

Personnel Policy

For the

Pabineau First Nation

May 2001

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1.0 Human Resource Planning Model

The purpose of this document is to provide Pabineau First Nation community with a human resource planning model to achieve an optimum number of staff resources and to incorporate financial predictability for training and development of Band employees.

In order to attain this goal each Band should strive to accomplish the following objectives:

1. Adopt a human resource planning process,
2. Develop a separate budget for human resource training and development, and
3. Establish training and development priorities at the Band level.

1.1 Process for Human Resource Planning

The process for human resource planning should be fairly informal, but should always be considered during the Band's annual planning process, whether this takes the form of a normal strategic management plan or not. The following steps will assist the Band in moving through the planning process, and aid in the identification of priorities and strategies which should be adopted for the planning horizon (e.g. 1 year) and how to accomplish them:

1. List key occupations in Pabineau.
2. How many workers in key occupations will you need in the period covered by the Band's business plan or planning horizon? i.e. 1 year, 5 years, etc. (Demand)
3. How much of that demand can be met from our existing work force? Consider replacement needs resulting from promotions, attrition, etc. (Supply)

By subtracting the Supply from the Demand, the Band Manager and/or Band Council can see whether they face shortages or surpluses in the key occupations. This will allow the Band to plan anticipate, with some accuracy, human resource needs.

What are the solutions to meet problems identified through this process? Depending on the results of the planning process, the following solutions may need to be considered:

1. Training and development
2. Early retirement
3. Work sharing
4. Recruitment

As an integral part of the human resource planning process, training and development of existing employees is extremely important. The Band will be well served by employees whose skills are updated regularly through either internal or external training. The Band will also benefit by cultivating a diverse workforce that can respond to change identified through the human resource planning process.

It is important to ensure that a separate budget for training and development is established and maintained, independent of other funding, for support or administrative services. This budget will ensure that Band employees are provided the opportunity to upgrade relevant job skills or to pursue career development opportunities. (i.e. Diploma or Degree programs).

1.2 Methodology

The following formula will help guide the Band in establishing a fixed and predictable budget for employee training and development.

As a general rule, 4% of the difference between the Total Band Funding and Band Support Funding will provide the overall fixed budget. This funding is to be taken from the Band Support budget and used solely for training and development.

The training and development budget will be allocated on a per-capita basis, using 90% of the established budget, with the remaining 10% of funding established as a Flex Fund. This Fund will be available for employees based on a need or for those pursuing career development opportunities. The Flex Fund will also allow the Band to approve funding in excess of employee limits for worthwhile work related training.

Training and development per-capita funding is non-recurring. That is, the funding allotted each year to an individual employee must be used in that year. There will be no provision for carrying unused funding forward into the next year. Any surplus will be returned to the Flex Fund to support Band training initiatives and programs or for use in future years. The Band Council will be responsible for decisions related to the use of surplus funding.

As a component part of the annual employee evaluation process, training and development needs for each employee (position) must be assessed. Employees will be required to submit training plans, to their supervisor at the time of their evaluation, which will be maintained in their personnel files and used by the supervisor to prepare recommendations for the Band Manager, in accordance with each employees established budget.

It will be the responsibility of the Band Manager, based on recommendations from supervisors, to approve recommended training plans and to decide on the allocation of funds, from the Flex Fund, based on priorities identified during the employee evaluation process.

The objective of the human resource planning process is to identify personnel need, undertake the HR planning process, incorporating the goals and/or priorities identified by the Band over its planning horizon. Although many organizations choose a planning horizon of one year, the Band may also want to consider the advantages of long-term planning. However, each individual Band Council will make this decision.

A training committee should be established that will evaluate training requests based on Band priorities.

2.0 Recruitment and Staffing

2.1 Advertising

Job advertisements for permanent positions shall include:

1. Job description,
2. Minimum qualifications for the position,
3. Salary range, and
4. Closing date for application.

Employment opportunities will be advertised as widely as possible and be accessible to all Band members. This will be done by posting the job advertisement in the community. Referrals by current staff may also be used; all candidates retained for interviews must meet the eligibility requirements.

2.2 Selection of Employees

Employee selection is based on (but not limited to) some or all of the following criteria:

1. Resumes
2. Application Forms
3. Interviews
4. Record of Employment
5. Pre-employment testing – e.g. typing tests, or tests of computer knowledge
6. References and Letter of Recommendations

The Chief and Council, and /or Band Manager will appoint a committee of no less than 3 members to oversee the application, interviewing and hiring process. The Selection Committee will undertake the initial screening of applicants and invite qualified candidates to interview for the position. Committee or Council members who are immediate family members of an applicant should not participate in the selection process.

Primary consideration should be given to qualified candidates from the Reserve. Consideration may also be given to promoting existing Band staff who qualify for the position.

Qualifying applicants will be interviewed and a recommendation on who should be hired will be forwarded to the Band Council for ratification. (All references are to be checked before a selection is made.) If the Council rejects the recommendation of the Selection Committee, the reasons will be clearly reflected in the Minutes of the Council meeting.

