

**MOHICAN NATION**



**PEOPLE OF THE WATERS THAT ARE NEVER STILL**

**STOCKBRIDGE MUNSEE EMPLOYMENT MANUAL  
EFFECTIVE JANUARY 1, 2010**

**APPROVED BY TRIBAL COUNCIL SEPTEMBER 22, 2009  
REVISED LANGUAGE REGARDING DUAL EMPLOYMENT TRIBAL COUNCIL APPROVED NOVEMBER 17,  
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**NOTHING CONTAINED IN THIS DOCUMENT IS INTENDED TO CREATE A CONTRACT (EXPRESS OR IMPLIED), OR ANY OTHER LEGAL RIGHT OR REMEDY OR OTHERWISE TO CREATE LEGALLY ENFORCEABLE OBLIGATIONS ON THE PART OF THE STOCKBRIDGE-MUNSEE COMMUNITY OR ITS EMPLOYEES. UNLESS EXPRESSLY DELEGATED BY THE STOCKBRIDGE-MUNSEE TRIBAL COUNCIL, ONLY THE STOCKBRIDGE-MUNSEE TRIBAL COUNCIL HAS THE AUTHORITY TO ENTER INTO AN EMPLOYMENT AGREEMENT OR ANY AGREEMENT THAT MODIFIES THE POLICIES CONTAINED IN THIS EMPLOYMENT MANUAL. ANY SUCH MODIFICATION MUST BE IN WRITING AND MUST BE AUTHORIZED BY THE TRIBAL COUNCIL.**

## STOCKBRIDGE-MUNSEE COMMUNITY EMPLOYER PHILOSOPHY

The Stockbridge-Munsee Community is a federally recognized Indian tribe, which means that it is a separate and unique political entity, empowered to make and enforce its own laws, subject to federal or state laws only where Congress has expressly determined that outside laws should apply or where the Courts have so interpreted congressional intent. Those who are employed by the Stockbridge-Munsee Community need to be aware that in addition to providing a safe and pleasant working environment for its employees, one primary objective of the Stockbridge-Munsee Community as an employer is to provide services and sustained economic growth and development for the Stockbridge-Munsee Community.

The Stockbridge-Munsee Community believes in keeping its employees fully informed about our policies, procedures, practices, benefits, what employees can expect from the Stockbridge-Munsee Community, and the obligations assumed as an employee. All employees are expected to become familiar with our policies, procedures, practices and benefits. This Employment Manual is intended to provide employees with basic information. The policies and procedures described in this Employment Manual reflect a great deal of concern for the people who make it possible for the Stockbridge-Munsee Community, as an employer, to exist...its **employees.**

Our employees and their welfare are very important. Our success is built on the recognition of the skills and efforts made by each employee. It is our policy to work with all employees in a fair and friendly manner and to treat each employee with dignity and respect. The goal of the Tribe is to provide a positive work environment where employees are responsive and respectful of each other, and to the people they serve. Every employee of the Stockbridge-Munsee Community is expected to greet and service people in a respectful, courteous, friendly manner so that people feel welcome and enjoy visiting us.

While we are proud to extend equal employment opportunities to all qualified applicants, the Stockbridge-Munsee Community reserves the right to exercise tribal employment preference in employment. The Stockbridge-Munsee Community employs several hundred people in several divisions. Each of these divisions plays a very important role to the Stockbridge-Munsee Community.

The Stockbridge-Munsee Community is growing and changing and thus reserves full discretion to add to, modify, or delete provisions of this Employment Manual at any time. Human Resources will attempt to furnish current information regarding the status of any particular policy, procedure or practice, through a payroll distribution notice as well as postings on employee bulletin boards and email notifications.

Nothing contained in this Employment Manual is intended to create a contract (express or implied), or any other legal right or remedy or otherwise to create legally enforceable obligations on the part of the Stockbridge-Munsee Community or its employees. Unless expressly delegated by the Stockbridge-Munsee Tribal Council, only the Stockbridge-Munsee Tribal Council has the

authority to enter into an employment agreement or any agreement that modifies the policies contained in this Employment Manual.

Any modification to this Employment Manual must be in writing and must be authorized by the Tribal Council. However, this Employment Manual shall at all times be interpreted and applied consistent with applicable laws and the organizational structure of the Tribe.

This Employment Manual describes the employment policies of the Stockbridge-Munsee Community. These policies regulate the employment relationship between the Tribe and its governmental employees, but do not have the same force and effect as applicable laws. In addition, the Tribe has additional procedure documents that address the step-by-step operational process of how these policies are applied. Significant permanent changes to such procedure documents require the approval of the Tribal Council.

Descriptions of various fringe benefits are summaries only. Should the descriptions in this Employment Manual differ with any formal agreement or document involved, the formal agreement or document shall be considered controlling. Similarly, certain departments and divisions may have specific policies and procedures that are applicable to the department or division. If there is a specific policy or procedure that conflicts or differs from this Employment Manual, the specific procedure or policy should control.

The policies, procedures, practices and benefits described replace all earlier written and unwritten ones.

We will devote our best efforts to conducting business with an atmosphere of harmony and opportunity for all employees. If an employee has any concerns with work-related issues, the employee should bring the issues to the attention of his or her immediate supervisor.

## INTRODUCTION TO THE NATION

### ORIGIN AND EARLY HISTORY

Mohican history says that a great people came from the North and the West, crossing the waters where the land almost touched. It is said they were looking for a place where the waters are never still, like the land from which they originally came. Upon arrival in the East, the Muh-he-con-ne-ok, or Mohicans, settled along the Mahicannituck River and lived there for thousands of years before the arrival of the white man. They lived in harmony with the seasons and found everything they needed to live a good life from the abundance that Mother Earth provided.

In 1609 Henry Hudson, a trader for the Dutch, sailed up the Mahicannituck into the lands of the Mohicans. Relations between the Mohican people and Hudson were friendly. It was not long before a trading post was set up along the river where trade began with the Mohicans and other Native people for beaver and otter furs. More and more Europeans began to arrive in the Mohican territory, and soon the Mahicannituck came to be called the Hudson River.

The lives of the Mohicans began to change. The people, who had traditionally depended only upon themselves and what Mother Earth supplied, began to depend on white people and what they could provide. The lands which they had freely used began to have fences and boundary lines. Diseases brought by the Europeans killed many Mohicans, who had no immunity. Wars were fought in disagreements over control of the fur trade and over the ownership of land. These wars caused the death of many Mohicans and destroyed their villages.

In 1734, some Mohicans agreed to gather together under the tutelage of a missionary named John Sargeant and start a Christian mission. A church and school were established. The village was called Stockbridge, Massachusetts, and the Native people who settled there soon became known as Stockbridge Indians.

After the Revolutionary War, in which Stockbridge/Mohican warriors fought on the side of the colonists, it became apparent that the Indian people were not welcome in their own Christian village any longer. Their population had been greatly reduced, and the settlers were using unscrupulous means to gain title to their lands. An invitation was accepted to live among the Oneida Indians in the State of New York, and they did for about thirty years, but the thirst for land forced them to move again. They began a move west and eventually land was made available for them in Wisconsin. By the late 1800's, almost every Native nation in the United States had been assigned to a reservation. The Indian tribes came to be known as "nations within a nation."

When the Stockbridge/Mohican Indians came to Wisconsin in the 1820's, they first lived in the Kaukauna area. In the 1830's they moved to the shores of Lake Winnebago and lived there for some years in what is now the township of Stockbridge. During this time they were joined by some Munsee families and eventually became known as the Stockbridge/Munsee Band of Mohicans. In 1856, under a new treaty, they settled here in Shawano County. A new federal policy in 1934 enabled the tribe to reorganize, approve a new constitution and elect a seven-member Tribal Council which still governs the community.

## **THE STOCKBRIDGE-MUNSEE COMMUNITY TODAY**

There are about 1,560 members of the Tribe today, about half of who live within the original reservation boundaries. The original 1856 reservation, authorized by two treaties, includes the two townships of Bartelme and Red Springs with approximately 16,250 acres held in trust for the Tribe and 6,000 acres owned in fee by the Tribe. After a 2004 federal court decision, the official Stockbridge-Munsee Reservation is recognized by the State of Wisconsin as only those lands within the original reservation that are held in federal trust for the Tribe.

Today the Tribe is the largest employer in Shawano County, employing about 850 people. The Mohican North Star Casino opened its doors in 1992 and today provides approximately 550 jobs. The remaining 300 are in tribal government and other tribal commercial endeavors.

The tribal government provides an array of services such as public safety, roads construction and maintenance, housing, health and wellness, education and culture, fitness and recreation, land management, business planning, newspaper, social services, loan officer, public relations, and programs to support the services. The tribal government also funds a tribal court system, which has jurisdiction over tribal civil law, including divorces, guardianships and civil regulatory enforcement.

In addition to the Tribe's casino, other commercial endeavors include the 18-hole Pine Hills Golf Course, the Mohican LP Gas Company, the Many Trails Banquet Hall, and Little Star Convenience Store/Gas Station.

The people of the Stockbridge-Munsee Community have survived centuries of struggle to maintain their identity and pride as a people. They have truly earned their symbol of courage, strength and perseverance—the Many Trails.

## **SECTION 1 EMPLOYMENT**

### **EMPLOYMENT POLICY**

The Stockbridge-Munsee Community, Band of Mohican Indians, (“Stockbridge-Munsee Community” or “Tribe”) is a sovereign nation with the authority to adopt, implement, and enforce its own laws and regulations governing activities within its territory.

Because of its sovereign status, most state laws do not apply to the Stockbridge-Munsee Community and many federal laws do not apply. For example, the Equal Employment Opportunity Act of 1972, an amendment to Title VII of the Civil Rights Act of 1964, does not apply. Stockbridge-Munsee Community is exempted from the definition of employer under this law and the federal government has recognized through various statutes and federal case law that Stockbridge-Munsee Community has the authority to exercise a hiring preference for its own members.

The Stockbridge-Munsee Community has an Employment Rights Ordinance, Fair Labor Standards Ordinance, Employment Preference Policy Ordinance and a Worker’s Compensation Ordinance that provides employee rights and policies. These ordinances are available at [www.mohican-nsn.gov](http://www.mohican-nsn.gov). These ordinances ensure the health and safety of the Tribe’s employees and address most of the employee issues covered by similar federal and state laws.

### **EQUAL OPPORTUNITY EMPLOYER STATEMENT**

The Stockbridge-Munsee Community operates as an Equal Opportunity Employer, except that Indian preference is given in accordance with the Tribal Employment Preference Ordinance.

### **WORKING DAYS**

For the purpose of this Employment Manual, “working days” does not include weekends and holidays.

### **POSTING/ADVERTISING**

All positions, other than for interim or short-term appointments and political appointments, must be posted and/or advertised. The Tribe reserves the right not to fill a position or to re-post a position.

### **APPLICATION FOR EMPLOYMENT**

All applicants for employment with Stockbridge-Munsee Community must fully complete, date, and sign the standard employment application form for every position applied for in order to verify the accuracy and completeness of previous employment and personal information. Material misrepresentations or false statements on an employment application may result in termination. A resume will not be accepted in lieu of a completed employment application.

For those applying for employment in the gaming division, a licensing application must also be completed and an extensive background investigation performed. Certain employment



positions may require a Tribal license. Some applicants must submit to a criminal investigation background check (“CIB”). For example employment positions that have regular contact with elders or youth require an Elder/Youth license and any position involving the handling of money requires an acceptable CIB.

The Stockbridge-Munsee Community may investigate any portion of the requested information and may deny or later terminate the employment of anyone giving materially false, misleading, or incomplete information. Applicants who submit false information or material misrepresentation employment application will be ineligible for employment for a period of one year from the date of application. The completed information application form will be made part of the personnel file of those applicants accepted for employment.

All hiring is coordinated through the Human Resources Department(s).

### **EMPLOYMENT REFERENCES**

Requests for employment reference should be made in writing to the Human Resource Department and must include an authorization by the employee for release of the requested information. The Human Resource Department will only release information authorized by the employee. In all other cases, Human Resources will only release the employee’s job title and dates of employment with the Tribe.

### **PHYSICAL EXAMINATION**

A physical examination or communicable disease screening may be required for a person to be hired or maintain employment. When a physical examination or screening is requested, a physician and/or occupational nurse appointed by the Stockbridge-Munsee Community will conduct the examination. The Stockbridge-Munsee Community will pay the cost of the work-related physical examination or screening. Employment and assignment will be conditional pending the receipt of a satisfactory report.

### **PRE-EMPLOYMENT DRUG TESTING**

All prospective employees will be required to take a pre-employment drug test. Any candidate who fails the pre-employment drug screen will not be accepted for employment and will be ineligible for employment consideration, in any Tribal entity, for a period of 120 days from the date of the failed drug screening. Any candidate who fails the pre-employment drug test two consecutive times will be ineligible for employment with any tribal entity for a period of one (1) year from the date of the last failed drug screening.

In the event that a prospective employee believes that the results of his or her drug screen conducted under the preceding paragraph was inaccurate, the prospective employee may, within two (2) days of the notification of results to the prospective employee, elect to have a second drug screen performed in accordance with the Tribe’s rule governing the drug screening. The second drug screen will be paid for by the prospective employee. A negative second result is not a guarantee of employment.

## **CATEGORIES OF EMPLOYEES**

Employees are divided into the following categories for the purpose of compensation and benefits.

### **Regular Full-Time**

Employees who work 32 hours or more on a workweek basis are considered full-time employees for benefit purposes, except as otherwise provided in this Employment Manual and under applicable law, such as for group health insurance, family-medical leave and 401(k) benefits

### **Regular Part-Time**

Employees who work less than 32 hours on a workweek basis are considered part-time employees for benefit purposes.

### **Seasonal Employees**

Seasonal employees are employees who are hired on a regular basis, but who have breaks in employment as a result of the normal calendar work year at their place of employment. The seasonal employee must be actively at work as a regular full-time employee, and must satisfy all full-time eligibility requirements to apply for insurance benefits.

### **Contract Employees**

Some employment positions may be contracted. Most often, these positions are professional positions or positions that may discontinue within the foreseeable future. Benefits will be according to contract.

### **Interim Employees**

Employees holding jobs of limited or specified duration arising out of position vacancies pending hire or appointment are interim employees. Interim employees may work either full or part-time work schedules. Interim employment is for a maximum of six (6) months. Initial approval for hiring and/or an extension may be granted by the Tribal Council, Tribal Director of Administration, Executive Director, or Administrator of Finance, as applicable.

### **Short-Term Employees**

#### **Temporary Employees (Emergency/Special Projects)**

Employees holding jobs of limited duration for which there is no job description and that arise out of emergencies, special projects, abnormal work load, or other similar reasons are temporary employees. Temporary employees may work either full or part-time work schedules. Temporary employment is for a maximum of three (3) months. Initial approval for hiring and/or an extension may be granted by the Tribal Council, Tribal Director of Administration, Executive Director, or Administrator of Finance, as applicable.

#### **Pay/PTO for Temporary Step-up Positions**

On occasion, employees might be asked to assume temporary step-up positions to provide management assistance during times of need, such as covering for a Supervisor/Manager/Director during long-term events (such as a position vacancy or

military leave of absence) lasting in excess of 14 days. This also includes employees assuming a substantial amount of additional duties from a co-worker while continuing to perform their own.

During these periods, increases for assumption of co-worker duties will be considered on a case-by-case basis if the scope and length of duties to be performed warrant an increase. For management positions, the increase will be as follows, upon approval: Supervisor +\$1/hr, Manager +\$3/hr and Director +\$5/hr. Step-up positions, and related pay raises, require justification and pre-approval. Filling in for a co-worker on regular PTO, temporary FMLA, or position vacancies lasting 14 days or less aren't considered to be valid reasons for position or pay changes.

If PTO is taken by an employee performing an approved step-up role involving an average of 20 hours or less per week, they will be paid at their regular rate of pay. If the hours worked in this function averages over 20 hours, the employee will receive the approved increase during their PTO. The amount of PTO an employee accumulates always remains tied to their years of service.

### **Call-In Employees**

Call-in employees are employees who are on the payroll and are not active, but may be requested to come to work to perform services for which they are qualified. Customarily they perform work available due to the absence of others for short-term employment resulting from an over-abundance of work or for a project of fairly limited duration.

### **Fill-In Employees**

Fill-in employees are active employees that are hired to work in jobs posted as "fill-in" positions. These employees do not work regularly scheduled hours, but are called in regularly to perform services.

