

SITKA TRIBE OF ALASKA EMPLOYEE HANDBOOK



Mission Statement

To exercise its sovereign rights and powers, to preserve the integrity of tribal society and improve the lives of individual Tribal Citizens.

Employee acknowledgment:

I have reviewed with Human Resources (HR) staff - the Sitka Tribe of Alaska (STA) Employee Handbook attached. My questions were answered to my satisfaction, and I understand that if I have further questions, I may discuss them with my supervisor, or with the HR staff of STA.

Signed _____

Date _____

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Part 1 Introduction

Part 1.01 Core Mission Statement

The mission of Sitka Tribe of Alaska is to exercise its sovereign rights and powers, to preserve the integrity of Tribal society and improve the lives of individual Tribal citizens, to conserve and retain tribal lands and resources, to establish and carry out justice pursuant to Tlingit Tribal law and custom, and to increase the variety and quality of services provided to Tribal citizens. Sitka Tribe of Alaska is dedicated to the task of preserving the integrity of Tribal society and improving the lives of individual Tribal citizens.

Part 1.02 Purpose and Limitations of Handbook

This handbook is an outline of the basic personnel policies, practices, and procedures of Sitka Tribe of Alaska (STA). It contains general statements of STA policy, but does not include all STA policies or the fine details of each policy, and does not form an expressed or implied contract or promise that the policies discussed in the handbook will be applied in all cases.

STA will carry out this Handbook consistent with the duty of good faith and fair dealing with all employees. In any conflict between STA policies and applicable laws, applicable law shall prevail.

Part 1.03 Employment-At-Will

STA is not able to guarantee or promise employment for any specific length of time. STA reserves the right to make employment decisions at its sole discretion. Employment may be terminated with or without notice or cause at any time at the option of STA or the employee.

While it is hoped that employment with STA will be long and mutually rewarding, the length of that employment is not for any fixed term. Employment shall be "at will" and shall be terminated "at will" by STA or an employee of STA with or without cause. Any statements or promises to the contrary are not binding upon the employer, except when authorized in a written contract by the Tribal Council.

This policy shall not be modified by any statements contained in this or any other employee handbooks, employment applications, STA recruitment materials, STA memorandums, or other material provided to employees in connection with their employment, unless expressly stated in an employment contract. Apart from an actual employment contract, none of the listed documents, whether singly or combined, shall create an express or implied contract of employment or an express or implied contract concerning any terms or conditions of employment.

Part 1.04 Application of Policies

This Employee Handbook applies to all employees of STA, except those employed in the Sitka Native Education Program (SNEP). Further policies have been adopted by Sitka Tribal Enterprises (STE), and are available at the time of hire at the STE offices. Certain employee benefits shall not be extended to part-time or seasonal employees. For more detail on which benefits will not be applied see Part 3. Fringe Benefits.

Part 1.05 Interpretation and Questions

Any questions concerning interpretations of this Handbook or any other employee personnel matter should be referred to the employee's direct supervisor or the human resources office.

Part 1.06 Amendment and Distribution

STA may add to the policies in the Handbook or revoke or modify them from time to time for any reason. Changes, including modification, additions, or deletions to the Handbook, must be approved by the Tribal Council. Changes approved by the Tribal Council may become effective before this Handbook can be revised. Changes will be done periodically and/or on an as needed basis.

Employee Handbooks are STA property. A copy of the Handbook will be available to each employee of STA.

Part 2 Non-Discrimination and Native Preference Policy

Part 2.01 Non-Discrimination Policy

STA does not discriminate on the basis of marital status, gender, sexual orientation, age, color, religion, disability, or pregnancy.

Part 2.02 Tribal Citizen and Native Preference Policy

A. General Policy

As defined in the STA Hiring Policy Preference in employment – hiring, promotion, transfer, training, and retention - shall be given in the following order:

- 1) STA Tribal Citizens
- 2) Non-Indians supporting tribal citizen children
- 3) Members or descendants of any Alaska Native Tribe

- 4) Members or descendants of any other Indian Tribe
- 5) Other candidates

B. Membership in Alaska Native Tribe or other Indian Tribe

Membership in an Alaska Native Tribe or other Indian Tribe may be proved by a tribal enrollment card, or verification of tribal enrollment by that tribe. In the case of a descendant, the decendancy may be verified by presentation of a letter of decendancy from their tribe, an Alaska Native corporate shareholder card, a certificate of Indian blood from the Bureau of Indian Affairs, or an Indian Health Service beneficiary card.

C. Waiver

In the best interest of STA, the Tribal Council may waive the member and Alaska Native preference provisions of this policy and authorize the General Manager to recruit for the best-qualified person.

Part 3 Office Routines and Procedures

Part 3.01 Office Hours

A. Regular work week and hours

The regular workday and week for full-time STA employees is from 8:00 A.M. to 12:00 noon and from 1:00 P.M. to 4:30 P.M., Monday through Friday. The work schedule may be modified for some employees to meet the needs of STA, subject to applicable laws. Any permanent change in the work schedule must be approved by the employee's direct supervisor in writing and in advance.

B. Additional Hours

1. *General Policy*

All employees are expected to complete work during office hours. Personnel will from time to time be expected to perform services other than during the employee's established regular workday. For the purposes of calculating whether additional hours have been worked, the number of hours worked in a consecutive twenty-four (24) hour period beginning at 12:01 A.M. Sunday and ending at midnight on the following Saturday will be calculated.

