

2002

WILLIAMS LAKE INDIAN BAND

OFFICE POLICY MANUAL

RATIFIED _____

First Draft

WILLIAMS LAKE INDIAN BAND

POLICY MANUAL

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WILLIAMS LAKE INDIAN BAND

MISSION STATEMENT

"Williams Lake Indian Band will promote and preserve the Cultural, Economic and Community Balance; by encouraging membership's communication and participation in achieving a healthy lifestyle and social harmony within the Nation. Williams Lake is also committed to establishing and promoting sound relationships with ^{all levels of} local municipalities and governments."

I. EMPLOYMENT

1.0 EMPLOYMENT CLASSIFICATIONS

The Canada Labour Code (CLC) makes no distinction between full-time and part-time or casual employees. Its provisions cover all if they meet the qualifying requirement for continuous employment. (Employees are considered continuous after completing three (3) months of continuous employment with the employer.)

The following definitions are intended for the purpose of the Williams Lake Indian Band Policy Manual.

- 1 Chief and Council - means the elected leaders of the Williams Lake Indian Band.
- 2 Employee - means any person employed by the Williams Lake Indian Band on a full time basis and working at least 40 hours per week.
- 3 Employer - means the Williams Lake Indian Band.
- 4 Immediate Supervisor - means the person employed as the supervisor for a specific program of the Williams Lake Indian Band (see organizational chart).
- 5 Band Manager Administrator - means the person hired and/or appointed by the Williams Lake Chief and Council to administer the overall operations of the Williams Lake.

2.0 HIRING POLICY

When a position is vacated or a new position is required, ~~management will first consider promotion from within the organization. Secondly the position will be advertised to Williams Lake Members and the public through local newspapers.~~ *The position*

- 2.1 Hiring of new personnel will be conducted by the ~~immediate supervisor in consultation with the Administrator.~~ *on interview panel which will incl Band Manager & Council pres fisher holder.*
- 2.2 All employees will be required to sign an ~~Employment Agreement and a Confidentiality Agreement~~ *letter of offer* (Appendix A). *others*
- 2.3 Anniversary date is the date which the employee commenced working with the Williams Lake *B.*

3.0 PROBATIONARY PERIOD

New employees, or employees promoted/demoted to a new position will be subject to a three (3) month probationary period. The immediate supervisor and employee must carry out a performance review *to prior to* ~~conclude~~ the probation period. If the employee is rated with satisfactory performance then the employee is no longer "on probation". If the employee is rated with an unsatisfactory performance review the employee may be dismissed or the probationary period may be extended.

3.1 No leave shall be permitted for vacation or sickness during an employee's probation period. ~~Employees shall earn and accrue annual/sick leave credits. A new employee who misses time during the first three months shall lose pay equivalent to the time lost from work.~~

4.0 WILLIAMS LAKE EMPLOYEE JOB DESCRIPTIONS (SEE APPLICABLE FILE).

5.0 TERMINATION OF EMPLOYMENT

5.1 Situations which call for suspension and/or investigation of an employee that may lead to an employee being ~~an~~ immediate termination by the ~~Administrator~~ ³⁸ in consultation with the Chief and Council ~~are:~~ ^{Employee}

5.1 a Just cause, (as defined in the CLC).

5.1 b Convicted of an indictable offence will result in immediate discharge.

5.1 c Insubordination or dereliction of duty will result in immediate discharge.

Insubordination: unwilling to recognize the authority of a supervisor and to abide by the Williams Lake ~~Policy~~ ^{IB Policy}.

Dereliction: an intentional abandonment of duty.

5.2 An employee is entitled to two (2) weeks written notice of the employer's intention to terminate his or her employment. In lieu of such notice, the employee is entitled to two (2) weeks pay at the regular rate.

5.3 No notice is required for:

- 5.3.a • An employee who has not completed three consecutive months of continuous employment
- 5.3.b • An employee who is terminated for reasons listed in 5.1.
- 5.3.c • An employee who is on a lay-off that does not constitute a termination of employment.
- 5.3.d • An employee that is at the end of a term, ie. employment and training projects.