### **Acting Employees**

An employee already categorized as an active full-time or part-time employee may be asked to **step-up into** a vacated position while continuing to perform their existing job duties. This does not include filling in for regular vacations or other brief periods that do not exceed **14 days**. The employee shall actively carry out the duties and responsibilities of the vacated position along with their current job obligations. **See "PAY/PTO FOR TEMPORARY STEP-UP POSITIONS" for applicable wage adjustments for acting employees.**

### **Independent Contractors**

Independent contractors are persons who are contracted by the Tribe for a limited period of time to provide expertise in a specific field. Any independent contractor services desired will be secured in accordance with an approved procurement policy, will be in writing and must be signed by the Tribal President or authorized designee. Independent contractors are not classified as employees and are not eligible for any benefits unless such benefits were specifically negotiated as part of the contract and do not conflict with a specific benefit plan document. Independent contractors are not subject to the employment policies and procedures of Stockbridge-Munsee Community; except those designated by tribal ordinance or contract.

## DESIGNATION OF EMPLOYEE WAGE STATUS

### Non-exempt from federal wage and hour law (Hourly)

Non-exempt employees are expected to confine their work to the scheduled workday and workweek, unless overtime is authorized in advance by the immediate supervisor. Non-exempt employees will be paid overtime for all hours worked in excess of forty (40) per week, except as otherwise stated in the Tribe's Fair Labor Standards Ordinance, which may be amended as necessary.

### Exempt from federal wage and hour law (Salaried)

Persons who are employed in administrative, executive or professional positions are specifically exempted from the overtime provisions of the Tribe's Fair Labor Standards Ordinance. Therefore, exempt employees do not receive overtime pay. The hours worked by exempt employees will often be irregular and may begin and/or end outside of the normal workday.

## SECONDARY EMPLOYMENT

Policy: Secondary employment occurs when an employee holds two paid positions in more than one department or entity of the Tribe (a second job with the Tribe). Secondary employment is not an employee right. Secondary employment may be permitted in accordance with the following process.

Approvals:

1. Employees seeking to work a secondary position must first obtain their manager's approval to ensure the secondary position does not interfere with their primary job.
2. Send an email to HR Manager, advising of your interest in working a secondary position. If you are not on email, you may submit your request in writing to the Human Resources Department or request that the department manager send an email to the Human Resources Department.
3. Work in a secondary position can only occur outside an employee's normal work schedule.
4. Employees wishing to work a secondary position must successfully complete whatever training is required for the position.
5. The following positions are identified as secondary positions and shall be limited to 20 hours per week:

### Stockbridge-Munsee Community Tribal positions:

<b>NON-EXEMPT (Hourly):</b>	
PHGC Grounds/Groundskeepers	Housekeeper
LSCS Sales Clerk	Mail Clerk
Assistant Cook	Maintenance Custodian I
Assistant Teacher	Youth Activities Worker
Bus Driver	Medical Receptionist
CBRF Attendant	Medical Records Clerk
Certified Nursing Assistant	Medical Transport Driver
Clinical Housekeeper/Custodian	Office Assistant
Cook	P/T Warehouse Worker
Clubhouse Sales Attendant	Patient Registration
Data Entry Specialist	Pharmacy Technician

Dental Assistant Trainee	Recreation coordinator
Dental Office Specialist	Resident Services / Occupancy Specialist
Elderly Chore Worker	Substitute Teacher
Elderly Services Activity Coordinator	Food Service Helper
Elderly Services Bus Driver	Tutor
Elder's Visitor	Youth Activities Coordinator
Fitness Assistant	Admin Assistant - Finance
Home Health Aid	Occupational Health Assistant

**North Star Mohican Casino Resort positions:**

<b>NON-EXEMPT (Hourly):</b>	
Food Server	Room Attendant
Beverage Server	Front Desk Attendant
Bus Person	PBX Operator
Dishwasher	Reservation Agent
Host/Cashier	Table Games Dealer
Bar Porter	Table Games Dealer (Craps)
Café Worker	Bingo Floater
Bartender	
Cook	
Bell Attendant	
Banquet Houseperson (non-scheduled events)	
Banquet Houseperson (scheduled events)	

6. An applicable Payroll Form with the employee’s payroll data will be:

- Initiated by the receiving department manager
- Forwarded to the home department manager.
- Sent to the HR Manager for approval.
- HR will forward the approved applicable hiring form to payroll

7. The HR Manager will review applicants requesting to work in a secondary position to ensure their current job does not pose a conflict, nor has incompatible functions with the secondary position they are applying for.

**Licensing:**

1. Employees working in a secondary position must possess the license required by the position.
2. HR will be responsible for ensuring the employee applying to work a secondary position has the required license.

**Compensation:**

1. The rate of pay for the secondary position will be the range minimum for the particular position at “time and one half” if the employee working the secondary position will exceed forty (40) hours for the work week. Every hour worked over forty (40) hours will be paid overtime pay at time and one half at the rate of the position working when working over forty (40) hours.

### **Benefits, Holidays, Leave**

Secondary employment shall afford all benefits due under the applicable tribal employment manual, including paid time off, holidays and leave provided the Employee meets all eligibility requirements for benefits. Benefits such as health insurance and 401 (k) eligibility shall be provided and administered in a manner that is compliant with applicable tribal and federal laws. Separate start dates and benefits due and owing for each employment position shall be maintained for the employee. Chapter 54 Employee Preference and Chapter 55 Mohican Fair Labor Standard and all other applicable tribal and federal laws shall apply to Secondary employment. However, Chapter 54 does not require the employer to approve dual employment.

### **Employee Conduct**

Secondary employment shall not be the basis for failure to perform job functions. Employees shall continue to be subject to corrective action under the applicable employment manual for each employment position. Each department/entity has autonomy over the employee for probationary periods, corrective action, employment separation and termination purposes. Each employment position shall be handled separately, however, the both departments may utilize the same information and circumstances if the action by the employee affects the given department/entity. An employee may receive corrective action, employment separation or termination for the same incident at the separate positions. Examples of this include but are not limited to theft, harassment, sexual harassment, positive drug screening. Random drug screening results may be utilized at both employment positions. All paid time off (PTO) due and owed to the employee for a given employment position shall be paid out upon separation of employment—employees shall not transfer PTO between employment positions during this process.

### **Formal Written Agreement Required**

All requests for dual employment must be made and approved in advance of any overtime being worked. No payment of dual employment will be processed without a notification of approval from Human Resources. A formal, written agreement between the three parties (primary, secondary, and employee) is required to ensure proper understanding, payments and accountability. The Human Resource Department shall provide and facilitate the signing of this agreement.

### **No Appeals of Determinations on Dual Employment**

Secondary employment is not an employee right and is not appealable to Tribal Court or the Tribal Council. The determination of whether secondary employment is permissible as made by Human Resources is final.

Secondary Employment form contact HR or go to [www.mohican.com](http://www.mohican.com) under forms.

### **DUAL EMPLOYMENT**

**Replaced with Secondary Employment as of 4/5/16.**

### **COUNCIL MEMBERS AND TRIBAL SECRETARY**

Full and part-time Council Members and the Tribal Secretary generally are not considered employees, since those positions are elected and appointed. Full-time Council

Members and the Tribal Secretary are eligible to enjoy and participate in many of the employee benefits provided to other employees such as insurance, paid time off, 401K, etc. Elected/appointed full-time officials are eligible for health insurance coverage. Coverage is effective upon taking oath of office or, in cases of the Tribal Secretary, upon notice of appointment. In accordance with federal law, payments to Tribal Council members are not subject to federal withholding for employment taxes.

### **ORIENTATION PERIOD**

During the first one-hundred-twenty (120) days of employment, employee performance should be evaluated every 30 days. The completion of the evaluation period should not be considered a guarantee of permanent employment. When warranted by performance, an orientation period may be utilized by the supervisor in intervals not to exceed 60 days and subject to the approval of Human Resources.

Employees hired in a new position with another tribal department or program without a break in service may use previously accrued and authorized time off, but are otherwise considered an orientation employee.

During the orientation period, employees are considered to be “at-will” employees. This means that employment may be terminated at the will of the Tribe and the Tribe does not need to meet a “just cause” termination standard. “At-will” employees do not have a grievance process.

Approved by TC: July 5, 2017

### **CONTINUOUS SERVICE DATE**

A continuous service date will be established for each part-time and full-time employee. The continuous service date will be based on the employee’s first day of employment as a full or part-time employee. If there is a break in employment and the employee later returns to work for the Tribe, the employee will get a new continuous service date from the new start date. Elected officials and the Tribal Secretary will maintain a continuous service date based on the date that they begin their term, so long as there is no break in service.

An employee going from a short-term status to full-time or part-time status without a break in employment will have a continuous service date that begins at the time of the short-term position’s start date.

When an employee holds positions with two different tribal entities, the employee’s hire date for each entity will be used as the accrual date for benefits. In the event, the employee moves to one position, the earlier date of employment will be used as the continuous service date.

### **COMBINED YEARS OF SERVICE**

When a former regular status employee has a break in service and is rehired, the employee may be eligible for additional credible years of service credit for the prior employment. For the purposes of credible years of service recognition, previous regular service is defined as any continuous employment as a regular status employee (full or part time) for a minimum of twelve

consecutive months. Adjusted credible years of service is intended to apply for employee recognition programs for employment purposes only and it not intended for benefits eligibility or PTO accrual determinations.

## **IDENTIFICATION**

Some divisions or departments require special identification badges, name tags, and/or cards. Employees will be provided with their initial identification badges, name tags and/or cards when necessary. Identification badges, name tags and/or cards are issued for work purposes and are not to be worn off of the premises.

Replacement identification badges, nametags and/or card for reasons other than a change resulting from a management decision will be at the expense of the employee.

## **EMPLOYMENT SEPARATION**

An employee may be separated from employment either voluntarily or involuntarily by means of retirement, resignation, reduction of workforce, lack of work or termination. The right of the employee or Stockbridge-Munsee Community to terminate the employment relationship is recognized and affirmed as a condition of employment. Both the employee and the employer have the right to terminate employment at any time unless an employment agreement exists and contains a specific notice provision. In such case, the agreement will govern.

Any employee resigning their position with Stockbridge-Munsee Community is requested to submit a written notice of their intent to resign.

1. Supervisory and managerial employees should give four weeks notice.
2. All other employees should give at least a two-week notice

The employee will receive written confirmation of their resignation that will be sent to the employee's last known address.

An employee resigning their position may be asked to participate in an exit interview. This information will assist the employer in evaluating tribal policies and procedures, benefits and other employment issues.

An employee whose employment is terminated will receive written notification, which will be sent to the employee's last known address. The notification shall include the reason for termination and will outline the employee appeal process.

Approved by TC: May 17, 2016

## **REHIRE POLICY**

The work records of all former employees will be reviewed for the reasons the employment was severed when a person applies to be rehired by the Stockbridge-Munsee Community. This includes employee work records for both the Tribe's government side operations and its business enterprises, including the Mohican North Star Gaming and Resort. Former employees are not guaranteed re-employment by the Tribe.



All former employees who failed to successfully complete their orientation period will not be eligible to apply for any position with Stockbridge-Munsee Community for a period of three (3) months from the effective date of termination.

Former employees, not including orientation employees, whose employment was terminated for unsatisfactory job performance or attendance issues will not be eligible to apply for any position with the Tribe for a period of three (3) months from the effective date of termination.

Former employees whose employment was terminated for gross misconduct or criminal conduct will not be eligible to apply for any position with the Tribe for a period of one (1) year from the effective date of termination.

All former employees who were terminated for a second positive drug screening will not be eligible to apply for any position with the Stockbridge-Munsee Community for a period of one (1) year from the effective date of termination.

All former employees who were terminated or otherwise separated from their employment and have failed to return property that belongs to the Stockbridge-Munsee Community or have an outstanding job-related debt with the Tribe will not be eligible to apply for any position with Stockbridge-Munsee Community until the debt is paid and/or the property is returned.

**Approved by TC: May 17, 2016**

## **EMPLOYMENT OF MINORS**

The Stockbridge-Munsee Community will fully comply with the Child Labor provisions of the Tribal Fair Labor Standards Ordinance. In any case involving the hire of a person under the age of 18, a written release must be secured from the parent/guardian in advance of the person's start date.

## **CONTENTS OF PERSONNEL FILES**

The Stockbridge-Munsee Community maintains personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies and comply with recordkeeping and reporting requirements. The Human Resources Department is responsible for overseeing recordkeeping for all personnel information. Employee personnel files may include, but are not limited to the following documents:

- Original employment application
- I-9 form (kept in separate file)
- Job description
- Performance evaluations

- Disciplinary actions
- Educational achievement records
- Status changes affecting employee's work and salary history
- Drug testing and medical information (kept in separate file and subject to confidentiality)
- Other relevant documents as determined by Human Resources.

### **EMPLOYEE INFORMATION**

Employees are required to help keep the Stockbridge-Munsee Community informed of changes in personal information that include, but are not limited to:

- Name
- Address
- Home telephone number
- Emergency contact and telephone number
- Marital status (optional)
- Number of dependents (optional)
- Authorized payroll deductions
- Status of driver's license, as identify by job description
- Status of any other license, certification, etc. required for employment
- Military status
- Outside employment.

### **EMPLOYEE REQUEST FOR REVIEW OF PERSONNEL FILE**

Employees may review their personnel file in the presence of Human Resources Department representative. Employees shall not have access to confidential information, such as complaints by other employees and internal investigation reports; however, employees will be provided a summary of the investigative report. Human Resources shall have until the end of the next business day to produce the file. Upon a request from an employee and payment of a copying fee as applicable, Human Resources will provide an employee or former employee with a copy of the file. An employee who believes that materials in the file are inaccurate may submit a written statement of disagreement, which identifies the inaccurate information. The statement will be kept in the file. No information shall be removed from the personnel file.

### **MANAGEMENT REVIEW OF PERSONNEL FILES**

All information in employee personnel files is considered confidential. This information will only be available to the Human Resources Department, management who are in the employee's direct chain-of-command and the Tribe's legal representatives when information is needed for a bona fide business purpose. The Tribal President or his/her designee(s), as the immediate supervisor of Council-supervised positions, will have access to personnel files for those employees when information is needed for a bona fide business purpose.

If a current employee has applied for another position with the Stockbridge-Munsee Community, the hiring panel may also review information in the personnel file that is pertinent to the job being applied for, as determined by Human Resources.

## **SECTION 2 WORKING HOURS AND PAY**

### **HOURS OF OPERATION**

Due to the varying nature of Stockbridge-Munsee Community business and service needs, no single work schedule can be established for all employees. For the purpose of establishing work schedules the various divisions, upon consultation with and approval of the Stockbridge-Munsee Tribal Council, will determine operational days and hours of work. Generally, the hours covering a normal workweek will be from 12:00 A.M. Sunday through 11:59 P.M. on Saturday.

Each employee is expected to complete a normal working day and workweek. An employee's immediate supervisor may change the employee's schedule based on the needs and requirements of division operations. Supervisors will determine when employees can take scheduled breaks. Supervisory personnel may also require an employee to work an unscheduled day within the same workweek.

All employees are required to attend mandatory staff meetings. Most of the general meetings are mandatory, so employees should be prepared to attend all meetings. An employee who fails to attend a mandatory meeting will be subject to disciplinary action.

### **PAY PERIOD AND PAYMENT**

The pay period is weekly. Employees are normally paid on Friday for work performed Sunday through Saturday of the previous week. Direct Deposit of paychecks is required for all employees. Employees will not be required to use Direct Deposit services only if they provide the Tribe with a reasonable written explanation of why they cannot use Direct Deposit.

### **TIME RECORDS**

Employees are required to keep an accurate record of hours worked. Some employees are required to sign or punch in when they report to work and punch out when they leave. All non-exempt employees are required to sign a weekly time sheet or punch a time clock reporting their actual time worked. It is a violation of policy for one employee to punch another employee's time card or to alter his/her own time card. Such an action is a violation of policy and may be subject to disciplinary action up to and including termination. If an employee has a question concerning his/her time record, he/she should promptly discuss the matter with his/her immediate supervisor at once.

If management has a question regarding an employee's time record, the manager or supervisor will notify the employee prior to processing the time record. If revisions are made to the time record, the individual making the revisions must sign-off on the revisions.

Exempt employees may be asked to complete weekly time sheets; however, these time records are not used for the purposes of determining compensation.

## **ATTENDANCE**

Regular and on-time attendance is expected from all employees. While it is recognized that an occasional illness or extenuating personal reason may cause unavoidable absence from work or tardiness, regular on-time attendance is required for continued employment.

Employees are expected to personally make the effort to notify their employer of any absence or tardiness. An employee must notify his/her immediate supervisor within 15 minutes of the start of the shift, unless otherwise specified, if he/she cannot report to work. This provision is not to be interpreted as a 15-minute grace period for on-time attendance. Any employee who fails to maintain an acceptable attendance record will be subject to disciplinary action, including termination. Excessive absenteeism, unexcused absence or tardiness will affect pay increases.