Employees entitled to receive overtime wages for working overtime must obtain written approval in advance from their direct supervisor before working any additional hours.

Employees who are eligible to receive overtime wages may NOT receive time off in lieu of overtime wages. Overtime employees who work overtime without approval from their direct supervisor will not be paid for those hours.

Exempt employees, i.e., those not entitled to be paid wages for overtime, may be eligible to receive time off in compensation for additional hours worked above a regular work week under the Compensation Time Policy, Section 3.2.

2. Compensation Time (Comp Time)

The purpose of comp time is to compensate exempt employees, i.e., those not entitled to be paid wages for overtime, who must work more than a regular work week on special projects or tasks, by allowing them to work with their direct supervisor to take time off work for those additional hours. Comp time may be authorized according to the following limits:

- 1) Before earning comp time, an employee must receive written authorization from his or her direct supervisor;
- 2) Comp time may not be earned for time spent traveling for STA;
- 3) No more than fifteen (15) hours of comp time may be earned and/or accrued;
- 4) Comp time must be used within one (1) month of when the comp time was earned;
- 5) No more than fifteen (15) hours of comp time may be used consecutively; and
- 6) Requests to use earned comp time may be granted or denied by the direct supervisor in his or her discretion.

3. Flex Time

Flex time is the modification of an employee's work hours within the regular work week. Flex time may be used by any employee, exempt or non-exempt. The use of flex time must always be authorized by the employee's direct supervisor in advance.

C. Time off during the working day

An employee must obtain prior approval from the employee's direct supervisor prior to being absent from the office (other than during a lunch period) during a scheduled working day.

D. Lunch Periods

Employees will be given a one hour lunch period, which will be taken at a time designated by the employee's direct supervisor. Lunch hours may be staggered so that the office is adequately staffed during each hour of the working day, if possible.

E. Breaks

Employees should make it a healthy practice to take a short break, no longer than 15 minutes, but not before two hours on the job. Supervisors may schedule breaks, and may require that no formal break be taken during a given shift due to the demands of a job. For those employees on an 8 A.M. to 4:30 P.M. schedule, two breaks will be allowed, one in the morning, and one in the afternoon. The breaking employees must not disrupt the work flow of other employees.

Part 3.02 Lateness and Absenteeism

A. Notice to employer

An employee who will be absent from work during all or part of a regular work day must notify the employee's direct supervisor prior to the beginning of the regularly scheduled work day, or leaving the work place during a work day.

B. Deduction from accrued leave for excused absence

An absence or late report which has been reported and excused in accordance with the above paragraphs will be charged to accrued unused Personal Leave, as appropriate. An employee who does not have accrued and unused Personal Leave will be charged Leave Without Pay for each such absence. The employee's paycheck for the pay period in which the absence occurred will reflect a reduction for Leave Without Pay when Personal Leave was not available.

C. Use of leave request form

See Part 4.02 C, page 17 of Employee Handbook.

Part 3.03 Sitka Tribe of Alaska Property

A. Issuance

An employee who is issued STA property, including but not limited to: keys, laptop computers, iPads, cell phones, becomes responsible for the property. Employees will sign a receipt of property for each assigned item. Employee cost for lost items will be determined by issuing department at the time of issue. Any employee who loses his or her keys will pay a \$50.00 fee for each lost key and may be responsible for the cost of ensuring the security of the building.

B. Return at Separation

Upon separation of employment, an employee who possesses the items listed in 3.03 A. must return them before a final paycheck will be released.

Part 3.04 Classification of Employees

1. Administrative, executive, and professional employees, outside salespeople, and certain computer employees may be classified as exempt, and will not be eligible for overtime pay.
2. Employees who do not fall in the above categories will be classified as non-exempt.

Part 3.05 Payroll Procedures

A. Personnel Action

All personnel actions will be issued in writing on such forms as may be prescribed by the General Manager and a record of all such actions will be sent to the employee.

B. Compensation

1. *General information*

Employees will be informed in writing upon hire of their rate of compensation and whether they are eligible for overtime compensation. Employees will also be informed of the schedule of paydays. Pay will be made available per the Finance Department Payroll and Timesheet Procedure, provided the employee completed and delivered, according to payroll instructions, the required time and attendance records.

2. *Emergency salary advances*

In an emergency, an employee may request a salary advance, which will not exceed the net amount due the employee at the time the request is made; advances may be requested one time per calendar year per employee. Salary advances will be deducted from the wages due on the next payday.

Salary advances are requested in writing, stating how much is needed, and when the advance will be deducted from check. The request is then routed to the employee's direct supervisor for signature and approval, routed to General Manager for signature and approval, and finally submitted to the Finance Department in a timely manner. An emergency salary advance requested by the General Manager must be submitted in writing to the Chairperson for signature and approval.

3. *Time and attendance records*

Employees will be informed upon hire about payroll procedures and reporting requirements. It is the responsibility of employees to complete and submit timesheets and reports concerning time worked and use of leave on a timely basis to avoid delays

in processing the employee's paycheck. Upon completion, the employee shall submit this record to the employee's direct supervisor for verification and signature.

