

**Saginaw Chippewa Indian Tribe of Michigan**  
**Saginaw Chippewa Tribal College**  
**Personnel Policy**



*May 11, 2016*

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## TABLE OF CONTENTS

|  | PAGE     |
|--|----------|
| <b>Overview</b>  | <b>1</b> |
| <b>Vision Statement</b>  | <b>1</b> |
| <b>Mission Statement</b>   | <b>1</b> |
| <b>On Being a Saginaw Chippewa Tribal College Employee vs. a Saginaw Chippewa Tribal Operations Employee</b> |          |
| <b>Section I - Foundation</b>  |          |
| 1. Definitions   | 2        |
| <b>Section II - Hiring Standards</b>   |          |
| 2. Native American Preference Policy   | 4        |
| 3. Requirements  | 5        |
| 4. Discrimination Policy   | 5        |
| 5. Nepotism  | 5        |
| <b>Section III - General Employment Related</b>  |          |
| 6. Posting Vacant Positions  | 6        |
| 7. Applying for Positions  | 6        |
| 8. Rehires   | 6        |
| 9. Interviews  | 7        |
| 10. Pre-Employment Requirements  | 7        |
| <b>Section IV - Personnel Administration</b>   |          |
| 11. Employment Status  | 8        |
| 12. Probationary Period  | 8        |
| 13. Probationary Period Extension (" <b>Probationary Extensions</b> ")                                       | 9        |
| 14. Promotion  | 9        |
| 15. Transfers  | 9        |
| 16. Temporary Employees  | 10       |
| 17. Grants and Contractual Employees   | 11       |
| 18. Interim Assignments/Long Term(Longer than 6 months)  | 12       |
| 19. Short Term Assignment (Less than 6 months)   | 1        |
| 20. Employee Layoff  | 1        |
| 21. Job Descriptions   | 13       |
| 22. Wage and Salary Administration   | 14       |
| 23. Pay Procedures   | 14       |

|  |    |
|--|----|
| 24. Non-Faculty Members' Performance Evaluations                             | 15 |
| 25. Faculty Member and Adjunct Faculty Member Annual Performance Evaluations | 15 |
| 26. Merit/Step increase(s)   | 17 |
| 27. Supplemental Teaching Compensation                                       | 18 |

## **Section V- Benefits**

|   |    |
|---|----|
| 28. Insurance   | 18 |
| 29. Overtime  | 19 |
| 30. Holidays  | 1  |
| 31. Accruals  | 20 |
| 32. Annual Leave  | 21 |
| 33. Sick Leave  | 22 |
| 34. Year-End Payment for Annual & Sick Leave              | 22 |
| 35. Payment for Unused Leave upon Resignation/Termination | 23 |
| 36. Personal Leave  | 2  |
| 37. Longevity Leave                                       | 24 |
| 38. Bereavement Leave                                     | 2  |
| 39. Administrative Leave                                  | 25 |
| 40. RESERVED  | 2  |
| 41. Educational Leave                                     | 25 |
| 42. Jury Duty   | 2  |
| 43. Military Leave  | 25 |
| 44. Nursing Mother's Policy                               | 25 |
| 45. Sick Leave Donation                                   | 2  |
| 46. Medical-Related Leave of Absence ("MRLA")             | 26 |
| 47. Personal Leave of Absence                             | 27 |
| 48. RESERVED  | 28 |

## **Section VI- Workplace Rules and Expectations**

|  |    |
|--|----|
| 49. Employee Conduct                         | 2  |
| 50. Conflict of Interest                     | 30 |
| 51. Political Offices                        | 30 |
| 52. Communications with the Board of Regents | 3  |
| 53. Personal Property                        | 31 |
| 54. Online Communications Policy             | 31 |
| 55. Work Day                                 | 32 |
| 56. Attendance/Calling In                    | 32 |
| 57. Flex-time                                | 33 |
| 58. Early Out Situations                     | 33 |
| 59. Inclement Weather                        | 33 |
| 60. Board & Committee Meeting Attendance     | 34 |
| 61. Travel Policy Summary                    | 35 |
| 62. Motor Vehicle Policy Summary             | 35 |
| 63. Dress Code                               | 35 |
| 64. Employee Safety                          | 37 |
| 65. Work Related Injury                      | 37 |



## **Section VII - Drug and Alcohol-Free Workplace Policy**

|  |    |
|--|----|
| 66. Drug and Alcohol-Free Workplace Policy | 37 |
|--|----|

## **Section VIII- Disciplinary Actions**

|  |    |
|--|----|
| 67. Prohibited Conduct                   | 39 |
| 68. Fair Action Notice ("FAN" or "FANs") | 42 |
| 69. Sexual Harassment                    | 42 |
| 70. Gross Misconduct                     | 43 |
| 71. Investigative Suspension             | 43 |
| 72. Fair Treatment Team ("FTT")          | 44 |

## **Overview**

This Saginaw Chippewa Tribal College Personnel Policy ("**Policy" or Policies**") as approved by the Board of Regents on March 9, 2016, and by the Saginaw Chippewa Indian Tribe of Michigan's Tribal Council by Tribal Council Resolution 16-023 shall be effective beginning May 11, 2016<sup>1</sup>. This Policy supersedes and replaces any and all previous Saginaw Chippewa Tribal College Personnel or Human Resources Policies and Procedures Manuals, addendums, memos, letters, precedents, or similar policy statements.

All employees of the Saginaw Chippewa Tribal College ("**SCTC**") are subject to this Policy and are responsible for reading, understanding, and complying with its contents. Persons employed under a written contract shall be subject to the provisions of such contract. In the event of questions, concerns, or clarification regarding these Policies and procedures, please contact the Saginaw Chippewa Indian Tribe of Michigan's Human Resources Department ("**Human Resources**").

The SCTC, reserves the right to revise, interpret, supplement or rescind in whole or in any part any of the published or unpublished policies, practices or benefits of SCTC without advance notice and without providing cause or justification.

Policies may not be amended or added without the express written approval of the Board of Regents and the Saginaw Chippewa Indian Tribe of Michigan's Tribal Council.

## **Vision Statement**

The Saginaw Chippewa Tribal College is committed to maintaining a nurturing environment which inspires all people to attain higher levels of personal and academic success.

## **Mission Statement**

The Saginaw Chippewa Tribal College is a public community college that provides educational opportunities reflecting Anishnaabe values.

## **On Being a Saginaw Chippewa Tribal College Employee vs. a Saginaw Chippewa Tribal Operations Employee**

The SCTC is a non-profit public corporation of the Saginaw Chippewa Indian Tribe of Michigan and operates pursuant to the Charter of the Saginaw Chippewa Tribal College adopted by the Saginaw Chippewa Indian Tribe of Michigan (SCIT).

The SCTC employees are NOT considered to be Saginaw Chippewa Tribal Operations employees, but are still considered part of the Saginaw Chippewa Indian Tribal Workforce.

This is an important distinction because SCTC employees shall retain certain rights afforded to all Tribal employees including:

- The ability to transfer between the SCTC and Tribal Operations and/or Soaring Eagle Casino & Resort without any corresponding loss of years of service.
- Access to the Fair Treatment Team ("FTT") Procedures.

- The inclusion of "years of service" for time/duties performed while employed by the SCTC for purposes of completing 25 years of service (SCIT Member Employees) in accordance with Tribal Ordinance 29.

An individual familiar with Saginaw Chippewa Tribal Operations Personnel Policies will notice a number of similarities between this Policy and the Saginaw Chippewa Tribal Operations policy manual. In adopting policies that closely mirror Saginaw Chippewa Tribal Operations policy, the intent of the Board of Regents is two-fold: to provide for ease of implementation in such areas that the operation of the SCTC and Tribal Operations Personnel Policies intersect, and to provide for the preservation of rights afforded to all employees of the Saginaw Chippewa Indian Tribe of Michigan.

## **Section I - Foundation**

### **1. Definitions**

- a. Board of Regents (BOR)- The governing body of the SCTC.
- b. Classification of Employees

#### **1. Adjunct Faculty**

SCTC Adjunct Faculty includes those individuals with appropriate academic credentials who are responsible for the direct delivery of instructional services to students not taught by Permanent Full-time Faculty. Adjunct Faculty observe a work week that is calculated per semester, by the number of credits taught, and at a rate of pay calculated in accordance with the wage scale set by the Board of Regents. Adjunct Faculty do not accrue sick, annual, or personal leave time.

#### **2. Administrative Professional**

Administrative Professional employees of the SCTC shall include those individuals responsible for the management of the functional responsibilities of the institution. Administrative Professionals includes the Deans, Directors, Managers, Coordinators, and those individuals with substantive supervisory responsibilities. Administrative Professionals typically observe a 40 hours/week schedule over 52 weeks/year. All Administrative Professionals are Exempt and Permanent Full-time. All Administrative Professionals shall accrue leave in accordance with this Policy.

#### **3. Executive**

The SCTC President is an Executive employee. An Executive typically observes a 40 hours/week schedule over 52 weeks/year. An Executive is Exempt and Permanent Full-time. An Executive shall accrue leave in accordance with this Policy.

#### **4. Faculty**

SCTC Faculty includes those individuals with appropriate academic credentials who are responsible for the direct delivery of instructional services to students. Faculty typically observe a 32 hours/week schedule over a 9 month year. Faculty are Exempt and Permanent Full-time and draw their compensation on a pro-rated basis at 40 hours/week over 52 weeks/year. Faculty accrue sick and personal leave in the manner described by this Policy. Faculty do not accrue annual leave. Faculty qualify for holiday pay and other benefits regardless of when such benefits are discharged.

throughout the year.

#### 5. Grant and Special Projects

Grant and Special Projects employees include those individuals who are hired by the SCTC to work on a full-time or part-time basis on particular programs or projects that are funded by external sources. The primary distinction of a Grant and Special Projects employee is that the length of employment is contingent upon availability or continuation of the grant-funds under which they were hired unless the employment is terminated for other reasons in accordance with this Policy or until such time that the position is re-categorized as a Permanent Full-time or Permanent Part-time position. For purposes of accumulation of years of service to the SCIT, benefits, and adherence to this Policy and other SCTC policies, Grant and Special Projects employees who receive a W-2 shall accumulate years of service with the SCIT/SCTC, benefits and are subject to this Policy.

#### 6. Support Services

SCTC Support Services employees include those individuals responsible for the provision of clerical and technical services necessary to support SCTC's academic and business functions. Support Services employees typically observe a 40 hours/week schedule over 52 weeks/year. Support Services employees may be considered Exempt or non-Exempt and likewise Permanent Full-time or Permanent Part-time according to their job description. Support Services employees shall accrue leave in accordance with this Policy.

7. Permanent Full-time: An employee who works at least 32 hours per week on a regular basis and has completed their Probationary period.
8. Permanent Part-time: An employee who works less than 32 hours per week and has completed their Probationary period.
9. Probationary: The classification of a new hire, rehire, or transfer employee during any Probationary period.
10. Student Employee: A Student Employee who is enrolled in a degree-granting program at SCTC and registered for at least ½ time enrollment for the semester in which the student is working.
11. Temporary: An individual employed full-time or part-time for a limited period of time.
- c. Conflict of Interest – Any situation in which an individual is in a position to take advantage of a professional or official capacity or influence the outcome of a decision for their personal benefit.
- d. Exempt – An executive, administrative, or professional employee who is paid on a salaried basis and not paid on an hourly basis. Exempt employees do not receive overtime.
- e. Fair Action Notice ("FAN") - The form management uses to document disciplining of an employee.
- f. Fair Treatment Team ("FTT") Hearing- The hearing held by the applicable FTT to consider an employee's grievance of the disciplinary action taken against the employee which is further defined and otherwise controlled by the FTT Standards and Procedures.
- g. Hiring Manager - The director/manager responsible for initiating and overseeing the hiring process

to fill vacant positions within their department.