## **OVERTIME**

Employees will be required to work overtime based on the needs and the requirements of the Stockbridge-Munsee Community. Management must authorize all overtime. Non-exempt hourly-paid employees will be paid one and one-half (1 ½) times their regular rate of pay for approved overtime hours worked in excess of forty (40) hours per week. Paid time off is not considered when computing overtime. Employees will not be paid overtime when compensated by worker's compensation. Exempt employees do not receive overtime pay.

## **SHIFT DIFFERENTIAL**

For shift differential purposes, the Tribe operates two shifts. First (1<sup>st</sup>) shift is from 6 am to 6 pm. Second (2<sup>nd</sup>) shift is from 6 pm to 6 am. Hourly employees from eligible departments who work any hours during the second shift time frame will receive a shift differential of \$.80 per hour. Only actual hours worked by an employee will be considered for the shift differential.

## **WEEKEND PREMIUM**

Hourly employee who work any hours during the period Saturday at 12:00 am Through Sunday at 11:59 pm will receive a weekend premium of \$1.50 per hour for any hours worked during that time frame. The weekend premium is in addition to the shift differential pay. Only actual hour worked by the employee will be considered for the weekend premium. This excludes the Surveillance department they will follow the North Star Casino weekend premium hours which are Friday 4:00pm through Sunday at 4:00 pm.

## **ERROR IN PAY**

The Stockbridge-Munsee Community takes precautions to ensure that employees are paid correctly; however, if an error occurs, the employee should notify their immediate supervisor. The Stockbridge-Munsee Community will make every attempt to adjust the error no later than the employee's next regular pay period. If the employee becomes aware of an error, the employee must notify his or her supervisor of the error in a timely manner.

## **GARNISHMENT OF EMPLOYEE WAGES**

Garnishments are court orders requiring an employer to withhold specified amounts from an employee's wages for payment of a debt owed by the employee to a third party. The Stockbridge-Munsee Community honors only Stockbridge-Munsee Tribal Court Orders and foreign court orders or judgments that have been recognized by the Stockbridge-Munsee Tribal Court, except that foreign court orders for child support do not need Stockbridge-Munsee Tribal Court recognition. The Stockbridge-Munsee Community may charge the employee an administrative fee when a garnishment occurs.

## **VOLUNTARY PAYROLL DEDUCTION**

Only payroll deductions to the Stockbridge-Munsee Community or its economic entities, including the Tribe's Loan and Housing Departments, will be permitted. All deductions must be authorized in writing by the employee and will be itemized on the employee's paycheck stub. Questions regarding payroll deductions should be directed to the Payroll Department of the Finance Division. The Tribe will make payroll deductions consistent with applicable law.

## **PAY ON SEPARATION FROM EMPLOYMENT**

Employees separated from employment will be paid for time worked (less deductions) on the next regular payday according to the applicable laws. Employees separated from employment will be paid Earned Paid Time Off (in accordance with Section 3) on the next regular payday.

All employees are expected to return (and are responsible for) any Stockbridge-Munsee Community property upon separation from employment. The Stockbridge-Munsee Community may deduct monies from non-returned Stockbridge-Munsee Community property, travel advances, insurance payments, uniforms, theft, missing monies, or other similar issues or occurrences; provided that the employee has the opportunity to dispute the issue with the Human Resources Department prior to the deduction occurring. The employee's last payroll check will be available at the Human Resources Department.

## **PAYROLL ADVANCES**

There will be no payroll advances.

## **PERFORMANCE EVALUATIONS**

Management will evaluate performance of employees not less than annually. The evaluation consists of a personal meeting during which an employee's strengths and weaknesses are discussed and recommendations for improvements are made. These meetings also identify the short and long-range goals of employees and determine how they interrelate with the purpose and objectives of the Stockbridge-Munsee Community.

Any recommendation for a change of duties or an increase in pay must be approved by the appropriate supervisory entity, in accordance with Human Resources Department policies, before any change takes effect.

Annual Reviews must be completed within 30 days of review date. An annual review does not necessarily mean a change in pay or duties.

A performance evaluation may be completed at any time during employment when the supervisor is identifying performance deficiencies and identifying time lines for performance improvements. Management is strongly encouraged to utilize performance evaluations to document performance deficiencies.

### **EMERGENCY NOTIFICATION**

In the event the Tribe receives word of an emergency related to a member of an employee's family, the employee will be notified as soon as possible. Should the employee be at a location away for his/her normal workplace, arrangements will be made to contact the employee, and if necessary, arrange for the employee to return home immediately.

### **INCLEMENT WEATHER POLICY**

The Stockbridge-Munsee Community offices or businesses generally will not close during inclement weather. Employees are expected to work during normal business hours unless inclement weather creates hazardous driving conditions or other hardships. Employees who feel the need to arrive late, leave early, or not attend work at all due to weather conditions will need to inform their immediate supervisor. Employees will not be disciplined; however, the employee will be required to use their paid time off for their absence if the employee wishes to be paid.

The Stockbridge-Munsee Head Start program is exempt from this policy in that they will follow the Bowler School inclement weather practices. The Head Start Program will not pick-up children during inclement weather, but staff is expected to work their normal hours of operation.

Programs that provide essential services, such as elderly meals, health care providers, and human services providers are also exempt from the above policy in that they will maintain sufficient staffing levels so that they remain operational. Management will create Inclement Weather Operation Plans to be initiated during inclement weather.

Tribal business enterprises are exempt from this policy in that they will maintain sufficient staffing levels so that they remain operational. Management will create Inclement Weather Operation Plans to be initiated during inclement weather.

### **TRIBAL MEETINGS AND SERVICE ON COMMISSIONS/COMMITTEES/BOARDS/VOLUNTEERS**

Employees may serve on tribal commissions, boards, and committees in a voting or non-voting capacity consistent with tribal law and applicable by-laws. Meetings shall be scheduled in accordance with tribal policy; however, employees may be granted reasonable time during work hours to attend meetings with approval of immediate supervisor.

Employees may also be required to attend meetings of the Tribal Council from time to time. Notice of such requirements or request for attendance shall be directed to the employee's immediate supervisor.

It is the policy of the Stockbridge-Munsee Community that non-exempt employees be compensated at their regular rate of pay for attendance at meetings of the Tribal Council or tribal

commissions, committees and boards and that time spent at such meetings will be considered hours worked when such attendance is requested and/or required by the Stockbridge-Munsee Community, unless the employee receives a stipend for attending such meetings. Time spent in attendance at non-tribal meetings, unless such attendance is part of the employee's duties, will not be compensated, unless the employee uses paid time off in accordance with Section 3.

## **SECTION 3 BENEFITS, HOLIDAYS, AND LEAVES**

The Stockbridge-Munsee Community provides employees with a well-balanced program of benefits designed to meet the needs of employees and employees are eligible for such benefits as are described in this Employment Manual and under applicable law. The information contained in this Employment Manual regarding employee benefits is not a contract to provide these benefits to any employee. Particular eligibility requirements for benefits, such as health and disability insurance, are described in the summary plan documents and/or benefit booklets for a specific benefit. Employees are eligible for benefits provided by the Stockbridge-Munsee Community if they meet specific plan requirements. Questions concerning benefits should be directed to Human Resources and questions concerning insurance claim information should be directed to the Insurance Department. The benefits and terms of the benefit plans described are subject to change at any time by the insurer(s) or the Stockbridge-Munsee Community. Where there is a conflict between the language of this Employment Manual and that of a benefit plan, the language of the benefit plan will control.

### **BENEFIT ELIGIBILITY**

- Full-time employees are eligible for the benefits described in this Employment Manual, provided they qualify for each individual benefit.
- Part-time employees are eligible for those employee benefits specifically designated, provided they qualify for each individual benefit.
- Seasonal employees are eligible for benefits described in this Employment Manual, provided that they qualify for each individual benefit.
- Contract employees are eligible for such benefits as authorized under the employee's contract with the Tribe.
- Interim employees are not eligible for benefits.
- Temporary, call-in and fill-in employees are not eligible for benefits.
- Acting employees retain existing benefits.
- Volunteers and independent contractors are not eligible for benefits.

### **OBSERVED HOLIDAYS**

Stockbridge-Munsee government offices observe the following paid holidays:

- New Year's Day,
- Martin Luther King Jr. Day (third Monday in January),
- Sachem Day (third Monday in February),
- Stockbridge-Munsee Day (third Monday in March)
- Good Friday (afternoon only),
- Memorial Day,
- Fourth of July,
- Labor Day,
- Indigenous Peoples Day (second Monday in October),
- Veteran's Day,
- Thanksgiving Day,
- Day after Thanksgiving,



- Christmas Eve Day,
- Christmas Day, and
- New Year’s Eve Day.

Holidays falling on Saturday are observed the preceding Friday, while holidays falling on Sunday are observed the following Monday. Temporary, call-in, and fill-in employees are not entitled to receive holiday pay. Employees who are completely off from work on approved family-medical leave, for short-term disability, excused under Worker Compensation Ordinance, or during other unpaid leave also do not receive holiday pay.

The Stockbridge-Munsee Community may schedule work on observed holidays, subject to the business needs of the Tribe. If an employee works on an observed holiday, the employee will be paid double normal rate of pay for each holiday hour worked. All employees must work the scheduled day before and the scheduled day after a holiday in order to be paid for the holiday, unless the employee has previously scheduled and obtained approved paid time off. If the employee is absent on the holiday and/or the day before and after the holiday because of illness or injury, Tribe may require verification of the reason for the absence before approving paid time off.

**PAID TIME OFF (“PTO”)**

The Tribe understands that employees need time off from work for rest and relaxation, as well as personal and sick time. Eligible employees earn Paid Time Off (“PTO”) that can be used to help maintain income during such absences from work, whether scheduled or unplanned.

**Eligibility**

All full-time and part-time employees are eligible for this benefit. Part-time employees shall earn PTO on a prorated basis, based on hours worked (for example, an employee who works 20 hours per week will earn PTO at half the regular rate).

**PTO Accrual**

Accrued PTO is awarded to eligible employees at the end of the month. PTO is accrued by new employees, but hours cannot be used until the employee has successfully completed their orientation period. Employees do not accrue PTO during times when they are completely off from work on an approved family-medical leave, for a short-term disability, excused under the Worker Compensation Ordinance, or during other unpaid leave. Upon return to work, employees resume accruing PTO. Employees who are on intermittent leave accrue PTO during time worked.

**Annual Allocation**

PTO is allocated to eligible active employees at the end of each month and is based on credited years of service as follows:

<b>Time of Service</b>	<b>PTO Earned Monthly</b>	<b>PTO Earned Annually</b>
1 day through 3 months	3.00 hours	12 hours
4 months through 11 months	8.50 hours	68 hours
12 months through 23 months	11.00 hours	132 hours
24 months through 59 months	14.00 hours	168 hours
60 months through 119 months	18.00 hours	216 hours

120 months and after	23.00 hours	276 hours
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**Carry-over Provision**

An employee may carry-over a maximum of 320 hours of PTO into the next calendar year. Unused PTO balances over 320 hours are forfeited.

**Use of PTO**

To the extent possible, PTO requests are subject to advance approval of the supervisor, in writing, and will be based upon prior requests and the needs of the office and individual. The Tribe recognizes there may be instances when absences cannot be planned, such as a personal or family illness or emergency. Employees using PTO for an unscheduled absence shall notify their supervisor of their absence in accordance with this Employment Manual. If an employee is absent on unscheduled leave for more than 3 consecutive work days due to illness, appropriate verification must be provided by health care provider before PTO will be paid. Verification may also be requested for unscheduled leave for more than 3 consecutive work days due to emergency. Employees shall document such unscheduled PTO use on their timesheet or such other document as required by the Tribe. Ideally, employees should keep a balance of at least 160 PTO hours on the books in case of emergencies. The Tribe reserves the right to deny or reschedule PTO requests based on business needs. Employees are reminded to use their PTO wisely.

**Transfers of PTO**

When an employee moves to a new position with another tribal department or tribal entity, the employee’s earned PTO hours will be transferred to the new position. New employees are not usually eligible to use PTO during the orientation period; however, employees who have transferred between positions may be permitted to use PTO at the discretion of the supervisor.

**PTO buyback**

On an annual fiscal basis, the Tribal Council may analyze economic and budgetary conditions to determine whether a one-time annual PTO buyback may occur that fiscal year. This program will afford employees an opportunity to request cash payment for existing PTO hours. To be eligible for the buyback program, employees must maintain a minimum of 160 hours in their accrual after the buyback is processed. Employees may not trade more than eighty (80) hours in one year for the buyback program. If the Tribal Council approves the PTO buyback program for that fiscal year, they shall also determine the percentage of cash value of their vacation time payout. The Tribe reserves the right to deny or disapprove the PTO Buyback program based on financial and economic considerations.

**Payment for Unused PTO on Separation from Employment**

Employees who separate from employment with the Tribe will be paid for unused, accrued PTO on the next regular payday after their separation from employment, less any deductions owed, and not to exceed a maximum of 320 hours.

## **DONATION OF PAID TIME OFF**

This policy establishes the process for one employee to donate time to a fellow employee.

### **Employee Eligibility**

In order to be eligible to receive a time donation, an employee must have utilized all accrued PTO and comp time and must be on approved family/medical leave. If an employee is receiving disability pay or worker compensation, the employee is not eligible to receive donated PTO. Employee requests for donated time must be coordinated through the Human Resources Department.

In order to be eligible to donate time, the donating employee must have been employed at least one year in their current position and must maintain a minimum balance of 40 hours of PTO after the donated hours are deducted from the donating employees PTO bank.

### **Policy Guidelines**

The maximum number of hours an employee can receive during a pay period is 40 hours (i.e. donated hours cannot be used to accumulate overtime pay). The maximum number of hours an employee can receive during a year is two hundred forty (240) hours. All donated hours are in 1.0 hour increments only. Only approved family/medical leave is eligible for donations. Any donations that exceed two hundred forty (240) hours during a year or that exceed the hours needed for the employee to finish the approved family/medical leave will be returned to the donating employee's PTO bank.

Once an employee resigns, that employee cannot donate time.

PTO donations must be voluntary. Therefore, only Human Resources Department employees can solicit for PTO donations. Furthermore, if requested, the name of the donating employee(s) will be kept anonymous.

## **GROUP HEALTH INSURANCE**

For purposes of eligibility for group health insurance only, employees who work an average of 30 hours of service per week or 130 hours per calendar month are considered to be full-time employees who are eligible for group health insurance. Group health insurance is available to all full-time employees on the first day of the calendar month following completion of 60-days of full-time employment.

Once an employee qualifies as full-time for group health insurance purposes, the employee is treated full-time during the Stockbridge-Munsee Community's standard stability period, regardless of the hours actually worked. In accordance with federal law, there will be period reassessments of hours of service to verify whether on-going employees remain eligible for group-health insurance purposes.

As health care costs continue to rise and laws related to health care change, the Stockbridge-Munsee Community will attempt to provide suitable health coverage to its employees. However, when necessary, the Stockbridge-Munsee Community reserves the right to

change the portion paid by employees for health insurance premiums and change the benefits in the plan.

The insurance carrier will provide eligible employees with a detailed summary of the insurance coverage provided. If there is a conflict between this summary and the detailed summary of the insurance plan document, the terms of the detailed insurance plan document shall control.

## **CONTINUATION OF GROUP HEALTH INSURANCE (“COBRA”)**

### **Employees**

Employees whose employment is terminated for reasons other than gross misconduct may continue group health insurance coverage for up to eighteen (18) months or twenty-nine (29) months if disabled at the time of termination. Continuation is at the employee’s expense in accordance with federal law and regulations.

Employees covered under the plan who become ineligible due to a reduction in work hours may also continue coverage for up to eighteen (18) months or twenty-nine (29) months if disabled at the time of the reduction of work hours. Continuation under COBRA is at the employee’s own expense in accordance with federal law and regulation.

COBRA notification, costs, application, and procedure information will be sent by certified mail to the employee’s last known address. The employee must notify the Mohican Nation Insurance Department in writing of COBRA elections and must pay the premiums according to the premium schedules. Failure to notify the Insurance Department(s) in writing within sixty (60) days of the notification letter or to pay premiums as required is considered notice of cancellation of COBRA.

Employees who are on leave, are maintaining their health insurance, and are not eligible for or have exhausted their family-medical leave or eligible PTO benefits will be offered continuation of benefits under COBRA with the employee paying 100% of the premium plus administration costs.

### **Dependents**

In the event that a dependent is no longer eligible for coverage under the employee’s group insurance plan due to employee’s death, divorce or legal separation, or a child ceasing to meet dependent eligibility criteria, the dependent may continue group health insurance for up to thirty-six (36) months. Continuation under COBRA is at the expense of the employee or dependent.