The successful applicant will be notified and a written offer of employment will include job title, starting salary, starting date, job description and responsibilities and other relevant information. All unsuccessful applicants will be notified in writing once the position has been filled.¹

¹The filling of part-time, casual or short-term seasonal jobs may follow a different format due to the short-term nature of the position.

All application forms should be kept in a file marked confidential and be stored in a locked file cabinet.

2.3 Job Descriptions

Job descriptions provided to staff will contain as much of the following information as possible:

1. Title
2. Activities (job content) use action words
3. Responsibility and Authority
4. Mental Requirements – e.g. Must be able to read or have X grade level
5. Job Requirement- e.g. fix machines or answer phones, etc.
6. Physical Requirements of the job
7. Job Conditions – e.g. extreme heat, outdoor work, etc
8. Social Environment – e.g. stressful environment
9. Reporting Relationships – who employee reports to and who reports to them
10. Location of position
11. Educational Requirements

The job description will also form the basis for the job advertisement.

2.4 Orientation

All new staff members will be provided with orientation training. See Appendix A- *Sample Orientation Checklist*.

3.0 Pay and Benefits

3.1 Salary Level

\$5.90/hour is the minimum wage an employee will be paid. This is based on Provincial Regulations under the *Employment Standards Act*, as of July 2001.

The Starting salary of a new employee will be commensurate with the employee's experience and education, and will be contingent on the responsibility of the position and budget guidelines established by the Band. Existing employees may be paid more than the provincial minimum wage and their wage will be based on experience, education and the work they perform. Federal and provincial pay scales may also be used for guidance.

The Band will endeavour to implement a policy of "equal pay for work of equal value" in which employees whose jobs are comparable or who's work is of comparable value to the Band will be paid similar wages.

3.2 Pay Raises

Raises will be based on, but not limited to, individual performance, performance appraisals, cost-of-living increases, and/or increases in the Provincial minimum wage. All raises are subject to the budgets of the Pabineau First Nation.

3.3 Overtime

Overtime, if paid, will start after 44 hours worked in a week. The minimum overtime rate payable for each hour worked after 44 hours per week is \$8.85/hour (\$5.90/hour x 1.5). This rate will increase as the base rate of pay of the employee increases. (e.g. \$12.00/hour x 1.5= \$18/hour for every hour of overtime.) All overtime must be approved by the supervisor.

When overtime is not paid, and the extra hours are considered necessary, an employee may receive time off. *Compensatory Leave* is equivalent time off with pay in lieu of cash payment for pre-approved overtime worked. Compensatory time off must be taken within a month of it being earned, unless otherwise approved by the Band Manager. Unauthorized overtime will not be considered valid.

Salaried employees do not qualify for overtime pay.

Employees cannot claim overtime for attending conferences, seminars, workshops, etc. during the course of their employment with the Band. This includes travelling to and from the conferences, etc.

3.4 Weekly Rest Period

As stated in the *Employment Standards Act*, all employees who qualify are entitled to a weekly rest period of at least twenty-four (24) consecutive hours. The rest period is to be taken, if possible, on Sunday.

3.5 Paid Public Holidays

The paid public holidays, those which employees who qualify will be paid for, are:

1. New Year's Day,
2. Good Friday,
3. Victoria Day,
4. Canada Day,
5. New Brunswick Day,
6. Labour Day,
7. Thanksgiving Day
8. Remembrance Day,
9. Christmas Day, and
10. Boxing Day.

When Canada Day falls on a Sunday, the Monday following shall be observed as a public holiday. Other holidays may be paid and this will be decided by Chief and Council.

If a holiday falls on a Saturday, the following Monday shall be observed as a holiday.

3.6 Other Holidays

Other days that may be given as holidays and that are optional for employers whether or not holidays with pay are granted are:

1. Easter Monday
2. Tax Day (May 28)
3. National Aboriginal Day (June 21)
4. St. Anne's Day (June 26)
5. Time between Christmas and New Years Day
6. Election Day
7. Also any day appointed or fixed by proclamation of the Chief and Council to be observed as a celebration or a day of general feast of thanksgiving.

3.7 Wages Paid for Working a Paid Public Holiday

If an employee is required to work on a public holiday; the employee will be paid time and one half of the employee's regular wages for each hour worked that day. The employee is also entitled to their regular days pay or another paid day off.

If a paid on a day when the employee is on vacation then the employee is entitled to another day off. i.e. it cannot be counted as one of the employee's vacation days.

3.8 Qualifications to be paid for a Public Holiday

To qualify to be paid for a public holiday, an employee must meet all the following:

1. Have been employed by the Pabineau First Nation for at least 90 calendar days in the 12 calendar months before the public holiday.
2. Have worked his/her scheduled day of work before and after the paid public holiday, unless there is a good reason for not doing so.
3. Report for and work their shift, unless there is a good reason for not doing so if he/she agreed to work on the public holiday.
4. Not be employed under a continuous arrangement whereby the employee can decide when to work or not to work.

Where the wages of an employee vary from day to day, the employee shall be paid on the basis of his/her average daily wage, excluding any overtime, for the thirty calendar days immediately before the holiday.