- h. Immediate Family Member(s)-Immediate Family Members includes the following: Father, Mother, Husband, Wife, Son, Daughter, Brother, Sister, Aunt, Uncle, Nephew, Niece, Mother-in-Law, Father-in-Law, Son-in-Law, Daughter-in-Law, Brother-in-Law, Sister-in-Law, Grandparents, Grandchildren, Step Children, and Foster Children. **For the purposes of Bereavement Leave, Immediate Family Member(s) shall also include Stepfather(s) and Stepmother(s).**
- i. Nepotism-Favoritism shown on the basis of family or marital relationships.
- j. Non-Exempt- Employees who are paid on an hourly basis. This status is based on employee job descriptions.
- k. Reference Checks-Contacting the applicants previous 3 employers to verify applicant's job title, length of employment, and, if possible, their work performance during their employment.
- l. SCIT-The Saginaw Chippewa Indian Tribe of Michigan.
- m. SCTC-The Saginaw Chippewa Tribal College
- n. SCTC Charter-The governing document of the Saginaw Chippewa Tribal College and approved by the Saginaw Chippewa Tribal Council which authorizes the Saginaw Chippewa Tribal College.
- o. Temporary Pool – A list of Tribal employee applicants who may be called upon for a temporary period of time to perform a certain type of job required by a Tribal Operations departmental director or manager. The temporary job performed by the pool applicant shall not exceed 6 calendar months.
- p. Text Messaging – Means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, emailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.
- q. Transfer(ed)-An approved move from one department to another within the Tribal organization.
- r. Tribal Council-The governing body of the SCIT.
- s. Unauthorized Absence-an absence from work where the employee has failed to do one or more of the following: 1) Obtain prior approval from their immediate supervisor for the absence; 2) Report the use of sick leave which has not been pre-approved through the ILLS line; 3) Have enough time in their leave bank to cover the absence from work; 4) Report the use of personal leave to an immediate supervisor and through the ILLS line.
- t. Familial Status-means a person's household type such as a person's marital status and existing or prospective children.

## Section II- Hiring Standards

### 2. Native American Preference Policy

- a. The SCIT, in accordance with the spirit of PL. 93-638, adopted January 4, 1975, **will provide preference to Native Americans meeting minimum position qualifications, and who have equal qualifications for the position(s) to those of other applicants.** For employment and training opportunities, the following preference criteria will be utilized, where applicable, in order of decreasing priority.
  1. A member of the SCIT.
  2. Direct descendants of members of the SCIT. For purposes of this Policy, direct descendants shall mean any person whose biological parent(s) is a member of SCIT.
  3. Members of Federally Recognized Tribes indigenous to the United States or indigenous/aboriginal Tribes of Canada.
- b. All persons applying for positions with the SCIT/SCTC who claim preference as stated above must show proof of membership or descendancy at the time of application.
  1. For preference purposes, acceptable proof is a Tribal membership card, a Tribal voter registration card, or an enrollment number.
  2. Direct descendants of SCIT Tribal members must show their birth certificate along with a parent's membership card or membership number.
- c. The Native American Preference Policy will apply to recruitment, hiring, internships, Transfers, promotions, trainings, and lay-offs.

### 3. Requirements

- a. The Saginaw Chippewa Tribal College strictly abides by the minimum qualifications for posted positions. The SCTC does not make provisions for waivers of GED requirements, nor does it provide for a process of Qualifications and Credential Review to facilitate the recognition of work experience in lieu of earned educational degrees.

### 4. Discrimination Policy

- a. Non Discrimination Statement

Saginaw Chippewa Tribal College (SCTC) and its Board of Regents is committed to providing a non-discriminatory and harassment-free educational and working environment for all members of the Saginaw Chippewa Tribal College community, including students, faculty, administrators, staff, and visitors. It is the policy of SCTC that no person shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, including harassment, in employment and admissions, in education, or in any program or activity for which the College is responsible, on the basis of race, color, national origin, ancestry, sex, gender, gender identification, sexual orientation, disability, age, religion, medical condition, veteran status, marital status or any other characteristic protected by institutional policy or tribal or federal law.

#### **Saginaw Chippewa Tribal College Civil Rights Coordinator**

Mary Pelcher, Dean of Academics

5805 East Pickard Street

Mount Pleasant, MI 48858

989-317-4760 Ext. 265

[mapelcher@sagchip.edu](mailto:mapelcher@sagchip.edu)

## 5. Nepotism

- a. Nepotism is strictly prohibited in the workplace.
- b. To minimize perceived or actual conflicts of interest, situations where family members are in supervisor/subordinate relationships shall be avoided whenever possible. This includes situations where employees can initiate or participate in decisions involving direct benefits to an Immediate Family Member. Immediate Family Members are defined in section 1.

- c. The Nepotism policy also applies to applicants and employees who are co-habiting.
- d. Immediate Family Members may not participate (other than as witnesses) in a FTT Hearing.

### **Section III- General Employment Related**

#### **6. Posting Vacant Positions**

- a. When a vacant position arises, the departmental director/manager ("**Hiring Manager**") over the position shall fill out a position requisition to get the position posted as soon as possible.
- b. Before posting the position, Human Resources will provide the Hiring Manager with a copy of the job description for review.
  - 1. If there are changes to be made to the job description, the Hiring Manager must contact the BOR.
- c. The Hiring Manager shall notify Human Resources to determine how the position will be posted (intra-department, in-house, or open to the public).
  - 1. Intra-Department- current employees in the department where the vacant position exists and all SCIT Tribal members are eligible to apply. Position will be posted for 5 working days.
  - 2. In-House-current SCTC employees, SCIT Tribal Operations employees, Soaring Eagle Casino & Resort employees, Saganing Eagle's Landing Casino employees, and all SCIT Tribal members are eligible to apply. Position will be posted for 10 working days.
  - 3. Open to the Public- SCIT Tribal members, current employees and outside applicants may apply. Position will be posted for a minimum of 10 working days or open until filled.
- d. A continuous posting will be allowed for positions that are temporary or difficult to fill. These positions will be posted as "open until filled."

#### **7. Applying for Positions**

- a. Those individuals wishing to apply for positions within Tribal Operations and/or the SCTC must complete an online application at [www.sagchip.org](http://www.sagchip.org). Online applications must be completely filled out to be considered for employment.
- b. Individuals may only apply for posted positions. Applications/resumes will not be accepted after a position has closed.

#### **8. Rehires**

- a. Former SCIT/SCTC employees including former employees of any entity or enterprise of the SCIT are not eligible for rehire for employment with the SCIT/SCTC until 16 weeks from the date of discharge from the SCIT/SCTC. This section shall not apply, and the employee shall be eligible for rehire at any time with the SCIT/SCTC, if the employee's immediate, prior employment with the SCIT/SCTC was a position under grant or contract, or the employee was employed in an interim or Temporary Pool position and the employee left the position in good standing.



## 9. Interviews

- a. The Job Placement Specialist, in cooperation with the SCTC Hiring Manager, will screen all applications and schedule interviews. Only those applicants that meet the minimum qualifications for the position may be interviewed.
- b. Any person interviewed for a position that requires a driver's license or a Tribal driver's license must fill out a Motor Vehicle Report ("**MVR**") at the time of interview.
- c. The Hiring Manager will conduct the interviews. On occasion, the Job Placement Specialist and/or Anishinabe Workforce Developer may also sit in during the interviews.
- d. To help reduce costs to the Tribe, an alternate candidate shall be named whenever possible in accordance with the provisions of section II.2 of this Policy.
- e. Hiring Managers may not participate in the interview process where an Immediate Family Member of the Hiring Manager is being interviewed.
- f. If the selected candidate declines the position, or leaves the position for any reason during the probationary period, Human Resources shall offer the position to the alternate candidate, when applicable.
- g. The position will be re-posted if there is no alternate candidate or the alternate candidate declines the position.

## 10. Pre-Employment Requirements

All job offers are contingent upon successful completion of all pre-employment requirements. All jobs require a drug screening and a tuberculosis test. Some positions have additional requirements which may include submitting to a background investigation or obtaining a gaming license. The list of pre-employment requirements is not inclusive and may require additional mandates as they relate to the position. Failure to complete or successfully pass any pre-employment requirement will result in rejection of the application or the job-offer being rescinded.

- a. Drug Screening and Tuberculosis Test
  1. Individuals who fail the pre-employment drug screen have a one-time option of doing a self-pay drug screen.
  2. Individuals who fail the self-pay drug screen, and those who fail the initial drug screen without doing a self-pay, will have the job-offer rescinded.
- b. Background Investigation
  1. Positions of a sensitive nature, including, but not limited to, those that work with children and the elderly, will require the applicant pass a pre-employment criminal background investigation.
  2. Successful completion of the background investigation must be obtained prior to starting employment in the new position.

c. Pre-Employment Paperwork

1. All pre-employment paperwork given by the Human Resources Department must be completed and signed.

**Section IV - Personnel Administration**

11. Employment Status

- a. Executive employees are employed by the BOR under the terms and conditions specified in their individual employment contracts with the SCTC.
- b. All other Permanent Fulltime and Permanent Part-time employees of the SCTC, who have completed their Probationary period are employed by the SCTC for as long as their services are necessary and/or satisfactory to the SCTC. The SCTC retains the absolute right to determine whether an individual's services are necessary and may eliminate any position at any time due to funding reduction, funding elimination, or funding reallocation.
- c. All Adjunct Faculty, Temporary employees, Grant and Special Projects employees, and Student employees are employed on an "at-will" basis only, and any such individual's employment may be terminated at any time, with or without notice, and with or without cause.

12. Probationary Period

The Probationary period is the time each employee receives after being hired or transferred into a new position to receive departmental and job-specific training, and adapt to the requirements of employment with the SCTC. All employees will be carefully monitored and evaluated during the Probationary period.

- a. All Permanent Full-time and Permanent Part-time employees, including new hires and rehires, with the exception of Faculty, shall serve a Probationary period of 90 calendar days commencing on the first day of employment.
  1. Probationary employees will accrue annual and sick leave in accordance with this Policy during the Probationary period but will not be eligible to take annual leave until the employee has successfully completed the Probationary period.
    - i.) Faculty will not accrue leave time but will receive their sick and personal leave upon starting the employee's position with the SCTC. Faculty are ineligible to receive annual leave.
  2. Probationary employees will receive applicable holiday pay.
  3. Probationary employees may utilize half of their personal hours during the Probationary period.
    - i. Due to the length of the Probationary period for Faculty, Faculty may, with appropriate approval, utilize their personal leave hours during the Probationary period.
- b. Employees who transfer from within the SCTC or those employees who are promoted from within SCTC are subject to a Probationary period of 30 calendar days commencing on the first day working in the new position.