5.4 Severance Pay shall be in accordance with Canada Employment Standards ~~with regard to notice when it is deemed to be "Employer Related" (ie. change in funding).~~

II. WORK SCHEDULE

1.0 OFFICE HOURS

The normal working hours are from 8:30 am to 4:30 pm Monday through Friday, (35 hours per week).

1.1 All employees shall receive 1 hour for lunch and two 15-minute coffee breaks per day.

~~1.2 Employees may elect to work a modified work week where such provisions are approved by the~~

~~Administrator.~~

1.3 As per Canada Labour Code the hours of work provisions of the Code do not apply to employees who are :

- Managers or superintendents or who exercise management functions, CLC s.167(2)(a);
- Members of such professions as may be designated by regulation as professionals, CLC s.167(2)(b).

2.0 STANDARDS AT WORK

2.1 Employees should try to arrange any such medical/dental appointments to a minimum amount of time; and if possible, arrange the appointment for either early in the day; or near the end of the day. All medical/dental appointments will be deducted from accumulated sick leave.

2.2 Employees shall conduct themselves in a courteous and business-like manner at all times during work hours and when representing Williams Lake.

2.3 Williams Lake employees authorized to attend a conference, seminar or training workshop shall attend all sessions in a serious and business-like manner. The employee is expected to give a written report to the immediate supervisor within five working days following the conference, seminar or training workshop attended.

2.4 Williams Lake employees will be on the job punctually each day unless there is a valid reason for absences or lateness, in which case the employee will contact his/her immediate supervisor and give an indication of when he/she expects to return to work.

2.5 Personal telephone calls or visits should be avoided. Preferably only emergency situations.

2.6 Sexual Harassment – According to the Canada Labour Code.

2.7 Workplace Security – It is recognized that in certain situations employees may be at risk of physical or verbal abuse from clients or the public. The ~~administration~~ ^{Managers} will make every effort to ensure that the workplace is secure and safe for all employees.

III. COMPENSATION AND PERFORMANCE

1.0 COMPENSATION

a.1 Salary is determined on an annual basis and calculated on the 26 pay periods.

b.2 Wages are determined on an hourly payment basis.

c.3 Contract fees are determined in a contractual agreement.

2.0 PAYROLL

Employees will be paid bi-weekly (every second Friday). If a payday falls on a statutory holiday the employees pay will be issued the day prior to the holiday.

2.1 The following is a list of the employee's deductions/benefits:

a.1 Employment Insurance (E.I.) - All employees.

b.2 Income Tax - Only status Indians are exempt from this deduction.

c.3 Canada Pension Plan (CPP) - Only status Indians are exempt from this deduction.

d.4 Life Insurance - Williams Lake provides these benefits for all full time employees once the probation period has been successfully completed.

e.5 Medical/Dental - Medical/Dental is provided for full time employees including his/her immediate dependants through the Williams Lake's Plan.

f.6 Pension Plan - Full time employees who have successfully completed his/her probationary period is required to participate in the registered Pension Plan. Williams Lake matches the percentage of annual salary deducted. Refer to Pension Plan booklet for more information.

1.2 Salary and wage increases will be reviewed by the immediate supervisor on an annual basis and in conjunction with the performance review and if funding is available.

2.0 ANNUAL PERFORMANCE REVIEW

The employee's annual performance review will be conducted by the immediate supervisor and employee using a Williams Lake performance review form based on the job description. Both will meet and discuss the findings of the review and sign in the appropriate section. If the employee does not agree with the performance review the employee will have the opportunity to address this through the grievance procedure (see Sec. III. 7.0). The completed performance review will be placed in the employee's file.

2.1 The Administrator's performance review will be conducted in the same manner by Chief and Council in consultation with the Williams Lake employees.

3.0 OVERTIME-EQUAL TIME

There will be no overtime pay. Employees may be required to work within a flexible schedule. In the event an employee is required to work beyond his/her normal work schedule the employee will be granted time off in lieu of pay. Employees must have prior approval from his/her immediate supervisor for any deviations from normal working hours.