3.9 Payroll Keeping Requirements

The Pabineau First Nation is required by the *Employment Standards Act* to keep records on each employee showing:

1. The employee's name and address
2. The employee's date of birth
3. The employee's social insurance number
4. The date of commencement of employment
5. The number of hours worked by the employee each day and each week
6. The employee's wage rate and gross earnings for each pay period
7. The amount and reason for each deduction from the employee's gross earnings
8. Any living allowance or other payment to which the employee is entitled
9. Any period during which the employee was on vacation
10. Any vacation pay due or paid
11. Any public holiday pay due or paid to the employee
12. The net amount of money paid
13. Any document or certificates relating to a leave of absence
14. The dates of all dismissals, suspensions or layoffs and the dates of their notices thereof.

These records will be kept for at least thirty-six (36) months after the employee does the work for which the records were prepared.

3.10 Payment of Wages

1. Employees will be paid weekly for work performed the previous week (unless otherwise stated during hiring).
2. Employees will receive their cheques during normal business hours.
3. Employees will be paid in Canadian dollars by cheque or direct deposit.
4. When employment ceases, all wages, commissions, vacation pay or other benefits will be paid on his/her usual pay day but if not, no later than twenty-one (21) calendar days after the last day of employment.

Employees will be given a statement each payday showing:

The dates of the pay period

1. The gross wages of the employee for the pay period
2. The particulars of each deduction and the amount thereof
3. The net pay after deductions have been taken out

3.11 Vacations and Vacation Pay

Every employee shall receive vacation leave for each vacation pay-year as follows:

1-3 years	15 working days	11-16 years	25 working days
4-10 years	20 working days	17+ years	30 working days

Employees who are not full-time, such as seasonal, part-time and/or casual employees, may have 4% vacation pay added to each cheque if they are not going to be given any vacation time. Full-time staff cannot take vacation pay in lieu of taking vacation, as budgets do not allow for this.

The amount of vacation time allowable for each employee may vary depending upon years with the Pabineau First Nation. That is, those staff members who have been with the Band longer may receive more paid vacation. If the Band Council is considering bringing in such a policy, the Band's ability to offer such a policy should be taken into account.

All vacation must be taken during the fiscal year. There is no provision to carry any unused vacation into the following year. All requests for vacation must be made at least one month prior to the time requested and have written approval by appropriate supervisor, usually Band Manager and/or Chief and Council. (A shorter time period may be accepted in some circumstances.)

The Chief and Council, in consultation with the employees, reserve the right to schedule vacation leave. Another option that is available to the Band is to close the Band offices for a three-week period, and make it mandatory for staff members to take 3 weeks of their holiday at this time.

An employee shall not be dismissed, suspended or laid off during the leave or for reasons arising from the leave alone. The employee shall, upon the end of the leave, resume work in the position held immediately before the beginning of the leave or an equivalent position with no decrease in pay. Seniority continues to accrue during the leave at the same rate as if the employee would have worked.

The Band Manager shall be responsible for maintaining an up-to-date vacation schedule for Band staff in the Band office.

3.12 Lateness and Absence

Sufficient notice shall be given to the Band office if an employee is going to be late or absent from work. Sufficient notice shall be taken to be one hour following the time the employee is expected to report to work.

Employees who do not notify the Band office when absent, shall have their salary deducted in accordance with the amount of time of the absence. Employees who are late will be given the opportunity (if possible) to make up the lost time if desired.

3.13 Severance Pay

This section of the policy is to be submitted to the Conflict of Interest Committee for determination. The committee is to make its recommendation to council by July 30, 2001. An amendment will be made to this Personnel Policy based on the Severance Pay package to be approved by council.

4.0 Employment Regulations and Procedures

4.1 Hours of Work

The hours of work at the Pabineau First Nation are from 9 a.m. to 5 p.m. Monday to Friday. The Band Council will set the official work hours. The Band Council may decide to alter these hours as they see fit.

4.2 Work Week

35 hours shall make up a basic work week for Band office employees. Some employees may be required to work different hours because of the nature of their job.

4.3 Checking In and Out

When you are out you must let the office staff know where you have gone and when you are expected to return. This must be done by 10 a.m. or the day before if possible. This includes meetings, travel and vacations. Notify the receptionist/secretary when you are arriving and leaving the office.

4.4 Rest Periods

Employees working full-time will be given an hour for a lunch break and two fifteen-minute breaks (one in the morning and one in the afternoon).

4.5 Alcohol, and Drugs on the Premises

Alcohol and drugs are not permitted in the work areas. An employee who has consumed these substances will get a warning and will be required to get treatment immediately for consumption of alcohol or drugs while being on the job. Second offence will result in suspension for one month. A third offence will result in dismissal.

4.6 Smoking and Non-Smoking Areas

There is no smoking in the buildings of the Pabineau First Nation except in designated smoking areas.

4.7 Personal Use of Telephone

Personal calls are to be limited. No long-distance calls are permitted for personal use. Management may reduce any payments due to employees for charges from personal long distance calls.

4.8 Pension Plans

Employees may join the Pabineau First Nation pension plan if Band budgets will accommodate them. Presently the Department of Indian Affairs has frozen the level of funding. This option will have to be individualized based on funding available at the time of each employee's hiring.