- c. Faculty are subject to a Probationary period consisting of two (2) consecutive semesters following the Faculty member's initial hire.
  - 1. All Probationary Faculty shall receive an evaluation at the conclusion of their first semester of employment. The purpose of the Probationary Performance Evaluation is to identify problem areas in the Faculty member's performance that could lead to termination of employment during or at the conclusion of the Probationary period so that the Probationary Faculty member shall have an opportunity to correct the problems. This evaluation process in no way restricts SCTC's ability to terminate a Probationary Faculty member at any time during the Probationary period.
- d. At any time during the Probationary period, after consulting with the Human Resources, the supervisor via the President may terminate a probationary employee whose quality of work does not meet the requirements of the position and the employee will not be eligible for rehire for 16 weeks.
- e. Upon completion of the Probationary period, the immediate supervisor shall conduct a written performance evaluation indicating whether the employee is promoted to permanent status, released, or terminated.
- f. Probationary terminations and FANs issued during the Probationary period are not subject to an FTT Hearing.
- g. Probationary periods shall not apply to persons employed under a written employment contract unless expressly provided in the contract.

#### 13. Probationary Period Extension ("Probationary Extensions")

- a. In limited circumstances, the Probationary period may be extended up to 30 additional days for deficiencies in the employee's performance during the Probationary period.
- b. The supervisor must submit documentation to the SCTC President and to the employee, detailing the deficiencies, and a plan to address these deficiencies.
- c. Approval of Probationary Extensions must be obtained from the President prior to the deadline of the original Probationary period.
- d. All original Probationary period requirements remain in effect during the Probationary Extension.

#### 14. Promotion

- a. All employees are encouraged to seek advancement opportunities within the SCIT and the SCTC. Management may promote from within and may consider current employees with the necessary qualifications and skills to fill vacancies. However, qualified SCIT Tribal members, descendants, and members of other Federally Recognized Tribes will be given first consideration.
- b. Employee eligibility for promotion will be determined by the requirements of the new job. Additionally, employees must have held their current position for at least 6 months, have a satisfactory performance record, and have no adverse disciplinary action during the same period.

#### 15. Transfers

- a. Eligible employees may apply for posted positions within Tribal Operations/SCTC. Employees must complete an online application at [www.sagchip.org](http://www.sagchip.org).
- b. To be considered eligible:
  - 1. Employee must have held current position for at least 6 months and must have successfully completed the probationary period for the current position.
  - 2. Employee must not have a FAN within the previous 6 months.
  - 3. Employee must meet all minimum requirements of the new position, including any posting restrictions such as Intra-Department.
- c. Current employees who are promoted or Transferred to another position must provide their current supervisor with a 2-week notice prior to changing positions, unless otherwise agreed upon by directors/managers.
- d. Identical Position Transfers
  - 1. In limited circumstances, an employee may request to Transfer to an identical position in another department.
  - 2. The employee's current position and new position must have the same grade classification, title, and almost identical job duties.
  - 3. The current position and the new position must not be supervisor positions.
  - 4. The position must be a highly-skilled job and critical to the Tribe's operations.
  - 5. Such transfer must not cause a cost increase to the Tribe.
  - 6. Approval must be received in the following order: Employee's current director, receiving department director, Human Resource Manager, Tribal Administrator, and BOR.
- e. Effect of Transfers on leave balances
  - 1. In an employee transfers to a position within the SCTC/SCIT which has the same leave plan as the employee's former position with SCTC/SCIT then the amount of accrued leave will carry over to the new SCTC/SCIT position.
  - 2. If an employee transfers to a position within the SCTC/SCIT which has a different leave plan as the employee's former position with SCTC/SCIT then the employee will be paid out for accrued leave balances in accordance with this Policy.

## 16. Temporary Employees

- a. Department directors requesting a Temporary employee must get approval from the SCTC President and must have funds available in their budget to cover the cost of the Temporary employee.

- b. The Anishinabe Workforce Developer/SCTC President will be responsible for handling all aspects of placing Temporary employees into assignments.
- c. Temporary employees are required to meet all minimum qualifications for the position, must work the specific hours required, and maintain a good attendance record.
  - 1. Temporary employees must submit any requests for time-off to their immediate supervisors.
  - 2. All time-off is unpaid.
- d. Temporary employees may apply for permanent positions that become available during their temporary employment.
- e. Temporary employees will start at the minimum pay level that the position is classified under. Fringe benefits are limited to FICA, Worker's Compensation, and Unemployment Compensation.
- f. All Temporary employees will sign a statement accepting these terms of employment.
- g. Temporary employees are not subject to a probationary period, but can be released from the position for any reason and are not entitled to a FTT Hearing or review.
- h. The maximum duration for a Temporary employee in the same position is 6 months.

#### 17. Grant and Contractual Employees

- a. Any person hired under grant resources is considered an employee and must abide by this Policy. Employment is dependent upon the duration of the grant.
- b. All positions of employment with the Tribe, its departments, agencies or enterprises described below will be made by a personal services contract:
  - 1. Any position of employment reporting directly to the Tribal Council, excluding clerical or secretarial support positions.
  - 2. Any position of employment that is required by Tribal law to be a contracted position.
  - 3. Any position of employment that is required by Tribal law to be a Tribal Council appointed position.
  - 4. Any position of employment that is required for a Tribal entity's accreditation, licensing or funding purposes to be contractual.
  - 5. Any position of employment that provides financial incentives to the employee as a part of the employee's compensation and where Tribal Council determines a contract is necessary to properly document the parameters of such compensation.
  - 6. Any position of employment for which one of the following terminal academic degrees and related professional licensure is required:

- i. Doctor of Medicine (M.D.)
- ii. Doctor of Osteopathy (O.O.)
- iii. Doctor of Dental Surgery (O.O.S.)
- iv. Doctor of Dental Medicine (D.D.M.)
- v. Doctor of Pharmacy (PharmD.)

- c. The contract term for employment contracts will be for a period of three (3) years unless otherwise approved by formal Council action or otherwise provided by law or policy. All other terms of employment contracts shall be determined and approved by Tribal Council. For any person employed under a written contract the contract terms shall be controlling.
- d. Contractual employees shall be provided forty (40) hours contractual management leave per calendar year in addition to other leave provided by this Policy. This leave shall be prorated to the dates of service under the contract term and shall be available subject to the terms of the contract.

18. Interim Assignments/Long Term (Longer than 6 months)

- a. In the event that an employee is reassigned to a different position for a specified amount of time, that position will be filled on an interim basis.
- b. The position will be posted for 5 days Intra-Department and will include "Interim" status on the job list and job description.
  - 1. If no internal employees qualify, the position will be posted "In-House" for 10 days.
  - 2. In the event no employees qualify, the position will be posted "Open to the Public" for at least 10 days.
- c. The department director will conduct interviews and hire accordingly. The Native Preference Policy will apply and the BOR must approve the interim candidate before an offer of hire is made.
  - 1. If an internal candidate is chosen and it creates a vacancy that is vital to daily operations, the department director (with BOR approval) can choose to appoint another employee from within the department, fill the position with a Temporary employee, or leave the position vacant while dispersing the duties among other staff.
  - 2. If another internal vacancy results from the changes, it shall be filled by appointment from within the department or through the interview process. This position shall last for the duration of the interim assignment.
- d. If the position being filled is an approved Permanent Full-time position, then the employee hired under the interim process will be afforded benefits upon successful completion of the probationary period.
  - 1. In the event that the employee does not satisfactorily complete the probationary period, or they do not feel comfortable in the new position, they will be moved back to their original position.
  - 2. The department director will start the process again.

- e. When the original employee returns from their assignment, all interim employees will return to their original positions.
  - 1. The Compensation Department/BOR will determine the rate of pay based on policy.
  - 2. If a vacancy was filled by a person outside the organization, that employee will no longer be an SCIT employee and all employee benefits will cease.
- f. In the event that the original employee does not return from their assignment, the interim employee shall remain in the position removing the interim status and switching them to Permanent Full-time status.
- g. Due to the nature of assignments, there is no guarantee on the time-frames of interim positions.

19. Sh011 Term Assignment (Less than 6 months)

- a. In the event that an employee qualifies for a leave of absence under established policy, or is given another assignment that will last less than 6 months, the department director (with the approval of the BOR) may appoint another employee internally to fill the position for the duration of the leave.
  - 1. This is not considered an interim assignment.
- b. The Native Preference Policy shall apply when filling any short-term assignment.
- c. The Compensation Department/BOR will determine the rate of pay, based on policy.
- d. If the move causes a key vacancy within the department, the department director (with the approval of the BOR) may do any of the following:
  - 1. appoint an employee internally,
  - 2. fill the position with a Temporary employee, or
  - 3. leave the position vacant and disperse the duties among staff.
- e. When the original employee returns from leave, all short term assignment employees will return to their original positions.
- f. If a Temporary employee was utilized, that individual will be released from that assignment and may be placed back into the Temporary Pool.
- g. In the event that the original employee does not return from leave, the position shall be posted.

20. Employee Layoff

- a. For information regarding employee layoffs, please refer to the complete Reduction in Workforce Policy on the Tribal intranet.

21. Job Descriptions

- a. The President will be responsible for the creation and maintenance of all SCTC job descriptions and forwarding the job descriptions to the BOR for approval.
- b. Copies of all job descriptions, including all outdated job descriptions that were revised, shall be maintained by the Human Resources Compensation Department and the Office of the President.
- c. It will be the responsibility of the President to make sure that all SCTC job descriptions within their departments are current and up-to-date, including any special requirements such as changes that may affect licensing, and/or the ability to perform the job effectively.
  - 1. In the event there are changes to be made to the job description which affect title, wage, and/or major job duties, the BOR must approve the revised job description.
    - i. All changes will require a completed Position Justification Form and review by the BOR.
    - ii. The Compensation Department will review changes with the compensation committee before sending recommendations to the BOR.
    - iii. The BOR will review recommendations and justifications from the compensation committee before approving changes to any job description.
    - iv. Minor changes that do not affect title or wage may be approved by the SCTC President.
  - 2. A copy of updated job descriptions with approved changes shall be placed in employee files.
- d. Occupied positions require the BOR approval before re-evaluating. Any subsequent changes to the job description resulting from the re-evaluation will not require the position to be posted.
- e. All new SCTC positions are subject to BOR approval.
  - 1. All new positions will require a completed Position Justification Form and review by the Human Resources Compensation Department.
  - 2. The Compensation Department may review with the compensation committee before sending recommendations to the BOR.
  - 3. The BOR will review recommendations and justifications from the compensation committee before establishing any new positions.
  - 4. Upon hire, a copy of the job description shall be placed in the employee's file.

## 22. Wage and Salary Administration

- a. Starting wages will be determined by the President and the Compensation Department. Compensation management will follow the policies approved by the BOR. Any compensation issues that do not fall within the compensation policies will be submitted to the BOR for approval.

## 23. Pay Procedures



- a. Employees receive their paychecks/check advices bi-weekly on Wednesday, subject to change by the SCIT. Local, State, Federal, and Social Security taxes are deducted automatically. No other deductions will be made unless an employee has a voluntary deduction authorized in writing, except deductions required by law.
- b. Employees who discover a mistake in their paycheck must complete a Payroll Discrepancy Form. The Payroll Discrepancy Form must be signed by the director/manager and the President before sending to Payroll. Discrepancies for the President must be signed by the BOR Chair or Vice-Chair.

#### 24. Non-Faculty Members' Performance Evaluations

Effective leadership requires that supervisors, directors, and managers talk with their employees about their job performance and expectations. It is the expectation that administrators are clear about how each employee is performing and how the employee's overall behavior contributes to the department's ability to deliver results consistent with Tribal values and quality of services. Such discussions may be difficult and should always be conducted professionally and respectfully. However, constructive criticism and legitimate supervisory actions aimed at improving performance, service deficiencies, or to remedy issues in the workplace environment are not forms of discipline, harassment, or retaliation.

