



**PERSONNEL POLICY**

**APPROVED BY CHIEF AND COUNCIL  
OCTOBER 2009**



**PERSONNEL POLICY TABLE OF CONTENTS**

1.1 STAFF CODE OF ETHICS AND CONDUCT .....98  
 1.2 CODE .....98  
 2.1 GENERAL.....98  
 2.2 PURPOSE OF PERSONNEL POLICIES .....98  
 2.3 ROLES OF COUNCIL, BAND MANAGER,  
 PROGRAM MANAGERS AND STAFF.....99  
 2.4 CANADA LABOUR CODE .....99  
 3.0 DEFINITIONS .....99  
 4.1 BAND ORGANIZATIONAL FRAMEWORK .....99  
 4.2 THE ORGANIZATION .....99  
 4.3 PROGRAM PLANNING .....100  
 4.4 COMMUNITY EDUCATION/SERVICES .....100  
 4.5 PROGRAM DELIVERY OF SERVICES .....100  
 4.6 PROGRAM COORDINATION.....100  
 4.7 DATA COLLECTION .....100  
 4.8 FISCAL MANAGEMENT .....100  
 4.9 DELEGATION AND LEVELS OF AUTHORITY.....101  
 4.10 THE ELECTED COUNCIL .....101  
 4.11 BAND MANAGER.....101  
 4.12 ACTING BAND MANAGER .....101  
 4.13 PROGRAM MANAGERS .....102  
 4.14 STAFF .....102  
 5.0 BASIS FOR COMPENSATION AND PERFORMANCE  
 ADMINISTRATION .....102  
 6.1 EMPLOYMENT .....102  
 6.2 EMPLOYMENT CLASSIFICATION.....102  
 6.3 JOB DESCRIPTIONS .....102  
 6.4 JOB POSTINGS .....103  
 6.5 HIRING .....104  
 6.6 HUMAN RIGHTS .....104  
 7.1 EMPLOYEE INTERVIEWS AND REFERENCES.....104  
 7.2 CREATING THE INTERVIEW PANEL.....104  
 7.3 DEVELOPING INTERVIEW QUESTIONS .....105  
 7.4 REFERENCE CHECKS.....105  
 7.5 CREDENTIALS AND LICENSE VERIFICATION .....106  
 7.6 OATH OF CONFIDENTIALITY .....106  
 8.0 EMPLOYMENT / PROMOTION / TRANSFER / CONTRACTING WITH  
 MEMBERS OF "IMMEDIATE FAMILY" .....106  
 9.1 PERFORMANCE AND COMPENSATION .....107  
 9.2 PROBATIONARY PERIOD.....107  
 9.3 PERFORMANCE APPRAISALS .....107  
 9.4 JOB RECLASSIFICATION .....108



**TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL**

10.0	PROGRAM MANAGERS _ _ _ _ _	108
10.1	ROLE OF PROGRAM MANAGERS _ _ _ _ _	108
11.0	PERSONNEL FILES _ _ _ _ _	109
12.0	DISCIPLINARY ACTION _ _ _ _ _	110
12.1	PROGRESSIVE DISCIPLINE _ _ _ _ _	110
12.2	PROCEDURE _ _ _ _ _	110
12.3	THE DISCIPLINARY MEETING _ _ _ _ _	111
12.4	GUIDELINES FOR WRITING A LETTER OF DISCIPLINE _ _ _ _ _	111
12.5	APPEAL PROCEDURE AT STEP TWO _ _ _ _ _	111
12.6	TERMINATION OF EMPLOYMENT _ _ _ _ _	112
12.7	REVIEW PROCEDURE FOR DISMISSAL _ _ _ _ _	112
13.0	RESIGNATION OF EMPLOYEE _ _ _ _ _	113
13.1	RESIGNATION _ _ _ _ _	113
14.1	LAYOFFS.....	113
14.2	JUST AND REASONABLE CAUSE _ _ _ _ _	113
14.2	REORGANIZATION _ _ _ _ _	113
15.0	CONFIDENTIALITY .....	113
16.0	DISCRIMINATION AND HARASSMENT _ _ _ _ _	114
16.1	GENERAL CONCERNS _ _ _ _ _	114
16.2	SEXUAL HARASSMENT _ _ _ _ _	115
16.3	HARASSMENT AND VIOLENCE IN THE WORKPLACE BY CLIENTS AND THE PUBLIC .....	115
16.4	ALLEGATIONS OF SEXUAL/PHYSICAL ABUSE OF MINOR CLIENTS AGAINST EMPLOYEES.....	116
17.0	CONTRACTUAL WORK.....	116
18.0	WORK SCHEDULE _ _ _ _ _	117
18.1	HOURS OF WORK _ _ _ _ _	117
18.2	CALLING IN AND SIGNING OUT.....	118
19.1	EMPLOYEE CONFLICT OF INTEREST .....	118
19.2	DISCLOSURE OF FORESEEABLE CONFLICT .....	119
19.3	DISCLOSURE OF POTENTIAL CONFLICT .....	120
20.0	EMPLOYMENT AND OTHER ACTIVITIES OUTSIDE THE ADMINISTRATION .....	120
21.0	PROFESSIONAL CONDUCT AND BEHAVIOUR .....	120
22.0	SMOKING _ _ _ _ _	121
23.0	EMPLOYEE ALCOHOL AND DRUG USE AND ABUSE.....	121
24.1	EMPLOYEE DEVELOPMENT.....	122
24.2	STAFF MEETINGS/TEAM DAY.....	122
24.3	PROFESSIONAL/TRAINING DEVELOPMENT .....	122
24.4	ATTENDANCE AT CONFERENCES AND SEMINARS _ _ _	123
25.1	WAGE, SALARY AND EXPENSES .....	123



**TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL**

25.2	PAY PERIODS AND SALARY _ _ _ _ _	123
25.3	WAGE INCREASES AND BONUSES _ _ _ _ _	123
25.3	PAYROLL ADVANCES _ _ _ _ _	124
25.4	OVERTIME _ _ _ _ _	124
25.5	TRAVEL EXPENSES.....	125
26.0	PAID HOLIDAYS .....	125
27.0	VACATION .....	126
28.0	LEAVE OF ABSENCE.....	127
28.1	SICK LEAVE _ _ _ _ _	127
28.2	BEREAVEMENT/COMPASSIONATE LEAVE .....	128
28.3	MATERNITY LEAVE .....	128
28.4	PARENTAL LEAVE.....	129
28.5	CULTURAL LEAVE.....	129
28.6	EDUCATIONAL LEAVE .....	129
28.7	SPECIAL LEAVE .....	129
29.0	STAFF BENEFITS .....	130
30.0	RETIREMENT.....	130
31.0	GRIEVANCES – INTERNAL/EXTERNAL .....	130
32.0	POLICY REVISIONS .....	131

**APPENDICES**

APPENDIX A – OATH OF CONFIDENTIALITY .....	132
APPENDIX B – DRUG AND ALCOHOL FORM .....	133
APPENDIX C – JOB APPLICATION.....	134
APPENDIX D – EMPLOYEE INFORMATION .....	136
APPENDIX E – TD1.....	137
APPENDIX F – STAFF TIMESHEET .....	138
APPENDIX G – TRAVEL CLAIM.....	139
APPENDIX H – REPAYMENT AGREEMENT .....	140
APPENDIX I – ROOM AND BOARD REQUEST .....	141
APPENDIX J – APPLICATION FOR LEAVE – ABSENTEE.....	142
APPENDIX K – WORK ORDER.....	143



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

### 1.1 STAFF CODE OF ETHICS AND CONDUCT

#### 1.2 Code

As a Takla Lake First Nation employee, I hereby agree to fulfill the responsibilities of my position and abide by the Staff Code of Ethics and Conduct as follows:

- a) Employees shall perform all duties of their position conscientiously, loyally, courteously, and honestly. Their primary purpose is to serve the people of Takla Lake by providing quality programs and services.
- b) Employees will regularly report to the workplace on time on every scheduled working day and maintain all scheduled work hours. These work hours will be dedicated solely to the responsibility of performing their duties.
- c) Employees must respect and recognize the lines of authority and accountability, of Chief and Council, the Band Manager and their Program Managers.
- d) Employees shall not publicly criticize other employees or the employer (Chief and/or Council) or the policies of the Band Council or individual departments.
- e) Employees shall respect the confidentiality of all records, materials and communication concerning clients unless the Band Manager or client has authorized its distribution.
- f) Employees shall maintain a satisfactory standard of dress and general appearance appropriate to their duties.
- g) Employees shall use the equipment, property and supplies owned, leased or rented by the Band Administration, for authorized use only.
- h) Employees shall refrain from consuming alcohol, illegal drugs or other chemical substances while performing their duties and when delegated to act as a representative of the Takla Lake First Nation.
- i) Employees shall refuse any fees, gifts, or other tangibles offered to them in reward for duties performed within their employment, except for cultural offerings.
- j) Employees shall serve clients using the maximum application of skill and competence.
- k) Employees are required to attend and actively participate in all staff meetings.
- l) Employees are required to maintain a team approach to service delivery.