The dependent must notify the Mohican Nation Insurance Department in writing within sixty (60) days of the date of the COBRA notification letter, of their intent to continue coverage. Failure to notify the Mohican Nation Insurance Department of COBRA elections in writing, or failure to pay premiums is considered notice of cancellation of this option.

## **GROUP LIFE INSURANCE**

Group life insurance is available to regular full-time and regular part-time employees. Stockbridge-Munsee Community pays premiums for group life insurance in full. This coverage becomes effective the first day of the month following sixty (60) days of continuous employment. Information will be provided together with the group health insurance booklet. Questions regarding group life insurance should be directed to the Mohican Nation Insurance Department.

## **SUPPLEMENTAL LIFE INSURANCE**

Supplemental life insurance is available for employees. This supplemental life insurance is entirely at the employee's expense. See Mohican Nation Insurance for additional information.

## **401 (K) RETIREMENT SAVINGS**

Employee who work at least 1000 hours per year, and who are otherwise eligible under the terms of the plan documents, are eligible to participate in a 401(k) retirement savings plan established by the Stockbridge Munsee- Community. The plan contains a match feature that provides for an employer contribution of up to 3%, for most employees, to match employee contributions. Employees are automatically enrolled in such plan following the completion of 4-months of eligible employment with an initial automatic contribution of 3%. This automatic contribution will increase to 4% at the employee's 1<sup>st</sup> anniversary date with subsequent increase to 5% at the 2<sup>nd</sup> anniversary date and 6% at the 3<sup>rd</sup> anniversary date. Employees may opt out of the automatic employee contributions, but must do so in writing and in accordance with the plan documents. Copies of the 401(k) plan documents are available from the Human Resources Department.

## **FUNERAL LEAVE**

In the event of a death in an employee's immediate family, the employee will be allowed up to three (3) days off with pay in order to assist with arrangements or to attend the funeral (days do not need to be taken consecutively, e.g. for a spring burial). If additional time is necessary, PTO may be used (provided the employee is eligible for PTO) or unpaid leave may be taken. For purposes of this section, immediate family is defined as spouse, cohabitant, children, parents, grandparents, grandchildren, parents-in-law, siblings, and any other persons living in the home.

In the event of a death of an employee's aunt, uncle, sister-in-law, brother-in-law, nephew, niece, or first cousin, the employee will be allowed up to two (2) days off with pay. Employees may take one (1) day unpaid funeral leave to attend the funeral of an individual of a significant relationship to the employee or employee's spouse and may use PTO for their absence if they want to be paid.

Flex employees that do not work the required hours for benefits eligibility are not eligible for any benefits. Funeral leave is considered a benefit provided by the Stockbridge-Munsee Community and North Star Mohican Casino Resort.

An employee in their 120-day orientation period is not eligible to receive funeral pay. In the event the employee is excused without pay for a funeral, the time missed will not be held against the employee for attendance purposes.

Funeral pay will not be granted when a funeral occurs during an unscheduled work day, employee's PTO, leave of absence, layoff, or at a time when an employee receives holiday pay.

The Stockbridge-Munsee Community reserves the right to request substantiation of any death in an employee's immediate family.

### **LEAVE OF ABSENCE WITHOUT PAY (Non Council Member)**

Employees may request an unpaid leave of absence. Employees must have exhausted all other leave, including PTO and/or FMLA leave, prior to requesting the leave of absence. The Stockbridge-Munsee Community is not obligated to grant a leave of absence. If a leave of absence is granted, the employee is not guaranteed the same job position upon his/her return to work.

An employee in their 120-day orientation period is not eligible to apply for a leave of absence.

Any request for leave of absence must be made in writing at least ten (10) days prior to the proposed leave, when foreseeable, stating a definitive period of time not to exceed 30 days and must be approved in advance by the employee's Manager, Director, Casino General Manager, and Human Resources.

During an approved leave of absence, the employee is responsible for the payment of the entire premium for his/her individual coverage and dependent health insurance coverage (if applicable) for that month at the beginning of the month. If the employee does not make the required payment at the beginning of the month as required, the coverage will be terminated. If an employee accepts other employment during an approved leave of absence, the leave of absence will be terminated.

Approved by TC: May 17, 2016

### **LEAVE FOR JURY DUTY AND COURT APPEARANCES**

Leave with full pay will be granted for all time used during jury duty and work-related subpoenaed court appearances. Jury duty must be reported to the Department Manager. Subpoenaed witnesses in court proceedings that are not work-related will be granted unpaid leave or may use PTO.

### **FAMILY-MEDICAL LEAVE**

#### **1. Introduction**

The Stockbridge-Munsee Community provides employees unpaid family-medical leave consistent with the Family and Medical Leave Act of 1993 ("FMLA"), as amended. The Stockbridge-Munsee Community is not subject to the Federal Act. However, in order to provide additional protection and benefits for its employees, the Stockbridge-Munsee Community has

pledged to provide leave and time off consistent with the Act as part of its Employment Rights Ordinance. The following provisions apply with regard to the family-medical leave policy for employees. It is the responsibility of every employee to read and understand this policy. If you have any questions regarding this policy or your rights under the Tribe's laws, contact the Human Resources Department. Note: it is the responsibility of the supervisor to notify Human Resources immediately of any possible FMLA situations.

## **2. Employee Eligibility**

To be eligible for FMLA benefits, an employee must meet the following criteria:

- Employed by the Stockbridge-Munsee Community for at least 12 months of continuous service.
- Worked for at least 1,250 hours during the 12-month period immediately preceding the start of the leave; and
- Employed at a work-site of the Stockbridge-Munsee Community that has 50 or more employees within 75 miles of that location.

## **3. Qualified Leave Reasons**

Employees meeting the FMLA eligibility criteria listed above may take leave under the FMLA for the following reasons:

- The birth and care of the employee's child;
- Placement with the employee of a child for adoption or foster care;
- The employee's own serious health condition; or
- To care for the employee's spouse, child, or parent with a serious health condition; or
- Due to a qualifying exigency under federal law that arises from the employee's spouse, child or parent being on military active duty (or being notified of a call or order to active duty) in support of a contingency operation.

Leave for the birth and care, or placement and care of a child must conclude within 12 months of the birth or placement of the child. The FMLA applies equally to male and female employees.

### Serious Health Condition

*Serious Health Condition* means an illness, injury, impairment, or physical or mental condition that involves either:

- (1) Inpatient care in a hospital, hospice or residential medical care facility;  
or
- (2) Continuing treatment by a health care provider.

*Continuing treatment* means any of the following:

- (1) A period of incapacity of more than three consecutive calendar days involving treatment two or more times by a health care provider or treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the health care provider's supervision. Incapacity means inability to work, attend school or perform other regular daily activities and includes incapacity from treatment or during recovery.
- (2) Any period of incapacity due to pregnancy or prenatal care.

- (3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition that requires periodic visits for treatment by a health care provider; continues over an extended period of time; and may cause episodic rather than continuing incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's disease, severe stroke, terminal stages of a disease.)
- (5) Any period of absence to receive multiple treatments by a health care provider either for restorative surgery after an accident or injury or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of a medical intervention or treatment (e.g., chemotherapy for cancer, physical therapy for severe arthritis, or dialysis for kidney disease.)

#### **4. Employee Notice Requirement**

Employees seeking FMLA leave are required to provide their supervisors and Stockbridge-Munsee Community Human Resources at least 10 calendar days prior written notice of the proposed leave. The FMLA request form must be completed and returned to Human Resources prior to the proposed leave. If advance notice is not possible due to circumstances beyond the employee's control, notice should be given as soon as practicable. Failure to give advance notice where the leave is foreseeable may delay or postpone the commencement of the leave. Contact Human Resources for the applicable forms.

#### **5. Certification of a Serious Health Condition**

If your FMLA leave is due to a serious health condition as defined above, (whether it involves the employee or your parent, spouse or child), medical certification from a health care provider is required. The employee is required to submit a medical certification within 15 days from the start of FMLA leave. The employer may deny the continuation of FMLA leave due to a serious health condition if the employee fails to fulfill any obligations to provide supporting medical certification.

A health care provider that may determine whether you or your family member has a serious health condition as defined above includes the following individuals: physician; dentist; podiatrist; clinical psychologist or optometrist who is authorized to practice medicine or surgery in the state in which the individual practices his or her profession. In limited cases medical certification may be provided by a chiropractor.

#### **6. Length of Leave**

Employees eligible for leave under the FMLA may take up to twelve (12) weeks of unpaid leave during a leave year (additional time, up to a total of 26 weeks, may be available in relation to military service member family leave). The Stockbridge-Munsee Community uses the rolling 12 months method for calculating the leave year. This means that the 12-month leave period is measured backward from the first day an employee uses any FMLA leave. Each time an employee takes FMLA leave, the remaining leave entitlement will be the balance of the 12 weeks that has not been used during the immediately preceding 12 months.



If medically necessary, employees may take intermittent leave or leave on a reduced leave schedule, to care for a seriously ill family member or because of the employee's own serious health condition. Leave for the birth of a child or the placement or adoption of a child may not be taken intermittently.

## **7. PTO**

Where an employee takes FMLA leave because of the employee's own serious medical condition, the employee must utilize any unused PTO or short term disability leave for any otherwise unpaid FMLA leave.

Where an employee has unused PTO, the employee must utilize that PTO for all or part of any otherwise unpaid FMLA leave relating to birth of a child or placement of a child for adoption or foster care, or care for a spouse, child or parent who has a serious health condition.

PTO will be run concurrently with any FMLA leave, provided that the employee is eligible for both paid leave and FMLA leave, and the employee has actually accrued PTO as of the time the FMLA leave commences. FMLA benefits will run concurrently with leave benefits provided by Worker's Compensation.

For exempt (salaried) employees who are on partial leave, the employee must use PTO for hours not worked during the normal workday, if employee medically cannot work a full day. Example: If an exempt employee were allowed to work 4 hours per day, that employee would only get paid for the 4 hours.

## **8. Benefits during Leave**

During any FMLA leave, the Stockbridge-Munsee Community will maintain the employee's medical and dental coverage on the same conditions that coverage would have been provided if the employee had been continuously employed during the entire leave period. The Stockbridge-Munsee Community and the employee will each continue to pay their portion of the benefit costs. Employees who have exhausted the FMLA leave will be offered continuation of benefits (at the employee's expense) under COBRA. In some instances, the Stockbridge-Munsee Community may recover, on a prorated basis, premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

An employer's obligation to maintain health benefits during a FMLA leave stops if and when an employee informs the employer of their intent to not return to work at the end of the leave period or if the employee fails to return to work when the FMLA leave entitlement is exhausted. The employer's obligation also stops if the employee's premium payment is more than 15 days late and the employer has given the employee written notice at least ten days in advance advising the coverage will cease if payment is not received.

The employer will recover the employee share of premiums paid by employer on employee's behalf to maintain health insurance coverage while the employee is on FMLA leave.

### **9. Other Employment during FMLA Qualifying Leave**

The Tribe allows employees to work in second jobs during an FMLA leave as long as the basis for their leave does not prevent the other employment. For example, if an employee takes leave because of a bad back, then the employee may not have a job lifting heavy materials.

### **10. Return from FMLA Qualifying Leave**

Employees returning from leave will be reinstated to the same or equivalent position, with equivalent pay, benefits, and other terms and conditions of employment. Failure to return to work may result in termination of employment. Employees returning from a leave for a serious health condition must also provide Human Resources with a certification from a health care provider documenting their fitness to return to work. If an employee is not able to return to work at the end of the FMLA qualifying leave, the employee may apply for a leave of absence without pay.

Approved by TC: July 5, 2017

For more information about FMLA leave, contact the Human Resources Department.

### **VOTING**

An employee unable to vote during non-working hours shall be granted reasonable time off with pay to vote in any tribal, federal, state, or local election provided the employee coordinates in advance with the supervisor to select the time least likely to interfere with employee's work duties.

### **MILITARY LEAVE AND FURLOUGH**

The Tribe provides for military leaves of absence and/or military furloughs for employees that are in the United States uniformed services in accordance with federal law.

#### **Military Leave of Absence**

Employees may take a military leave of absence from their employment with the Tribe for a period of up to three (3) months. An employee who presents official orders requiring attendance for active duty or a period of training as a member of the U.S. uniformed services or who is inducted into or enlists in the U.S. uniformed services will be entitled to a military leave of absence. An employee's military leave of absence may be for a period not to exceed three (3) working days beyond the official assignment.

An employee is eligible for supplemental pay for up to two (2) weeks of a military leave of absence; provided that he/she has completed one (1) year of service with the Stockbridge-Munsee Community. Supplemental pay is defined as that amount of pay necessary, when added to the military pay received during that same period of leave, to bring the employee to their current salary level. If the employee elects to utilize his/her PTO during the time that the employee is on military leave with supplemental pay, then the employee will receive both the PTO pay and, if eligible, the supplemental pay.

### **Military Furlough**

An employee will be considered to be on a military furlough if he or she will be on active military duty for a period of more than three (3) months or if the employee has notified the Tribe that he or she is leaving his or her job to enter into active military service in a branch of the U.S. uniformed services. Employees who are on military furlough are eligible for reemployment upon completion of such military service in accordance with federal law. Applications for reemployment after a military furlough must be submitted in timely manner in accordance with federal law.

### **Reemployment**

When an employee returns from a military leave of absence or a military furlough, if eligible for reemployment, the employee will be restored to the same or a comparable position and benefits (including continuous service date, status, and pay) that he or she would have attained if the employee had not been absent due to military service.

### **Health Insurance**

When an employee has a military leave of absence for fewer than 31 days, the employee is only responsible for the employee share of any health insurance premiums. When the employee has a military leave of absence for 31 or more days or is on military furlough, the employee will be responsible for the payment of the entire health insurance premium. If an employee goes on military furlough, the employee has the right to elect to continue health insurance coverage for him or herself and his or her dependents for up to 24-months in accordance with federal law.

## **WORKER'S COMPENSATION**

Employees of the Stockbridge-Munsee Community receive worker's compensation in accordance with the Stockbridge-Munsee Worker's Compensation Ordinance. Employees receive worker's compensation benefits when an injury is sustained in the course of or as a result of his/her employment with the Stockbridge-Munsee Community.

### **Reporting**

Employees must report all work-related injuries to their supervisor, Human Resources, Occupational Nurses, or another appropriate person, within forty-eight (48) hours of the time of injury or diagnosis of an occupational disease. Supervisors must report all injuries to Human Resources immediately.

### **Medical Treatment**

The Stockbridge-Munsee Health and Wellness Center must be used for medical treatment and follow-up appointments when an employee sustains a work-related injury, except in emergency situations or with prior approval.

### **Effect on Continuous Service Date**

Any time lost by an employee due to a work-related injury covered by worker's compensation will be credited as active service for all Stockbridge-Munsee Community benefits.

### **Return to Work**

The Stockbridge-Munsee Community has a policy of returning employees to work as soon as released for duty. If necessary, the Tribe will make reasonable efforts to find a light duty post or make reasonable accommodations to allow the employee to return to work, provided that the reasonable accommodation does not cause undue hardship to the Stockbridge-Munsee Community and does not violate other Tribal law. Reasonable accommodations or light duty posts should not be viewed as offers of revised regular job positions. Employees, who find temporary light duty employment when such work is not available with the Tribe, shall notify Human Resources of such employment.

### **Effect of Other Leave**

FMLA leave will run concurrently with benefits provided by Worker's Compensation. Employees are not guaranteed to return to the same or equivalent job position if the worker's compensation leave lasts longer than the FMLA leave period.

### **REDUCTION OF WORKFORCE**

It is the policy of Stockbridge-Munsee Community that if it must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs will be consistent with the Employment Preference Ordinance. After the Employment Preference Ordinance is applied and department needs are considered, employees within each affected unit are to be selected for layoff based on seniority and whether there are volunteers.

### **UNEMPLOYMENT**

The Stockbridge-Munsee Community has opted into the State of Wisconsin's Department of Workforce Development Unemployment Insurance system. Employees whose employment is terminated will be provided information regarding Unemployment Compensation.

## **SECTION 4 EMPLOYEE RIGHTS**

The Stockbridge-Munsee Community has enacted an Employee Rights Ordinance, which recognizes and seeks to insure that employees of the Stockbridge-Munsee Community enjoy a stable working environment and protection of their rights. Please refer to the Employment Rights Ordinance for further information. <http://www.mohican-nsn.gov>

### **ANTI-HARASSMENT POLICY**

The Stockbridge-Munsee Community expects all employees to accomplish their work in a business-like manner. In order to maintain a non-discriminatory atmosphere, the Community prohibits harassment of fellow workers.