4. *Fringe benefits*

Employees will be informed in writing upon hire about fringe benefits, which may be provided or made available to employees. Such fringe benefits may include life insurance, medical insurance, dental insurance, Short-term Disability Insurance, and the option to purchase Supplemental Insurance. Employees scheduled to work fewer than 37.5 hours a week or seasonally have the option to purchase Supplemental Insurance, but shall not receive life insurance medical insurance, dental insurance, or Short-term Disability Insurance.

5. *Questions*

Questions concerning compensation, paychecks, leave usage, and fringe benefits should be addressed to the employee's direct supervisor and/or human resources staff.

Part 3.06 Personnel Records and References

A. Personnel file

It is the policy of STA to maintain certain records on each employee which are directly related to the employee's job with STA. Each employee's personnel file may include:

- 1) application forms and materials, including job descriptions and references;
- 2) payroll information;
- 3) performance evaluations;
- 4) medical information;
- 5) disciplinary records; and
- 6) employee status change forms.

An employee may inspect and make copies of his or her personnel records, upon written request, at a time convenient for the employee and the employee's direct supervisor. Employees are encouraged to review their personnel file annually for accuracy and completeness. STA human resources staff must be present at all times during the employee's inspection of the file. If an employee believes that certain material is irrelevant, inaccurate, or obsolete, the employee may place a written statement of disagreement in the file.

B. Requests for personnel information

All requests from outside STA for personnel information concerning past or present employees of STA will be referred to the human resources office. The dates of employment, position

held, and location of job site may be released without the consent of the employee. No other information concerning a past or present employee will be released without the written consent of the employee.

Part 3.07 Travel and Per Diem

Employees authorized to travel to another community and are required to remain away from home overnight will be reimbursed for their necessary expenses, when such funds are available. Authorization to travel must be obtained in advance by completion of a travel request form, and obtaining the required approval and signatures on the form. Reimbursement of travel expenses shall not exceed standard per diem rates established by STA, and shall be calculated as follows: first and last day of travel, 75% of full day's per diem rate; all other days, 100% of full day's per diem rate. All travel forms, including requests to travel, travel advance requests, and trip reports with a narrative description of the trip, must be completed pursuant to STA's Travel Procedures.

For overnight travel, an employee will be paid for 7.5 hours for each day (24-hour period) that the employee is in travel status, including weekends.

Employees covered by STA's vehicle insurance are covered for the use of rental cars while on travel status.

Part 3.08 Smoking Policy

No smoking is permitted in any STA facility, or within twenty feet of any STA facility door or window. STA will not build or maintain any structures to facilitate smoking. Break timing is governed under the guidelines of 3.01.e. Breaks.

Part 3.09 Drug and Alcohol Free Workplace Policy

A. General Enforcement and Procedures: The full policy is STA Drug & Alcohol-Free Workplace Ordinance, adopted October 29, 2008.

As a condition of employment, all employees must:

- 1) Abide by the terms of this drug and alcohol free workplace policy; and
- 2) Notify their direct supervisor within five (5) calendar days of any criminal conviction or charge against their person for violation of a drug or alcohol statute, if the violation occurred at the workplace, while the employee was representing STA, or while the employee was on travel status for STA.

To the extent required by law or at the discretion of the General Manager, within thirty (30) calendar days after receiving notice of such a drug or alcohol charge or conviction, STA will take appropriate personnel action against the employee that may include suspension, referral to an approved substance abuse treatment provider for screening and treatment recommendations, and/or termination of employment.

B. Drug-Free Workplace Policy

Employees shall not engage in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in the workplace, during the employee's work hours or during any time in which the employee is representing STA or on travel status. Employees may not report to work under the influence of a controlled substance used unlawfully. Any employee that reports to work under the influence of a controlled substance used unlawfully will be subject to disciplinary action that may include suspension, referral to an approved substance abuse treatment provider for screening and recommendations, or termination of employment.

C. Alcohol-Free Workplace Policy

Employees shall not consume any alcoholic beverage in the workplace or during the employee's work hours. Employees shall not report to work under the influence of alcohol. Any employee that reports to work under the influence of alcohol will be subject to disciplinary action that may include suspension, referral to an approved substance abuse treatment provider for screening and recommendations, or termination of employment.

D. Department special employment policies

Certain STA Departments require employees to comply with special Drug and Alcohol-Free Workplace Policies. These policies may include pre-employment, random, and reasonable suspicion drug and alcohol testing.

E. Drug or alcohol violation outside of work hours

An employee who is charged with, or convicted of, violating a drug or alcohol statute outside of the employee's work hours, or when the employee is representing STA or on travel status, must report the charge or conviction to his or her Direct Supervisor by the next work day. The employee may be subject to disciplinary action that may include suspension, referral to a substance abuse treatment provider for screening and treatment recommendations, and/or termination of employment.

Part 3.10 Client and Public Relations

Employees shall always treat clients and others who visit STA offices in a courteous and respectful manner. Employees shall refer complaints from the public to a Supervisor or handle them in accordance with applicable grievance processes, if any.