- a. The performance evaluation for employees will include factors that relate to the individual job description for each position.
- b. Performance evaluations will be completed on an annual basis and submitted to Human Resources and the BOR by October 1<sup>st</sup> of each year.
- c. The employee's immediate supervisor shall conduct the performance evaluation. Evaluations for the SCTC President will be completed by the BOR, and will follow timeframes specified in the contract instrument which may or may not coincide with Tribal Operations' timeframes.
- d. All performance evaluations shall include detailed comments regarding any strength/weakness so that expectations are clearly defined.
- e. The immediate supervisor will discuss all evaluations with the employee. The evaluation will then be signed by the employee and supervisor.
- f. Performance evaluations will be forwarded to Human Resources and placed in the employee's file.
- g. In the event of an unsatisfactory evaluation, the immediate supervisor shall provide documentation to the director/manager and the employee that details the areas of deficiency, along with a plan to address such deficiencies. A repeat evaluation shall be conducted in 3 months. The repeat evaluation will result in the employee:
  1. obtaining a satisfactory evaluation; or
  2. obtaining an unsatisfactory evaluation which will subject the employee to disciplinary action.

#### 25. Faculty Member and Adjunct Faculty Member Annual Performance Evaluations

An Annual Performance Evaluation is an important component of staff development and personnel actions such as reappointment, non-appointment, salary determination, and other personnel action.

Annual Performance Evaluations must not undermine the concepts of academic freedom, which are essential to the SCTC. There is a presumption of competence on the part of each member of faculty.

The review undertaken within the evaluation process must reflect the nature of the individual's field of expertise and must conform to fair and reasonable expectations as recognized by faculty peers. The review will be conducted in accordance with procedures approved by the BOR.

- a. The Dean shall provide a written Annual Performance Evaluation of all Permanent Full-time SCTC Faculty members by **March 15** of each year in accordance with this Policy.
- b. The Dean or the Dean's designate shall provide a written Annual Performance Evaluation of all SCTC Adjunct Faculty members by **March 15** of each year in accordance with this Policy.
- c. Procedural Guidelines for Faculty:
  1. Faculty members are responsible for submitting any written evidence to the Dean of Instruction by **February 1** of each year that the Faculty member believes demonstrates and relates specifically to the Faculty member's teaching effectiveness, evidence of continuing work in scholarly activities, the Faculty member's role in carrying out SCTC's mission, service during the previous calendar year and progress related to the Faculty member's specific assignments. Documented evidence may include, but is not limited to:
    - i. Student evaluations as well as other evidence of students' learning in the Faculty member's classes, such as student essays and publications, field work or lab reports or conference presentations on course-related work.
    - ii. Evidence of efforts to improve teaching, such as incorporation of field projects into a course, adoption of a new teaching method, or an innovational instructional use of media.
    - iii. Evidence of scholarly activities and/or research, such as presentations, peer judgments about publications, success in securing funding through grants, contracts, and/or other related activities.
    - iv. Evidence of service to the profession, the SCTC and the community.
    - v. Peer evaluations, as appropriate.
  2. The Dean shall provide each Faculty member and Adjunct Faculty member with the preliminary Annual Performance Evaluation.
  3. Each Faculty member has the option of an individual conference with the Dean to discuss the preliminary Annual Performance Evaluation.
  4. If the Faculty member does not agree with the Dean's Annual Performance Evaluation, the Faculty member may schedule a meeting with the Dean to discuss the preliminary Annual Performance Evaluation.
  5. Following any meetings between the Dean and Faculty members, the Dean shall write a

final Annual Performance Evaluation and provide a copy to the Faculty member.

6. If deficiencies in the Faculty member's performance are identified in the Dean's Annual Performance Evaluation and the Faculty member agrees with the evaluation, the Faculty member is responsible for remediating the deficiencies and the Dean is expected to assist that remedial action.
7. If the Faculty member does not agree with the final Annual Performance Evaluation, the Faculty member has the option to write an addendum specifically explaining why he or she disagrees with the final Annual Performance Evaluation.
8. The final Annual Performance Evaluation and any addendum shall be signed by the Dean and the Faculty member and placed in the Faculty member's personnel file.
9. A copy of the final Annual Performance Evaluation and any addendum shall be provided to the Faculty member.
10. A copy of the final Annual Performance Evaluation, any addenda and plans for the Faculty member's development/remediation shall be presented to the President by **April 1** of each year.

d. Procedural Guidelines for Adjunct Faculty:

1. The procedures for Faculty member Annual Performance Evaluations described above will be utilized for Adjunct Faculty members, except that the Dean may elect to utilize only specified portions of the procedures. Adjunct Faculty selected for evaluation shall be notified of the evaluation procedure elements to be used. At a minimum, the Annual Performance Evaluation shall include student evaluations.

26. Merit/Step Increase(s)

- a. All Permanent Full-time, Permanent Part-time, and Adjunct Faculty employees will receive an Annual Performance Evaluation which may be a resource in determining whether an employee receives a merit/step increase in pay for the upcoming year. An overall satisfactory rating must be obtained to be eligible for a merit/step increase in pay. Merit/step increases are not guaranteed but are paid at the discretion of the BOR and are contingent upon resources available to the SCTC.
- b. The Board of Regents will determine whether or not to award a merit/step increase at the beginning of each fiscal year. No more than one (1) merit/step increase will be granted to each eligible employee each year.
- c. Satisfactory evaluations may result in the employee receiving an annual increase in pay within their grade level, provided the employee has not reached the highest step within the pay grade.
- d. Eligibility for merit/step increases will be determined by the following criteria:
  1. Merit/step increase requires a staffmember to satisfy a component of professional development and two of the following criteria:

1. Professional Development - Efforts to improve effectiveness, maintain currency, or

expand area(s) of expertise of the staff member.

- ii. Commitment to Student Success - Activities or efforts that are intended to improve the educational experience of the SCTC students.
- iii. Service to Department/Program - Efforts to improve the SCTC instructional offerings, educational services, and/or ensure the success of the SCTC programs within the staff member's area of expertise.
- iv. Service to Campus/SCTC - Activities that help develop, improve, or implement the SCTC Strategic Plans, Policies and Procedures, or create partnerships.
- v. Cultural Competency (language) - Activities that sustain the unique cultural initiatives of the SCTC.

e. Probationary employees are not eligible for merit/step increases.

27. Supplemental Teaching Compensation

- a. Permanent Full-time Faculty who do supplemental teaching will receive supplemental teaching compensation at a rate determined by the BOR. All compensated supplemental teaching must be pre-approved.

### Section V - Benefits

28. Insurance

The SCIT provides various benefits to Permanent Full-time employees. Information and summaries intended to explain these benefit plans are furnished to all plan participants. The SCIT retains, in its sole discretion, the right to change, modify, or omit any or all benefit plans.

- a. **Group Health Insurance Plan** – Permanent Full-time employees become eligible for insurance benefits offered to SCIT employees the first month after the elimination period.
  - 1. The comprehensive plan provides a broad range of protection for employees, spouses, and their dependents, including medical, dental, prescription, and vision insurance. A list of participating providers is located online at Blue Cross Blue Shield of Michigan's website <http://www.bcbsm.com>.
  - 2. Co-pay and deductible information will be provided at the time an employee applies for coverage.
- b. **Long Term Disability Plan** – Permanent Full-time employees become eligible the first month after 180 days of employment. This plan provides financial protection to an employee who becomes disabled and is unable to work due to disability. Benefits begin after 180 days of inability to work due to the disability and are payable at 60% of monthly earnings to a maximum of \$6,000 per month. The entire cost of the Long Term Disability Plan premium is paid for by the SCIT. Questions pertaining to eligibility and plan specifics should be directed to the Human Resources Benefits Department.

- c. **Life Insurance**-After 6 months of employment, Permanent Full-time employees become eligible for life insurance equal to one times their annual base salary. The minimum amount of coverage is \$50,000 with the entire cost of the Life Insurance Policy premium paid by the SCIT.
- d. **401 (k) Retirement Savings Plan**-is a voluntary plan available to all Permanent Full-time/Part-time employees who are at least 18 years of age and who have completed 6 months of employment with SCIT. Enrollment is open quarterly throughout the year. The SCIT may make a matching contribution equal to all or part of an employee's elective contribution. The amount of the matching contribution, if any, is determined each quarter by the Tribal Council.

## 29. Overtime

- a. All overtime will be kept to a minimum and only approved by the President if existing budgets are capable of paying overtime.
- b. To be eligible for overtime, the employee receiving overtime must be a non-Exempt, non-Faculty, Permanent Full-time employee of the SCTC and the overtime must be approved in advance by the employee's immediate supervisor.
  - 1) Permanent Part-time employees, Adjunct Faculty, Temporary employees, Grants and Special Projects employees and Student Employees are not permitted to work in excess of 40 hours per week and not eligible for overtime compensation.
- c. Non-Exempt employees are expected to work overtime, if so directed.
- d. Overtime will be paid only for approved hours physically worked in excess of 40 hours per week. Overtime will be equal to one and one-half (1 ½) times the employee's regular hourly rate of pay.
- e. Using any type of paid or unpaid leave will not contribute to the calculation of overtime. Only those hours physically worked will apply when calculating overtime.
- f. All overtime hours worked shall be recorded on the employee's time sheet and must be approved by both the employee's immediate supervisor and the appropriate Executive employee of the SCTC prior to the submission of the time sheet to payroll.
- g. Exempt employees are expected to work as required by job responsibilities, but are not eligible for overtime pay.

## 30. Holidays

- a. Permanent and Probationary employees may be eligible to receive ("**Straight Holiday Pay**") which is equal to the employee's regular hourly rate of pay for each of the designated Tribal Holidays for which Tribal Operations/SCTC will be closed and the employee is not scheduled to work.
- b. Tribal Holidays are recognized from 12:01am to midnight. Tribal Holidays are:

|                   |                       |                        |
|-------------------|-----------------------|------------------------|
| New Years Day     | Independence Day      | Thanksgiving           |
| M.L. King Jr. Day | SCIT Nation's Holiday | Day after Thanksgiving |
| President's Day   | Labor Day             | Christmas Eve          |
| Easter            | Michigan Indian Day   | Christmas Day          |

- c. Holidays falling on a Saturday will be observed the preceding Friday, and Holidays falling on a Sunday will be observed on the following Monday.
- d. Work schedules may not be altered the week of a holiday unless the department director submits an Adjusted Work Schedule form and gets approval from the ~~SERC~~ President.
- e. No holiday pay or alternate leave will be given to employees when the holiday falls on their regularly-scheduled day off.
- f. Non-Exempt employees who work on the holiday will be limited to receive a ("**Worked Holiday Premium**") which shall be equal to 2 times the employee's regular hourly rate of pay. (Example: A non-exempt employee with a regular hourly rate of \$ 10.00 who works on a holiday will be compensated at the rate of \$20.00 for each hour worked subject to the limitations of this section.)
  - 1. Worked Holiday Premium is limited to 8 hours for Permanent Full-time employees and 4 hours for part time employees.
  - 2. Any hours worked over the limits in section 30(f)(I) will be considered Straight Holiday Pay which is equal to the employee's regular-hourly wage.
  - 3. Faculty members are not entitled to a Worked Holiday Premium when scheduled classes fall on a holiday for which the ~~Serra~~ College is open during the 9-month academic calendar. Faculty are expected to work and will only be compensated at their regular-hourly wage.
- g. An employee who is scheduled to work the holiday but has obtained approved leave time for that day must use the employee's own leave time and will only be compensated at the employee's regular hourly rate of pay.
- h. Temporary and Labor Pool Employees:
  - 1. Temporary employees are not entitled to holiday pay.
  - 2. Temporary employees are not entitled to Worked Holiday Premium for a holiday unless the employee is a seasonal employee who works on such holiday. Temporary, seasonal employees receiving a Worked Holiday Premium shall do so in place of their regular wage.
- i. An employee who is otherwise entitled to receive holiday pay in accordance with this Policy shall not receive holiday pay if they fail to satisfy any of the following requirements:
  - 1. An employee must work on their last scheduled work day preceding the holiday and their first scheduled work day following the holiday unless the employee is using pre-approved leave time, personal leave, or has a doctor's note for such absence(s); and
  - 2. An employee must work on the holiday if they are scheduled to work on such day.