The employee must make every effort to take the cumulative overtime by the end of the fiscal year (March 31), Should this become impossible, all outstanding overtime shall be compensated by monetary payment at the end of the fiscal year. (CLC)

4.0 BONUSES

In special circumstances an employee may receive a bonus. Bonuses will be determined by the immediate supervisor in consultation with the Administrator and/or Chief and Council.

5.0 TRAVEL AND OTHER EXPENSES

5.1 An employee using his/her own vehicle for approved business purposes will be reimbursed according to the current ~~Federal Government Rates~~. *WL/B*

5.2 Employees claiming mileage, travel, accommodation and meal expenses must submit a claim supported by receipts (for accommodation only) on the appropriate form. Expense limits shall not exceed the current ~~Federal Government Rates~~. *WL/B*

5.3 Any travel, expenses, honorariums, money etc. paid to an employee from an external agency must be paid directly to the Williams Lake Administration. *B*

5.4 Use of Williams Lake vehicles must be authorized by the Administrator; Williams Lake vehicles shall not be used for personal business. All Williams Lake vehicles will normally be parked at the Williams Lake office. ~~When a vehicle is required for transportation from the office to an employee's home, the vehicle must be safely parked at the employee's home.~~ *B, Compound*

5.5 Use of Williams Lake *B* cellular phones or pagers must be authorized by the Administrator; Williams Lake cellular phones and pagers shall not be used for personal business. *B.M*

6.0 DISCIPLINARY

The following sequence of actions will be followed when it is determined by the immediate supervisor that an employee is not carrying out his/her job adequately:

- .1 On the first occasion that a problem develops the employee will receive a written reprimand. The employee will have the opportunity to respond to the reprimand in writing.
- .2 In the event that the problem recurs the employee may be placed on probation; or may be suspended without pay for a period of time not to exceed two weeks.
- .3 In the event that the same problem recurs a third time the employee will be terminated immediately by the immediate supervisor in consultation with the Administrator.

7.0 GRIEVANCE PROCEDURE

Every effort shall be made to resolve problems through informal methods before using the formal process. The affected employee must request a meeting with the immediate supervisor in an attempt to discuss and resolve the issue before a formal grievance is initiated.

7.1 Where the attempt at informal resolution has failed, the affected employee must file written notice (accompanied by supporting argument) with his/her supervisor within 30 days of the occurrence of the grieved event. The following steps must be taken:

Step One: The Administrator will consider the written notice of grievance and accompanying material. If the Administrator determines that the grievance is without merit, he/she shall forward his/her decision supported by written argument and the employee's documentation to the Chief and Council. If the employee is not satisfied with the Administrator's decision the employee can bring his/her grievance directly to the Chief and Council.

Step Two: Upon receipt of a notice of grievance and accompanying material, the Administrator shall arrange a meeting between him/herself and the affected employee (accompanied by a colleague if he/she wishes). The Administrator shall render a decision on the grievance after hearing all sides.

Step Three: If the employee is not satisfied with the Administrator's decision, he/she may elect to submit the grievance to the Chief and Council whose decision is final.

If the grievance is with the supervisor Step 1 may be passed or if the grievance is with the Administrator Step 2 may be by passed.

All final decisions must be made within 30 days of submission.

IV. BENEFITS

1.0 STATUTORY HOLIDAYS AND OFFICE CLOSURES

The Williams Lake will be closed during the following paid holidays:

New Years Day	B.C. Day	Canada Day
Good Friday	Labour Day	Christmas Day
Easter Monday	Thanksgiving Day	Aboriginal Day
Victoria Day	Remembrance Day	Boxing Day

If any of the above holidays fall on a Saturday or a Sunday the following Monday shall be observed as the holiday. When the holiday falls within a period of vacation leave with pay, the holiday shall not count as a day of leave.

2.0 LEAVES

All leaves are calculated using the employee's anniversary date.