Part 3.11 Employee Relations

Employees shall always behave respectfully and cooperatively towards each other. Differences of opinion must be expressed respectfully. No employee shall hold another employee up to ridicule, interfere with another employee's work, or disrupt the workplace. If discussion among employees does not amicably resolve an issue dealing with STA policy or procedure, the employees should refer the question to their Department Directors for resolution. When it does not conflict with or impede their own work performance, employees, if asked, will assist other employees in the execution of their duties, after receiving authorization from the employee's direct supervisor.

Part 3.12 Sexual Harassment Policy

A. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- 2) Submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, sexual touching, advances or propositions, use of sexually explicit language, and the display in the workplace sexually suggestive objects or pictures or images, including nude photographs, drawings and computer generated images or material.

B. Policy

STA prohibits sexual harassment. Any employee who believes that he or she has been subjected to sexual harassment should report the conduct immediately to his or her direct supervisor. If an employee believes that he or she has been sexually harassed by a direct supervisor, the employee should report the conduct to the General Manager. Employees who

believe they have been sexually harassed by the General Manager should notify the Chairperson of the Tribal Council.

To the degree possible allowing for a fair investigation, STA will endeavor to investigate and document the complaint in the strictest confidence. No person shall be penalized or subjected to retaliation for filing a complaint of sexual harassment or for cooperating in the investigation of such a complaint. Employees found to have violated the sexual harassment policy will be subject to the Disciplinary Standards outlined in Part VI of this handbook.

Part 3.13 COBRA

STA has the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), as amended, in place. Employees are given handouts explaining their rights under COBRA and forms to complete to obtain COBRA when a qualifying event is present. Any questions and/or concerns regarding COBRA should be addressed to the Administrative Services Director or the Finance Director.

Part 3.14 Workers Compensation

All employees of STA are eligible for Worker's Comp from the date of hire until the end of employment. If an employee believes he or she is eligible for Worker's Comp, the proper procedure is to notify the direct supervisor, notify the human resources office and make a medical appointment (no matter how small or insignificant the claim might seem). This procedure needs to be done even if there is no time loss to the employee or STA. Any questions regarding Worker's Comp should be addressed to the human resources office.

Part 3.15 Cooperation with Supervisors

Employees shall comply with all reasonable requests or instructions of their supervisor or other management personnel.

Part 3.16 Internet Use Policy

STA provides Internet access for work purposes only and utilizes a filter to prevent access to inappropriate material on the Internet. Employees shall not abuse the privilege of Internet access or download or view sites that are inappropriate for the work place. Social networks and online shopping sites may be accessed during the work day only as part of an employee's official duties.

Part 3.17 Personal Listening Devices (PLD), personal phone calls

A. Ear devices. The only ear devices authorized for employees of STA are hearing aids and transcription devices. Otherwise, PLDs are not allowed in the workplace.

B. Radios or similar devices may be permitted in offices and common areas, but the volume must not interfere with any other employees, clients, or business being conducted in the area.

C. Personal phones. Employees may briefly and occasionally conduct personal conversations on their cell phones at their work stations. With approval of the employee's direct supervisor, the employee may take a short break to complete necessary longer conversations. Those breaks must fall under the guidelines of 3.01 e. Breaks.

Part 4 Leave Requests

Part 4.01 Official Holidays

A. List of Holidays

- 1) New Year's Day—First of January
- 2) Elizabeth Peratrovich Day—Sixteenth of February
- 3) Presidents Day—Third Monday in February
- 4) Memorial Day—Last Monday in May
- 5) Independence Day—Fourth of July
- 6) Labor Day—First Monday in September
- 7) National Indian Day—Last Friday in September
- 8) Alaska Day—Eighteenth of October
- 9) Veterans Day—Eleventh of November
- 10) Thanksgiving Day—Fourth Thursday in November
- 11) The day after Thanksgiving – Fourth Friday in November
- 12) Christmas Day—Twenty-fifth of December

B. Holidays falling on Saturday or Sunday

If a holiday falls on a Saturday, the preceding Friday is considered a holiday. If a holiday falls on a Sunday, the following Monday is considered a holiday.

C. Work performed on holidays

An employee who is eligible for overtime will be paid at the rate of time-and-a-half for holiday work if the work was pre-authorized by the employee's direct supervisor. STA does not pay double-time for work performed on a holiday.

D. Holidays during Personal Leave

In the event that an employee is on Personal Leave during a day on which a holiday occurs, that day will not be charged against the employee's accrued Personal Leave time. Employees will not be paid for holidays occurring during a period of Leave Without Pay. Employees must be in pay status the day before and the day after a holiday to receive pay for the holiday.

E. Part-time and seasonal employees

Part-time and seasonal employees are not paid for holidays that they do not work.

F. Religious/Cultural observances

Employees may take Personal Leave or Leave Without Pay for any religious or cultural holidays not mentioned above, or with prior written approval of the employee's direct supervisor, an employee may choose to work one of the above holidays as a substitute. If an employee works on an STA holiday, the direct supervisor may substitute other time off at a rate of 1.5 times the time worked (as befits holiday pay).

Part 4.02 General Leave Policy

A. Personal Leave accrual

A full-time employee earns Personal Leave beginning with the first full day of employment. The rate at which Personal Leave is earned will be prorated to the next highest half hour for full-time employees who are eligible to accrue Personal Leave who work less than 37.5 hours a week for the full pay period. Part-time and seasonal employees are not eligible to earn Personal Leave.