All forms of harassment that interfere with job performance or create a hostile or offensive working environment are prohibited. A hostile or offensive working environment requires harassment that is frequent or severe. The Supreme Court has defined this in the context of Title VII of the Civil Rights Act as "When the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, Title VII is violated." *Harris v. Forklift Systems, Inc.*, 510 U.S. 17, 21, 114 S.Ct. 367, 370 (1993). "Conduct that is not severe or pervasive enough to create an objectively hostile or abusive work environment-an environment that a reasonable person would find hostile or abusive-is beyond Title VII's purview." *Harris*, 510 U.S., at 21, 114 S.Ct., at 370, citing *Meritor*, 477 U.S., at 67, 106 S.Ct., at 2405-2406.

Sexual harassment is prohibited and means unwelcome sexual advances, unwelcome requests for sexual favors, and unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. Sexual harassment includes conduct directed by a person at another person of the same or opposite sex. Unwelcome verbal or physical contact of a sexual nature includes, but is not limited to, deliberately and repeatedly making unsolicited gestures or comments of a sexual nature, displaying offensive sexually graphic materials, verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment.

Harassing conduct in the work place, of a sexual or non-sexual manner, will not be tolerated by the Stockbridge-Munsee Community.

Any employee who believes they have experienced a violation of this Section shall immediately report such violation to the Employee Relations Representative on the required forms.

The Stockbridge-Munsee Community believes that a violation of this Section must be dealt with immediately and responsibly. Therefore, the Employee Relations Representative will review all reports promptly, thoroughly and impartially, and investigate when merited by the circumstances.

In the event there is a conflict of interest due to a family or personal relationship with any party, the investigation will be conducted by another member of the Tribe's Legal Department and in

the event that a conflict still exists, then an outside attorney will be appointed by the Tribe's Legal Department.

The Stockbridge-Munsee Community will not presume innocence or guilt, until a complete review has been completed and, when warranted, an investigation. The Employee Relations Representative, or designated investigator, will make all attempts to complete the initial review within seven (7) calendar days of the complaint. If an investigation is warranted, a timeline for completion shall be shared with the employee that filed the complaint, the employee whom allegedly violated this Section and appropriate members of the supervisory chain of command (short of Tribal Council) along with the pertinent Human Resources Manager. The determination of whether the allegations are substantiated or not by the Employee Relations Representative or designated investigator will be shared with the same persons. If the investigation finds facts to support the allegations made in the complaint, it is the responsibility of the immediate supervisor, in consultation with the Human Resources Department, to issue the proper disciplinary and corrective action in a timely manner.

Any bad faith or frivolous accusations of harassment will be subject to disciplinary action.

The Stockbridge-Munsee Community will not tolerate any retaliation against any employee who files a complaint or provides information related to the complaint. Complaints and information learned during an investigation will be held in confidence to the extent possible as circumstances permit. If there is an investigation, the Stockbridge-Munsee Community requires the cooperation and assistance of the employees to provide complete and accurate information.

Prohibition on harassment applies to everyone in the workplace – Tribal Council, management, supervisors, coworkers, contractors and vendors.

## **SECTION 5 WORK POLICIES AND REGULATIONS**

### **PERSONAL APPEARANCE AND CLOTHING**

Appropriate attire enhances an employee's effectiveness in providing superior service. Each employee personally represents the Stockbridge-Munsee Community and is required to dress and groom in a manner appropriate for his/her work area. Some departments may require a specific dress or uniform. If uniforms are required, employees are to be in full uniform whenever on the floor and uniforms should be kept neat and clean. Employees are prohibited from socializing "off duty" in public while in uniform.

Because we work with the public, it is imperative that employees look presentable at all times. Employees are expected to bathe regularly and be free of body odor, other odors, and excessive perfumes and colognes. Fingernails should be kept clean and hair, mustaches, goatees, beards and sideburns must be kept neat and trim. If a body piercing is easily visible, the employee may be asked to remove or cover it while on the job. If a tattoo is found to be sexually explicit or obscene, the employee may be asked to cover it while on the job.

### **DRUGS AND ALCOHOL**

The Stockbridge-Munsee Community is a drug free workplace and strictly enforces its substance abuse policy that incorporates the provisions of the Drug-Free Workplace Act of 1988. All employees must abide by the terms and conditions of this policy while employed by the Stockbridge-Munsee Community. In this regard, employees are required to read the policy and sign a statement acknowledging their understanding of the policy and intent to follow the policy. This policy will be provided to each employee during their orientation.

Any employee who reports for work or who is at work is subject to chemical screening and/or blood-alcohol testing to determine the presence of alcohol or unauthorized drugs in the body. The general categories of drug testing shall include the following types of tests: (1) pre-employment testing, (2) Random testing of employees, (3) reasonable suspicion testing, (4) accident or unsafe practice testing, and (5) follow-up testing. The types of testing to be used shall include any test that is available to detect the use of presence of any illegal drug or alcohol. The choice of the type of test shall be at the discretion of Stockbridge-Munsee Community.

Employees are prohibited from using, possessing (including drug paraphernalia), selling, dispensing, distributing, manufacturing, being under the influence of illegal drugs, or inappropriately using controlled substances at any time. During scheduled work hours, employees are not allowed to consume, possess or be under the influence of alcoholic beverages. Reporting to work under the influence of alcohol is strictly prohibited. An employee reporting to work suspected of being under the influence of alcohol, an illegal drug or inappropriately using a controlled substance may be subjected to a drug and/or alcohol test.

Appropriate use of prescribed medication is not restricted under this policy; however, if such medication will in any way affect an employee's job performance, the employee must notify their immediate supervisor about the medication prior to the start of their regular shift. The employer may also request that the employee provide written notification from the doctor

stating that the employee is on such medication and whether it restricts the performance of the employee's job duties.

Employees who are charged and/or convicted of any criminal drug violation occurring in the workplace must report it to Human Resources within 5 days of the charge or conviction.

If the employer suspects that the employee is tampering with the test process, the employer may authorize a witnessed collection. Employees who tamper with the test process will be subject to employee corrective action.

### **Random Employee Drug Testing**

Random testing for drugs will be done periodically. A certain percentage of names will be chosen from the list of active employees and those employees will be tested immediately upon notification. Employees who are chosen for testing will be contacted while in the workplace and will be required to report for drug testing. If an employee is not at work, on leave or on travel status, their name will be held until they return to work and they will then be contacted to report for testing. Employees will not be called at their home for random testing.

An employee's refusal for a drug test will be considered a positive drug test. The following will be considered refusals:

- Failure to cooperate with the testing process in a way that prevents the completion of the test.
- Engaging in conduct that clearly obstructs the testing process.
- Failure to sign the testing forms (if the tested individual did not already take the test).
- When an individual subject to a post-accident test leaves the scene of the accident before being tested (except, for example, when necessary to receive medical treatment) and is not reasonably available for testing.
- Physical inability to complete the test within three (3) hours of reporting for test.

The first time an employee tests positive or refuses the test, the employee will be offered assistance through our Employment Assistance Policy (EAP) as a requirement for continued employment with the Tribe. However, a confirmed positive drug test during the initial 120-day orientation period results in the termination of employment and not a referral to the EAP. Following a positive drug test, if an employee tests positive for drug use or refuses testing within a 3-year period from the last failed drug test, employment will be terminated. If employment is terminated for a second positive drug screening, the individual will not be eligible to apply for any position with the Stockbridge-Munsee Community for a period of one (1) year from the effective date of termination.

Employees may be subject to up to three (3) random drug tests per a 12-month rolling calendar year.

### **Reasonable Suspicion and Follow-Up Testing**

At any time during employment with the Stockbridge-Munsee Community, management may request that an employee take a drug test if there is a reasonable suspicion that the employee is in violation of the Community's drug/alcohol policy. Evidence sufficient to justify reasonable



suspicion may include, but is not limited to, a drug related arrest or conviction, reliable information or evidence that previous drug tests were tampered with, possession of drug paraphernalia and/or open containers of alcohol, detection of alcohol on breath or clothes, lapses in job performance or other physical evidence of being under the influence of drugs or alcohol. Follow-up testing occurs when a drug or alcohol test is conducted based on a previous positive alcohol/drug test of an employee.

An employee may be subject to more than three (3) drug tests per year as part of reasonable suspicion and/or follow-up drug testing. It is the discretion of the Human Resources Manager/Director when reasonable suspicion or follow-up testing will be administered to an employee.

### **Testing When Work-Related Injury Occurs**

An employee who has an accident on the job may be subject to a drug and/or alcohol test. An employee who has an accident while operating a tribal vehicle will be required to submit to a drug and/or alcohol test.

## **EMPLOYMENT ASSISTANCE POLICY (“EAP”)**

### ***Purpose***

The purpose of the Employee Assistance Program (EAP) is to help employees address personal issues that may affect their job performance, such as addictions, alcohol or drug abuse, anger management, grief, stress, marital/relationship conflicts, depression, parenting issues and a wide variety of other problems.

### ***Eligibility/Cost***

EAP access is both free and confidential for all employees, plus their eligible family members, **through their 24/7 toll-free phone number. The current number, website and additional EAP information is always available in Human Resources.** Employees are responsible to cover any EAP costs after the initial assessment and short-term counseling. Some EAP costs may be covered by insurance or other sources, depending on the issue.

### ***Participation***

Any employee wanting to participate in EAP will be reasonably accommodated and their participation kept confidential in the strictest terms. **EAP participation can be suggested by management, but not mandated (except in cases of a positive or refused drug testing where it is required to maintain employment).** Employees testing positive for drugs within their first 120-day orientation period aren't eligible for EAP referrals and are subject to termination.

## **PERSONAL BELONGINGS**

The Stockbridge-Munsee Community recognizes an employee's desire to display personal mementos, family photographs or other personal items. While the Stockbridge-Munsee Community can take no responsibility for the safekeeping of these items, it welcomes its employees to personalize their work areas for added comfort and enjoyment. However, the following guidelines must be observed:

- Safety Comes First – No object can interfere with job safety as viewed by management.

- Nothing can be displayed that is derogatory or offensive to any person or system of beliefs.
- Objects that are inappropriate or hinder work efforts will not be allowed and must be removed upon request.
- Employees are not allowed to deface tribal property.
- The Tribe reserves the right to prohibit personal belongings that may disrupt work environment or pose a safety risk.
- The Tribe reserves the right to inspect personal belongings that are at the workplace.

## **BREAK AREA**

Some office buildings within the Stockbridge-Munsee Community contain break areas equipped with vending machines, a microwave, kitchen facilities and refrigeration for the convenience of our employees. Employees may use the break area for their scheduled break and/or lunch period. Although the Tribe provides a housekeeping staff, it is up to the individual employees to keep their break areas neat and clean, so clean up after yourself!

## **NO COMMERCIAL TOBACCO USE POLICY**

The use of cigarettes (including e-cigarettes), pipes and any other tobacco products, which produce smoke, are prohibited inside all tribal buildings except where exceptions have been approved by the Tribal Council for traditional ceremonial purposes or as specifically authorized otherwise. Areas designated for commercial tobacco use must be kept free of litter. All employees are obligated to observe break and work rules.

## **SAFETY EQUIPMENT**

Employees will be provided with safety equipment if it is a requirement for a particular job. Personalized safety equipment, such as steel-toed shoes, may be required at the employee's expense. Equipment issued by the Tribe will be signed for by the employee and replaced at the employee's expense if lost, damaged, or stolen as a result of the employee's negligence. The Stockbridge-Munsee Community will replace tribal-owned safety equipment that is defective or worn out. Employees that are provided safety equipment are required to use that equipment. Employees shall take all reasonable precautions to perform their work in a safe manner.

## **TOOLS AND EQUIPMENT**

The Stockbridge-Munsee Community generally furnishes all necessary tools and equipment to complete job assignments. Each employee is reminded that all items purchased by the Stockbridge-Munsee Community are the property and therefore very valuable assets of the Stockbridge-Munsee Community. It is the responsibility of the employee to whom tools and equipment are assigned to maintain and safeguard these assets as if they were his/her personal property. This applies to office equipment and supplies, as well as other tools and equipment. Such tools may not be used for personal use.

An inventory of tools and equipment will be made periodically. If it is determined that an employee is negligent in the proper storage of tools, material, or supplies or they are misplaced or stolen, the employee will be asked to replace the same at fair market value or the cost of the item will be deducted from the employee's paycheck.

When leaving a work area, it is required that all tools be placed back in designated storage areas or removed from the work area and secure in locked storage where available.

### **PERSONAL TOOLS**

Employees who work in certain positions are required to provide their own tools to perform job assignments. The immediate supervisor will advise employees of the tools required and will make sure that each employee obtains the required tools. The Stockbridge-Munsee Community discourages employees from lending or borrowing tools. The Stockbridge-Munsee Community takes no responsibility for damaged or stolen property.

### **CARE OF EQUIPMENT AND FACILITIES**

All employees should be concerned with the care and safe use of equipment and facilities owned by the Stockbridge-Munsee Community. Good housekeeping is expected of every employee.

### **SOLICITATION**

Solicitation and distribution of goods or literature by non-employees on the premises is prohibited and employees may only participate in such activities on the premises as authorized by management.

### **PARKING**

An adequate parking area is provided for employees. Please cooperate by not blocking any gate, driveway or the dock of any shipping and receiving area. The Stockbridge-Munsee Community assumes no responsibility for an employee's vehicle or the contents of the vehicle while on property of the Stockbridge-Munsee Community, and will not be liable for any damage to or theft of any vehicle or personal property left in vehicle while in parking area.

### **SECURITY**

All doors, files, desks, gates and any other equipment with locks must be kept locked securely when not in direct use and at the end of each day. Locks should be checked regularly. Vehicles should be kept locked at all times when not in use. Lost keys must be reported to your supervisor immediately. Employees may be assigned responsibility for keys and/or access codes. Any concerns about security should be directed to your supervisor. For more information, see the applicable security and/or key policies.

### **TRAINING AND JOB-RELATED EDUCATION**

The Stockbridge-Munsee Community will provide the training to its employees that it deems necessary to improve job performance, which may include in-service training and/or attendance at meetings and workshops. Within budget limitations, expenses will be paid by the Stockbridge-Munsee Community for such training.

The Tribe also encourages employees to engage in job-related education and professional development activities on their own time and expense. In support of such activities, the Tribe permits employees to be excused from work with pay for not more than four (4) hours a week for job-related education for full-time employees (this time is pro-rated for part-time employees). If an employee is excused from work for more than 4 hours a week for job-related education, the

additional hours will be unpaid. Employees must obtain supervisor's approval for such job-related education in advance of the absence from work in accordance with applicable tribal procedures. **The Stockbridge-Munsee Community also has some jobs that are "staff development" positions, which are subject to a separate policy.**

### **USING THE TELEPHONE**

Each time an employee makes or receives a telephone call they represent the Stockbridge-Munsee Community. The manner in which a call is handled determines how our customers, clients, and the general public judge the Stockbridge-Munsee Community. We have a limited number of telephone lines and it is essential that we keep those lines open; employees should refrain from making or receiving personal telephone calls except for emergencies. Long-distance telephone calls as well as collect phone calls for personal reasons must be reimbursed by the employee.

### **COMPUTER USE AND SECURITY**

Employees are responsible for the appropriate use of Stockbridge-Munsee Community computers, and for taking reasonable precautions to secure the information and equipment entrusted to them. Employees are responsible for reporting inappropriate use of Stockbridge-Munsee Community computers and breaches of computer security, and assisting in resolving such matters. Computer systems and information are Stockbridge-Munsee Community property and should be used principally for business purposes.

The Stockbridge-Munsee Community reserves the right, without prior notice to the employee, to access, disclose, use, or remove both business and personal computer communications and information and may monitor Internet activity to see what sites are frequented, duration of time spent, files downloaded, and information exchanged. The Stockbridge-Munsee Community will investigate complaints about inappropriate images on computers, inappropriate email, or other inappropriate conduct and take appropriate corrective actions. Employees shall comply with tribal policies regarding the use of computers, Internet, and other electronic resources.

### **EMAIL AND INTERNET**

All business correspondence sent via email must be sent using an authorized email account. All electronic communications systems are to be used primarily for business purposes, meaning that the use of such equipment and systems must be job-related. Limited use of these systems for personal use is acceptable, if done in a professional manner that does not interfere with business use.

Access to the Internet has been provided to certain employees for the benefit of the Stockbridge-Munsee Community. Every staff member has a responsibility to maintain and enhance the Stockbridge-Munsee Community's public image and to use the Internet in a productive manner. The Tribe has the right to audit employee use of the tribal email system and the Internet.