### 2.1 GENERAL

#### 2.2 Purpose of Personnel Policies

- a) The purpose of these Takla Lake First Nation (TLFN) policies is to develop and maintain a harmonious and mutually beneficial relationship between the employer and the employees. These policies describe the terms and conditions of employment and general working conditions. The employer wishes to ensure that all reasonable measures are provided for the safety and occupational health of all employees and to encourage effective and productive operations of the Band administration.
- b) The policies contained within this Manual incorporate and adhere to the Canada Labour Code. Any policies within this manual that are inconsistent with or fall below Canada Labour Code standards shall be null and void and the Canada Labour Code shall take precedence.
- c) All management and staff shall adhere to these policies and procedures. A copy of these policies shall be made available to all employees. The Band Manager shall be responsible for the enforcement of these policies, which shall be reviewed periodically by management



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

with input from the employees. The Council is the approving authority for any revisions or amendments to these policies.

### 2.3 Roles of Council, Band Manager, Program Managers and Staff

- a) Chief/Council's role is to:
  - i. Ratify and update these policies
  - ii. Consult with the Band Manager on all policy matters
  - iii. Support the Band Manager in executing these policies
- b) Band Manager's role is to:
  - i. Execute these policies
  - ii. Use these policies as a supervision tool for Program Managers and as a developmental tool for Staff
- c) Program Manager's role is to:
  - i. Execute the policies consistent with their role and responsibility as Program Manager
  - ii. Report to Band Manager the conducts, progress and concerns of Staff
- d) Staff role is to:
  - i. Understand and adhere to these policies
  - ii. If necessary, adjust behaviours so that they are consistent with these policies

### 2.4 Canada Labour Code

The *Canada Labour Code* (CLC) shall apply to TLFN Administration operations. The CLC makes no distinction between full-time and part-time or casual employees. Its provisions cover all employees if they meet the qualifying requirement for continuous employment, which is the completion of three (3) months of continuous employment with the employer.

## 3.0 DEFINITIONS

The following definitions apply to this Policy Manual:

**"Band Manager"** the person hired/designated by the Council to administer the overall operations of the TLFN.

**"Controller"** person hired/designated by the Council to administer the finances of the TLFN.

**"Council"** all of the members of the Council working together as the complete Council.

**"Program Manager"** the person employed as the head of a specific group of programs or area of the TLFN. The Program Managers report to the Band Manager.

**"Employees or Staff"** all persons, as defined by section 4.13, employed by the TLFN or any of its agencies.

**"Employer"** - the TLFN or any of its agencies.

## 4.1 BAND ORGANIZATIONAL FRAMEWORK

### 4.2 The Organization

- a) The purpose of the organizational framework is to clarify how the Band administration is arranged in terms of authority and accountability. Based on the philosophical goal of working together to provide equitable services which enhance the quality of life in the community and clear a pathway toward self-sufficiency, the composition of the



organizational framework must reflect cooperation and communication between management and staff in the following areas:

- i. Program Planning
  - ii. Community Education / Services
  - iii. Program Delivery of Services
  - iv. Program Coordination
  - v. Data Collection
  - vi. Fiscal Management
- b) These elements of the organizational framework must work in partnership for the Band administration to function effectively. The management and staff have roles and responsibilities within each of the listed elements. The Council has the responsibility to ensure that all the elements of the organizational framework are functional. The effectiveness of the framework depends upon the integrity and commitment of the staff, as well as the quality and practicality of the human resources policies and procedures set forth in this Manual.

### **4.3 Program Planning**

This is an on-going activity of the administrative staff with input from all. The Band Manager is responsible for guiding the activity, in addition to management, supervision and completion. The Finance Director is responsible for maintaining fiscal integrity in developing a plan. The Program Manager is responsible for component compliance with funding source regulations and the Council prescribes the directions for this activity.

### **4.4 Community Education / Services**

Each program will have a community education component which will keep the community members advised of their rights to services, and inform community members of changes to program delivery. Educational sessions on current issues affecting community members is another way to keep community members informed.

### **4.5 Program Delivery of Services**

All program services are directed by the Program Manager in consultation with the Band Manager and delivered by staff in accordance with their job descriptions.

### **4.6 Program Coordination**

The Band Manager and Program Managers are responsible for this function to ensure that the staff work as a team, and that program service is delivered in a cooperative and complementary model to the community as a whole.

### **4.7 Data Collection**

Each program must maintain a comprehensive data collection method to provide internal and external accountability of the program.

### **4.8 Fiscal Management**

Fiscal Management is a systematic financial plan of action enabling the effective delivery of program service. The Band Manager, in cooperation with the Finance Director and each Program Manager, will develop the budgets for each program, and with the Council's approval, allocate funds consistent with program needs and grant appropriate restrictions.



#### **4.9 Delegation and Levels of Authority**

The following section summarizes the positions and their duties within the Band administration. Duties may be modified as necessary.

#### **4.10 The Elected Council**

- a) The Council generally has the following responsibilities:
  - i. defines / reviews the Band's objectives, policies, bylaws, regulations and procedures related to Band-administered programs and services and ensures they are followed and carried out
  - ii. ensures that all programs and services within their jurisdiction are efficiently administered and that the Band's policy guidelines, objectives, bylaws and regulations are followed
  - iii. plans and budgets for the funds and resources required for the administration of Band government services
  - iv. ensures sound financial management of all Band government programs and services and is fully accountable to Band members and to funding agencies
  - v. provides to the community and funding sources, quarterly financial reports, program reports, and yearly goal reports
  - vi. hires the Band Manager and reviews his / her annual performance
  - vii. limits and monitors the amount of money the Band Manager may spend without receiving prior Council authorization
- b) The Council is not involved in the day-to-day operations of the TLFN. For greater certainty, Council members will never provide direction to staff but will address Administration matters through the Band Manager. Individual Council members do not execute decisions that have not been agreed upon in a duly convened Council meeting.

#### **4.11 Band Manager**

The Band Manager is the appointed senior executive officer of the administration. The duties of this employee are those outlined in the job description for the position. Generally, the Band Manager shall be charged with the active management and direction of the administration and shall implement all policies and procedures set forth in this Manual.

- a) Specifically, this person:
  - i. oversees all day-to-day operations of the Administration
  - ii. adheres to all spending authority limits set out for the Band Manager position
  - iii. performs all supervisory and administrative duties as set forth in the job description
  - iv. accepts guidance and advice from the Council
  - v. provides the Council with recommendations for the improvement of services
  - vi. Can designate specific functions to certain program managers
  - vii. Once designated to the program manager, the program manager will have all authority and accountability for those tasks assigned

#### **4.12 Acting Band Manager**

- a) In the absence of the Band Manager, an assigned staff person assumes all duties of the Band Manager, except spending authority will be limited to the most senior Program Manager level, as outlined in this Manual.
- b) The Controller is acting Band Manager, in absence of the Band Manager.





#### **4.13 Program Managers**

- a) All Program Managers perform duties as required by their respective job descriptions. Supervisory duties include, but are not limited to the following:
- i. reports to the Band Manager any performance problems or inconsistencies between job description and performance
  - ii. takes disciplinary actions according to appropriate sections of this Manual
  - iii. requires supervised employees to participate in appropriate "self help" activities
  - iv. conducts peer counseling or suggests referral if a personal situation arises requiring such assistance
  - v. completes annual review of work and performance appraisals for all supervised staff

#### **4.14 Staff**

All staff perform duties according to their respective job descriptions and according to the policies and procedures set forth in this Manual.