Personal Leave for a full-time employee will be accrued at the following rates:

- 1) A full-time employee earns Personal Leave at the rate of 4.91 hours per pay period, i.e., a total of 17 days per year, for the first, second, and third years of employment.
- 2) A full-time employee earns Personal Leave at the rate of 6.64 hours per pay period, i.e., a total of 23 days per year, for the fourth, fifth, sixth, seventh, and eighth year of employment.
- 3) A full-time employee earns Personal Leave at the rate of 8.43 hours per pay period, i.e., a total of 29 days per year, for the ninth year of employment and thereafter.

B. Eligibility to take Personal Leave

An employee is entitled to take Personal Leave as it accrues, but the timing of Personal Leave is at the discretion of the direct supervisor, so that taking Personal Leave will not interfere with completion of the employee's work.

C. Use of leave request form

For any type of leave, whether excused or unexcused, employees must complete a leave request form at the earliest possible opportunity. The fully completed leave form must accompany the appropriate pay period timesheet, and must be signed by the employee and the direct supervisor. It is the responsibility of the employee to determine whether he or she has sufficient paid leave, whether Personal Leave and Sick Leave, to cover the absence; and to request Leave Without Pay when paid leave has expired.

D. Carryover Personal Leave

A maximum of twenty (20) days (150 hours) of Personal Leave may be carried over by an employee from one fiscal year to the next. In the event of termination or retirement, accrued Personal Leave will NOT be paid. Failure to request and use Personal Leave in accordance with these policies will result in its loss.

E. Sick Leave accrual

Full-time employees will accrue Sick Leave at the rate of 2.77 each pay period with the following stipulations:

- 1) Sick Leave accrued but not used shall not exceed a limitation of 200 hours.
- 2) Sick Leave accrued but not used shall accumulate until termination, at which time it shall be canceled and will not be paid out.
- 3) Sick Leave shall be approved when the employee's direct supervisor is satisfied that the employee is sick or injured and/or when an employee requests to be excused for medical or dental appointments.
- 4) Sick Leave shall be approved when the employee's direct supervisor is satisfied that the employee is absent to care for his or her sick or injured child and/or when an employee requests to be excused to take his or her child to a medical or dental appointment.
- 5) Verification of illness in excess of three (3) working days must be signed by a practicing physician.

6) In the event of extended illness, verified by a physician, an employee shall first use accumulated Sick Leave, followed by accumulated Personal Leave, Donated Sick Leave, and finally Leave Without Pay, as approved through his or her direct supervisor.

7) When authorized by the General Manager, employees may at their discretion donate accumulated Sick Leave to another employee. The donated leave will be charged to the donor department/line item when used.

8) An employee cannot utilize more than one (1) month of donated sick leave during a one (1) year period.

F. Wellness Program

1) In support of employee health, fitness, and well-being, employees may use up to three hours of their work day per week in bona fide and verifiable wellness activities. These activities include, but are not limited to walking, gym time workout, or exercise classes. Employees must first request the time from their supervisor; in addition, employees in grant-funded positions must determine whether their position qualifies to participate in this program.

2) Employees earn one (1) Wellness Day for each year of service at STA, up to four (4) days in a year. An employee accrues Wellness Day(s) on his/her anniversary of employment at STA. Wellness Days may be taken subject to the following limitations:

- 1) Wellness Days will be charged to the employee's accumulated Sick Leave, and only if the employee has at least 37.5 hours of Sick Leave accrued.
- 2) Wellness Days must be used before the next anniversary date;
- 3) Unused Wellness Days will not carry over to the following year;
- 4) Employees must give one (1) day notice to their direct supervisor prior to taking a Wellness Day;
- 5) A direct supervisor may deny an employee's request to use a Wellness Day when the employee's workload will not permit the time off work; and
- 6) Employees may not take more than two (2) Wellness Days in a one (1) month period.

Part 4.03 Parental Leave

Employees must use Sick Leave, Personal Leave, and then Leave Without Pay, in that order, for any absence associated with pregnancy, including miscarriage, stillbirth, delivery, and extended leave after childbirth, and adoption. The duration of Leave Without Pay is in the discretion of the General Manager. Employees may also be eligible for STA's Short-term Disability Insurance for an absence

associated with pregnancy. Employees should seek guidance from the Finance Department regarding these benefits.

Part 4.04 Military Leave

Regular full-time employees utilizing Military Leave for temporary military training will be entitled to full pay for the duration of their military active duty up to maximum of two weeks per year. When military active duty exceeds two weeks, the employee will be granted Leave Without Pay. It will be permissible in such a case for employees to utilize accrued Personal Leave in lieu of Leave Without Pay.

Emergency military call-ups are subject to U.S. Selective Service Code or other applicable federal regulations for guaranteed reinstatement.

Employees will reimburse STA any amounts received from the Military during the two-week period of paid Military Leave from STA, exclusive of reimbursed expenses.

Part 4.05 Jury and Witness Duty

It is the civic obligation of each employee to serve on a jury or appear as a witness in a court proceeding, if he or she is called. Paid leave will be granted for any time the employee is required to report for duty or witness duty on work days. During jury or witness duty, the employee shall report to work if excused from appearing in court for two hours or more. Employees will reimburse STA an amount equal to the fees paid to the employee for serving as a juror or witness, exclusive of reimbursed expenses.