### 31. Accruals

- a. Employees hired after November 1, 2007, **who have not previously been employed by the Tribe**, shall accumulate sick and annual leave at a maximum rate of two hours per 40 hours worked subject to Section 31 (c) and consistent with all other limitations imposed by this Policy.
- b. All other Permanent Full-time employees shall accumulate sick and annual leave at the following maximum rates consistent with their years of service and subject to Section 31 (c) and consistent with all other limitations imposed by this Policy.
  1. 0-3 years of service = 2 hours per 40 hours worked
  2. 3-9 years of service = 3 hours per 40 hours worked
  3. 10 years of more of service = 4 hours per 40 hours worked
- c. An employee will not accrue sick leave during the hours an employee utilizes sick leave in any given week.
- d. Permanent Part-time employees accrue sick and annual leave for hours actually worked at a ratio equal to their percentage of Permanent Full-time employment.
- e. Sick leave is cumulative up to 520 hours with the exception of Faculty who may accumulate up to 360 hours.
  1. Faculty will carry over accumulated sick leave up to the above limits between academic years regardless of any breaks in service due to lay-offs.
- f. Faculty will not accrue time but will receive the following amounts of leave at the beginning of each academic year:
  1. 80 hours sick leave 40 hours personal leave
- g. Faculty who begin their employment with the SCTC after the beginning of the academic year will receive sick and personal leave in pro-rated amounts based on the employee's date of hire.

### 32. Annual Leave

- a. Annual leave requests must be pre-approved by the immediate supervisor, and cannot be requested over the phone at the beginning of the workday.
- b. Employees requesting to take annual leave in excess of 16 hours must request the time at least 3 days in advance or the request may be denied.
- c. All annual leave shall be reported on the employee's timesheet.
- d. Annual leave must be taken in at least 1 hour increments.
- e. Employees may only use annual leave that has already accrued. An employee is subject to discipline if the employee attempts to cover an absence from work with annual leave but does not have enough annual leave to cover the absence.
- f. Annual leave may not be used until an employee has completed their Probationary period.

g. Employees serving under a written contract are exempt from section 32 (f) above.

h. Faculty are not eligible to receive annual leave.

### 33. Sick Leave

- a. Sick leave is a privilege to be used when an employee is too ill or disabled to work satisfactorily or safely. Sick leave may also be utilized for appointments with a dentist, doctor, or other medical practitioner for either the employee or a person under the employee's direct care.
  1. Supervisors may request a doctor's note to substantiate appointments made during regular work hours.
  2. Pre-approved sick leave must be at least 1 hour in duration. Additional time utilized after the first hour may be used in ½ hour increments (i.e. 1 ½, 2, 2 ½, etc.).
  3. When calling-in sick leave, a minimum of 2 hours must be used. Additional time utilized after the first 2 hours may be used in ½ hour increments (i.e. 2 ½, 3, 3 ½, etc).
- b. With supervisory approval, sick leave can also be used to care for the serious illness of an Immediate Family Member. An illness is considered serious where hospitalization or surgery is required.
- c. Sick leave for more than 2 consecutive days must be supported by written medical release before returning to work. A statement from the medical service provider is required before reinstatement for sick leave involving any serious illness or injury.
  1. The statement must certify that the employee is able to perform normal job duties with no restrictions.
  2. Medical releases must be delivered to the supervisor upon return to work, and forwarded to Human Resources to be filed.
- d. All sick leave shall be reported on the employee's time sheet.
- e. Employees may only use sick leave that has already accrued. Failure to have enough sick leave to cover a sick leave absence will subject the employee to disciplinary action.
- f. Sick leave cannot be taken during the time an employee is receiving Long Term Disability Insurance.

### 34. Year-End Payment for Annual & Sick Leave

- a. Each year, employees may submit requests for payout of unused annual and sick leave to the President. . The BOR reserves the right to deny, wholly or in part, requests for payment of sick leave or annual leave based on its assessment of any financial constraints. If approved by the BOR, the requests must be forwarded to the Payroll Department in accordance with its policies and procedures. Payment will be processed after the pay period that *includes* December 31<sup>st</sup>.
- b. If an employee does not request payment or if the BOR determines to not allow payment for unused sick leave or annual leave, accrued leave will automatically be credited into the new calendar year.



- c. The employee's current rate of pay as of the date the check is processed will be used to calculate payment of unused leave.
- d. Annual Leave Payment
  - 1. Employees may request payment for unused annual leave up to 40 hours, provided the employee maintains at least 40 hours of annual leave *after* the payout.
- e. Sick Leave Payment
  - 1. Employees may request payment for unused sick leave up to 280 hours, provided the employee maintains at least 240 hours of sick leave *after* the payout.

35. Payment for Unused Leave upon Resignation/Termination

- a. At the *end of employment with the SCTC*, the employee shall receive payment for:
  - 1. Unused annual leave not to exceed 208 hours
  - 2. Fifty percent of the employee's available balance of sick leave, not to exceed 260 hours

36. Personal Leave

- a. Permanent Full-time employees who work for the Tribe on January 1<sup>st</sup> of each year, will receive 16 hours of personal leave per calendar year. Permanent Part-time employees receive 8 hours of personal leave per calendar year.
  - 1. Faculty who work for the SCTC on the first day of the start of the academic year as determined by the academic calendar will receive 40 hours of personal leave to be utilized in accordance with this Policy.
- b. Non-Faculty employees who are hired after January 1<sup>st</sup> of the year will receive a pro-rated amount of personal leave based on where the employee's first day of work falls within the calendar year.
  - 1. Faculty who are hired after the start of the academic year will receive a pro-rated amount of personal leave based on where the employee's first day of work falls within the calendar year.
- c. Probationary employees may use half the total number of personal hours upon hire and may use the remaining balance upon successful completion of probation.
  - 1. Due to the length of the Probationary period for Faculty members, Faculty may, with appropriate approval, utilize the full amount of their personal leave during the Probationary period.
- d. Personal leave may be taken at the employee's discretion.
  - 1. Employees must notify the immediate supervisor as soon as possible.
  - 2. Employees must report the use of personal leave through the ILLS line and other departmental call-in procedures as applicable.

- e. Personal leave must be used in at least ½ hour increments.
- f. Unused personal hours will not carry over to the new calendar year.
- g. At the end of employment with the SCTC, the employee will not be paid out for any unused personal leave.

### 37. Longevity Leave

- a. Permanent Full-time SCTC employees who are working for SCTC on January 1<sup>st</sup> of the year and who have completed at least 10 years of total service shall receive forty (40) hours of Longevity Leave time annually. The ten (10) years of service may be a combination of employment from the SCIT or any of its enterprises.
- b. Longevity Leave will be credited to the employee leave bank on January 1 of each calendar year. Employees who are hired after January 1<sup>st</sup> of the calendar year shall not receive Longevity Leave for that calendar year.
- c. Longevity Leave requests must be pre-approved by the employee's immediate supervisor, and cannot be requested over the phone at the beginning of the workday.
- d. All Longevity Leave shall be reported on the employee's timesheet.
- e. Longevity must be taken in at least 1 hour increments.
- f. Longevity Leave must be used on or before December 31 of the calendar year in which it is received. Longevity Leave will not carry over to the new calendar year.
- g. At the end of employment with the SCTC, the employee will not be paid out for any unused Longevity Leave.

### 38. Bereavement Leave

- a. Subject to the prior approval of the immediate supervisor, Permanent Full-time and Permanent Part-time employees may be granted up to 3 days bereavement leave with pay in the event of the death of an Immediate Family Member.
- b. Subject to the prior approval of the immediate supervisor, 3 days bereavement leave with pay may be granted to employees *only if the employee is responsible for making funeral arrangements or other extenuating circumstances.*
- c. All other bereavement leave will be limited to 4 hours with pay subject to the approval of the immediate supervisor, provided that up to 8 hours of bereavement leave with pay may be granted subject to the approval of the immediate supervisor, if the funeral is 30 miles or more from the employee's workplace.
- d. Bereavement leave is only available to the employee from the day of death to the day of funeral services. Bereavement leave will not be granted after the day of funeral services.

39. Administrative Leave

- a. Administrative Leave is leave approved at the consent of and notification by the BOR for specific activities, events, or meetings.

40. RESERVED

41. Educational Leave

- a. To qualify, employees must complete an Educational Leave Request Form and have supervisory approval to attend courses during normal working hours.
- b. The following educational leave may be allowed for employees, with approval from the applicable Dean *if classes are not offered outside normal working hours*:
  - 1. Permanent Full-time (32-40 hours)- up to 5 hours of educational leave per week
- c. Probationary employees who are already enrolled in classes upon hire may use educational leave, subject to supervisory approval.
- d. No educational leave will be granted for online classes.

42. Jury Duty

- a. An employee will receive his or her regular rate of pay for any work hours missed due to jury service or a work-related subpoena.
  - 1. Jury duty notices and receipts for non-mileage payments must be submitted to the Human Resources Department for verification.
  - 2. Subpoenas must be forwarded to the Human Resource Manager for approval.
- b. Any payments received for jury duty with the exception of mileage must be turned in to the Accounting Department.
- c. No overtime or alternate time will be allowed for jury duty or approved work-related subpoenas.

43. Military Leave

A military leave of absence is available for employees who are enlisted in any branch of the United States Uniformed Service when the employee receives valid military orders. The employee must contact their Human Resources Manager for further details.

44. Nursing Mother's Policy

The SCIT is committed to the overall health and well-being of its employees and their families and will make reasonable and necessary accommodations for employees who are nursing mothers for the purpose of expressing milk during the workday for up to 2 years after the child's birth.

45. Sick Leave Donation

- a. Any Permanent Full-time or Permanent Part-time, non-Probationary employee who is faced with a medical emergency involving themselves or a family member (Mother, Father, Son, Daughter, Wife, or Husband), may be eligible to receive donated sick leave in accordance with this policy.
- b. Employees may only donate or receive hours from employees within the same department or Immediate Family Members who are employed by Tribal Operations or the SCTC.
- c. Employees donating/receiving sick leave are limited to one donation of sick leave per calendar year.
- d. An employee *donating* sick leave:
  1. may voluntarily donate up to 80 hours sick leave, upon supervisory approval.
  2. must have at least 80 hours of sick leave remaining after the transfer of donated leave hours.
- e. The employee *receiving* donated sick leave:
  1. must have exhausted all other available leave. This means that all of the employee's leave bank balances must be zero before he or she may receive donated sick leave.
  2. may *not* be receiving any other type of pay in order to qualify for donated sick leave (i.e. disability, workers compensation, etc.)
  3. must provide Human Resources with a doctor's certification substantiating that the situation is a medical emergency.
  4. is limited to receiving donated sick leave once per calendar year with a limit of 80 hours of donated sick leave for Permanent Full-time employees, and 40 hours of donated sick leave for Permanent Part-time employees.
  5. must submit all requests for donated sick leave at the same time (i.e. an employee may receive donated sick leave from more than one employee so long as all requests are turned in at the same time). Requests which are submitted after the original request will be denied.
  6. will not accrue sick or annual leave during the period in which he or she is receiving a salary from donated leave.
- f. All donated sick leave hours will be converted to a gross wage amount based on the recipient's hourly rate at the time of donation.
- g. All requests involving donating/receiving sick leave are subject to approval by Human Resources.
- h. This policy does not supersede nor replace any other disability, workman's comp, or retirement programs.