Each employee is responsible for the content of all text, audio or images that they place or send over the Internet. All messages communicated on the Internet should have your name

attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. Employees who wish to express personal opinions on the Internet are encouraged to obtain their own usernames on other Internet systems.

Employees are not permitted to either visit Internet sites or to transmit messages that contain content that is harassing, abusive, obscene, sexually-explicit, fraudulent, defamatory, that creates a hostile work environment, or in some other way violates tribal law or policies. These requirements also apply to any computers that are available to employees for personal communications and use.

To help prevent computer viruses from being transmitted through the system there will be no unauthorized downloading of any software from the Internet. In addition, employees may not download copyrighted, trademarked, patented or otherwise unauthorized materials from the Internet. All software downloads will require the authorization of the MIS Department.

## **SOCIAL MEDIA**

Employees are expected to use social media (Twitter, Facebook, blogs, etc.) in a responsible way. Postings related to employment by the Tribe which contain vulgar or obscene material, are threatening, or which violate any tribal laws or policies no matter when or where they occur are prohibited. Employees are expected to honor, when made, another employee's request not to communicate with them via social media. Any intentional misrepresentation of the Tribe's operations or services is strictly prohibited. Employees shall not, in any circumstances, use social media or other means to disclose confidential information or the identity of any individual participant in a program administered by the Tribe, including name, address, family members, photographs or other personal information. Employees are not allowed to use or otherwise access tribal equipment, including but not limited to computers, company-licensed software or other electronic equipment to conduct personal blogging or social networking activities. Employees are not allowed to engage in blogging or social networking during working time, however, this prohibition does not extend to approved breaks or other times that the employee is not expected or required to be working. Use of the term "Tribe" in this paragraph refers to the Tribe and all of its business entities, including but not limited to the Mohican North Star Gaming and Resort, Little Star Convenience Store, Pine Hills Golf Club, and Mohican LP.

## **WORK ENVIRONMENT**

The Stockbridge-Munsee seeks to maintain a safe, healthy and secure workplace, in part by promoting open, friendly, respectful, and supportive working relationships among all employees. Workplace violence, threats of violence or intimidation have no place in our operations and such disruptive activities are not permitted. Secretly recording co-workers or other individuals is not permitted (this does not apply to approved security and investigation systems). Employees, other than authorized law enforcement personnel, are prohibited from bringing any weapons into the workplace. If an employee has a problem that is creating stress or otherwise making him or her agitated, the employee should report and discuss it with his or her supervisor and/or the Human Resources Department.

## **ENERGY PRESERVATION AND WASTE PREVENTION**

Waste of energy and materials is costly to the Stockbridge-Munsee Community and ultimately results in losses that must be paid for by other cost reduction actions. Employees are expected to participate in office recycling programs and abide by any other programs developed for energy preservation and waste prevention.

## **USE OF TRIBAL FACILITIES AND BUSINESSES**

The Stockbridge-Munsee Community recognizes that public perception of our operations is very important to our success and reputation. Employees, whether on-duty or off, shall not be disruptive, disrespectful, or rude to employees or patrons at tribal facilities and businesses and shall conduct themselves in a courteous and business-like manner.

## **SECTION 6 CONFLICTS OF INTEREST AND ETHICS**

It is the policy of the Stockbridge-Munsee Community to prohibit its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the Stockbridge-Munsee Community, its customers, or its suppliers. Despite the fact that Tribal Council and Tribal Secretary are not characterized as “employment positions,” the Tribe has an expectation that the conflict of interest and ethics requirements in this Employment Manual will be respected and followed by the individuals who hold these positions. Since it is impossible to describe all of the situations that may create or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive, but merely provide some examples.

(1) Employees are expected to represent the Stockbridge-Munsee Community in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor. Management and employees who have contact with customers and suppliers may be required to sign a special statement acknowledging their understanding of and adherence to this policy.

(2) Employees must disclose any financial interest or business or personal relationships they or their immediate family have in any person, firm, contractor or supplier that does business with the Stockbridge-Munsee Community or that competes with the Stockbridge-Munsee Community. The Stockbridge-Munsee Community may require divestiture of the interest if it considers the financial interest to be in conflict with its best interests.

(3) Employees and their immediate family may not accept gifts, except those of nominal value (not to exceed \$50.00), or any special discounts, loans, excessive or unusual entertainment, or other favors (valued in excess of \$50.00) from any person, firm, contractor or supplier doing, or seeking to do, business with the Stockbridge-Munsee Community. This does not include discounts that may be negotiated by the Tribe on behalf of employees with a specific vendor or service. Gifts that exceed this value should be refused or provided to the Tribe for re-distribution, as appropriate.

(4) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative of a customer, of a potential customer, or of a financial institution in connection with any transaction or business that the Stockbridge-Munsee Community may have with that customer, potential customer or financial institution.

(5) Employees shall not use tribal assets inappropriately or for their own personal use or gain, either as a part of the job or while off the job. Employees shall not engage in work for another employer or for a personal business during tribal work hours. Employees that oversee a program may use or benefit from that program, but shall not have any involvement in the management or handling of their own personal case or account. Employees shall consult with their supervisor as soon as reasonably possible about such situations or when dealing with the case or account of immediate family members.

(6) No employee shall employ or use any person, money, or property under the employee's official control or direction, or in his or her custody, for the private benefit or gain of the employee or another person.

(7) Employees must disclose any conflict or potential conflict of interest to the Stockbridge-Munsee Community. Failure to do so will result in discipline up to and including termination of employment.

### **OUTSIDE EMPLOYMENT**

Although outside, non-tribal employment is not encouraged, the employee may accept work with another employer as long as:

- The employee continues to perform their job in a satisfactory manner.
- The employee's availability to work necessary and/or required hours and shifts for the Tribe is not affected.
- The association with the other employer does not have a negative effect on the Tribe.

### **CONFIDENTIALITY**

Employees may learn proprietary, sensitive and/or confidential information relating to finances, gaming, business systems, medical records, personnel records, legal matters and other governmental and/or business matters while working for the Tribe. Information shall not be transmitted, removed, revealed or discussed, except as necessary in the course of an employee's duties. An employee should consult their immediate supervisor about what is considered confidential or when it may be revealed. Employees will not store or keep any work related information outside the workplace in either written or electronic form, except as necessary to do his or her job. Employees shall take all appropriate precautions to keep confidential information secure at all times.

Employees may be required to sign a confidentiality agreement as part of their employment with the Tribe. A person's obligation to keep material confidential shall continue even after the person is no longer employed by the Tribe.

### **INTELLECTUAL PROPERTY RIGHTS**

The Stockbridge-Munsee Community owns and retains all intellectual property rights to any ideas, inventions, processes or devices developed by an employee in conjunction with and/or as a result of his/her employment with the Stockbridge-Munsee Community and put into an express form during that employment.

### **FAMILY RELATIONSHIPS**

It is important that the employment relationship be based on fairness and objectivity. The Stockbridge-Munsee Community recognizes and accepts that some employees may supervise or be supervised by family members (the following people are considered family members for purposes of this relationship policy – spouse, cohabitant, children, step children, parents, grandparents, grandchildren, aunt, uncle, siblings, nephew, niece, first cousin, grandmother-in-law, grandfather-in-law, mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt-in-law,



uncle-in-law, daughter-in-law, son-in-law and any other persons living in the home). However, the Tribe reserves the right to consider family relationships in those jobs that pertain to internal control measures for fiscal and/or asset management. In addition, employees will not participate in employment actions or investigations involving family members.

Approved by TC: July 5, 2017

## SECTION 7 CONDUCT AND CORRECTIVE ACTION

### EMPLOYEE CONDUCT

The intent of this policy is to openly communicate to all employees the type of conduct that is acceptable to the Stockbridge-Munsee Community, so that undesirable conduct may be avoided. Despite the fact that Tribal Council and Tribal Secretary are not characterized as “employment positions,” the Tribe has an expectation that the conduct requirements in this Employment Manual will be respected and followed by the individuals who hold these positions.

The illustrations of unacceptable conduct cited below are meant to provide specific examples of the types of conduct, which will initiate corrective action and to alert employees to the more commonplace employment conduct violations. No attempt has been made here to establish a complete list and other circumstances may arise requiring counseling or corrective action, including immediate termination of employment.

Here is a basic principle to remember: **Use common sense – if you think what you are about to do may be wrong, it probably is!**

### ATTENDANCE

1. Improper or unauthorized use of paid leave.
2. Excessive absenteeism, regardless of reason, the effect of which disrupts or diminishes operational effectiveness.
3. Being absent without authorized leave.
4. Repeated unauthorized late arrival or early departure from work.
5. No call-no show absence – failing to call in or show-up to a scheduled shift, unless extenuating circumstances for the absence can be shown. The employee’s direct supervisor shall contact the employee to ascertain if there were extenuating circumstances. The direct supervisor may contact the Human Resources Department for assistance with an extenuating circumstances determination. Once a determination has been made, both the contact and the determination shall be documented in the employee’s file.

Any employee that has three (3) consecutive days of no call-no show absences without extenuating circumstances have abandoned their employment. The direct supervisor shall note the job abandonment circumstances in the employee’s file and contact the Human Resources Department to process the necessary separation paperwork.

- The following are descriptions of disciplinary actions that will result from non-consecutive no call-no show absences that occur within a 12-month period from the date of the last absence.
  - 1<sup>st</sup> Offense: Suspension of one (1) workweek. The supervisor will determine suspension dates.
  - 2<sup>nd</sup> Offense: Suspension for two (2) workweeks. The supervisor will determine suspension dates.
  - 3<sup>rd</sup> Offense: Termination of employment.

- Any employee who violates this procedure during the orientation period will receive the following disciplinary action.
  - 1<sup>st</sup> Offense: Suspension of one (1) workweek. The department manager will determine suspension dates.
  - 2<sup>nd</sup> Offense: Termination of employment.
  - An employee who fails to attend a required meeting that they have timely notice of and has not obtained an excuse for cause from the supervisor will receive a one (1) day suspension or a written warning depending on the situation.

## **BEHAVIOR**

1. Insubordination or refusal to obey a request, directive or order from the employee's supervisor or the supervisor's designee, except where obeying will imminently jeopardize the employee's safety or is contrary to law or policy.
2. Violation of any policies and procedures outlined in the Employment Manual, Division Inserts, or related directives.
3. Engaging in a conflict of interest activity as outlined in this Employment Manual or engaging in the following types of activity:
  - Soliciting outside work for personal gain during business hours; or
  - Engaging in off-duty employment for any business under contract with the Stockbridge-Munsee Community, unless the employee has disclosed this relationship and the Tribal Council has waived the conflict.
4. Engaging in any criminal activity while on duty or on any tribal work premises or conviction of any offense by a court of law that substantially relates to the circumstances of the employee's particular job.
5. Removal, knowingly falsifying, or destruction of records including, but not limited to information, related to employment, payroll, or work-related records or reports.
6. Discourteous treatment of the public or other employees, including harassing, coercing, threatening or intimidating others.
7. Violation or neglect of safety rules, or contributing to hazardous conditions.
8. Misappropriating, destroying, defacing, hiding, misusing or unauthorized possession of tribal property or that of another staff member or customer; or assisting others in such conduct.
9. Engaging in threats of violence and/or physical altercations.
10. Any conduct that is in violation of the anti-harassment policy.
11. Creating a disturbance among fellow employees, which could result in an adverse affect on morale, productivity, and/or the maintenance of discipline.
12. Participating in a strike, work stoppage, slowdown, sickout, or other job action.
13. Unauthorized or improper use of internet/email or any communication devices.
14. Conduct substantially related to employment that discredits the employee or the Stockbridge-Munsee Community or conduct that is not in the best interests of the Tribe, which may include illegal or unethical conduct.
15. Conduct that is a willful misrepresentation of the Tribe or its interests or willful misrepresentation to a supervisor or co-worker that negatively impacts the workplace or the best interest of the Tribe.

16. Possessing firearms, weapons, or contraband on tribal premises or on work time without authorization.

## **PERFORMANCE**

1. Inefficiency, incompetence, or negligence in the performance of duties.
2. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
3. Intoxication or incapacity on duty due to the use of alcohol or drugs.
4. Unlawful manufacture, distribution, dispensing, possession or use of an illegal drug or controlled substance.
5. Driving under the influence of alcohol or drugs while on duty.
6. Suspension of driver's license where job duties require driving or other failure to meet the Mohican Nation Insurance driver eligibility requirements.
7. Failure to maintain any required licenses or certifications.
8. Careless, negligent, or improper use of Tribal property, equipment or funds, including unauthorized removal or use for private purposes, use involving damage, or unreasonable risk of damage to property.
9. Unauthorized release of confidential information or official records.
10. Misuse of authority of position for personal gain.
11. Embezzlement or misappropriation of funds or property of the Stockbridge-Munsee Community.
12. Any other actions considered inappropriate or detrimental to employee working environment.

## **TYPES OF CORRECTIVE ACTION**

Except as otherwise noted herein, and depending on the nature of circumstances of an incident, corrective action will normally be progressive and bear a reasonable relationship to the violation. Corrective action is designed to be remedial and not punitive wherever possible. However, depending on the severity of the incident(s) corrective action may not always be progressive. Corrective actions, including termination of employment procedures, do not create any separate legal rights.

Corrective actions are normally administered by the supervisor or manager of the employee; except that when the supervisor and the employee are family members, the supervisor may request another supervisor to assist with the corrective action. It is required that Human Resources be consulted before any corrective action step is taken. The following are the types of corrective actions normally used by the Tribe for conduct issues in relation to attendance, behavior and performance.

Corrective Actions will be addressed by the employee's direct supervisor within 15 working days of the direct supervisor becoming aware of an employee's unacceptable conduct. This timeframe may be extended for additional 5 working days if additional time is needed to investigate, but the direct supervisor should make all reasonable efforts to act in a timely manner.

### **1. First Written Corrective Action**

A first (1<sup>st</sup>) written corrective action is written documentation by the supervisor to an employee pointing out unsatisfactory conduct by the employee. The documentation for this corrective action should outline the area of needed improvement, set up goals for the achievement of improvement, and inform the employee that failure to improve may result in more serious actions. The corrective action shall be placed in the employee's personnel file after sharing the written documentation with the employee and making an effort to discuss the action with the employee.

### **2. Second Written Corrective Action**

The second (2<sup>nd</sup>) written corrective action is used when the employee has continued unsatisfactory conduct or a pattern of unsatisfactory conduct. A 2<sup>nd</sup> written corrective action may also be the first level of corrective action depending on the severity of the incident(s). The documentation for this corrective action should identify the area of needed improvement, set up goals for the achievement of improvement, and inform the employee that failure to improve may result in more serious actions. The corrective action shall be placed in the employee's personnel file after sharing the written documentation with the employee and making an effort to discuss the action with the employee.

### **3. Suspension Corrective Action**

This is usually the third level of corrective action resulting from continued unsatisfactory conduct or a pattern of unsatisfactory conduct. A suspension corrective action may also be the first level of corrective action depending on the severity of the incident(s). The corrective action shall be placed in the employee's personnel file after sharing the written documentation with the employee and making an effort to discuss the action with the employee.

Disciplinary suspensions are normally unpaid and may vary in length of time, depending upon the situation. The employee's immediate supervisor, with the review and approval of Human Resources, may suspend employees for up to five (5) working days. However, unpaid disciplinary suspensions may be up to ten (10) days, as warranted by the situation and require approval by Human Resources and Tribal Director of Administration, Executive Director, Administrator of Finance, or Tribal Council, as applicable.

During the suspension, an employee is not allowed in the work area and must return any Stockbridge-Munsee Community property including (but not limited to) keys, identification, phones, pagers, radios, or vehicles.

Under certain circumstances it may be necessary to suspend an employee immediately. These circumstances usually involve potential danger to the employee, co-workers, the public, or the employee's inability to discharge assigned duties satisfactorily. Because of the need for immediate action, the decision to suspend an employee is typically the responsibility of the immediate supervisor. The supervisor must consult with their supervisor and Human Resources as soon as reasonably possible to document the corrective action taken and to review the circumstances.

In no event will the use of the paid time off or holiday pay be allowed during a period of suspension without pay. Should a holiday occur during a period of suspension without pay, the suspension period may be extended by the number of holiday days occurring during the suspension period.

Suspensions may be with pay pending determination by supervisor and, as appropriate, the Director, Tribal Director of Administration, Executive Director, Administrator of Finance, or Tribal Council and Human Resources.

#### **4. Suspension Pending Termination of Employment**

This is usually the final level of corrective action resulting from continued unsatisfactory conduct or a pattern of unsatisfactory conduct. A suspension pending termination of employment may also be the first level of corrective action depending on the severity of the incident(s). The suspension and its resolution (either termination of employment or return to employment) are considered one action. The corrective action shall be placed in the employee's personnel file.