Part 4.06 Administrative Leave

A. Upon written request, Administrative Leave (with or without pay) may be granted by the General Manager when it is in the best interest of STA. Appropriate activities for which Administrative Leave may be granted, include but are not limited to, funerals and associated clan activities, employee disciplinary situations, subsistence gathering and harvesting, and classes or trainings.

B. Bereavement Leave

Up to three (3) days of paid Bereavement Leave may be granted to full-time employees as authorized and approved by the General Manager. Bereavement Leave will not be charged as either Sick Leave or Personal Leave. Qualifying reasons for Bereavement Leave include:

- 1) Death of an immediate family member, including the employee's spouse, parent (including step-parents), child (including step and legally adopted), sister, brother, mother-in-law, father-in-law, grandparent, or grandchild; and
- 2) Impending death, or a severe medical condition, of an immediate family member.

C. Cultural Obligations

Employees may take Personal Leave, and in absence of Personal Leave, Sick Leave, on to Leave Without Pay in order to attend night watch, memorials, and forty-day events.

Part 4.07 Leave Without Pay

Leave Without Pay is a temporary unpaid status when absent from duty. Leave Without Pay may be granted, provided such leave can be scheduled without adversely affecting the operation of STA. Requests for Leave Without Pay must include justification. A request for Leave Without Pay must be submitted to the employee's direct supervisor, who will make a recommendation to the General Manager. The employee is responsible for making necessary arrangements to continue his or her participation in benefit plans during the period of Leave Without Pay.

Part 4.08 Educational Opportunities/Temporary Employment

STA encourages staff to pursue educational opportunities and may provide financial assistance if funds are available. An employee may request Leave Without Pay for an extended period of time off work to pursue educational opportunities, sabbaticals, or temporary jobs with other organizations. This request must be made in writing and be approved by both the General Manager and the Tribal Council.

Part 4.09 Procedure for Requesting Leave

All leave must be requested in advance on a form prescribed by the General Manager and approved in writing by the employee's direct supervisor. Sick Leave or emergency Personal Leave may be allowed subject to the following conditions:

- 1) The employee notifies his or her direct supervisor prior to the beginning of the workday on which Sick Leave or emergency Leave will commence; and
- 2) The need for emergency Sick Leave is due to:
 - a. Personal illness or injury that occurred since the employee last worked;

- b. Exposure to contagious disease, since the employee last worked, that would endanger the health of co-workers or clients; or
- c. The illness of the employee's spouse or child, or the death of an immediate family member that occurred since the employee last worked.

Part 4.10 Leave Under the Family Medical Leave Act

The Family Medical Leave Act does not apply to STA. Employees of STA therefore are not eligible to request any leave under this Act. Employees interested in this type of leave should seek guidance from the Finance Department regarding benefits under STA's Short-term Disability Insurance.

Part 5 Employment Standards

Part 5.01 Standards of Conduct

A. Confidentiality

All employees must exercise the utmost discretion regarding all matters of official business of STA, including but not limited to, information about community and tribal matters, personnel actions, property acquisitions, financial transactions, and the development of policy. An employee will not communicate to any person information concerning STA that has not been made public, except in the course of regular duties or by authorization of the employee's direct supervisor.

Information concerning clients and cases that is protected from disclosure by state or federal law is confidential and may be disclosed only in compliance with relevant provisions of law. All employees must assume the highest degree of confidentiality and integrity in the best interest of STA's clients.

B. Certificates or licenses

Employees, who, as a condition of employment or performing the requirements of their job must have a certificate or license, are responsible for maintaining the certificate or license in good standing.

C. Compliance with STA Policies and Procedures

Employees shall comply with all STA policies and procedures, including but not limited to those found in this Handbook. Further, employees shall comply with laws and regulations and conditions of grant awards applicable to STA. Adherence to all policies of STA is a requirement of employment, but satisfactory adherence is not a guarantee of continued employment, or the basis for an express or implied contract of any aspect of employment.

Part 5.02 Nepotism

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into the day-to-day working relationship.

A. Policy

No person shall hold a job or be hired for a position that requires him or her to directly or indirectly supervise or to be supervised by an immediate member of his or her family. Immediate family members are the employee's children (including step or adopted), father, mother, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparents, grandchildren, sister-in-law, brother-in-law, aunts, and uncles.

B. Waiver

Upon request of the General Manager, the Tribal Council may waive the nepotism policy, if such a waiver is in the best interest of STA.

Part 5.03 Outside Employment

An employee will not engage in outside employment with or without compensation, whether full-time, part-time, temporary or permanent, or self-employment, without prior written approval of the General Manager. A request for approval of outside employment must be made in writing and must specify:

- 1) The nature of the work;
- 2) The name and address of the prospective employer;
- 3) The anticipated work hours;
- 4) The reasons for desiring outside employment; and
- 5) A statement that the outside employment will not detract from the employee's efficiency, conflict with the interests of STA, or discredit STA.

The decision to grant approval is solely within the discretion of the General Manager.

Part 5.04 Participation in Community Affairs and Conflicts of Interest

It is the policy of STA to encourage all employees to participate in civic affairs and to practice good citizenship. Employees are encouraged to take an active interest in community activities of a

charitable, religious, fraternal, or civic nature. However, employee participation in community affairs must not adversely affect the employee's job performance or be detrimental to STA's interests. Time spent in such activities normally should be outside of the employee's working hours and will not be considered hours worked for pay purposes, except with the written approval of the General Manager.