4.9 Tax Issues

Status Indians working on reserve are exempt from Federal and Provincial Income Tax being deducted from their pay.

Non-Status Indians and non-Aboriginal working on reserve are required to have Federal and Provincial Income Tax deducted from each cheque. The amount of tax taken out will be based on the amounts set out in the *Payroll Deductions Tables* published by Revenue Canada.

4.10 Workplace Health, Safety and Compensation Commission

The Band should provide coverage through New Brunswick's Workplace Health, Safety and Compensation Commission. The assessment is based on a sliding scale directly proportional to the risk factor of the employee's occupation. Worker's compensation provides good wage replacement coverage when an employee is required to be off work due to a job-related accident or illness.

4.11 Disability and Group Insurance

The Band Council may wish to obtain disability and group insurance for Band employees. Long-term disability and group coverage is beneficial to both the employee and the Band in cases of illness or disability.

5.0 Leave

5.1 Bereavement Leave

In the event of the death of an employee's wife, husband, child, adopted child, father, mother, guardian or any relative permanently residing in the employee's household or with whom the employee resides the Pabineau First Nation shall grant the employee a leave of absence with pay of up to three (3) consecutive calendar days. This leave shall not commence later than the day of the funeral.²

In the event of the death of an employee's grandfather, grandmother, brother, sister, brother-in-law, sister-in-law, father-in-law or mother-in-law the Pabineau First Nation shall grant the employee a leave of absence with pay of up to (1) one calendar day. This leave is to be taken the day of the funeral.

In the event of a death in the Pabineau First Nation, the Band shall grant employees a half (1/2) a day off for the funeral.

If travel to a funeral is required, up to two additional days of leave may be approved with the permission of the Band Manager.

²The Pabineau First Nation can extend the bereavement leave if they choose and also provide time off with pay. Example: for deaths in the immediate family an employee is granted five (5) working days off with pay immediately after the death occurs.

Relatives and friends that are not of immediate family, employees may attend the funeral and be paid for that day.

5.2 Compassionate Leave

Compassionate leave of up to five (5) days, without pay, for serious illness in the employees immediate family, can be obtained with the approval of the employee's supervisor. Immediate family shall be taken to include a spouse, son, daughter, foster child, father, mother, sister, brother, grandmother, grandfather or parent-in-law. Common law marriages are also recognized for employee leave.

5.3 Court Leave

Any employee of the Pabineau First Nation that is required to serve on jury duty, or summoned to attend court as a witness in any legal proceedings before a Judge, Justice, Coroner or Magistrate shall be given the required time off without pay. This leave will have no effect on the continued employment, the position held by the employee or seniority.³

This does not apply to employees who must appear in court to face charges, criminal or civil. Time off will be given without any pay.

5.4 Maternal Leave

A pregnant employee wishing to take maternity leave must:

1. Advise the Band four (4) months prior to the probable delivery date or as soon as her pregnancy is confirmed, whichever is later;
2. Provide the Band with a medical doctor's certificate confirming pregnancy and the probable delivery date.
3. In the absence of an emergency, give her employer two (2) weeks notice prior to commencing her maternity leave.

A new mother is entitled to 17 weeks of leave without pay for maternity leave. This time may be shorter if the employee wishes at any time beginning no earlier than eleven weeks prior to the probable delivery date.

Where no alternative employment is available, the Band may require the pregnant employee to begin a leave of absence without pay when she can no longer reasonably perform her duties, or the performance of her work is materially affected by her pregnancy. Such employer imposed leave of absence is in addition to any maternity leave to which the employee is entitled under the *Employment Standards Act* as a result of her pregnancy.

An employee cannot be dismissed, suspended or laid off during the leave or for reasons arising from the leave alone. At the end of the leave the employee will resume work in the position held immediately before the beginning of the leave or an equivalent position with no decrease in pay. Seniority continues to accrue during the leave at the same rate as if the employee would have worked.

³The Pabineau First Nation could pay employees for court time, but the normal fees that are paid to witnesses or jurors must be turned over to the Pabineau First Nation because that employee is paid by the employer for the time the employee is required to serve in such legal procedures.

5.5 Child Care Leave

An employee who is the natural parent of a newborn or unborn child, or who is adopting or has adopted a child, shall, upon request, be granted a leave of absence without pay of twelve (12) consecutive weeks or such shorter period as the employee requests to enable the employee to care for the child.

An employee who is the natural parent of the child shall provide the Band with:

1. A medical doctor's certificate specifying the probable date of delivery or the date upon which the birth has occurred and,
2. In the absence of an emergency, give four (4) weeks written notice to the employer of the commencement date and duration of the leave.

An employee who is an adoptive parent intending to take this leave shall provide the Band with:

1. Proof that a child has been or will be placed with the employee for the purpose of adopting
2. Notify the employer of the commencement date and duration of the leave on being made aware of the date of placement with the employee for adoption, and
3. In absence of an emergency, give four (4) months notice to the employer before the anticipated day on which a child will come into the employee's care and custody in the case of a private adoption or upon approval in accordance with the Family Services Act as a prospective adopting parent.