Suspensions pending termination of employment are normally unpaid and for five (5) working days. The employee's immediate supervisor, with the review and approval of Human Resources, may suspend the employee. However, suspensions may be up to ten (10) days, as warranted by the situation and require approval by Human Resources and Tribal Director of Administration, Executive Director, Administrator of Finance, or Tribal Council, as applicable.

During suspension pending termination of employment, a review of the recommended termination will occur. Human Resources and the supervisor/manager will review the Employment Manual's "Conduct and Corrective Action" section, the employee's personnel file, and/or conduct interviews. The Legal Department may be consulted for possible legal issues, as appropriate.

#### **Employee Response**

Within three (3) full working days of the effective date of the suspension, the employee may submit a written statement to Human Resources regarding the suspension pending termination of employment or any other relevant issues, particularly regarding why they believe they should not be suspended or terminated and any evidence they may have to support their position. Human Resources shall inform the employee of the process for submitting their statement and or evidence; however, Human Resources may not assist the employee with identifying or drafting the content of the statement and or evidence. In order to complete the review within the suspension period, written statements must be received by Human Resources by the end of the Third full working day of the suspension pending termination of employment.

#### **Termination of Employment**

The documentation on the termination of employment, including any employee response and the supervisor's recommendation, must be reviewed and authorized by the senior management personnel in the chain of command. The Tribal Council will only review and authorize the action in relation to Council-supervised employees. If the employment is terminated, the employee will be provided written notice.

## **GRIEVANCE PROCESS**

The Stockbridge-Munsee Community believes in open communication. If an employee has concerns, management wants to be informed in order to address the issue. The management team (consisting of upper management and supervisors - employees' direct supervisor) must listen and respond in a timely manner to employee concerns and issues. The management team and employees should be motivated to resolve the issue or concern in a mutually agreeable and respectful manner. In most cases, an employee will get satisfaction by discussing the matter with his/her direct supervisor.

However, we recognize that not all issues will be satisfactorily resolved in this manner. The Tribe therefore provides employees (other than employees in their orientation period who are at-will employees) with a formalized opportunity to present their grievances they cannot be resolved informally. The employee shall file the grievance review form along with all supporting documentation with the employee's direct supervisor and provide a copy to Human Resources Department.

Information concerning employee grievances shall be kept confidential to the extent possible. Persons investigating a complaint may discuss it with only those individuals who need to know about it or need to supply necessary information.

Time spent by the grievant discussing the grievance with the respondent during their normal working hours will be considered hours worked. The grievant must use their own time to prepare grievance process documentation.

Employees will not be penalized for proper use of these processes. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises merit-less disputes. Implementation of these processes does not limit the Tribe's right to proceed with proper disciplinary actions.

### **What Can Be Grieved?**

The following are matters that are appropriately considered through the grievance process.

- a. A violation of the Employ Manual. As part of the initial grievance complaint, the EMPLOYEE MUST: 1) Identify which provision of the Manual has been violated by page and section number; and 2) Provide supporting evidence of alleged violation.
- b. A direct violation of the employee's basic terms and conditions of employment. As part of the initial grievance complaint, the EMPLOYEE MUST: 1) Identify which terms and conditions have been violated (i.e., pay, PTO, scheduling, benefits, evaluations); and 2) Provide supporting evidence of alleged violation.

The grievance process is intended to be used to address issues or work conditions that are under the control of the supervisor. It is not appropriate to use the grievance process to challenge decisions made by the Tribal Council, such as in relation to organization structure and wage scales. The Tribe reserves the right to refuse to proceed with the grievance process for disputes that do not fall under this policy.

Complaints about sexual harassment or other harassing conduct are not submitted as part of the grievance process, but rather need to be submitted to Human Resources to be addressed under Section 4, Anti-Harassment Policy.

**The grievance process does not supersede management's ability to address issues as they arise.**

### **Grievance Process**

The Tribe normally uses a two (2) step grievance process.

If an employee does not receive a response within the required time frame and the triggering event was a corrective action, then that corrective action will be invalidated. In addition, Human Resources shall notify that supervisor's supervisor that a grievance was not responded to in a timely fashion for appropriate corrective action.

The decision at the end of the grievance process is final unless the basis for the grievance is also a violation of a guaranteed employee right that can be appealed into Tribal Court under Chapter 53 and the employee files an action in court within the applicable timeframes under the ordinance.

#### Normal 2-Step Grievance Process

Step 1. The employee files his or her grievance with the immediate supervisor (with a copy provided to the Human Resources Department), by completing the Employee Grievance Review Form. This grievance shall identify the employee's concern and must be filed within 5 working days of the action being grieved. The supervisor has 5 working days from receipt of the properly completed grievance review form to respond in writing. If an investigation cannot be completed within this time, the employee shall be informed in writing that the timeframe has been extended for an additional 5 working days.

Step 2. If the employee is not satisfied with the response, the employee can, within 5 working days of receipt of the response, grieve the concern to the supervisor's supervisor (with a copy provided to the Human Resources Department), by forwarding the form. The employee should note that they were not satisfied with the first response or that they did not receive a response. The supervisor's supervisor has 10 days of receipt of grievance to respond in writing.

#### Grievance Process for Employees Directly Supervised by the Tribal Council

Step 1. The employee files a completed Employee Grievance Review Form (with a copy provided to the Human Resources Department) with his or her day-to-day Liaison. The grievance shall identify the employee's concern and must be filed within 5 working days of the action being grieved. The Liaison has 10 working days of receipt to respond in writing. If an investigation cannot be completed within this time, the employee shall be informed in writing that the timeframe has been extended for an additional 5 working days.

Step 2. If the employee is not satisfied with the response or there is no response, the employee can, within 5 working days of receipt of the response grieve to the full Tribal Council by forwarding the Employee Grievance Review Form (with a copy provided to the Human



Resources Department). The employee should note that they were not satisfied with the first response or did not receive a first response.

The Tribal Council shall meet with the employee within 15 working days from receipt of the grievance to try and resolve the grievance. The Tribal Council shall document its decision in writing and provide a copy to the employee within 5 working days of meeting with the employee and provide a copy to Human Resources Department.

#### Grievance Process for Employees Supervised by Council-Supervised Employees

Step 1. The employee files his or her grievance with the immediate supervisor (with a copy provided to the Human Resources Department) by completing the Employee Grievance Review Form. This grievance shall identify the employee's concern and must be filed within 5 working days of the action being grieved. The supervisor has 5 working days from receipt of the properly completed grievance review form to respond in writing on the Step 1 grievance review form. If an investigation cannot be completed within this time, the employee shall be informed in writing that the timeframe has been extended for an additional 5 working days.

Step 2. If the employee is not satisfied with the response, the employee can file a completed Step 2 Employee Grievance Review Form (with a copy provided to the Human Resources Department) with the Employee Relations Representative. Exception: if it is the Employee Relations Representative who is filing for review under this subsection, then the request is filed with the Tribe's General Counsel or designee.

The grievance review form shall identify the employee's concern and must be filed within 5 working days of the action being grieved. The Employee Relations Representative (or General Counsel if applicable) has 15 working days to respond in writing. If an investigation cannot be completed within this time, the employee shall be informed in writing that the timeframe has been extended for an additional 5 working days.

The Employee Relations Representative (or General Counsel if applicable) shall document its decision in writing and provide a copy to the employee and the employee's supervisor. A report shall be provided to Tribal Council within 5 working days of the Employee Relations Representative's decision. (section approved by Council 3/21/17)

Approved: May 17, 2016

Section 7 Approved by TC: July 5, 2017

#### **Employee Mediation Panel has been suspended by Tribal Council motion July 1, 2014**

#### **EMPLOYEE RIGHTS ORDINANCE**

The Stockbridge-Munsee Community has an Employment Rights Ordinance, Chapter 53 of Stockbridge-Munsee Tribal Law, which recognizes and seeks to ensure that the Tribe's employees enjoy a stable working environment and that their rights are protected. Employees have a right to seek legal protections in Tribal Court as provided for under law.

## **SECTION 8 SAFETY**

The Stockbridge-Munsee Community is committed to the safety of its employees and its property and equipment. To this end, we will utilize a safety program in our daily activities. Any employee who disregards any safety rule and/or regulation is subject to corrective action including termination of employment.

Safety rules are to be observed by all employees at all times. With regard to these rules, the following will be considered standard procedures for all employees:

- Should a safety rule be modified so that an employee's safety is jeopardized, the employee should inform their immediate supervisor.
- In any situation where a supervisor has asked an employee to perform a task or engage in any activity that appears to jeopardize employee safety, employees may state their concern and refuse to perform said activity until such time as the safety issue is addressed.

Employees' decisions should always be guided with a commitment to safety. Should a hazardous situation or condition exist and a decision has to be made on safety or production, safety concerns should always take precedence over production.

It is management's responsibility to see that every employee at the Stockbridge-Munsee Community is provided with safe working conditions, all safety regulations are observed and employees use good common sense to protect themselves as well as others. Management will periodically inspect working conditions and may suspend all work activity until an unsafe condition is corrected.

The most important part of safety is you. It is your responsibility to abide by the safety rules – these rules are made for your protection. Report all dangerous conditions and practices to your immediate supervisor. Employees must promptly report all accidents, injuries, or illnesses that occur while at work, in accordance with Chapter 52, the Stockbridge-Munsee Worker Compensation Ordinance. The Incident Report form should be used for reporting this information.

Please see the Operations Manuals for your division and/or facility policies for any special rules pertinent to your job. Remember that rules are not intended as a substitution for common sense and good judgment.

### **HAZARDOUS WASTES**

Certain chemicals and chemical groups are classified into categories, which have been defined as toxic. This means that in concentrated forms or by accumulating and combining with other chemicals (even the air) these chemicals can be hazardous to human health if exposure occurs.

The Stockbridge-Munsee Community is committed to not creating or improperly disposing of hazardous wastes that will contaminate the environment. We will choose materials

that have been judged as non-hazardous whenever possible and will properly dispose of hazardous materials if used. Also, we will not knowingly dump any hazardous wastes into the environment at any time.

We will inform employees how to control hazardous wastes and what to do if they are exposed to hazardous wastes. Material Safety Data Sheets on the hazardous materials are available for employees to review. If any employee suspects that the wastes he/she may encounter as an employee are hazardous (whether or not they are being created or used by the Stockbridge-Munsee Community), he/she should inform the Public Safety Department immediately.

- DO NOT TAKE CHANCES
- BE ALERT TO HAZARDOUS WASTES
- KNOW HOW TO PROPERLY DISPOSE OF HAZARDOUS WASTES
- DIRECT ANY QUESTIONS TO THE PUBLIC SAFETY DEPARTMENT

## **COVID-19 SAFETY PROGRAM**

As part of its response to the COVID-19 pandemic, the Tribe has modified its safety program to establish new best safety practices for the workplace in order to reduce opportunities for virus transmission. The Tribe reserves the right to make changes to the safety program, including the addition or removal of requirements, at any time in order to best ensure that it provides a safe workplace.

### **Mandatory Face Masks**

Employees are required to wear face masks when on work premises to limit transmission of COVID-19. Masks may be removed if the employee is the only person in an office or vehicle and the doors are shut. Exceptions to this requirement based on medical reasons will be permitted. Employees with medical reasons will need prior approval through HR/Occupational Health before clearance to work.

### **COVID-19 Screening**

Employees will be required to comply with regular COVID-19 screening procedures that may include, but are not limited to, taking the employee's temperature and answering symptom screening questions. The Tribe will protect the confidentiality of information gathered as part of this screening process; it will only be used for legitimate business purposes related to employee health and safety.

### **COVID-19 Testing**

Employees may be required to participate in COVID-19 testing. Such testing may be based on potential exposure to the virus and/or may be done on a random basis for the workforce. For Employees in areas where they are more likely to encounter vulnerable populations, such as the Ella Besaw Center, EMS, and Health Center, periodic testing may be required. Exceptions to the requirement for medical or religious reasons will be permitted.

### **Enhanced Facility Hygiene Standards**

Employees are required to participate in the Tribe's enhanced disinfecting, hygiene and infection control practices for work sites. Employees are to provide support for the regular housekeeping

activities throughout the workday by wiping down surfaces and equipment in public and/or shared areas. Employees should not use other workers' phones, desks, offices, or other work tools and equipment, when possible. Management may direct employees to provide expanded and job focused efforts in this area as needed.

### **Compliance**

Employees who disregard safety requirements are subject to corrective action. Employees who refuse to comply with COVID-19 safety requirements will not be allowed access to the facility and sent home for noncompliance. Non-exempt (hourly) employees will be sent home from work without pay for the remainder of that day. If an exempt (salaried) employee does not yet have hours worked for that day, they will be sent home from work without pay for that day. If the exempt employee has already worked a portion of the day, then they will be issued a full-day suspension for the following day. Any member of senior management or the HR team can send an employee home for noncompliance with COVID-19 safety requirements. The corrective action will be documented through the refusing employee's chain of command.

**COVID-19 Safety Program language approved by Tribal Council: May 12, 2020**

## **SECTION 9 TRANSPORTATION AND TRAVEL EXPENSE**

The following information is intended to provide guidance regarding travel and use of Stockbridge-Munsee vehicles. The Stockbridge-Munsee Travel Policies and Procedures provide the general rules that apply to official travel and should also be consulted.

### **MOTOR VEHICLE RECORD INQUIRY**

Prospective and current employees expected to drive Tribal vehicles must provide current and acceptable motor vehicle driving information. Employment and assignment will be conditional pending the receipt of a satisfactory report from the Wisconsin Department of Transportation, Division of Motor Vehicles or other relevant agencies and organizations. The employee must meet the driver acceptability guidelines as established by Mohican Nation Insurance.

### **USE OF TRIBAL VEHICLES**

Vehicles and other modes of motorized transportation belonging to the Stockbridge-Munsee Community are tribal property. Such property should only be used by authorized employees and only for authorized activities related to carrying out the employee's job duties.

Employees are required to drive the Stockbridge-Munsee Community vehicles within speed limits and obey all applicable laws. Employees using Tribal property for unauthorized activities will be subject to disciplinary action up to and including termination.

All vehicles of the Stockbridge-Munsee Community will be housed in a designated site. Mohican Nation Insurance will be informed of these locations.

### **PERSONAL VEHICLES**

Employees may use their personal vehicles on official Stockbridge-Munsee Community business provided prior approval has been obtained from the immediate supervisor. A mileage rate based on the current U.S. Internal Revenue Service standard mileage rate will be paid to an employee who uses his/her personal vehicle on official business. This mileage reimbursement is to compensate for the cost of gasoline, oil, depreciation, and insurance. Minimum insurance requirements as specified by the insurance carrier for the Stockbridge-Munsee Community must be in effect at the time the employee's personal vehicle is used and the employee may be required to provide the appropriate proof of insurance. Every effort should be made to ensure that the use of an employee's personal vehicle will not exceed the cost of public transportation or rental vehicles.

### **GENERAL RULES FOR USE OF VEHICLES**

Before an employee uses a vehicle for work purposes, the employee must meet the Tribe's driver eligibility standards. The Tribe will check the employee's driving record, verify the existence of a valid driver's license and personal auto liability insurance coverage, and make certain that the employee is eligible for coverage under Stockbridge-Munsee Community insurance. Employees will be reviewed annually to ensure that they maintain driver eligibility.

Employees who drive a vehicle on Stockbridge-Munsee Community business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Drivers also must make sure that the vehicle meets any Stockbridge-Munsee Community or other applicable legal standards for insurance, maintenance and safety. Employees driving a tribal vehicle shall also make sure that the vehicle is kept clean and free of litter. Employees are not permitted to operate a tribal vehicle, or a personal vehicle on tribal business, when any physical or mental impairment causes the employee to be unable to drive safely. Employees are responsible for any driving or parking infractions or fines that result from their driving during work-related business and must report them to their supervisors.

Employees must report any accident, theft, damage, breakdown, or mechanical problem involving a tribal vehicle, or a personal vehicle used on tribal business, to their supervisor and Mohican Nation Insurance. These reports must be made as soon as possible, but no later than 48-hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident.

#### **TRAVEL ADVANCES, LIVING EXPENSE ALLOWANCE, AND OTHER TRAVEL EXPENSES**

Employees that travel for work will be eligible for travel advances, living expense allowances, and other travel expenses, as appropriate. Refer to the Travel Policies and Procedures for additional information.