#### 46. Medical Related Leave of Absence ("MRLA")

Eligible employees may take up to 12 weeks of unpaid leave for certain family and medical reasons. Employees must have worked for at least 1 year and at least 1,250 hours over the previous 12 months.

MRLA requests are unpaid leave requests.

a. Reasons for taking leave:

1. to care for the employee's child after birth or placement for adoption or foster care.
2. to care for the employee's spouse, son, daughter, or parent who has a serious health condition.
3. for a serious health condition that makes the employee unable to perform the employee's job.

b. Advance Notice and Medical Certification

1. The employee must provide 30 days advance notice when the leave is foreseeable on the appropriate request forms.
2. Medical certification on the appropriate form is required to support a request for leave because of a serious health condition and a fitness for duty report to return to work.

c. Job Benefits and Protection

1. If the employee is covered under employee group health coverage, the coverage will be maintained during unpaid leave.
2. Employees will be restored to their original or equivalent position with equivalent pay, benefits, and other compensation upon return from unpaid leave.
3. Accrued leave must be used prior to the start of the MRLA with the exception of 64 hours of accrued leave in a combination of annual and sick leave) which the employee may choose to maintain in the employee's leave banks.
4. Accrued sick or annual leave may be substituted for unpaid leave; that is, short term disability requires employee to be off work eight days prior to coverage.

47. Personal Leave of Absence

a. Permanent, non-Probationary employees who do not qualify for a MRLA may be granted an unpaid personal leave of absence for personal or family emergencies of a medical nature.

1. A qualifying personal leave of absence may last up to 2 months. A physician or licensed health care provider's statement must be submitted with the request for a personal leave of absence.
2. An eligible employee may use a personal leave of absence for Immediate Family Members provided the employee is the direct care-giver for the Immediate Family Member.

b. Limitations on using a Personal Leave of Absence:

1. Permanent Full-time employees with less than 1 year or less than 1,250 hours within their first year of service may be granted a *one-time* personal leave of absence.

2. Permanent Part-time employees who do not qualify for MRLA may be granted a personal leave of absence once per year. Note: Permanent Part-time employees who do qualify for MRLA will be required to use that leave and will not be eligible to use personal leave of absence as an additional leave.
- c. Notice of Leave – A personal leave of absence must be approved by the President, and will commence on the date agreed upon by the employee and the supervisor approving the request.
    1. An employee must give at least 30 days advance notice of a foreseeable leave by filling out a Request for Leave of Absence form. If the leave is not foreseeable 30 days in advance, the employee must give as much notice as possible, in all cases within 2 business days of the time an employee requires the leave, using the request forms.
    2. Failure to give advance notice as required may cause the leave to be denied or delayed. Taking time off without a proper request may result in disciplinary action.
  - d. Return to Work — If an employee takes a personal leave of absence for their own condition, the employee will be required to present a medical certification that the employee is able to return to work without restrictions.
    1. If such certificate is not received, the employee's return to work may be delayed until the certificate is provided.
    2. If an employee fails to return to work at the conclusion of an approved personal leave of absence, the employee will be considered to have voluntarily resigned from employment.
  - e. Benefits During Personal Leave of Absence - The employee will be required to use all accrued leave balances while on a personal leave of absence. Sick and annual leave will not accrue during a personal leave of absence.
    1. The SCIT/SCTC reserves the right to recover health insurance premiums paid to maintain health coverage during the leave.
  - f. No later than 15 working days prior to the expiration of the leave period, the employee must provide written notice to the department director regarding their intention of returning to the position following the leave.
    1. Upon returning from a leave of absence, provided they are physically able, the employee will be reinstated in their former position with full status and benefits.
    2. Failure to provide written notice will be interpreted to mean that the employee does not intend to return to work following the leave of absence, and the position will be posted and filled permanently.

48. RESERVED

## **Section VI - Workplace Rules and Expectations**

#### 49. Employee Conduct

- a. Employees are expected to conduct themselves in a positive and professional manner. Employees must also use good judgment, maintain confidentiality, and promote the best interests of the SCIT and the SCTC.
- b. Conduct that interferes with operations, discredits the Tribe, its enterprises, or the SCTC, or is offensive to guests or co-workers, will not be tolerated. Employees who engage in such actions are subject to disciplinary action up to and including termination.
- c. Employees are prohibited from engaging in any activity which is in direct conflict with the goals and objectives of the SCIT/SCTC.
- d. Engaging in any sort of partisan political activity during work time is strictly prohibited. Employment with the SCIT/SCTC may not be offered as consideration for the support of any political party or candidate for public office nor may any employee be engaged in partisan political activity of any kind during work hours.
- e. Employees of the SCIT/SCTC are prohibited from accepting any gifts, money or gratuity from persons receiving benefits or services from the Tribe/SCTC, or services from an employee's actions in their Tribal/SCTC position.
- f. SCTC employees shall not benefit personally from any purchase of goods or services by the SCTC, or derive personal gain from actions taken as a representative of the SCTC. SCTC employees shall not accept any gift, gratuity or reward from any person or entity which transacts business with the SCTC or which seeks to transact such business. Allowable exceptions to this prohibition include:
  1. Acceptance of gifts, gratuities, amenities, or favors based on obvious family, personal or Tribal relationships (such as those between the parents, children, and/or a spouse of an SCTC official, or personal recognition at ceremonial giveaways) when the circumstances make it clear that it is those relationships, rather than the business of the SCTC concerned, which are the motivating factors;
  2. Acceptance of meals or refreshments of minimal value, in the course of a meeting or other occasion, the purpose of which is to conduct *bonafide* educational business, provided that the expense would be paid for by the SCTC as a reasonable business expense if not paid for by another party;
  3. Acceptance of civic, charitable, educational, or professional association organizational awards for recognition of service and accomplishment;
  4. Acceptance of advertising or promotional material of minimal value such as pens, pencils, note pads, key chains, calendars, and similar items.
- g. Unless authorized by Tribal Council, all employees are prohibited from publicly speaking on behalf of the SCIT. All media requests received by an employee must be referred to the SCIT Public Relations Department.

- h. Unless authorized by the BOR, all employees are prohibited from publicly speaking on behalf of the SCTC. All media requests received by an employee must be referred to the BOR or President's Office.
- i. Any Executive or other employee may be appointed in writing as a delegate by the Board of Regents to represent the SCTC on appropriate occasions, but no such delegate may commit SCTC to any doctrine, policy, or action without first obtaining the approval of the BOR through the President.
- j. SCTC employees must obtain prior consent of the President or the Board of Regents before they solicit funds or gifts for the benefit of the SCTC or any SCTC group or organization.

#### 50. Conflict of Interest

- a. All SCTC employees serve a public interest role; therefore, the SCTC expects them to adhere to this clear obligation and expects them to avoid any real or apparent conflicts of interest. All affairs of the SCTC will be conducted in a manner consistent with this concept.
- b. SCTC employees shall not transact business, or approve the transaction of business on behalf of the SCTC, with any person or entity, including but not limited to any company, corporation, partnership, proprietorship, or organization, or any principal, officer, agent, employee, or representative of such an entity with whom or which the SCTC employee has a personal, professional, business, financial, or family interest or relationship, unless fully disclosed and approved by the BOR in advance.
- c. SCTC employees shall not offer private instruction for pay without approval of the Dean of Instruction. SCTC employees shall not financially benefit from programs, services, or activities which conflict with programs, services, or interests of the SCTC, without approval of the SCTC President.
- d. SCTC employees shall not personally profit from sales of books, instruments, lecture notes, or similar materials to the SCTC students.
- e. It shall be the strict obligation of all Executives and other SCTC employees to disclose to the President through their immediate supervisors, and the President to the Board of Regents, any personal interests or involvement which may be the subject matter of a potential conflict of interest under the terms of this policy.

#### 51. Political Offices

- a. Saginaw Chippewa Tribal College recognizes an Employees right to:
  - 1. Exercise their rights of citizenship by participating in Tribal, local, state, or national elections and public activities to the extent permitted by law.
  - 2. If an SCTC employee is elected to serve on the Saginaw Chippewa Tribal Council, the employee must take an unpaid leave of absence during his/her term as a member of Council.



3. If an SCTC employee is elected to serve full-time in a local, state, or national office, the employee must take an unpaid leave of absence during his/her term of office. Such unpaid leave of absence shall be in accordance with the policies for unpaid leaves of absence.

## 52. Communications with the Board of Regents

Employees are encouraged to communicate with the Board of Regents on issues they believe of importance to the SCTC and its governance. Employees are encouraged to follow the proper chain of command and to use good judgment in speaking with their direct supervisor regarding any potentially contentious issues before bringing such to the attention of the BOR.

## 53. Personal Property

- a. The SCTC recognizes that employees may need to bring certain personal items to work. However, personal property such as personal laptops and other electronic devices that are unrelated to specific job duties may disrupt the work environment and are therefore prohibited in the workplace.
- b. The SCTC is not responsible for the loss, damage, or theft of personal belongings, and employees are not advised to bring valuable items to work.

## 54. Online Communications Policy

- a. SCIT/SCTC has an obligation to protect the organization, its employees, clients, patients, and guests from the unauthorized disclosure of confidential information. SCIT/SCTC has a legitimate interest in protecting its enterprises and trademarks from unauthorized use in any and all mediums including the Internet and social networking sites as it pertains to employment with SCIT/SCTC.
- b. This policy applies to all forms of online communication and conduct including through social networking sites by SCIT/SCTC employees whether or not the equipment used for communicating online is Tribally-owned and regardless of when the employee engages in the communication.
- c. Employees who access the Internet and/or social networking sites using Tribally-owned equipment have no expectation of privacy.
- d. Employees are prohibited from discussing any work-related matter, proprietary information, clients, patients, guests, or fellow employees as it relates to the workplace.
- e. Employees may not use the Tribe's logos, brand names, tag lines, slogans, or other trademarks or post any confidential or proprietary information regarding the Tribe, without prior written permission from the Tribal Administrator and Public Relations Director or approval of the Tribal Council.
- f. Employees may not use the SCIT/SCTC name to endorse or promote any product, opinion, cause, or political candidate. Representation of an employee's personal opinions as institutionally-endorsed by SCIT/SCTC or any of its departments or enterprises is strictly prohibited.
- g. Employees may not use Tribally-owned property such as computers, company licensed software, or other electronic equipment to conduct social networking activities, unless it's an official job duty. In

all other cases, social networking activities must be done during non-working hours using personal electronic equipment.