Where a natural mother intends to take a child care leave in addition to a maternity leave, except if the newborn is hospitalized when an employee's maternity leave expires, the employee is required to commence the child care leave immediately on expiration of the maternity leave unless the employer and the employee otherwise agree.

Where a newborn or adopted child has attained the age of six (6) months before coming into the care and custody of the employee and it is certified by a medical doctor the child suffers from a physical, emotional, or psychological condition that requires parental care, the employer is required to grant the employee an additional leave without pay of up to five (5) consecutive weeks. An employee intending to take this additional leave, in the absence of an emergency, must give four (4) weeks written notice to the employer.

The child care leave may be taken by either natural or adoptive parents. Where both parents are employees it may be shared by the child's parents but the leave is only 12 or 17 weeks in TOTAL, regardless of how it is divided, and it must be taken in a consecutive manner.

Child care leave shall begin not earlier than the date on which the newborn is adopted, child came into the care and custody of the employee and end not later than fifty-two (52) weeks after that date.

The employee shall not be dismissed, suspended, or laid off during the leave or for reasons arising from the leave alone. Upon the end of the leave, the employee shall resume work in the position held immediately before the beginning of the leave or an equivalent position with no decrease in pay. Seniority continues to accrue during the leave at the same rate as if the employee would have worked.

5.6 Paternity Leave

An employee may be given up to 2 days paid paternity leave to be present at the birth of their child and/or to assist the mother at home following the birth. This may only be given with the prior approval of the Band Manager and the immediate supervisor.

5.7 Sick Leave

There is no law that requires an employer to pay employees when they are absent from work because of sickness or injury. However, the Pabineau First Nation will allow employees up to a maximum of 15 days per year or 1 ¼ days per month. Sick leave cannot be accumulated from one year to the next.

If sick days are used up before the year has ended, any unused vacation time remaining shall be charged as a sick day with no loss of pay. However, if both are exhausted and the employee is sick, he/she will not be paid for the time taken off.

Any medical appointments will be charged against the employee's sick days if they are absent for more than three (3) hours that day.

Absences for more than three (3) consecutive days from work will require a letter from a doctor for verification.

Permanent physical or mental impairment restricting the employee from resuming their former duties will be considered just cause for termination. However, attempts should be made, where possible, to re-train and relocate the employee for suitable work within the Band's operations.

Recognized holidays, which fall within the period of sick leave, will not be charged to the employee's accumulated sick leave.

An employee who has completed 3 consecutive months with the Band is protected under sick leave protection. An employee is protected from any absence not exceeding 12 weeks against dismissal, lay-off, suspension, demotion or discipline because of absence due to illness or injury. However, the employer is not required to pay an employee. Sick leave protection is for job security only.

5.8 Personal Business

Problems may arise that the employee has to deal with immediately and that cannot wait until after business hours. Personal business will be charged against sick leave or vacation time.

6.0 Personnel Files

6.1 Contents

Files shall be kept on each employee including the following information:

1. Start date of work, position, employee's original employment application, etc.
2. Job Description and signed Code of Ethics Contract
3. Payroll Records
4. Performance Appraisals
5. Disciplinary Actions and letters of resignation and/or Termination
6. Record of Sickness and Absence
7. Achievements
8. Training
9. Any other relevant information

These files will be kept confidential. The employee has the right to see their record and to write in comments on their version of any incident.

Documents dealing with performance, conflict of interest, discipline or other related matters must be shown to the employee before being placed in their file. The employee's consent is not required before placement of such documents on file. The essential requirement is that the employee is made aware of the documents before they are placed on file.

It is expected that the information maintained in the employee's personnel file will provide a complete history for purposes of pay and benefits, as well as, career development. Personnel files should be properly secured under lock and key in the Band office.

All staff who view an employee's file, are expected to respect the confidentiality of information contained in these files and must not divulge information without the consent of the employee. Employee's who breach this confidentiality may be subject to dismissal.

6.2 Types of Personnel Files that May be Kept

6.2.1 Career Files

These files will contain information such as performance appraisals, scholarly and professional achievements. Documentation relating to professional development, advancement, work performance and disciplinary actions. They are accessible to employees, supervisors and managers.

6.2.2 Managers Files

These files may contain personal notes made by managers on an employee's performance and/or behaviour to assist them in preparing performance appraisals or addressing inappropriate conduct. These files follow no format and are kept on an as needed basis. They are accessible to the employee's concerned. The manager does not need the employee's consent to keep the file but they cannot withhold these files from the employee, if employee requests to see it.

6.2.3 Pay and Benefits Files

Contains information on staffing matters, pension funds, leave credits, and all aspects of employee compensation. They are accessible to employees, their supervisors and managers.

7.0 Performance Appraisals

Performance appraisals should be conducted by human resource staff or supervisors on all employees on a yearly basis. Performance appraisals will be used to:

1. Review the quality of employee's work
2. Evaluate employee's ability to work with other employee's
3. Determine if employee is doing a satisfactory job
4. Review if the employee has improved on suggested areas from last performance appraisal
5. Evaluate employee for possible promotion
6. Review employee's file to determine if they qualify for a pay raise
7. Form the basis of a written employment reference when employees leave

It is extremely important to provide positive feedback to the employee, citing where possible, specific areas requiring improvement and allowing the employee the opportunity to respond and make suggestions for improvements related to their work. Constructive criticism should be used and professionalism should be stressed rather than personalities.

