hours, when ~~resignation separation notice~~ is given to fill out an exit interview.
2. If a team member is terminated for any other reason or they do not complete the interview in person, an exit interview will be mailed to the team member.

TRANSFER POLICY

I. **Purpose:** The purpose of this policy is to retain quality employees through a transfer to an open position that may be required through the needs of the company or the needs of the team member.

II. **Scope:** This policy applies to all team members.

III. **Policy:**

A. Transfers of team members for company or team member needs may be necessary from time to time. The most common reasons for transfers are, but not limited to:

1. Downsizing and reorganization may eliminate some jobs or drastically change others. A transfer may be the best method to keep a good team member employed.
2. To move the team member to an assignment for which he or she is better suited so the company can make the most use of his/her skills and knowledge.
3. To give the team member a new challenge.
4. To enable a better accommodation for a team member who has physical limitations due to a workman's compensation claim.

B. Transfers must occur within the same home company.

C. Team members must have been employed at least 6 months unless a transfer waiver form is approved by management.

IV. **Legislative History:** Resolution No. 2015-XXX, June 2015

TRANSFER PROCEDURES

I. Procedures

A. Team Member Requested Transfers:

1. The team member is required to complete an application indicating which position and department he/she wishes to transfer to.
2. The team member's application will be processed through the Tribe's hiring process.
3. The team member's application will be kept on file with the Human Resource Department for one year. However, we encourage the team member to update his/her application every 90 days.

B. Management Deemed Transfers defined:

1. Management deemed transfers may be done for many reasons, including, but not limited
 - a. Downsizing and reorganization may eliminate some jobs or drastically change others.
 - b. To move the team member to an assignment for which he or she is better suited so the company can make the most use of his/her skills and knowledge.
 - c. To give the team member a new challenge.
 - d. To enable a better accommodation for a team member who has physical limitations due to a workman's compensation claim.

A. Management deemed transfers procedures:

1. The team member is required to complete an application indicating which position and department he/she wishes to transfer to.
2. The following criteria shall be evaluated in determining whether a team member is qualified to transfer to an open position:
 - a. Meet a qualification's per the job description they are attempting to transfer to.
 - b. Specialized training or skill
 - c. Overall job performance and effectiveness
 - d. Disciplinary record

3. If it is an open and existing position, the receiving department must complete the PAF with the transferring team member's information.
 4. If it is a new position, all job descriptions and wages must be approved by Human resources and the Board of Directors through the normal Job Description and Budget Modification Procedures.
 - a. After all approvals for the new position are complete, a PAF must be completed for the transferring team member.
- C. All requirements of the Introductory Period Policy apply. The transferred team member will be allowed to utilize any accumulated vacation or sick leave during the introductory period, provided he/she meets the eligibility requirements (See Vacation and Sick Leave Policies).

III. **Procedures Update History:** Original June 2015