2.1 All leaves must be documented on the appropriate form.

2.2 Annual Leaves must be approved by the employee's immediate supervisor at least one week in advance

and must not be taken during peak time or operational needs. Employees must make an effort to take the time off for annual leave as carryover over of annual leave is not permitted. If this is impossible the employee may be paid the balance. (CLC)

2.3

Employees shall be entitled to vacation time as follows:

YEARS EMPLOYED	ANNUAL LEAVE	YEARS EMPLOYED	ANNUAL LEAVE
0 to 4 years	3 weeks	20 years	8 weeks
5 to 9 years	4 weeks	21+ years	8 weeks
10 to 14 years	6 weeks		
15 to 19 years	7 weeks		

2.3 All employees earn one (1) day per month of sick leave. Sick leave cannot be carried over to the following year.

- .1 When an employee resigns, retires, or is dismissed he/she is not entitled to be paid for the accumulated sick leave.
- .2 A maximum of ten (10) days sick leave per year may be advanced to an employee who has not accumulated enough sick leave days to cover an illness period. The advance days are deducted from sick leave credits subsequently earned. If the employee quits or is fired, the credits are recovered from any monies owed to the employee.
- .3 The employee must contact his/her immediate supervisor no later than 30 minutes after the start of the working day and will provide an indication of when he/she expects to return to work.
- .4 An employee must produce and deliver a doctor's certificate after three consecutive days of illness or upon the immediate supervisor's request.

2.4 Employees will be granted maternity, paternity and adoption leaves as per the Canada Labour Code.

2.5 Williams Lake employees may be allowed compassionate leave when a life-threatening situation occurs in the immediate family. Compassionate leave must have prior approval from the immediate supervisor and will not exceed five (5) consecutive working days. While the employee must have prior approval it does not have to be written approval.

"Immediate Family" is defined as: father, mother, grandfather, grandmother, uncle, aunt, niece, nephew, step-mother, step-father, foster parent, brother, sister, spouse (including common-law), child (including child of common-law and adopted), mother-in-law, father-in-law, and sister and brother-in-law.

Common Law: means residing and maintaining a residence with a person for at least one year.

2.6 Employees will be allowed bereavement leave in the event of a death in the employee's immediate family (as outlined in Sec. IV. 2.5), the employee is entitled to five (5) consecutive working days leave. An

additional two (2) days leave may be granted if travel beyond 600 kilometres is necessary. Council may approve an increase in leave entitlement.

- 2.7 Employees may be granted up to one year of leave without pay or benefits, upon approval by the immediate supervisor in consultation with the Administrator and/or Chief and Council.

V. EMPLOYEE RECORDS

1.0 Personnel and Payroll Files

Adequate records must be maintained on every employee and all information retained in the employee files will be the responsibility of the Payroll department.

The files will contain all the pertinent information and evaluations on the employee including: annual leave, sick leave, pay information, and disciplinary action. Include all other document related to the hiring of the employee: a TD1, job application, resume, letter of offer, medical information if the employee has a medical condition, ect.

2.0 Integrity and Confidentiality

No document will be placed in an employees file without their knowledge. Personnel records and evaluations will be kept confidential and under lock at all times. Employees are entitled to review their file at any reasonable time during office hours. However, the details on employment references, which were obtained in confidence from employees previous employer and other individuals, are not available to the employee.

Employment files are kept for a minimum of seven (7) years in accordance with the Canada Labour Code.

VI. IMPLEMENTATION

1.0 AMENDING PROVISION

The Williams Lake Policy Manual may be amended after:

- .1 notice is given to the Williams Lake Members that an amendment has been proposed, and
- .2 consultation with the Williams Lake Members specifically to discuss the amendment proposal has occurred, no later than 14 days after the notice, and
- .3 support from at least 60% of the eligible Williams Lake Electorate in attendance, at the referendum held specifically for that purpose. A referendum shall be held within 30 days of the consultation meeting.

2.0 COMING INTO FORCE

These polices shall come into force on the ___ day of __ 2002, upon ratification by a simple majority of the Williams Lake Council, in attendance at the duly convened meeting as dated above.