- h. Employees shall not engage in text-messaging while driving a Tribal vehicle or when driving a personal vehicle while on official Tribal business or use electronic equipment supplied by the Tribe while driving.
- i. Employees may not post, publish, or distribute photographs of work-related events and activities through the Internet without prior written permission from their immediate supervisor.
- j. All employees are responsible for all of their online communication. Online communication and activities should never be conducted in a way that violates any of the SCTC Personnel Policies and Procedures or employee obligations. If your post, comment, or online communication would violate any SCTC policy in another forum, it will also violate them in an online forum. Employees who violate this Policy may be subject to disciplinary procedures as provided by applicable policies and procedures up to and including termination of employment.

#### 55. Work Day

- a. The regular SCTC work day is Monday through Friday from 8:00am- 5:00pm with a 1 hour lunch.
- b. The SCTC President or department director/manager may also pre-approve and adjust an employee's work schedule (within the same pay period), when necessary.
- c. Authorized absences with pay will be granted to Tribal Operations/SCTC employees who are *bona fide* members of the Saginaw Chippewa Tribal Fire Department anytime their services are required during working hours to fight a fire or respond to an emergency that would require the presence of the Tribal Fire Department.
  - 1. Compensation for absences during work hours will be at the employee's regular hourly rate.
  - 2. Employees who are called to a fire or emergency up to 3 hours before their starting work time, may be granted up to 3 hours time off to be utilized on that work day.

#### 56. Attendance/Calling-In

- a. All employees are expected to be on-time to work each scheduled workday.
- b. Employees who cannot report to work must call the ILLS line (989-775-ILLS or 989-775-4557) before their scheduled starting time.
- c. Employees failing to report to their assigned jobs or failing to call the ILLS line may be subject to disciplinary action.
- d. Employees who become sick during the work day may be granted sick leave by notifying their immediate supervisor.

- e. Supervisory approval is required for employees who wish to leave work early, unless that employee is utilizing personal leave, which requires notification, not approval.

57. Flex-time

- a. On occasion a work schedule may need to be altered due to departmental duties or events that occur outside of regular departmental work hours. Flex-time will be used in these circumstances.
  - 1. Example: If an employee is required to work until 7:00pm for a special event, that employee can either come in the same day at 10:00am, or the next day at 10:00am ensuring that the regular number of work hours remains intact.
- b. The amount of flex-time given shall equal the amount of time the employee was required to work the special event.
- c. Supervisory pre-approval is required before using flex-time. Employees using flex-time must submit an Adjusted Work Schedule Form to their supervisor so that all flex-time can be accounted for.
- d. Flex time is not to be used for the convenience of an employee, and altering your work schedule for direct benefit is prohibited (i.e. taking a ½ hour lunch to get out ½ hour early, etc.)

58. Early-Out Situations

- a. In the event that Tribal Council authorizes an earlyout, each department will be required to have minimal staff working to maintain services, unless otherwise directed by Tribal Council. While authorized by Tribal Council, all early-out situations for the SCTC are at the ultimate discretion of the SCTC President.
- b. Department directors shall maintain a schedule of rotation for all staff to take turns being part of the minimal crew.
- c. Employees who remain working as part of the minimal crew shall receive alternate time (hour for hour) to be used within two weeks.
  - 1. If alternate time is not used within the 2-week time-frame, it will be lost.
- d. If a Temporary Pool employee is not part of the minimal crew, they will not be paid for the early-out.
- e. If an employee calls in sick, personal, or uses pre-approved leave of any kind, that employee must use the leave.
- f. An employee may only utilize an early-out if their work schedule falls within the SCTC's regular work day hours, Monday through Friday 8:00am – 5:00pm.

59. Inclement Weather

- a. Tribal Operations/SCTC employees who cannot report to work due to inclement weather shall notify the Human Resources Department ILLS line (989-775-ILLIS or 989-775-4557) before their scheduled starting time.
- b. Annual leave may be used provided the employee has enough annual leave accrued to cover their shift.
- c. An inclement weather day is the only time an employee may call-in and use annual leave.
- d. If an employee calls in inclement weather with insufficient annual leave to cover their shift, the employee will not be paid for the time missed.
- e. There will be no adjusted work schedules or alternate time off due to inclement weather.
- f. All closures and/or cancellation of classes are at the discretion of the SCTC President and remains an independent decision and may conflict with what is decided by Tribal Operations. If the SCTC closes due to inclement weather:
  - 1. Employees will be paid for the hours the SCTC is closed which fall within the regularly scheduled work day.
  - 2. Employees who called-in annual leave will only be charged for the hours the SCTC was open.
  - 3. Employees with pre-approved leave of any kind will still have to use the leave; it will not be credited back into their leave bank.
- g. Inclement weather days will be posted on the SCTC website at <http://www.sagchip.edu> and/or may be announced on 95.3 WCFX, 104.5 WCZY, WJRT-12, WNEM-5 and 9 & 10 News.

60. Board & Committee Meeting Attendance

- a. The SCTC employees shall be limited to serving on 1 Tribal Council-sanctioned board at a time. The Tribal Council appoints all members to sanctioned boards.
- b. Employees who are appointed to a sanctioned board must notify their immediate supervisor so that arrangements can be made regarding meeting attendance.
  - 1. Employees shall request to use administrative leave to attend meetings that occur during regular business hours.
- c. Employees must get pre-approval before attending any meetings during normal working hours. A supervisor may deny the request based on departmental needs.
- d. The director or immediate supervisor may require attendance records, sign-in sheets, or other verification of such employee's meeting attendance.

- e. An employee who attends a board meeting during normal working hours shall not receive a stipend or honorarium. An employee who attends a board meeting outside normal working hours may receive a stipend or honorarium, if applicable.
- f. An employee who is serving on a sanctioned board may also be appointed by their supervisor to serve on a non-sanctioned committee concurrent with the sanctioned board.
- g. All SCIT/SCTC Personnel Policies apply to employees serving on committees and sanctioned boards.

61. Travel Policy Summary

- a. Please refer to the complete Travel Policy available on the Tribe's Intranet for more detailed information.

62. Motor Vehicle Policy Summary

- a. Employees who operate Tribally-owned vehicles during the course of their work duties must obtain a Tribal Driver's License and qualify for coverage under the Tribe's insurance carrier prior to operating any Tribally-owned vehicles.
- b. Circumstances which result in the denial or revocation of a Tribal Driver's License may result in termination if driving is an essential job duty.
- c. The complete Motor Vehicle Policy is located on the Tribal Intranet.

63. Dress Code

Purpose- The purpose of an established dress code is to ensure that all employees adhere to the same standard of dress and personal presentation when providing services to the SCIT/SCTC community. Clientele served by SCIT/SCTC employees should feel comfortable and respected at all times while receiving services from Tribal Operations/SCTC employees.

Guidelines- While a professional image is required, the SCTC Administration supports the idea that uniform attire may not be best suited for the human service environment. For this reason, "business casual" clothing is considered acceptable. Because all casual clothing is not suitable for the office setting, these guidelines will help you determine what is considered appropriate attire for the workplace. The SCTC Administration fully understands that some work-related activities/duties require casual attire necessary for employee participation. In such instances, supervisor approval must be received.

Employees must exert a certain amount of judgment in their choice of clothing to wear to work. At all times, modesty, safety, health, and good taste should be the determining factors when deciding whether an article of clothing is acceptable.

- a. Slacks, Pants, and Suit Pants: Slacks and/or pants are acceptable.
  - 1. Pants must fall below the knee at all times.

2. Inappropriate slacks/pants include sweatpants, exercise pants, shorts, leggings and extremely low rise pants.
  3. Jeans, in good condition, free from rips and/or holes, may only be worn on Fridays and as otherwise determined by the BOR.
- b. Skirts, Dresses, and Skirted Suits:
1. Casual dresses and skirts must be no shorter than 2 inches above the knee.
  2. Slits in skirts and/or dresses must be no more than 4 inches above the knee and not revealing while standing, walking, or in a seated position.
  3. Mini-skirts, sun dresses, and spaghetti-strap dresses are inappropriate for the office.
- c. Shirts, Tops, Blouses and Jackets: Casual shirts, golf shirts, casual sweaters, tops and turtlenecks are acceptable.
1. Clothing that has Tribal and/or SCTC logos are encouraged.
  2. Clothing that advertises sports teams, universities, and fashion name brands are acceptable, provided the logo is no larger than four square inches.
  3. Inappropriate attire includes camisoles or other lingerie-type blouses and tops that are backless, see-through, tight-fitting, have spaghetti straps, strapless, low-cut, midriff-bearing while standing and/or in a seated position, tank tops, halter tops, and tops with bare shoulders.
  4. Wearing dark undergarments that are visible through clothing and wearing shirts with potentially offensive words, terms, logos, pictures, cartoons, or slogans are also inappropriate in the workplace.
  5. Clothing that may be construed as suggestive or revealing will not be permitted.
- d. Shoes: Comfortable work shoes are recommended. The organization recognizes the fact that certain jobs may require specific shoes and/or boots, depending on the nature of the job.
1. Flip-flops are considered a safety hazard and are therefore prohibited at work.
- e. Personal Appearance/Grooming: As a common courtesy to clientele and co-workers, employees are expected to maintain good personal hygiene practices and presentation.
1. Employees must maintain cleanliness of body and clothing without excessive use of perfume, cologne, and/or aftershave.
- f. Disciplinary Action: If clothing violates the outlined guidelines, the employee will be asked to change clothing or leave work, utilizing personal or other accrued time as deemed appropriate by the employee's supervisor. If the problem persists, the employee will receive disciplinary action following Tribal Operation Personnel Policies and Procedures.

64. Employee Safety

- a. The SCIT/SCTC complies with all applicable health and safety regulations and strives to provide a work environment free from recognized hazards. Employees should report all safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or guests, to the Risk Management Safety Manager or the employee's director/manager.

65. Work Related Injury

- a. Employees must report occupational-related injuries and/or diseases, no matter how slight, to their supervisor in order to qualify for worker's compensation benefits.
- b. Failure by an employee to report an occupational-related injury and/or disease within the required timeframes will result in a denial of worker's compensation benefits.
- c. A supervisor must report the work-related injury within 72 hours after receiving notice of the injury to the Occupational Health Department.
- d. Please refer to the Risk Management Department for more information regarding worker's compensation benefits.

**Section VII- Drug- and Alcohol-Free Workplace Policy Summary**

66. Drug- and Alcohol-Free Workplace Policy Summary

- a. Purpose:
  - I. SCIT/SCTC is committed to providing a safe, reliable, and courteous workplace to Tribal members, employees, and the public. Employees who are affected in their ability to perform their jobs safely and competently as a result of the use or abuse of illegal drugs, alcohol, or other prohibited substances jeopardize the safety and integrity of the workplace in the achievement of the SCTC's goals and objectives.
  2. The purpose is to encourage and promote non-use while protecting the health, safety, and welfare of the Tribe, its members, the SCTC, its staff and students, and the general public. SCTC encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
  3. Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.
- b. Prohibited Conduct:
  1. The SCTC employees are prohibited from the possession or use of illegal drugs, alcohol, or the inappropriate use of prescription drugs in the workplace.