Performance reviews also provide an opportunity to improve employee performance and communication between the employee and management. Objectives and deadlines shall be discussed for work assignments and projects for the coming year. This provides the employee with guidelines for meeting deadlines.

A written and signed (by both employee and supervisor) copy of the review must be maintained in the employees personnel file. Any discussions of training and development, and an annual salary review should be conducted at the time of the performance review.

If there is a disagreement between the employee and the supervisor, the Band Manager may be asked to be involved in the review.

See Appendix B – *Example Employee Performance Appraisal*. This appraisal sheet should be modified to match employees job more closely if necessary.

8.0 Rewards and Recognition

It should be the policy of the Band to reward and recognize those employees who have contributed in a significant way to the operation of the Band. These contributions can cover a wide variety of aspects, everything from exemplary performance of duty to completing tasks ahead of schedule. By offering incentives to employees for above-average performance, a culture of excellence can be fostered within the administration. To an employee, rewards and recognition signify that someone has noticed there good work, and more importantly, that they care enough to reward and recognize the good deed. Reward and recognition programs are great ways for supervisors to increase productivity and workplace moral.

8.1 Rewards

The amount and variety of awards is only limited by the imagination of the Band's management staff. Quite often rewards take the form of a monetary value, such as bonuses or pay raises. Other items can include gifts that are appropriate for the particular employee receiving the reward, such as items related to the person's profession. While these are the standard forms that rewards take, increasingly, managers are becoming more inventive, offering such things as movie tickets or golfing fees.

8.2 Recognition

It has been show many times that employees prefer recognition to rewards. While it may seem like common sense for a supervisor to praise the good work of their employees, in practice this doesn't happen often enough. Recognition can be as simple as telling the employee that they are doing a good job (especially in front of co-workers), or as elaborate as an employee-of-the-month program.

8.3 Considerations

It has been found that employees will perform better in anticipation of a reward or recognition. However, the following points should be kept in mind when developing a rewards and recognition policy:

1. Rewards and recognition must be based on performance. They will soon lose their value if they are given when not deserved.
2. Give the reward or recognition as soon as possible after the desired performance
3. Deliver recognition and reward in a public way
4. Reward and recognition must be tailored to the unique needs of the employees involved. A manager must have an understanding of the employees value system so as to ensure that the reward or recognition is appropriate
5. Recognize and reward those who recognize others for doing their best for the organization.

8.4 Responsibility

It should be the responsibility of the supervisor to notice and report the outstanding contributions of his/her employees. It should also be made clear to employees that they have the ability to put forward the name(s) of other employees for consideration. The supervisor in turn should pass along all the particulars of the case to a Recognition and Reward Committee for consideration. This committee's only function will be to review and decide on reward and recognition cases. They will determine if the performance is worthy of extra merit, and if so, what type and amount of reward or recognition is warranted. The committee should include at least one Councillor, Band Manager, Financial Officer and the person's supervisor.

9.0 Discipline and Termination

9.1 Discipline

Disciplinary policies assist the Band and its employees in implementing a system of rules of conduct, which ensure proper order, efficient control and acceptable conduct.

There should be a direct line of communication between the supervisors and employees regarding problems with employee conduct and work performance. Employees should be given the opportunity to correct their behaviour before any disciplinary action is taken.

As a general guide, an employee may be disciplined or discharged for any of the following reasons:

1. Incompetence or insubordination in the performance of duties.
2. Abandonment of position without good cause or appropriate notification of supervisors.
3. Absenteeism, poor work performance or personal behaviour.
4. Inability to perform job function
5. Lack of work or budgetary restrictions.
6. Theft
7. Falsification of records
8. Wilful destruction of employer's property.

Employees will be disciplined in the following way:

- *Verbal warning* – a reminder that a rule has been violated. Employee and supervisor will discuss problem and gain employee's agreement to solve the problem.
- *Written warning* – if the offense is repeated, the supervisor will again discuss the matter with the employee. Review reasons why the rule or standard must be observed, discuss the employee's failure to abide by the original agreement and reaffirm the employee's agreement to solve the problem. Specific goals and action plans are formed to help the employee eliminate the gap between actual and desired performance. The supervisor summarizes their conversation in a written memorandum and places a copy in the employee's personnel file.

- *One-Day Suspension/Decision-Making Leave* – this is a paid, one-day leave of absence in which the employee is asked to decide whether he or she is willing to make a “total performance commitment” by changing the unwanted behaviour or to quit and find more satisfying work elsewhere. The next day, the employee announces his/her decision and , if it is to stay, then the supervisor and employee develop specific goals and an action plan for improvement. These plans are documented and placed in the personnel file.
- *One-week suspension* – employee’s last chance to change if behaviour still exists. Supervisor makes it clear that the next offense will result in the employee’s dismissal.
- *Dismissal* - if the employee’s offends again they are terminated.

Punishment will be applied consistently, and will be clearly explained to all employees.