## **AMENDMENTS TO THIS EMPLOYMENT MANUAL**

**This Employment Manual is subject to change. Be sure to keep information regarding any changes to the Manual that you receive.**

**The Human Resources Department will furnish employees with information regarding any changes and/or amendments to the Employment Manual. Any such changes or amendments will be posted 14 days for review and comment before approval. The Tribal Council must approve any changes and/or amendments to this Employment Manual.**

**ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING**

I understand and agree that:

1. The statements contained in the Employment Manual for Employees of the Stockbridge-Munsee Community are intended to serve as general information concerning the Stockbridge-Munsee Community and its existing policies, procedures, practices of employment and employee benefits.
2. Nothing contained in the Employment Manual is intended to create (nor shall be construed as creating) a contract of employment (express or implied) or a guarantee of employment for a definite or indefinite term.
3. From time to time the Stockbridge-Munsee Community may need to clarify, amend and/or supplement the information contained in the Employment Manual and that the Stockbridge-Munsee Community will inform me when changes occur.
4. I have received a copy of the Employment Manual and understand that I am responsible for familiarizing myself with the information outlined in the Employment Manual. I will ask any questions I may have concerning its contents and will comply with all policies and procedures to the best of my ability.

Employee’s Signature \_\_\_\_\_

Date \_\_\_\_\_

Location \_\_\_\_\_

Witness \_\_\_\_\_

(Employee’s copy to remain in Employment Manual, make one copy for personnel file)

Approved by Tribal Council on July 5, 2017

- Page 15 to language to “at will”
- Page 32 to remove supervisor wording replaced with Human Resources
- Page 47 defining Family Relationships
- Pages 49-56 revision to Section 7



Motion reads: Motion by Douglas William Huck to approve the revisions to section 3 to the Stockbridge Munsee Employment Manual, as presented by Human Resources. Seconded by Robert Chicks. Motion carried.

After utilizing the Employment Manual since January, we realized we needed to add language to Section 3 Benefits, Holidays, and Leaves.

**Added language under observed holidays:**

Employees who are completely off from work on approved family-medical leave, for short-term disability, excused under Worker Compensation Ordinance, or during other unpaid leave also do not receive holiday pay.

**Added language under PTO Accrual:** Employees do not accrue PTO during times when they are completely off from work on an approved family-medical leave, for short-term disability, excused under the Worker Compensation Ordinance, or during other unpaid leave. Upon return to work, employees resume accruing PTO. Employees who are on intermittent leave accrue PTO during time worked.

**Annual Allocation:** Changed to months to be clear.

**Added language Use of PTO:** If an employee is absent on unscheduled leave for more than 3 consecutive work days due to illness, appropriate verification must be provided by health care provider before PTO will be paid. Verification may also be requested for unscheduled leave for more that 3 consecutive work days due to emergency.

**Added Language under Payment for Unused PTO on Separation from Employment:**

Employees who separate from employment with the tribe will be paid for unused, accrued PTO on the next regular payday after their separation from employment, less any deductions, amounts owed, and not to exceed a maximum of 320 hours.

Other language added: in accordance with federal law and regulation

**Current Posting Policy Violation of Chapter 54- Lynn Welch Tribal Member**

Motion by Douglas William Huck to remove the second sentence on Page 6 of the Employee Manual under posting/advertising, the word that would be deleted would be this, the Tribe will have an internal five working day posting and Tribal Members and Current Employees may apply for the position. If necessary the Tribe will then have an external posting of at least five working days when any qualified person may apply for this position.

Seconded by Shannon Holsey. Motion carried. Tribal Council approved August 7, 2012

**AMENDMENT EMPLOYMENT MANUAL: Social Media-R. Orcutt, Lead Attorney**

Motion by Gregory L. Miller to approve the amendment to the Employment Manual to add the Social Media Policy, as presented by Legal.

Seconded by Shannon Holsey. Motion carried. Inserted under section 5 page 38.

**SUSPEND EMPLOYEE MEDIATION PANEL-Wallace A. Miller, Tribal President**

Motion by Jeremy Mohawk to suspend the Employee Mediation Panel and also any cases on-going, effective immediately.

Seconded by Shannon Holsey. Motion carried. (This is from the July 1, 2014 Tribal Council Meeting)

**CHANGE TO EMPLOYMENT MANUAL-Bev Miller, HR Manager and Sherri Dessell, HR Executive Director**

Motion by Shannon Holsey to go along with Beverly Miller, HR Manager and Sherri Dessell, HR Executive Director to change page 8 and 21 of the Stockbridge-Munsee Employment Manual effective January 1, 2010 to accurately reflect the changes to the insurance benefits there are now 30 hours per week and the wait is 60 days plus the first of the month remain in compliance with the Federal Regulations and also add the language regarding the 401K benefit in the employment manual under the benefits section on page 22 of the Employment Manual as stated. These changes reflect meeting the changes of the Internal Revenue Code and the Federal Regulations.

Seconded by JoAnn Schedler. Motion carried. (This is from January 20, 2015 Tribal Council)

**CHANGE TO THE EMPLOYMENT MANUAL-Beverly Miller, HR Manager**

Motion by Janet Miller to approve the addition of the commercial tobacco use policy be inserted.

Seconded by Jeremy Mohawk. Motion carried. Tribal Council approved 12/15/15.

**SECONDARY EMPLOYMENT POLICY-**

Motion by Joe Miller to approve the Secondary Employment Policy as reviewed and recommended by General Council and Executive HR Director.

Seconded by JoAnn Schedler.

**Roll Call:** Scott no, JoAnn yes, Janet no, Jeremy yes and Joe yes.

Motion carried. Tribal Council approved 4/5/16

**EMPLOYMENT MANUAL REVISIONS-** Marie Summers, Executive Director of HR

Motion by JoAnn Schedler to approve the revised employee manual policies, Employment Separation, Rehire Policy, Grievance Policy and Funeral Leave Policy, which will provide updates in that define and improve each policy accordingly, all changes will be both for SMC, Community Enterprises and North Star Mohican Casino Resort. Seconded by Janet Miller. Motion carried. Tribal Council approved May 17, 2016

**PROCLAMATION: Indigenous Peoples Day-Jolene Bowman, PH.D, Vice President**

Motion by Jolene Bowman to approve changing the name of the “This Land Is Our Land Day” which is the second Monday in October holiday to “Indigenous Peoples Day” which will continue to be the second Monday in October holiday.

Seconded by Jeremy Mohawk.

Motion carried.

Motion by Jolene Bowman to approve for the Tribal President’s signature the proclamation where now therefore be it resolved, that the Stockbridge-Munsee Tribal Council does hereby proclaim the second Monday of October as Indigenous Peoples Day.

Seconded by Jeremy Mohawk.  
Motion carried. Tribal Council Approved December 6, 2016.

**Employment Manual EAP Eligibility Refinement – Evan Mills, Executive Director of HR**

Motion by Jolene Bowman to approve the Executive HR Director’s recommendation to change the Random Drug testing from what it is now to the proposed and presented.

Seconded by Janet Miller.

Roll Call: Sterling yes, Chad yes, Jolene yes, Janet yes, and Jeremy no. Motion carried Tribal Council approved January 18, 2017.

Language presented to Tribal Council on January 18, 2017 Random Employee Drug Testing (Proposed) The first time an employee tests positive or refuses the test, the employee will be offered assistance through our Employment Assistance Policy (EAP) as a requirement for continued employment with the tribe. However, a confirmed positive drug test during the initial 120-day orientation period results in the termination of employment and not a referral to the EAP.

**EMPLOYMENT MANUAL: Pay/PTO for Temp/Step Up Positions-Evan Mills, Executive Director of Human Resources and Beverly Miller, Human Resource Manager**

Motion by Scott R. Vele to go along with the Executive Director of HR, Evan Mills’ recommendation to go with Option #2, and to bring this back in six months to give us a report on the feasibility of this and the financial standing of this policy and its implementation to the Tribe’s Gaming and Government side of operations.

Seconded by Jeremy Mohawk. Tribal Council Approved February 21, 2017.

**Roll Call:** Sterling no, Chad no, Jolene yes, Janet yes, Jeremy no and Scott yes.

President Holsey votes yes to break the tie.

Motion carried.

Language presented to Tribal Council on February 21, 2017 **PAY/PTO FOR TEMPORARY STEP-UP POSITIONS**

On occasion, employees might be asked to assume temporary step-up positions to provide management assistance during times of need, such as covering for a Supervisor/Manager/Director during long-term events (such as a position vacancy or military leave of absence) lasting in excess of 14 days. This also includes employees assuming a substantial amount of additional duties from a co-worker while continuing to perform their own.

During these periods, increases for assumption of co-worker duties will be considered on a case-by-case basis if the scope and length of duties to be performed warrant an increase. For management positions, the increase will be as follows, upon approval: Supervisor +\$1/hr, Manager +\$3/hr and Director +\$5/hr. Step-up positions, and related pay raises, require justification and pre-approval. Filling in for a co-worker on regular PTO, temporary FMLA, or position vacancies lasting 14 days or less aren’t considered to be valid reasons for position or pay changes.

If PTO is taken by an employee performing an approved step-up role involving an average of 20 hours or less per week, they will be paid at their regular rate of pay. If the hours worked in this function averages over 20 hours, the employee will receive the approved increase during their PTO. The amount of PTO an employee accumulates always remains tied to their years of service.

**EAP POLICY LANGUAGE ENHANCEMENT-Evan Mills, Executive Director of HR**

Motion by Jolene Bowman to approve the HR recommendation regarding the EAP Policy Language Enhancement, as presented.

Seconded by Janet Miller.

**Roll Call:** Sterling yes, Chad yes, Jolene yes, Janet yes, Jeremy no and Scott yes.

Motion carried. Tribal Council Approved March 7, 2017.

Language presented to Tribal Council on March 7, 2017 Employment Assistance Program.

## **EMPLOYMENT ASSISTANCE PROGRAM (EAP)**

### ***Purpose***

The purpose of the Employee Assistance Program (EAP) is to help employees address personal issues that may affect their job performance, such as addictions, alcohol or drug abuse, anger management, grief, stress, marital/relationship conflicts, depression, parenting issues and a wide variety of other problems.

### ***Eligibility/Cost***

EAP access is both free and confidential for all employees, plus their eligible family members, **through their 24/7 toll-free phone number. The current number, website and additional EAP information is always available in Human Resources.** Employees are responsible to cover any EAP costs after the initial assessment and short-term counseling. Some EAP costs may be covered by insurance or other sources, depending on the issue.

### ***Participation***

Any employee wanting to participate in EAP will be reasonably accommodated and their participation kept confidential in the strictest terms. **EAP participation can be suggested by management, but not mandated (except in cases of a positive or refused drug testing where it is required to maintain employment).** Employees testing positive for drugs within their first 120-day orientation period aren't eligible for EAP referrals and are subject to termination.

## **ACTING EMPLOYEES POLICY ALIGNMENT- Evan Mills, Executive Director of HR**

Motion by Jolene Bowman to approve the Acting Employee/Policy Alignment as presented by the HR recommendation.

Seconded by Chad Miller.

**Roll Call:** Sterling yes, Chad yes, Jolene yes, Janet yes, Jeremy abstain and Scott yes.

Motion carried. Tribal Council Approved March 7, 2017

Language presented to Tribal Council on March 7, 2017 Acting Employees Policy Alignment.

### **Acting Employees**

An employee already categorized as an active full-time or part-time employee may be asked to **step-up into** a vacated position while continuing to perform their existing job duties. This does not include filling in for regular vacations or other brief periods that do not exceed **14 days**. The employee shall actively carry out the duties and responsibilities of the vacated position along with their current job obligations. **See "PAY/PTO FOR TEMPORARY STEP-UP POSITIONS" for applicable wage adjustments for acting employees.**

**COUNCIL SUPERVISED EMPLOYEES-Jolene Bowman, Vice President**

Motion by Sterling Schreiber to approve the changes to the Grievance Process for Employees Supervised by Council-Supervised Employees as presented.

Seconded by Jeremy Mohawk. Motion carried. Tribal Council Approved March 21, 2017  
Language presented to Tribal Council on March 21, 2017 Grievance Process for Employees Supervised by Council-Supervised Employees.

***Grievance Process for Employees Supervised by Council-Supervised Employees***

The employee files a completed Employee Grievance Review Form (with a copy provided to the Human Resources Department) with the Employee Relations Representative.

The grievance shall identify the employee's concern and must be filed within 5 working days of the action being grieved. The Employee Relations Representative has 15 working days to respond in writing.

The Employee Relations Representative shall document its decision in writing and provide a copy to the employee and a report to Tribal Council within 5 working days of meeting with the employee.

Even if the employee is dissatisfied with the response, the employee may not grieve to their supervisor's supervisor since that would be a grievance to the Tribal Council, which is not permitted. (section approved by Council 3/21/17)

**CHANGES TO THE EMPLOYMENT MANUAL (S/M)-Evan Mills, Beverly Miller and Kim Hoffman, Human Resources**

Motion by Scott R. Vele to accept the recommendation of Evan Mills, the Executive Director of Human Resources, to accept the revisions and changes to the Stockbridge-Munsee Employee Manual, specifically page 15, page 32, page 47 and pages 49-57, and that a written report should be prepared for Tribal Council review by October 3, 2017, to evaluate how these policy revisions are fitting into the workforce and that all employees shall be given proper notice of these changes and with the proper education.

Seconded by Jolene Bowman.

**Roll Call:** Sterling no, Chad yes, Jolene yes and Scott yes.

Motion carried. Tribal Council Approved July 5, 2017

**CONSIDERATION: To Strike Language Regarding Observation of Holidays-Shan**

Motion by Terrie K. Terrio to approve the President's request to strike for Christmas and New year's Holiday, when there is one weekend day and one- week day, only one day of paid holiday will be observed.

Seconded by Jeremy Mohawk.

**Roll Call:** Sterling yes, Chad yes, Jolene abstain, Terrie yes, Jeremy yes and Chad yes.

Motion carried. Tribal Council approved November 7, 2017

**REVISION TO ATTENDANCE, DONATION OF PTO, SHIFT DIFFERENTIAL-Beverly Miller, Human Resource Manager**

Motion by Jolene Bowman to approve the revised Attendance, Donation of PTO and Shift Differential, with the addition of Medical Transport, Elderly Chore Workers, Public Works/Maintenance, Elderly, Community Outreach at the Clinic, all who are non-salaried/hourly employees, as presented and for it to be added to the Employment Manual.

Seconded by Jeremy Mohawk.

Motion make amends motion adding: Division of Community Housing and Tribal Government Administrative Assistant and the language as determined by organization need.

Second concurs.

**Roll Call:** Sterling abstain, Chad yes, Jolene yes, Terrie yes, Jeremy yes and Craig yes.

Motion carried. Tribal Council approved February 6, 2018.

*Council Member Schreiber abstained, as his position is included in the list.*

**SECTION 4 ANTI-HARASSMENT REVISIONS-Dennis Puz, Jr., General Counsel**

Motion by Jeremy Mohawk to approve the revised Section 4 Anti-Harassment Policy in both the Casino and Tribal Employment Manuals.

Seconded by Terrie K. Terrio. Motion carried.

Motion carried. Tribal Council approved June 19, 2018

**PTO Buyback- Todd Van Den Heuvel, Executive Director of Human Resources**

Motion by Jolene Bowman to approve the Standard Operating Procedures for the PTO Buyback with the noted correction under number two, changing 160 hours to 80 hours. Seconded by Jeremy Mohawk.

Motion carried. August 7, 2018

**REQUEST: TRIBAL RECRUITMENT AND RETENTION PLAN-Todd VanDen Heuvel, HR Executive Director**

Motion by Terrie K. Terrio to approve the recruitment and retention plan for Tribal entry level positions as outlined and to approve the budget modification for fiscal year 2019 in the approximate amount of \$110,433.00 to come out of Unallocated.

Seconded by Marv Malone.

Motion carried. April 16, 2019

**Tribal/Casino Pre-Employment Drug Testing Program- Todd VanDen Heuvel, HR Executive Director**

Motion by Terrie K. Terrio to go with Option 1, which is to remove all random drug testing for all positions and focus on all other provisions for the drug testing program, reasonable suspicion, post-accident and pre-employment.

Seconded by Jeremy Mohawk. Motion carried

Motion by Terrie K. Terrio to go with the recommendation from Human Resources to change the number of failed drug test (or refusals) in a 3-year period (with mandatory EAP counseling) from 2 up to 3 before termination and for orientation employees: provide mandatory EAP referral for a first failed drug screen during orientation, a second failed drug screen during orientation period will result in termination of employment. Seconded by Jeremy Mohawk. Motion carried.

Tribal Council approved February 18, 2019

Adjusted credible years of service approved March 17, 2021.

**May 18, 2021**

**RANDOM DRUG TESTING-**

Motion by Terrie K. Terrio to reinstitute the random drug testing policy at the casino.

Seconded by Jolene Bowman.

Motion maker amends to add: adding this in both policies.

Second concurs.