### **5.0 BASIS FOR COMPENSATION AND PERFORMANCE ADMINISTRATION**

The value to the organization of the position itself shall be set by the Council through a job classification process considering job-related factors, and by making internal and external comparisons. The salary paid to each employee shall be set from time-to-time by the Band Manager.

### **6.1 EMPLOYMENT**

#### **6.2 Employment Classification**

- a) Employees shall be classified as follows:
- i. Permanent (full-time or part-time) – an employee hired for an ongoing position working a minimum of twenty (20) hours per week
  - ii. Casual / On-Call – an employee who works less than twenty (20) hours per week or who works only on an on-call basis and who is not regularly scheduled to work
  - iii. Temporary/ Term – an employee hired for the term of a project or on a temporary basis to replace an employee on leave or to work on a temporary basis for a specific task
  - iv. Contractual Employee – a person retained in a position under a written contract to perform a set of tasks for a specified term for the TLFN
- b) Should new employment classifications become necessary, the Band Manager will develop the classification for new positions and recommend to Council such classifications.
- c) Council approves the staff classification in consultation with the Band Manager.

#### **6.3 Job Descriptions**

- a) A job description shall be developed for each position by the immediate supervisor in consultation with all applicable staff. Job descriptions are approved by the Band Manager.
- b) The job description includes:



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- i. the position title and classification
  - ii. the purpose of the position
  - iii. the duties and responsibilities of the employee
  - iv. the reporting structure, and if applicable, the positions supervised
  - v. the minimum qualifications and skills required for that position (education, credentials, experience)
  - vi. the personal qualifications required
  - vii. any other requirements (e.g. use of own vehicle, criminal record check)
  - viii. the date on which the job description was approved or revised
- c) Job descriptions are reviewed approximately every two (2) years. Supervisors shall give a copy of the employee's job description to all new or transferring employees during his / her job orientation.

### 6.4 Job Postings

- a) Prior to recruitment and hiring, the Band Manager and the appropriate Program Manager shall perform the following tasks:
  - i. determine the need for the position
  - ii. define the term of the position (permanent, casual or temporary)
  - iii. establish the functions required for that particular position
  - iv. identify the level of responsibilities to be undertaken
  - v. identify the qualification requirements
  - vi. define the salary range in accordance with salary policy
  - vii. identify and secure the budget for the position
- c) The Program Manager of the position ensures the requirements for posting, advertisement and recruitment are met.
- d) The Band Manager and the appropriate Program Manager shall develop a job posting describing the level of responsibility, defined salary range, and identifying knowledge, abilities, skill requirements and personal suitability of the desired candidate.
- e) The job posting shall include:
  - i. the job title
  - ii. the nature of the position (permanent, casual or temporary)
  - iii. the work site
  - iv. the start date (and end date if applicable)
  - v. professional requirements (skills, education, experience)
  - vi. other requirements (e.g. use of own vehicle, criminal record check)
  - vii. pay scale
  - viii. name, address, phone number and / or fax of contact person
  - ix. the closing date of the job posting
- f) All vacant and newly created positions shall be posted internally for a minimum of five (5) working days.
- g) If no suitable candidate is hired internally, the position shall be posted externally for a minimum of ten (10) working days.
- h) Appointments may be made on a temporary basis until a permanent selection can be made.



## **6.5 Hiring**

- a) When a position is advertised, the following procedure will be followed:
  - i. the qualification requirements for a position, together with a detailed job description will be posted and then filed in the workplace
  - ii. the Band Manager will first consider promotion from within the organization to determine if an existing employee can satisfactorily fill the position
  - iii. if no internal applicant is identified for the position, the job posting is advertised externally
  - iv. the Band Manager then creates a short list of candidates and conducts interviews
  - v. the final hiring decision for Program Managers is the responsibility of the Band Manager
  - vi. the final hiring decision for the Band Manager is the responsibility of Council
  - vii. the final hiring decision of other staff (besides Program Managers and Band Manager) is the responsibility of the Band Manager in consultation with the relevant Program Manager
- b) The Band Manager may delegate the authority of hiring new employees to a designated employee within the Band administration.
- c) The Band administration supports an internal hiring preference, all things being equal.

## **6.6 Human Rights**

- a) No employee or prospective employee will be subjected to any questions or queries regarding "personal" aspects of their lives, as set out in the policy described within. Any employee, or prospective employee, who feels that he / she has been discriminated against, as set out in the policy described, has the opportunity to file a Grievance Complaint as set out in the policy, or policies, depending on their employment status.
- b) The TLFN shall at every opportunity, when hiring employees, give special consideration to applicants of Aboriginal ancestry. This consideration is based on the need and request of the TLFN client population. Otherwise, all aspects of the Canada *Human Rights Act* shall apply in hiring, training, promoting, or any other employment-related matter during employment with the TLFN with respect to age, race, creed, colour, ancestry, national origin, political affiliation or activity, sexual orientation, gender, parental status, physical disability or mental disability.

## **7.1 EMPLOYEE INTERVIEWS AND REFERENCES**

### **7.2 Creating the Interview Panel**

- a) Candidate selection and hiring shall occur via an Interview Panel led by the Band Manager or his / her designate.
- b) For positions that are not full-time management positions, the Band Manager will have the sole discretion to create an Interview Panel to oversee the recruitment, interviewing and hiring of the position.
- c) For full-time, management positions, the Band Manager will consult with Council when creating the Interview Panel.
- d) There will be a designated Chair of all Interview Panels who is responsible for ensuring that the recruitment, screening, interviewing and hiring of new employees is done in a



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

fair and effective manner. The Band Manager will Chair all Interview Panels on which he / she sits. For any Interview Panels which the Band Manager is not on, he / she will be considered an ex-officio member entitled to attend these sessions but not cast a vote.

- e) For all Interview Panels:
  - i. a short list of applicants shall be selected based on their suitability for the position and shall be interviewed by the Panel
  - ii. all short-listed applicants shall be interviewed with the same set of interview questions
  - iii. information collected during the interview process will be considered strictly confidential by the Interview Panel.

### 7.3 Developing Interview Questions

- a) The Chair of the Interview Panel shall develop, revise and approve interview questions in consultation with other panel members. All questions will be devised in a manner so that they reflect the skills listed in the job description.
- b) The Interview Panel shall select candidates by either:
  - i. Consensus – collective judgement; or
  - ii. Interview Panel Chair – Should the Interview Panel try their best to come up with a general consensus and are unable to, the Interview Panel Chair shall make the final decision

### 7.4 Reference Checks

- a) Prior to making a final selection or offer of employment, the Interview Panel Chair shall conduct a minimum of two (2) reference checks for all new employees.
- b) References are recorded in writing, dated, and signed by the Interview Panel Chair conducting the reference check.
- c) Reference checks will include:
  - i. the position / title and phone number of the person giving the reference
  - ii. the respondent's relationship to the candidate (e.g. direct supervisor, senior manager, colleague, personal reference) and the number of years the respondent has known the candidate
  - iii. confirmation of the type of work the candidate has previously done
  - iv. the respondent's opinion of how the candidate would do in the position for which he / she is being considered (including specific skills and strengths, writing ability, personal suitability, the skills the candidate needs to develop)
  - v. how the candidate gets along with supervisors and management
  - vi. the reference's opinion on the candidate's two (2) main strengths and weaknesses as an employee
- d) If letters of reference are accepted in lieu of telephone reference checks in exceptional circumstances, every reasonable effort will be made to verify from the employer / reference that the reference is authentic. The Interview Panel Chair verifying the reference will write "reference verified", followed by his / her signature and date on the letter.
- e) If the applicant is known to the Band Administration, those who know the individual may act as one (1) of the references.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- f) Letters of reference and notes from telephone reference checks are kept in a secure and confidential file, separate from the employee's personnel file. (In order to assure the person giving the reference that it will remain confidential, so that he / she may be candid in responding.)

### 7.5 Credentials & License Verification

- a) For management and professional positions, the Band Manager shall require new employees to provide proof of degrees, diplomas, certificates (including first aid), and driver's license as a condition of confirmation of employment. All offers of employment shall be conditional upon the verification of such credentials.
- b) The original documentation will be photocopied by the Band Manager, initialed and dated and stored in the personnel file.