Depending on the severity of the circumstances, one or more of the steps may need to be bypassed. However, except in extraordinary cases, employees will not be discharged unless they have had a written reprimand and an opportunity to correct their behaviour.

9.2 Termination

The discipline procedures in this manual will be followed except when the action of the employee calls for immediate dismissal. These actions include theft, assault, and other criminal actions against the Pabineau First Nation or a fellow employee.

Dismissing an employee for cause is to be done in writing, setting out the reasons for such action. Otherwise the dismissal without notice is not valid even if cause exists. The dismissal then becomes a termination without notice and the employer must pay the employee the wages the employee would have earned during the notice period he/she was entitled to receive.

The Band Council must approve all terminations of employment and will do so only after conducting a comprehensive review of the situation.

Two weeks written notice of termination or layoff will be given if the employee has been employed for a continuous period of six months or more, but less than five years.

Four weeks written notice of termination or layoff will be given if the employee has been employed for a continuous period of five years or more. The equivalent wages may be paid instead of providing 2 or 4 weeks notice.

When an employee ceases to be employed, the employee will be paid earned holiday pay due. However, no financial compensation shall be paid for accumulated sick leave credits.

Employees can be laid off without notice if:

1. The layoff is for a period not exceeding six days
2. There is lack of work due to any reason unforeseen by the employer at the time notice would have been given.

Employees can be laid off or terminated without notice if:

1. The termination of employment is due to the completion of a definite assignment the employee has hired to perform over a period not exceeding twelve (12) months.
2. The employee has completed a term of employment fixed in the employment contract, unless the employee is employed for a period of three (3) months beyond that period
3. The employee retires under an established retirement plan
4. The employee is doing construction work at a work site in the construction industry
5. The termination or layoff results from the normal seasonal reduction, closure or suspension of an operation.
6. The employee has refused reasonable alternative employment offered by the employer instead of being terminated or laid off.

Definitions

Dismissal – means the termination of the employment relationship for cause at the direction of the employer .

Layoff – means a temporary interruption of the employment relationship at the direction of the employer because of lack of work.

Termination- means the unilateral severance of the employment relationship at the direction of the employer.

Suspension – means a temporary interruption of the employment relationship other than a layoff at the direction of the employer.

10.0 Code of Conduct & Ethics

10.1 Responsible Performance of Duties

Staff will be required to conduct themselves in a professional way, which reflects positively on the Pabineau First Nation. Each employee shall strive to complete each task to the best of their ability, and in a reasonable time period. Employees should make it a practice to devote themselves to their work during work hours. Employees are required to follow the instructions of their supervisors, and conduct themselves in a professional manner at all times. Above all, Band employees must remember that serving the Band membership is their primary task, and they should ensure that respect, promptness and fairness are guaranteed aspects of service.

10.2 Conduct and Appearance

It shall be the responsibility of the employee to be punctual for work every day, and to perform assigned task to the best of their ability. Employees must remember that their conduct, both professional and personal, serves as a direct reflection of the Pabineau First Nation. As such, they are reminded to conduct themselves in the best possible manner at all times. As part of this commitment to good conduct, employees should arrive at work on time, with a positive attitude and a courteous demeanor. They should ensure that use of equipment, property or supplies which is designated official Band-use only, should be used for the purpose for which the items were intended. The employee must conduct themselves in a manner that is beyond reproach and should not accept any gifts of goods or monies from the public for performing their duties. Employees will be expected to conduct themselves in accordance with all Band policies and guidelines, and as such, should become familiar with them. Any employee found to be using profane or threatening language in the conduct of their duties will be reprimanded, and a copy of the incident will be placed in their personnel file.

10.3 Relationships with Other Staff Members

Employees are encouraged to show the utmost respect and courtesy to fellow employees at all times. It should be the goal of all employees to ensure that the workplace is safe and hospitable for fellow employees. To ensure this goal, every employee should respect the rights of other employees, and that no prejudicial actions will be tolerated. Every employee will be treated equally regardless of face, nationality, ethnic origin, colour, language, religion, gender, age, sexual orientation, or mental or physical disability. Employees are reminded to follow and respect the jurisdictional structures that are in place at the Pabineau First Nation, and that they are required to report any violations of this Code of Conduct to their supervisor immediately.

10.4 Protection and Sharing of Information

Every employee shall be required to review and completely understand that information gathered or obtained during the course of their work shall be kept strictly confidential. All staff have an obligation of trust to their employer, and the Band membership, to treat personal or sensitive information in an appropriate manner. Information should be used only for the purposes for which it was intended, and not for any personal use by any Band employee. It shall be considered a serious offense if information of a personal or sensitive nature is being used for purpose other than for which it was intended. Disciplinary measures shall be applied to any and all employees found to be operating in opposition to this policy.

11.0 Grievance Procedures

Complaint – a verbal expression of dissatisfaction by an employee relating to his/her employment, addressed to the employee's immediate supervisor.

Grievance – a complaint in writing presented by an employee on his/her own behalf or on behalf of the employee and one or more other employees.

Every employee has the right to present a grievance and will not be intimidated or threatened for presenting a grievance. Every employee has the right to fair representation in the resolution of his/her grievance.