Part 5.05 Political Activities

Employees will not support or promote any political activities or interests during work hours or with any STA resources. No employee, acting in the course of his or her duties as a STA employee, will make a decision based solely on any political consideration.

Part 5.06 Public Statements and Appearance

A. Communication with the media

Employees will not speak on behalf of STA to any representative of the media, except with prior approval from the Council Chairperson or the General Manager.

Inquiries from the media should be directed to the Council Chairperson or the General Manager.

In the absence of the Chairperson and the General Manager, the Vice-Chairperson of the Tribal Council or the General Manager's appointed representative may respond to media inquiries and speak on behalf of STA to the media.

B. Public appearances

Employees asked by an outside agency or organization to appear on behalf of STA, or to speak about STA as guest speakers or program participants, must obtain prior approval from their direct supervisor.

Part 5.07 Acceptance of Gifts and Gratuities

Employees and members of the employee's immediate family are prohibited from accepting, except from members of the employee's immediate family or extended family, gifts valued at more than fifty dollars, or gratuities from:

- 1) Any person receiving benefits or services from STA;
- 2) Any person or entity performing services under contract with STA; or
- 3) Any person who is otherwise in a position to benefit from the actions of any employee of STA.

Part 5.08 Performance Evaluations

Employees will receive evaluations at the end of their first three (3) months of employment, at the end of their first year of employment, on the employee's anniversary date of employment each year, when the employee is transferred or promoted to a new job, when a new supervisor is assigned, at the time of the employee's termination, and at other times at the discretion of the supervisor. After reviewing the written evaluation and discussing it with the employee's direct supervisor, the employee must sign the evaluation. An employee may attach a written comment concerning information in the evaluation with which the employee disagrees. Nothing in this policy is intended to prohibit or discourage supervisors and employees discussing an employee's performance on an informal basis at any time.

A performance evaluation will be periodically completed for each employee by the employee's direct supervisor. The performance is a written evaluation of the employee's job performance. It may include the direct supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period. Information derived from the performance appraisal may be considered when making decisions affecting an employee, including, but not limited to decisions concerning training needs and opportunities, merit pay increases, promotion, transfer, and continued employment.

Completion of an evaluation and discussion of employment objectives and goals is not a guarantee of continued employment with STA. The evaluation process is not an express or implied contract of any aspect of employment.

Part 5.09 Dress Code

A. Policy

The dress code is established by the Tribal Government to be followed during all working hours. Apparel shall reflect the dignity of the Tribal Government and the individual. Personnel are expected to maintain a professional appearance at all times.

B. Personal Appearance

Employees are expected to dress in clean, neat, and professional attire. Suitable attire for women includes professional tops, blouses, sweaters, pants, neat and presentable jeans, skirts, dresses, suits, and appropriate footwear for the workplace. Suitable attire for men includes professional shirts, sweaters, long pants or slacks, suits, and appropriate footwear for the workplace. Unsuitable attire for all employees includes halter tops, tank tops, cropped shirts, T-shirts, sweatshirts, sweat pants, shorts, flip-flops, caps and other headwear, and any shirt or blouse that exposes the midriff.

C. Casual Friday

On Friday, employees may wear casual attire. Acceptable casual attire is relaxed clothing, including jeans of any color. Not allowed is clothing of an offensive or unkempt nature, such as T-shirts or pants with holes, tears, or unprofessional markings.

D. Exceptions

Certain STA Departments must adopt special employment policies that allow for exceptions to this Dress Code or require employees to wear uniforms. Employees may wear appropriate attire for field work upon approval by their direct supervisor.

Part 6 Disciplinary Standards

Part 6.01 Policy

Any employee who violates any of STA's policies or procedures or standards of job performance or conduct shall be subject to disciplinary action.

There is no requirement that any particular type of disciplinary action be taken in response to a given type of employee behavior. Nor is there any requirement that any particular form of discipline be imposed before a more serious form of discipline is used. Employees with relatively greater responsibilities or managerial authority may be disciplined more severely than other employees committing similar acts.

Part 6.02 Disciplinary Actions

The following is a general list of possible disciplinary actions. The list is for information only and does not in any way limit STA's discretion in imposing discipline. The order of the following items is for convenience only. STA does not follow a system of progressive discipline, and may impose any discipline STA believes is appropriate.

- 1) Corrective Counseling
- 2) Oral or Written Warning
- 3) Written Reprimand
- 4) Suspension
- 5) Demotion
- 6) Termination

Part 6.03 Procedure

All disciplinary actions will be documented in writing, including, but not limited to corrective counseling and oral warnings. The employee will be asked to sign the disciplinary action before the written documentation is placed in the employee's permanent personnel file.

Part 6.04 Infractions

The following is a list of examples of infractions that may justify disciplinary action. The list is not inclusive; it is provided for information only. STA may impose disciplinary action for any violation of STA policies and procedures or standards for job performance or conduct. Examples include, but are not limited to:

- 1) Wasting time, loitering, or being away from assigned work place for periods of time without cause;
- 2) Absence from work without permission, notification, or adequate explanation;
- 3) Tardiness;
- 4) Negligent use of STA property;
- 5) Unreasonable refusal to carry out a specific order or instruction of a supervisor;
- 6) Violation of applicable law or STA policy concerning client confidentiality;
- 7) Omission of pertinent facts or falsifying personnel or other records;
- 8) Use of alcohol or unlawful use of a controlled substance in the workplace or during the employee's regular work hours; and
- 9) Any violation of STA policies.