### 7.6 Oath of Confidentiality

Employees shall respect the confidentiality of information received or gained as an employee of TLFN. Information deemed confidential by the employer shall not be disclosed to others, including family members, the general public or other organizations, without the authorization of the Band Manager, or the Chief and Council. Any breach of confidentiality shall result in disciplinary action, which may include the termination of employment. All employees shall be required to sign a confidentiality agreement upon commencement of employment (See Appendix A – Oath of Confidentiality) the Oath of Confidentiality is administered by the Program Manager (or Band Manager) on the first day of work when all hiring paperwork is finalized. The oath is then kept in the employee's personal file.

## 8.1 EMPLOYMENT / PROMOTION / TRANSFER / CONTRACTING WITH MEMBERS OF "IMMEDIATE FAMILY"

- a) A member of an employee's "immediate family"<sup>3</sup> may be refused contracts, employment or transfer to new work areas when the supervisory or reporting relationship is direct, or when a conflict of interest occurs.
- b) New employees shall not be hired, or contracts shall not be granted, for the purpose of specifically providing employment for a member of the "immediate family".
- c) A member of the "immediate family" of the Chief or the Councillors or the Band Manager may be hired / contracted, provided the Chief, Councillor or Band Manager shall thereafter absent himself / herself from any Committee or management / policy discussions and / or vote, which could be perceived as a conflict of interest (this includes discussions regarding salaries / compensation, benefits, and / or conditions of work).

---

<sup>3</sup>For this purpose, "immediate family" is defined as:

spouse (including common-law and same sex), children (including biological, adopted, foster, step), brother (including step), sister (including step), mother (including step), father (including step), nieces or nephews of brother and sister, grandchildren and those who permanently reside in the same household.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- d) Staff representatives to Council meetings or to committees shall absent themselves from any discussion and / or vote which could be perceived as a conflict of interest as defined above, in regard to a member of the "immediate family".

### 9.1 PERFORMANCE AND COMPENSATION

#### 9.2 Probationary Period

- a) All **new** employees, except where the employee has been offered term, contractual or hourly employment, shall be subject to a probationary period of three (3) months, except for the Band Manager position which shall be subject to a six (6)-month probationary period.
- b) All employees **promoted** or **demoted** shall be subject to a probationary period in the new position of three (3) months.
- c) A written performance appraisal shall be completed prior to the expiry of an employee's probationary period.
- d) **Promoted** employees who do not successfully complete the three (3)-month probationary period in the new position shall be returned to their former position. Until the employee on probation has completed the probationary period and has been approved in that position, the employee filling the vacated position shall be classified as term or casual in that position.
- e) **Demoted** employees who do not successfully complete the probationary period shall have their employment terminated. In some specific circumstances, an extension of the probationary period may be granted.
- f) During the probationary period, either the employee or the administration can terminate employment with two (2) weeks' notice.
- g) By agreement of the probationary employee and the Band Manager, the probationary period may be extended for an additional period not exceeding six (6) months.
- h) A written notice shall be given to an employee retained after the probationary period stating that his / her classification has been changed to that of a permanent employee, and that employment shall be deemed to have begun at the date of hire.

#### 9.3 Performance Appraisals

- a) A written performance appraisal on the prescribed form shall be completed prior to the expiry of an employee's probationary period and annually thereafter, unless otherwise warranted. The immediate supervisor is responsible for the completion of all annual evaluations of subordinate employees. Input from team members is permitted. The appraisal process is intended to be a mutual and inclusive review between staff members and supervisors.
- b) Appraisal forms shall be objective and shall be submitted by the Program Manager to be approved by the Band Manager. The Program Manager in consultation with the Band Manager is ultimately responsible for ensuring that employees are evaluated in a timely manner.
- c) Appraisals shall be based on the past twelve (12) months, or on the probationary period, whichever is applicable.
- d) The employee shall sign the appraisal form and indicate his / her acceptance or objection. The Program Manager and the Band Manager shall also sign the appraisal.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

In the case of the Band Manager, the Council shall conduct the performance appraisal and will get outside independent assistance to process the Band Manager's evaluation.

- e) An appraisal report shall not be changed without the knowledge of the employee after the form has been acknowledged and signed by said employee.

### 9.4 Job Reclassification

- a) A position may be reclassified if the job expectations, job description, and / or job qualifications for a particular position change significantly.
- b) An individual shall not be reclassified into a classification for which he / she does not meet the minimum qualifications. If a position is reclassified, and the individual in the position does not meet the minimum qualifications, the individual shall be given reasonable time to meet the minimum qualifications. The individual shall remain at the lower classification until such time as he / she meets the minimum qualifications for the position.
- c) A position shall not be reclassified because an individual within a specific position is exceeding expectations for that particular job. It is the position, and not the individual, which is reclassified.
- d) If an employee believes that the position he / she occupies is improperly classified, he / she may present a request to their Program Manager, either in writing or in person. The Program Manager then consults with the Band Manager and considers and compares similar positions in similar organizations, and may choose to include an equivalent position within the Federal government or other First Nation organizations in the comparison process.

## 10.1 PROGRAM MANAGERS

### 10.2 Role of the Program Managers

- a) All employees shall receive Program Manager support for maintaining and improving the standards and quality of service that the Band delivers. The Program Managers are responsible for frontline supervision of program staff and volunteers under his / her direction. The Program Manager:
  - 1. orients new staff
  - 2. provides Step One discipline -verbal warning- to staff in his/her department
  - 3. conducts employee appraisals
  - 4. negotiates a schedule of supervision with employees, taking into account individual and program needs, and the particular needs of new employees
  - 5. ensures that program staff follow program and administration policies and guidelines through:
    - i. information sharing
    - ii. previewing all reports and official correspondence prior to the final draft being sent to its intended reader and signing off all closed files
    - iii. where possible, and at the supervisor's discretion, directly observing and working with program staff
- b) Program Managers shall involve the development of knowledge, skills, confidence and self-awareness. It shall be an interactive process conducted with respect and sensitivity



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- for the individuals involved, and be differentiated according to the needs of individuals and programs.
- c) The Program Manager supports staff development by:
    - i. supporting, cultivating and acknowledging individual strengths
    - ii. creating opportunities, mentoring, as well as discussing with employees their understanding of their strengths and areas requiring growth
    - iii. being available for debriefing and self-evaluation, and / or listening with the understanding that advice is not always necessary
    - iv. providing regular feedback to employees, both individually, as well as on the program's performance as a whole
    - v. providing interpretation and direction regarding policies, procedures and expectations
    - vi. providing guidance on performance issues and discussing job-related behaviour and incidents
    - vii. exploring with employees ways in which problems can be addressed
    - viii. working out mutually acceptable and time-limited strategies to address problems and agreeing on measurable indicators of progress
    - ix. clearly negotiating with individual employees the consequences of failure to meet expectations
    - x. recording in writing the content of supervisory meetings, keeping these minutes secure and confidential
  - d) Program Managers shall have regular departmental meetings in order to:
    - i. share information
    - ii. facilitate a common understanding of purpose and approach
    - iii. provide a forum for sharing ideas
    - iv. share success and validate work that is well done

### 11.1 PERSONNEL FILES

- a) Personnel files shall be maintained on each employee and stored in a secure place. The files shall not be accessed by anyone other than management staff, designated office staff, or the employee to whom the file pertains.
- b) Any other requests to view a personnel file shall be directed to the Band Manager, who may seek legal advice prior to proceeding with the request.
- c) The files shall not be removed from the office.
- d) Each file will contain a Personnel File Checklist for Contents form. The form specifies the contents of the file including:
  - i. résumé
  - ii. job application form
  - iii. verification of driver's license (if a job requirement), degrees, certificates, diplomas, etc.
  - iv. letter of offer of employment
  - v. internal check list re: job classification, vacation entitlement, and completion of reference checks
  - vi. Signed oath of confidentiality
  - vii. letters of commendation, records of complaints, investigations, disciplinary action (if any)





## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- viii. performance appraisals
- ix. other information relevant to employment
- x. TD1
- xi. PIF (FOR AHRDA)

### 12.1 DISCIPLINARY ACTION

#### 12.2 Progressive Discipline

- a) The Band administration shall follow a progressive disciplinary approach with its employees. Progressive discipline involves focusing on employee behaviour and taking corrective action that permits employees to correct unacceptable behaviour. This commitment shall not negate in any way the Band administration's right to take strong action to address serious situations, including dismissal for just cause.
- b) Therefore, progressive discipline should be viewed not as a punishment tool but as a development tool, where employees learn from the disciplinary process to improve behaviour and performance.