1. Employees are responsible to try to resolve the complaints with their immediate supervisor before submitting a grievance.
2. Grievances should be presented to the Band Manager and/or grievance committee in a standard format.

An employee must present their grievance to the Band Manager in writing within five (5) days of the incident occurring, except for a grievance related to suspension or termination. In which case the employee must present their grievance within ten (10) working days.

Responsibility for responding to grievances will fall to the Band Manager except in the case of suspension or termination, which must be dealt with by the Band Council. The employee will be entitled to a hearing upon request. All responses to grievances will be issued within thirty (30) days of receipt of the grievance of the hearing. All decisions of the Band Council will be binding and final. (Time limits may be extended by mutual consent.)

12.0 Harassment

12.1 Definitions

Harassment – any improper behaviour by a person or persons employed by the Band that is either directed at or offensive to any employee and which the harasser knew or ought reasonably to have known would be unwelcome. It includes objectionable conduct, comment or display made on either a one-time or continuous basis that demeans, belittles or causes personal humiliation or embarrassment to an employee.

Abuse of Authority – means a person improperly using the power and/or authority associated with a position held, in order to endanger an employee's job, undermine the performance in that job, threaten the employee's economic livelihood or in any way interfere with or influence the employee's career goals. It also includes acts such as intimidation, threats, blackmail or coercion. It does not include legitimate managerial activities such as changing a job description, reorganizing the work, eliminating redundant positions or taking disciplinary action.

Sexual harassment – means any behaviour, conduct, comment, gesture or contact of a sexual nature which occurs on a one-time basis or in a continuous series of incidents, that:
Might reasonably be expected to cause offence or humiliation to the employee; or
Might reasonably be perceived by the employee as placing a sexual condition on the nature of employment or any opportunity for training, development or career advancement.

Harassment in any form, is serious misconduct that shall be subject to disciplinary sanctions, up to and including termination of employment for cause.

The Pabineau First Nation does not condone any behaviour in the workplace that by its nature constitutes harassment of any of its employees.

All managers must work to ensure a harassment free work environment. Any manager who becomes aware of harassment and who fails to take corrective action may in turn be subject to disciplinary action.

Both employees and managers can choose to file a harassment complaint when they feel they have been subject to a malicious harassment complaint.

Every complaint shall be investigated in an impartial, confidential and expeditious manner.

All documentation relating to harassment complaints will be treated as confidential.

12.2 An employee has the right to:

1. File a complaint and obtain a review of the complaint without fear of embarrassment or reprisals, through the special redress procedures.
2. Be represented and accompanied by a person of their choice during the interviews and investigation relating to the complaint.
3. To ensure that any written comments related to the complaint be excluded from the complainant's personnel file.
4. To be kept informed throughout the process.
5. To be informed of the results of any investigation pertaining to the complaint.

12.3 Employees have a responsibility to:

1. Make known to the offender their disapproval of or unease with any offensive behaviour, during or as soon after the incident as possible.
2. Keep a written record of the details (including time, location and name of any witness) of the alleged incident(s) of harassment.
3. Seek assistance from their manager to resolve the situation.
4. Cooperate fully with management and those persons investigating the complaint on behalf of the Pabineau First Nation.

12.4 A person against whom a complaint is lodged has the right to:

1. Be informed immediately that a complaint has been filed.
2. Be presented with a copy of the written statement of allegations and afforded an opportunity to respond to them.
3. Be represented and accompanied by a person of their choice during the interviews and investigation related to the complaint.
4. Be assured that any written complaint or written comments related to the fact that an employee has lodged a complaint will be excluded from the alleged harasser's personnel file unless and until such time as the complaint is determined to be founded and disciplinary action is taken.
5. Fair treatment in an environment which itself is free of harassment and discrimination.
6. Be kept informed throughout the process.
7. Be informed of the results of any investigation pertaining to the complaint.

12.5 The Pabineau First Nation has the responsibility to:

1. Develop policies and procedures to ensure that the work environment is free of harassment.
2. Implement procedures with respect to harassment complaints and ensure that these procedures are known to all managers and employees.
3. Ensure compliance with this harassment prevention policy
4. To make every reasonable effort to ensure that no employee is subjected to harassment.

12.6 Procedures

1. Employee makes their disapproval known to the person responsible for the offensive comments or behaviour.
2. If the situation is not resolved, then the employee seeks assistance from a supervisor.
3. The supervisor takes appropriate action to resolve any incident of alleged harassment in his/her work area, whether or not a formal complaint is made.
4. If the situation cannot be resolved informally, the employee will have to file a written complaint with the appropriate manager or supervisor.
5. The manager will initiate the procedures to resolve the situation.
6. Discussions will occur with each party involved to inform them of their rights and obligations during the investigation.
7. The Chief (or appointed person), throughout the process, will ensure that appropriate communication between the parties is available.
8. After review of the investigation report, the manager will inform the parties of management's decision of whether or not the complaint is founded, and will ensure that appropriate corrective action is taken, if required.
9. The Band Manager provides the final written report to the Chief for the complaint file and for storage in a secure area, within two weeks of the completed investigation.
10. A complaint file which has been officially closed shall be destroyed two (2) years after the most recent incident has been filed.