2. Prohibited conduct includes but is not limited to refusal to take a drug or alcohol test when required, providing false information regarding use, attempting to contaminate or alter a urine specimen, refusing or failing to comply with treatment recommendations, testing positive for an illegal drug, selling, purchasing, or transferring drugs or alcohol on Tribal premises, and being under the influence of drugs or alcohol during the employee's work hours.
3. The SCTC does not recognize medical marijuana and will not accommodate individuals who possess a medical marijuana prescription and/or card.
4. The SCTC prohibits the off-premise abuse of alcohol and controlled substances, as well as possession, use, or sale of illegal drugs, when those activities adversely affect job performance or job safety.

c. Drug Testing

1. Drug and alcohol testing is the primary means of enforcing the prohibitions under the policy. Testing will be conducted in the following circumstances:
  - i. Pre-Employment Testing-Applicants being considered for employment will be required to take and pass a pre-employment test for illegal drugs as a condition of employment.
  - ii. Post-Accident Testing-Any employees involved in a serious incident or accident while on duty must submit to post-accident drug and alcohol testing.
  - iii. Reasonable Suspicion Testing-Employees who exhibit noticeable changes in behavior or performance as observed by the immediate supervisor which provides reasonable suspicion of some type of impairment or influence due to alcohol or drugs will be sent for a drug and/or alcohol test.
    - a. Reasonable suspicion includes, but is not limited to, changes in appearance, behavior, or speech.
    - b. Reasonable Suspicion may extend to any and/or all employee(s) working in the department and/or building where illegal drugs or alcohol are found and which are subject to a police investigation to require the employee(s) to submit to drug and/or alcohol testing.
  - iv. Return to Duty Testing- An employee will be required to pass drug and/or alcohol tests before being returned to duty if the employee has previously tested positive for drugs and/or alcohol, and was suspended or otherwise relieved from duty as a result. The entire cost of the Return to Duty Testing will be at the employee's own expense.
2. To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines, where applicable, and will include a screening test, a confirmation test, and the opportunity for a split-sample review by a Medical Review Officer; this process also includes the opportunity for employees who test positive to provide a legitimate medical explanation, such as



a physician's prescription for the positive result and a documented chain of custody.

3. The substances that will be tested for include, but are not necessarily limited to: cocaine, opiates and phencyclidine (PCP).
4. Testing for the presence of the metabolites of drugs will be conducted by the analysis of urine.
5. Any employee who tests positive will be immediately removed from duty and suspended without pay or terminated.
  1. If an employee is suspended without pay, the employee will be required to pass a Return to Duty test and enter into a Return to Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of 5 years.
11. Violation of a Return to Work Agreement or a subsequent positive drug test will result in termination.

d. Consequences

1. In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment may be withdrawn.
2. If an employee violates the policy, he or she will be subject to disciplinary action in accordance with this Policy up to and including termination.

e. Confidentiality

1. All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with applicable laws and management policies.

f. Communication

1. To ensure all employees are aware of their role in supporting our drug-free workplace policy, the policy will be reviewed with new employees and placed in the Saginaw Chippewa Tribal College Personnel Policy.

### **Section VIII- Disciplinary Actions**

67. Prohibited Conduct

The SCTC generally uses progressive discipline\*, but shall issue appropriate disciplinary action based on the seriousness of the Policy violation. Supervisors must consult with Human Resources before issuing any type of disciplinary action, including any Counseling Sheet. The following conduct is prohibited and employees engaged in it will be subject to disciplinary action, up to and including termination.

*\*("W" means a written warning; "S" means suspension and "D" means dismissal)*

a. Work Performance

1. Insubordination, including disobedience, or failure/refusal to carry out assignments or instructions. *W/SID*
2. Loafing, loitering, sleeping, or engaging in unauthorized personal business. *W/S/D*
3. Unauthorized disclosures of confidential information or records. *SID*
4. Falsifying records or giving false information to authorized departments or to employees responsible for recordkeeping. *SID*
5. Intentional failure to provide accurate and complete information whenever such information is required by an authorized person. *SID*
6. Failure to comply with health, safety and sanitation requirements, rules, and regulations. *W/S/D*
7. Negligence in the performance of assigned duties. *W/S/D*

b. Attendance and Punctuality

1. Failure to report promptly to work and observe established work schedules, such as starting time, quitting time and rest and meal breaks without specific approval of the supervisor. *W/S/D*
2. An Unauthorized Absence from work. *W/S/D*
  - i. In addition to the disciplinary action taken in accordance with section 67(b)(2), a Non-Exempt employee will not be paid for the duration of an Unauthorized Absence;
  - ii. Employees will not accumulate sick or annual leave for a pay period which includes an Unauthorized Absence.
3. When an employee is absent from work during required hours which results in a short pay they will not accrue annual or sick leave during that pay period. *W/S/D*

c. Use of Property

1. Unauthorized or improper use of Tribal or SCTC property or equipment (i.e. vehicles, telephone, email, internet, mail service, etc.) *W/S/D*
2. Intentional unauthorized possession or removal of Tribal or SCTC property or another employee's property. *D*
3. Intentional unauthorized use, lending, borrowing or duplication of Tribal or SCTC keys. *D*
4. Intentional unauthorized entry to Tribal or SCTC property, including unauthorized entry outside of assigned work hours or entry into restricted areas without prior supervisory approval. *S/D*

5. Use of a signature stamping device or forgery of an authorized signature is prohibited with the exception of signature stamping devices used in accordance with approved Tribal or SCTC Policies. S/D

d. Personal Actions and Appearance

1. Threatening, attempting or doing bodily harm to another person. D
2. Intimidating, interfering with or using abusive language towards others. S/D
3. Making false or malicious statements concerning other employees, supervisors or program heads. W/S/D
4. Use or possession of controlled substances during work hours without a prescription. SID
5. Reporting to work under the influence of alcohol, illegal drugs, or any controlled substance which interferes with the employee's ability to safely perform his/her responsibilities. W/S/D
6. Testing positive for a drug and/or alcohol on a second or subsequent occasion within 5 years of a prior positive test. D
7. Failure to immediately report any work-related injury to the immediate supervisor. W/S
8. Unauthorized or improper use of uniforms, identification cards, badges, permits, or weapons. D
9. Direct involvement in personal political campaigning during scheduled work hours. Prohibited conduct shall include using a Tribal or SCTC employment title in Tribal campaign activities, distributing political materials during work hours or at the work site such as leaflets and brochures, etc., which solicit support for a candidate for office, distributing other written materials where the purpose is to expose political views or opinions, or distributing resolutions or petitions which propose that a political action be initiated. W/S/D
10. The acceptance of any gifts or gratuities by Tribal or SCTC employees in the course of their official job duties or responsibilities for personal gain. W/S/D
11. Inappropriate dress or lack of personal hygiene, which adversely affects proper performance of duties or constitutes a health or safety hazard. W/S
12. Failure to exercise proper judgment. W/S/D
13. Failure to be courteous in dealing with fellow employees or the general public. W/S/D
14. Employees who are incarcerated for any reason which affects work attendance and results in an Unauthorized Absence. W/S/D

e. Accumulated Disciplinary Actions

1. The accumulation of 3 upheld written warnings and/or suspensions (in any combination) within a 12 month period from the first incident. D

68. Fair Action Notice ("**FAN**" or "**FANs**")

- a. The FAN shall be made against an employee within 5 working days after the supervisor becomes aware that the employee committed a violation of the SCIT's or SCTC's prohibited conduct.
- b. All FANs shall be prepared in writing using the approved FAN Form.
- c. The notice will be hand-delivered and verified by the supervisor, or verified by registered mail.
- d. The notice shall be forwarded to Human Resources within 3 working days after the employee has been issued a FAN.
- e. Upheld or uncontested FANs will be considered active for 6 months from the date of issue.
- f. The supervisor shall consult with the BOR via the President prior to determining the length of any suspension. In no case shall a suspension exceed 3 weeks duration.
- g. Suspensions/dismissals that go uncontested or which are upheld by the FTT shall be unpaid. Suspensions/dismissals overturned by the FIT shall be governed by FIT policy.

69. Sexual Harassment

a. Purpose

1. All employees must be assured of a work environment free of sexual harassment. Sexual harassment is a form of job-related misconduct which undermines the integrity of employment relationships, debilitates morale, and interferes in the work productivity of its victim and co-workers.
2. Sexual harassment is defined as deliberate, unsolicited verbal comments, gestures, or physical contact of a sexual nature. Therefore, any employee who makes unwelcome or unwanted sexual advances, gestures, or physical contact of a sexual nature in the workplace is engaging in sexual harassment.
3. The SCTC will not tolerate sexual harassment in the workplace and employees who engage in such conduct are subject to disciplinary action up to and including termination.
4. The sexual harassment investigative team is assembled as needed to investigate sexual harassment complaints and is comprised of management level employees with professional experiences that may include, but are not necessarily limited to, humanities and law enforcement.

b. Complaint Procedure

1. Any employee who feels that he or she has been the victim of sexual harassment must provide a written and signed statement to the employee's supervisor or a Human Resources Manager

within 15 days of the incident.

2. The supervisor and director/manager will complete an incident compliant form with all related information including but not limited to the following: dates, times, number of incidents, witnesses, and any other pertinent information.
    - i. All documentation related to a sexual harassment complaint will be kept strictly confidential.
  3. Upon receipt of all correspondence/documents involved in the incident/complaint, the Human Resources Manager will determine the appropriate course of action including:
    1. immediate mediation within the department with assistance from the Human Resources Manager and/or department director; or
    11. schedule a review or investigation which shall be conducted by a sexual harassment investigative team within 5 working days.
  4. If it is determined by the sexual harassment investigative team, based on their investigation, that sexual harassment has occurred, all information will be forwarded to the appropriate supervisor and/or director for recommended disciplinary action. The severity and frequency of the offense and other conditions surrounding the incident will determine the severity of the disciplinary action.
- c. Any supervisory or management personnel who has knowledge of such behavior and fails to take appropriate action is also subject to disciplinary action.
  - d. Retaliation and/or retribution against employees reporting sexual harassment is strictly prohibited and is subject to disciplinary action.
  - e. Employees disciplined for incidences involving sexual harassment based on a finding by the sexual harassment investigative team will not be afforded the opportunity of a formal review of their disciplinary action through the FTT.

#### 70. Gross misconduct

Employees dismissed for incidences involving gross misconduct will not be afforded the opportunity of a formal review of their dismissal through the FTT. For purposes of this Policy, gross misconduct means theft while on duty or on Tribal Operations or the SCTC premises, physical violence in the workplace, and possession of firearms, illicit or illegal drugs, hazardous materials, and weapons during working hours.

#### 71. Investigative Suspension

- a. An employee may be suspended immediately in cases involving a criminal investigation if the employee's supervisor or the director of the department believes that the purpose or subject matter of the criminal investigation is substantially related to the employee's job duties and responsibilities or to the department's mission or goals.

- b. Any employee suspended under this section shall remain on suspension while the criminal investigation is ongoing. An employee suspended under this section will be suspended with pay for the first 3 weeks of suspension and without pay thereafter until the conclusion of the investigation.
  - 1. An investigation will be concluded favorably to the employee under this section upon a decision by the investigating agency to close the case or by the prosecutor's decision to decline prosecution.
    - i. A favorable conclusion of a criminal investigation will require immediate reinstatement of the employee to the same or similar position and reimbursement for any unpaid compensation for suspension under this section.
  - 2. An investigation will be concluded unfavorably to the employee if the investigation results in criminal charges filed by the prosecutor.
    - i. An unfavorable conclusion of the investigation will require continued suspension until the final disposition of the criminal case.
- c. The supervisor may decide to terminate the employee at his or her discretion if the employee is found guilty or pleads no contest or equivalent to the charge(s).

72. Fair Treatment Team ("**FTT**")

- a. The FTT Standards and Procedures apply to and control hearings and all other FTT actions. For the complete FTT Standards and Procedures, please contact Human Resources.

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<sup>1</sup> Approved by Board of Regents Motion on March 9, 2016 and by Tribal Council Resolution Number 16-023 on May 11, 2016.