#### 12.3 Procedure

- a) The process for the progressive disciplinary procedure is as follows:

##### **Step One - a verbal warning**

- i. The verbal warning involves an informal meeting where the issues of work performance are stated clearly. The meeting establishes and clearly outlines future expectations and improvements within a specific time-frame.
  - ii. At the verbal warning stage, a written notice is not recorded in the official personnel file of the employee. However, the manager will record the verbal warning for his/her own records.
- b) If there is no improvement in work performance related to the issues raised in a verbal warning, or if the employee repeats the same behaviour for which a verbal warning was given (e.g. tardiness), the next step involves a more formal meeting in which the following occurs:

##### **Step Two - a written warning**

- i. The supervisor clearly states that the employee is receiving a written warning for a specific behaviour.
  - ii. The supervisor and the employee conduct a verbal review of ways to improve work performance.
  - iii. The supervisor writes and gives the employee the written warning, which includes: the specific behaviour that needs addressing and the next steps and expectations for worker performance improvement.
  - iv. The written warning is placed in the employee's personnel file.
- c) If there is no improvement in work performance related to the issues raised in a written warning, or if the employee repeats the same behaviour for which a written warning was given (e.g. tardiness), the next step is dismissal, (depending upon the severity of the situation and the employee's history as a Band employee).

##### **Step Three - suspension or dismissal**

- d) The Band Manager is involved in all Step Three disciplines, with the exception of the Band Manager position. For Band Manager Step Three disciplines, a majority of Council



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

members must agree in a duly convened Band meeting on a Step Three discipline for the suspension or dismissal to be valid.

### 12.4 The Disciplinary Meeting

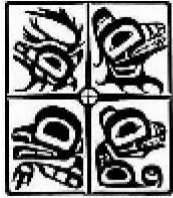
Disciplinary meetings are considered confidential between the immediate supervisor and the employee being disciplined. If the Band Manager is not the immediate supervisor, the Band Manager must be informed of the time, place and reason for the disciplinary meeting.

### 12.5 Guidelines for Writing a Letter of Discipline

- a) A letter of discipline shall be issued after a verbal warning was given in a disciplinary meeting in which the employee was given an opportunity to respond to specific behavioral concerns and to explain any mitigating circumstances.
- b) A supervisor shall consult with the Band Manager prior to calling a disciplinary meeting or issuing a letter of discipline.
- c) A letter of discipline shall be accepted as both a warning and a formal documentation of a personnel problem.
- d) In progressive discipline, a written warning shall be used after a verbal warning has failed. **However, depending on the seriousness of the problem, a letter of discipline may be utilized without prior verbal warning.** The purpose of the disciplinary letter shall be to assist in correcting the problematic behaviour and to provide employer protection in case the problem is not corrected and dismissal is necessary.
- e) The following guidelines will be followed by all supervisors:
  - i. The letter confirms that it follows a personal discussion on a specified date.
  - ii. The letter of discipline restates and emphasizes points discussed during the disciplinary interview.
- f) Specifically the letter:
  - i. describes the problem factually and in detail
  - ii. states why the situation is serious and unacceptable
  - iii. restates the expected standards
  - iv. clarifies how the employee needs to improve to meet those standards
  - v. states the employee's commitment to improve, if one was obtained during the interview. (In some cases, the employee will make no such commitment, particularly if he / she feels discipline is not warranted.)
  - vi. states what the consequences are if the standards are not met
- g) If the supervisor believes that counseling could assist the problem, specific counseling is suggested in writing to the employee.

### 12.6 Appeal Procedure Step Two

The employee may appeal the disciplinary process at Step Two of the disciplinary process. The appeal is made in writing to the supervisor within ten (10) days of the supervisor's decision.



### **12.7 Termination of Employment**

- a) The Band administration shall provide notice or pay in lieu of notice in accordance with the provisions of the CLC. However, an employee may be dismissed without notice where there are just and proper causes for dismissal.
- b) Dismissal may become necessary because of failure to discharge the responsibilities of the position, lack of suitability, or acts contrary to the ethical standards of the Band administration.
- c) Any of the following shall be considered "just and proper cause" for immediate dismissal and shall not require the giving of notice or pay in lieu of notice:
  - i. absent for 3 consecutive days without prior approval or notification to Band Manager/Program Manager and without letter from physician
  - ii. theft
  - iii. assault committed on anyone during the course of employment, including fellow employees or clients
  - iv. insubordination or dereliction of duties
  - v. serious misconduct
  - vi. conduct incompatible with the employee's duties or prejudicial to the employer's business
  - vii. willful disobedience to the employer's orders
  - viii. use of alcohol or non-prescription drugs during work hours
  - ix. conviction of a criminal offence that conflicts with the Band administration's interests
  - x. serious breach of confidentiality
- d) The Band Manager will make the final decision with respect to employee termination.

### **12.8 Review Procedure for Dismissal**

- a) An employee whose employment has been terminated and who is not satisfied with the reasons for disciplinary action and / or dismissal may appeal the disciplinary process by meeting with the Program Manager to review those reasons within five (5) days of the dismissal.
- b) The Band Manager gives the employee an opportunity to present his / her position and to produce any documents that the employee believes are relevant to the dismissal. Following the employee's presentation, the Band Manager may in accordance with his / her responsibility for implementing policy and operations of the administration:
  - i. reverse the decision to dismiss
  - ii. vary the amount of notice or time in lieu of notice given
  - iii. maintain the decision to dismiss
- c) Should the Band Manager maintain his / her decision to discipline and / or dismiss, the employee may appeal to the Chief in writing within five (5) days of the written and dated reply from the supervisor.
- d) The employee may be invited to present additional information and clarification in a meeting with the Band Manager.
- e) The Band Manager in accordance with his / her responsibility for implementing administration policy and operations may:
  - i. reverse the decision to dismiss
  - ii. vary the amount of notice or time in lieu of notice given



- iii. agree with the decision to dismiss as made by the supervisor
- f) The decision of the Band Manager is final.

## **13.1 RESIGNATION OF EMPLOYEES**

### **13.2 Resignation**

- a) If an employee resigns, s/he will give a minimum of two (2) weeks' written notice to his/her Program Manager or to the Band Manager.
- b) If a Program Manager is resigning, s/he will provide at least one (1) month written notice to the Band Manager.
- c) If the Band Manager is resigning, s/he will provide at least one (1) month written notice to the Chief.
- d) The employee's immediate supervisor will conduct an Exit Interview with the employee and ensure that all material borrowed from the TLFN is returned, and signed as being returned.
- e) No final pay cheque will be issued until all material, resources and capital assets in the possession of the employee are returned, and the Accounting Department has signed off that the employee has no outstanding debt with the TLFN.

## **14.1 LAYOFFS**

### **14.2 Just and Reasonable Cause**

- a) A layoff shall occur for just and reasonable cause. These reasons may include:
  - i. a change in organizational priorities with consequent deletion or downsizing of programs
  - ii. curtailment of resources by circumstances outside the control of the organization
  - iii. regulations or controls imposed by external funding or regulatory agencies
  - iv. health or safety problems outside the control of the organization
  - v. any other reason, which fits with the spirit and intent of the reasons stated above
- b) The Band administration will provide as much notice of a layoff as possible. The employee will receive a minimum of two (2) weeks' written notice.