Part 7 Grievance Procedures

Part 7.01 Coverage

A. Employees

The grievance procedures cover all full-time, part-time, seasonal, and temporary employees. The procedures do not cover independent contractors, contract consultant employees, or applicants for employment who are not already employees.

B. Subject matter

These procedures cover all work-related matters that involve the benefits of employment with STA and are within the control of STA. This includes, but is not limited to, failure to promote, denials of leave time, undesirable transfers, unsatisfactory performance evaluations, demotions, terminations, or problems concerning supervisory or managerial performance. Personnel actions or policies required by federal or state law or conditions of grant awards applicable to STA are not subject to employee grievance. Policies that can be changed only by the Tribal Council are not subject to employee grievance.

Part 7.02 Informal Resolution

Employees are encouraged to try to resolve potential grievances as early as possible by direct, informal communication with their direct supervisor.

Part 7.03 Procedures

A. Time limit for filing grievance

A grievance must be filed within five (5) working days after the action complained of. Continuing or repeated actions or policies may be grieved at any time. For good cause, the person to whom the grievance is submitted may accept a late filing. Good cause means, but is not limited to, an illness, family emergency, or travel that prohibits the employee from filing within five (5) days. "Day" always means calendar day. Working days are to be counted as follows:

- 1) The first day is excluded and the last day is included; and
- 2) Holidays recognized by STA, Saturday, and Sunday are also excluded.

B. Form

No specific form is necessary, but a grievance must be in writing. The employee must state the problem clearly, including a description of the actions that triggered the grievance and the date on which the actions occurred. Employees must state what relief they want as clearly and specifically as possible.

C. Jurisdiction

1. Grievance concerning the General Manager

Grievances concerning the General Manager shall be submitted to the Chairperson of the Tribal Council. If the grievance is filed in a timely manner, the Chairperson of the

Council will provide the other Council members and the General Manager with a copy of the grievance. The General Manager will then respond to the grievance in writing and deliver such response to the Chairperson of the Council and the grievant within five (5) working days of the receipt of the original grievance.

The Chairperson of the Council will then consult with the Staff Attorney to determine if there are grounds for the grievance, after which the Chairman may deliver the grievance and any response and reply to the Grievance Committee.

The Grievance Committee shall serve on an ad hoc basis and consist of three members of the Tribal Council appointed by the Chairperson.

The Grievance Committee shall have the responsibilities outlined in Section D of this part to conduct fact-finding. The Grievance Committee shall make a decision based on its findings of fact and then deliver a written summary of the Committee's findings of fact and decision to the Chairperson of the Council within ten (10) working days of receipt of the grievance.

The Council shall then consider the findings of fact and the decision of the Committee as an advisory opinion. The Council, therefore, is not obligated to adopt the Committee's findings of fact or decision. At its discretion and before making a final decision, the Council may direct the Committee to conduct further fact-finding and then report to Council. The Council shall issue a final decision within ten (10) working days of receipt of the Committee's findings of fact and decision, unless the Council in its discretion determines that additional fact-finding is necessary. If additional fact-finding is requested, the Committee will have three (3) working days from the receipt of the request to complete the fact-finding. The Council will then issue a final decision within ten (10) working days of receipt of the Committee's additional findings. The Council retains the final decision-making authority over the grievance and there is no further right of appeal.

2. *All other grievances, including grievances concerning a direct supervisor*

Before filing a formal Grievance an employee must make a documented and earnest effort to solve the problem informally, including initiating direct and clear communication with his/her supervisor.

If informal resolution is not effective, grievances may be submitted to the employee's direct supervisor with a copy to the General Manager. If the grievance is filed in a

timely manner, the direct supervisor will provide a written decision within five (5) working days of the receipt of the grievance.

Within five (5) working days of receipt of the direct supervisor's written decision, the grievant may file a written appeal of the decision to the General Manager. If the appeal is filed in a timely manner or the General Manager determines that there is good cause to accept a late filing, the General Manager will then provide a copy of the written appeal to the direct supervisor. The General Manager will then issue a final decision on the appeal in writing within ten (10) working days.

Except for grievances concerning the General Manager, the decision of the General Manager is final. There is no further right to appeal.

D. Fact finding

The person or committee hearing the grievance shall make reasonable efforts to investigate the allegations made in a grievance and to allow the grievant a reasonable opportunity to present evidence or argument. This need not require a hearing or other oral presentation. When requested, witnesses shall appear before the committee.

E. Grievances concerning termination

When an employee files a grievance concerning a termination decision, that employee's position shall not be permanently re-filled until the employee's grievance and any appeals are completely resolved.

Part 7.04 Freedom From Reprisal or Interference

All employees are free to use these grievance procedures without fear of restraint, interference, coercion, discrimination, or reprisal. No employee will take any action against any other employee because of a grievance filed under these policies. In addition, no employee will threaten reprisal against another because of such a grievance.