### **14.3 Reorganization**

- a) Where it is necessary to reduce staff because of reorganization, the following factors shall be considered:
  - i. the skills and capacity of the employee in relation to the positions which are to be continued
  - ii. the length of the employee's service

## **15.1 CONFIDENTIALITY**

- a) In general, information about clients, other agencies, staff, the members of Council or committees learned as a result of employment or contract with the Band administration, shall be kept confidential and shall not be discussed or disclosed outside the administration.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- b) All Band Council members engaged in management activities and all employees shall be required to sign an Oath of Confidentiality form (see Appendix A – Oath of Confidentiality).
- c) Following termination of employment, regardless of the reason for the termination, a duty of good faith and confidentiality shall continue as long as the information remains confidential and it was obtained while working for the administration.
- d) Except as set out below, information concerning all persons receiving services from the Band administration (clients) is confidential and no employee shall disclose or communicate that information to any person (Ministry of Children & Families excepted), unless the client provides written consent. Staff shall not even acknowledge or confirm the identity of clients of Band administration, unless the client provides written consent to do so.
- e) Information may be given out in the following circumstances, with the approval of the Band Manager, and in consultation with legal counsel:
  - i. in giving evidence in Court
  - ii. by Order of the Court
  - iii. in complying with the reporting provisions of the *Child, Family & Community Services Act, i.e. Child protection issues*
  - iv. to staff of another agency providing service to the client (with the written consent of the client), including staff of agencies outside the Province who must perform substantially the same functions as a mandated British Columbia social services agency which is to protect a child
  - v. with written approval of the client, to a person engaged in research in child and family service matters for the purpose of research only, and upon receiving said person's oath to maintain such records in confidence, and undertaking not to disclose any of the information so received from any person's record that might tend to identify the person who is the subject of the record.
  - vi. At the immediate family and/or physician's request to help determine whether a client/staff member is suicidal.
- f) Any serious breach of client confidentiality by an employee shall be considered grounds for discipline.

### 16.1 DISCRIMINATION AND HARASSMENT

#### 16.2 General Concerns

- a) The purpose of this policy is:
  - i. to provide a work environment that is supportive of quality work on behalf of clients
  - ii. to enable employees to work without fear of harassment
  - iii. to recognize the personal goals, dignity and self-esteem of every employee of the Band administration
  - iv. to provide a means of resolving such incidents should they occur
- b) Discrimination and harassment shall relate to any of the prohibited grounds contained in the Canada *Human Rights Act*. Prohibited conduct may be verbal, non-verbal, physical,



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

- deliberate or unintended, unsolicited or unwelcome, as determined by a reasonable person. It may be one (1) incident or a series of incidents depending on the context.
- c) Employees shall have the right to employment without discrimination or harassment because of race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, political beliefs, and criminal or summary offences unrelated to their employment.
  - d) Harassment shall not include actions occasioned through exercising in good faith the Band's managerial / supervisory rights and responsibilities as an employer.
  - e) Protection against harassment shall extend to incidents occurring at or away from the workplace, during or outside work hours, provided the acts are committed within the course of the employment relationship.
  - f) **An employee who files a written complaint, which would be seen by a reasonable person to be frivolous or vindictive will be subject to disciplinary action.**
  - g) The above clause shall not preclude an employee from filing a complaint directly under the *Canada Human Rights Act*; however, an employee shall not be entitled to a duplication of the process.

### 16.3 Sexual Harassment

- a) Sexual harassment shall be regarded as a form of discrimination as previously described, and shall be defined as engaging in a course of intolerable comment or conduct of a sexual nature that may detrimentally affect the work environment or lead to adverse job-related consequences for the harassed, which ought reasonably to be known to be unwelcome and shall include, but not be limited to:
  - i. a person in authority asking an employee for sexual favors in return for being hired or receiving a promotion or other employment benefits
  - ii. sexual advances with actual or implied work-related consequences
  - iii. unwelcome remarks, questions, jokes or innuendo of a sexual nature including sexist comments or sexual invitations
  - iv. verbal abuse, intimidation or threats of a sexual nature
  - v. leering, staring or making sexual gestures
  - vi. display of pornographic or other sexual materials
  - vii. offensive pictures, graffiti, cartoons or sayings
  - viii. unwanted physical contact such as touching, patting, pinching, and / or hugging, or physical assault of a sexual nature

### 16.4 Harassment and Violence in the Workplace by Clients and the Public

- a) The purpose of this policy is:
  - i. to provide a work environment for the employees that is free from harassment and violence from clients and the public
  - ii. to provide procedures to resolve such incidents should they occur
- b) Protection against such harassment and violence shall extend to incidents occurring at or away from the workplace, during or outside work hours, provided the acts are committed because of an employee's work status.
- c) Harassment shall include sexual, physical and attitudinal as previously defined.
- d) Violence shall include verbally and physically violent acts against employees.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- e) In the event of a **harassment complaint** made by an employee against a client or the public, the employee:
  - i. must notify the Program Manager of the incident
  - ii. the Program Manager investigates the complaint to determine if the incident can be resolved, if not the supervisor notifies the Band Manager and provides a report of the incident by filling out an Incident Report Form
  - iii. the Band Manager proceeds with an investigation and a hearing whereby the alleged offender is given notice of the substance of the complaint and is entitled to attend, and participate in the hearing
  - iv. should the Band Manager conclude that harassment of an employee took place by the alleged offender, he / she must inform Council and determine an appropriate level of discipline, which may include no contact with the employee or the administrative office
- f) In the event of **violent verbal threats or physical assault** made by an employee, the employee shall:
  - i. immediately ask the Program Manager or Band Manager for help to de-escalate the situation
  - ii. If necessary, call the police

### 16.5 Allegations of Sexual / Physical Abuse of Minor Clients Against Employees

- a) The investigative response and procedure to address allegations of sexual / physical abuse of a minor client or child by an employee shall be as outlined in this policy.
- b) To protect both clients and employees of the Band, when allegations of physical and / or sexual abuse are made, this policy shall be reviewed from time-to-time and may be modified by Council.
- c) Any employee who receives an allegation from any source that an employee (contractual / casual / hourly) has sexually or physically abused a minor client or child immediately advises the Ministry of Child and Family Services and the Band Manager.
- d) If the allegations are made against the Band Manager, the Council and Ministry of Child and Family Services are advised.
- e) The employee is also obligated pursuant to section 14 of the *Child, Family & Community Services Act* to notify the Ministry of Child and Family Services.
- f) The Band Manager or the Council will notify the applicable staff member of the allegations and until an investigation is complete, either will:
  - i. assign the staff member to another work area, or suspend the staff member with pay
  - ii. direct the staff member not to contact the child or the child's family
- g) **Should the allegations be found to be true and the staff member is convicted, these are grounds for immediate dismissal.**

### 17.1 CONTRACTUAL WORK

- a) Because of contractual obligations, work overloads and other related administration requirements, the TLFN may from time-to-time hire persons on a written contractual basis. These persons shall be subject to the same human resources administration policy provisions as are any employee of the TLFN. Further contractual obligations and / or deviations from these policies shall be detailed in the contractual employee's contract.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- b) The terms of the contractual agreement shall include:
  - i. the provision of contract hours, sick time, job placement and salary
  - ii. vacation time shall be earned at 4% per annum and shall be paid out upon completion of the contract or as determined in the contract
- c) Either party may terminate the contractual agreement upon providing the other party with two (2) weeks' written notice, unless otherwise stated in the contract agreement
- d) The Band Manager, following consultation with the Program Manager and Finance Director arranges and finalizes all contracts with prospective employees.
- e) The Finance Director, following consultation with the Band Manager, the Program Manager and the contractual employee, arranges all office requirements for the contractual employee.
- f) Contractual employees are subject to the provisions named within these policies, unless expressed otherwise in the written contract. If there is any difference between this Policy and an employee's contract agreement, the contract agreement shall take precedence.

### 18.1 WORK SCHEDULE

#### 18.2 Hours of Work

- a) All employees shall work thirty-seven and one-half hours (32.5) per week, normally from 9 a.m. to 4:30 p.m., Monday through Friday, with an hour for lunch each day. Employees must commit to working the normal hours of operation. Employee changes to these normal hours should be considered an exception.
- b) Each employee shall be entitled to one (1) 30-minute or two (2) fifteen-minute coffee breaks, which shall be scheduled by the Program Manager, according to operational needs and employee preferences.
- c) An employee is responsible for filling out their time sheet form (see Appendix F – Staff Timesheet), including deductions for tardiness and personal appointments and attach all Leave Requests for that pay period to the Finance Department.
- d) A first-time offence for tardiness or attending personal appointments without prior approval results in a verbal warning. A second-time offence results in a written warning and a deduction of pay, to the nearest quarter hour. Continued contravention of this policy will lead to dismissal.
- e) Employees shall arrange medical and other personal appointments at times that will cause the least disruption at work. If it is not possible to schedule such appointments during non-work hours, the employee shall provide a written request to his / her Program Manager.
- f) An employee who receives prior approval for taking time off to attend personal appointments, can make up the time missed by filling out a Modified Work Schedule form to be approved by their Program Manager.
- g) The Program Manager in consultation with the Band Manager shall approve any change to scheduled work hours.





### 18.3 Calling In and Signing Out

- a) The purpose of this policy is to:
  - i. develop staff accountability
  - ii. respect guidelines set forth in this Manual
  - iii. provide reliable service
  - iv. locate an employee in case of a family or household emergency
  - v. locate an employee in case of a work-related emergency
- b) Staff members shall maintain a work schedule calendar that details when they are not in the office for various reasons (e.g. home visits, committee meetings).
- c) Employees shall advise the receptionist of their schedule and whereabouts, including how they can best be reached and when they next return to the office. This information shall include a phone number whenever possible. If a phone number is not available, employees shall provide an address or other information which indicates their whereabouts.
- d) Employees who are unable to report to work at the scheduled time shall advise their Program Manager as soon as possible.
- e) Any employee who leaves the office during regular business hours must sign out, using the Signing In and Out Form provided by the office. Failure to do so will result in a verbal warning from the employee's Program Manager. Continued contraventions to this policy can lead to dismissal.

### 19.1 EMPLOYEE CONFLICT OF INTEREST

- a) The TLFN administration recognizes the right of employees to be involved in activities as citizens of the community. However, employees shall keep their role as private citizens separate and distinct from their responsibilities as staff members.
- b) Conflicts of interest shall include situations:
  - i. where an employee's private affairs or financial interests are in conflict with his / her work duties, responsibilities and obligations or may result in a community perception that a conflict exists
  - ii. where an employee's ability to act in the public or in the administration's interest could be impaired
  - iii. where an employee's actions would compromise or undermine the trust which the community places in the administration
  - iv. where an employee's personal interests, and "immediate family"<sup>4</sup> relationships, or supervisory position are in a conflict of interest with his / her role as a staff member
- c) The Band Manager, or Council through a majority vote, may ask any employee to absent himself / herself during a particular discussion or vote. (It is assumed that in the majority of circumstances, employees will recognize the potential conflict, and will volunteer to absent themselves without a vote being necessary).

---

<sup>4</sup> For this purpose, "immediate family" is defined as:

spouse (including common-law and same sex), children (including biological, adopted, foster, step), brother (including step), sister (including step), mother (including step), father (including step), nieces or nephews of brother and sister, grandchildren and those living in the same household.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- d) Employees shall not place themselves in a situation where they are under obligation to any person who might benefit from or seek to gain special consideration or favour. The honesty and impartiality of all employees must be beyond reproach.
- e) A conflict of interest is a circumstance which has the possible effect of advancing one's own interest, or associated interests, in a way detrimental to the interests of, or potentially harmful to the integrity of, the organization. Conflicts of interest and the appearance of conflicts of interest are often difficult, yet too common, problems.
- f) This conflict of interest policy is designed to more clearly establish the obligations of an individual to the Band, by:
  - i. identifying the scope of conflicts concerns
  - ii. identifying conditions which would result in a breach of governance obligations to an organization due to a conflict
  - iii. identifying processes to administer the understanding, disclosure, mitigation, evaluation and enforcement of conflicts of interest issues
- g) The practical implications are that conflicts of interests fact patterns or cases must first be identified and disclosed, and then the Band Manager or Program Manager must decide what steps could be taken, if any. This policy attempts to provide guidelines for more timely and consistent decisions in the more common circumstances. Because nothing stays the same, conflicts processes require constant revisiting due to changing responsibilities or opportunities, and changing risks. It is important to remember the context and the more general obligations to act honestly, in good faith, and in the best interests of the organization.
- h) The duty of care however, is also a factor. For councilors, officers and directors of First Nations governments and organizations to meet their fiduciary duties, they must also use due care and diligence by actively learning about risks of conflicts of interest, and by seeking guidance from advisors whenever in doubt, through building a common understanding of expectations.
- i) Conflicts of interest are rooted in fiduciary duties to act honestly, in good faith, and in the best interests of the organization. As with any governance decision, conflicts of interest situations require the balancing of interests, based on such related principles as:
  - i. Councilors and officers will hold all information received in the course of his / her responsibility in utmost confidence, and such duty of confidentiality to the Band on all matters and information persists unless expressly authorized otherwise.
  - ii. Councilors and officers will uphold due process and accountability as in the best interests of the Band.
  - iii. Councilors and officers will foster the long-term reputation and integrity of the Band.

### 19.2 Disclosure of Foreseeable Conflict

- a) Each staff member must assess and disclose material interests which may reasonably be viewed as interfering with the exercise of the individual's independent judgment.
- b) Examples of foreseeable conflicts include:
  - i. a direct or indirect financial interest in the matter
  - ii. a direct timely or business connection to the matter
  - iii. any other interest which may involve a personal or related benefit, including offers of employment, influence and gifts



### **19.3 Disclosure of Potential Conflict**

- a) In addition to the general obligation to disclose foreseeable conflicts, if an employee is aware of a matter which may be considered a potential conflict of interest, he / she is not entitled to participate in the discussion or decision of said matter until:
  - i. the individual discloses the concern to the Program Manager, who then advises the Band Manager
  - ii. the Band Manager has approved or advised on steps to be taken
- b) A person who is found by the Band Member to have breached the duties or restrictions of this policy, subject to the exceptions above, is subject to disciplinary action, including immediate dismissal.

### **20.1 EMPLOYMENT AND OTHER ACTIVITIES OUTSIDE THE ADMINISTRATION**

- a) Employees of the TLFN may engage in employment outside of the TLFN, provided that:
  - i. it does not interfere with their hours of performance of their duties as an employee
  - ii. it does not bring the TLFN into disrepute
  - iii. it is not performed in such a way as to appear to be an official act or to represent the administration's opinion or policy
  - iv. it does not involve the use of the administration's premises, services, equipment or supplies to which the employee has access by virtue of his / her employment, unless otherwise authorized by the Band Manager
- b) Employees are required to notify the Program Manager if an outside job or activity might affect the employee's availability for the regular job.
- c) Anyone who is authorized by the Band administration to use the Band administration office outside of work hours is required to sign a liability form that makes him / her responsible for any loss incurred and / or breach of security.
- d) The Band Manager has the discretion to authorize the use of the administration's premises on a rental or free of charge basis, depending on the purpose. If the administration's premises are used on a for-profit basis, rent will be charged.

### **21.1 PROFESSIONAL CONDUCT AND BEHAVIOUR**

- a) The TLFN administration strives to maintain a positive image in the community. Employee conduct shall reflect the standards of the administration, instill confidence and trust from the general community and not bring the employer into disrepute.
- b) The TLFN administration exists to fulfill the needs of those members of the community who require certain services that the administration provides. Community members come to the administration for professional services and support.
- c) Employees shall always conduct themselves in a professional manner, which includes:
  - i. maintain a satisfactory standard of dress and general appearance appropriate to their duties (listed in the Staff Code of Ethics and Conducts).
  - ii. being courteous and friendly
  - iii. showing respect and compassion for clients and their families
- d) The use of abusive language or tone (yelling), racial or ethnic slurs, showing disrespect for clients, their families, co-workers, or visitors, or engaging in sexual or other forms of harassment shall not be tolerated.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- e) Employees shall not participate in, or initiate intimate or sexual relationships with clients, both during and outside work hours. (Employers are potentially liable for the actions and consequences of an employee's conduct, including repercussions of forming a sexual liaison with a client.) For the purposes of this policy, an administration client is considered to be a client for a minimum of two (2) years after the provision of services has ended, or for as long as the client is a minor, whichever is greater.  
**Breach of this policy shall be cause for dismissal.**
- f) Employees acting in a disruptive manner while attending meetings may be asked by the Chair to remove themselves from the meeting. A meeting shall then take place between the employee, his / her supervisor and the Chair to discuss and resolve the incident.
- g) In the event of a complaint being received by the Band administration, the Band Manager determines the procedure to be followed that is the most appropriate under the circumstances.

### 22.1 SMOKING

- a) Smoking is a highly addictive, potentially life threatening habit and as such should be discouraged among young people. According to Health and Welfare Canada, together smoking and second-hand smoke is the single most important cause of premature death and disability in Canada today. This and other health information should be shared with young people in order to assist them with life skills and informed decision-making. Studies have shown that exposure to smoking influences youth. As such, an employee smoking with minor clients is strongly discouraged.
- b) The TLFN administration supports the philosophy of providing clean air and a safe environment for all. There is no smoking permitted within any of the work sites, including any administration vehicles, either during or after work hours.
- c) Employees and clients who wish to smoke may do so outside and out of sight in the back. Employees shall do so only on their regular breaks.
- d) Employees shall not smoke while transporting non-smoking clients or minor clients in their own vehicles. When employees who smoke accompany non-smoking clients to restaurants, they shall sit in a non-smoking section, whenever possible.
- e) Employees shall not provide minor clients with cigarettes.
- f) If complaints are received by the Band administration and Program Managers, the Band Manager determines the appropriate procedure to be followed to handle the expressed concerns.
- g) There is to be absolutely no smoking on the school grounds.

### 23.1 EMPLOYEE ALCOHOL AND DRUG USE AND ABUSE

All employees are required to sign the Drug and Alcohol Consent form (See Appendix B – Drug and Alcohol Consent Form).

- a) Alcoholism and drug dependency shall be viewed as conditions requiring treatment.
- b) The Band administration shall support and encourage recovery treatment from alcohol or drug misuse and make provision for time off if required. It shall be the responsibility of the employee to access treatment.
- c) Sub-standard performance due to alcoholism or drug dependency shall not be accepted.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- d) **Any employee reporting to work under the influence of alcohol, drugs or other prohibited substances shall not be permitted to remain on the premises. Additionally, such employees will be subject to severe disciplinary action.**
- e) On the first occurrence of coming to work under the influence of alcohol or drugs, the employee will be sent home for the remainder of the day without pay, and will be given a written warning regarding the seriousness of the incident. The employee is encouraged to seek professional counseling.
- f) On a second occurrence, the employee faces more serious disciplinary measures, up to and including dismissal.
- g) Employees who come to work in a condition of prescription / non-prescription medical drug impairment, which interferes with job performance, are sent home on sick leave, and may be required to supply a doctor's note.

### 24.1 EMPLOYEE DEVELOPMENT

#### 24.2 Staff Meetings / Training Days

- a) There shall be a regular weekly staff meeting, which covers administrative / operational work issues. The dates and times of these meetings shall be arranged by the supervisor and will be held during work hours. All staff shall attend these meetings, unless prior arrangements are made with the Program Manager or in case of a Program Manager's meeting, the Band Manager.
- b) There will also be designated "training days" to be determined by the Band Manager. Attendance by all employees is expected on training day. All members of Council or a designate from the Council can attend. The day shall be used to focus on such things as long-term training, team building, organizational planning and discussing structural changes, if necessary.

#### 24.3 Professional / Training Development

- a) The Band shall endeavor to provide employees with the opportunity to work, learn, develop and advance within the Band administration.
- b) Professional training and development shall be consistent with the needs of the employee's position, and determined by the financial resources available.
- c) Whenever possible, supervisors will attempt to create in-service opportunities for employees to develop and upgrade their skills for the positions they occupy.
- d) If an employee wishes to take short courses or workshops during regular work hours, he / she shall apply in writing to his / her immediate supervisor. Information and registration forms for the event must be given to the employee's immediate supervisor for approval at least one (1) month prior to the event. The Program Manager, in consultation with the Band Manager, grants such requests if possible, within fiscal and organizational constraints.
- e) Where development or training cannot reasonably be undertaken during work hours, the employee may apply for "educational leave".
- f) Training / professional development not provided by the Band administration would normally be at the employee's time and expense.
- g) In order to be eligible for financial assistance, all training programs, workshops, or conferences, must be approved in advance by the Band Manager.



#### **24.4 Attendance at Conferences and Seminars**

- a) Attendance at conferences and seminars may be granted, subject to the Band administration's needs and resources. Employees must fill out and submit a Application for Leave – Absentee (See Appendix J – Application for Leave – Absentee Form) request to their Program Manager and get written approval prior to taking a leave for attending a seminar, conference or training session.
- b) Leave for seminars or conferences, whether paid or unpaid, shall not exceed ten (10) days per year, unless recommended by the Program Manager and authorized by the Band Manager.
- c) If an employee is delegated to attend workshops and conferences that are considered by the Band administration to be part of an employee's duties, mandatory attendance shall be required. Non-attendance without reason shall result in disciplinary action.
- d) An employee must submit in writing to their Program Manager a request for leave to attend a conference or seminar, outlining the details of the conference or seminar, the cost of attendance and the employee's expectations with respect to reimbursement of expenses by the Band administration. The Band Manager approves or modifies the request based on the recommendations of the Program Manager.
- e) The Program Manager requires the employee to provide a brief written one (1) page report on the outcome of the seminar. If so, this will be due within five (5) work days of attending the seminar / conference. The Program Manager may then request a presentation to other employees during a scheduled team meeting.

### **25.1 WAGE, SALARY AND EXPENSES**

#### **25.2 Pay Periods and Salary**

- a) All employee wages are established in accordance with the salary range set from time-to-time by the Council.
- b) All TLFN employee wages shall be paid on a bi-weekly basis according to the terms and conditions of employment, which shall be based on duties, experience, and qualifications of the employee.
- c) A salary review shall be conducted for each employee on or about his / her anniversary date of employment. Pay increments may be granted upon satisfactory performance and subject to funding availability within the approved pay scale for his / her position.
- d) The following is a list of employee deductions and benefits. Statutory deductions as prescribed by the Canada Customs and Revenue Agency benefit plans the employee is eligible to join are
  - i. Employment Insurance (EI) – all employees are subject to EI deductions
  - ii. Canada Pension Plan (CPP) – all employees are subject to CPP deductions.
  - iii. Income Tax – all employees are subject to income tax deductions, unless they are Status Indians.

#### **25.3 Wage Increases & Bonuses**

- a) This policy is subject to the organization's capabilities and fiscal limitations.
- b) An increase in an employee's salary may occur for two (2) reasons:
  - i. an increased cost of living, in which case all employees of the organization will receive the same percentage increase in salary and / or



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- ii. by merit, where an employee has a good annual performance appraisal
- c) Any increase in salary is confirmed in writing by the Band Manager, and then provided to the Finance Director on a timely basis.
- d) The Band Manager shall have the right to offer signing bonuses for attracting new specialized workers i.e. registered nurses. The Band Manager has the responsibility to ensure that such bonuses are consistent with documented regional norms for similar positions. As well, the Band Manager shall administer performance bonuses to employees who achieve exceptional performance. Every year, the sum of bonuses that an employee receives shall be no more than 10% of an employee's annual salary/wage. Performance bonuses that total more than 10% of an employee's annual salary/wage is subject to Council approval.

### 25.4 Payroll Advances

- a) An advance on an employee's salary may be made only with written pre-approval from the Band Manager, and shall only be approved in unusual / emergency situations, never to exceed the amount of the employee's salary.
- b) Emergency circumstances are those incidents that are clearly not caused by the employee's inability to manage his/her finances. In particular, an employee typically should have no more than one emergency circumstance in a fiscal year that requires payroll advance support. Any additional advances must require the employee discuss his financial plan to the Band's Controller or a designated finance person within TLFN.
- c) Once a repayment (see Appendix H – Repayment Agreement Form) has been agreed upon, there will be no renegotiating from the Band for repayment. The original repayment agreement must be adhered to by the employee and TLFN.
- d) In the event of a request from the Band Manager, the approval authority shall be the Council. The advance shall only be approved in unusual / emergency situations and shall not exceed the amount of the Band Manager's salary.
- e) A written request for an advance is made to the Band Manager stating the reason for the advance. If the Band Manager recommends approval of the advance, he / she will submit recommendation authorizing the advance to the Finance Director. The amount of the advance, in whole, is then deducted from the employee's next pay cheque.

### 25.5 Overtime

- a) Overtime is defined as work performed by a permanent employee in excess of or outside of his / her regularly scheduled work hours. All overtime must be recommended in advance by the Program Manager and be approved by the Band Manager.
- b) It is preferred that compensatory time off is taken in lieu of overtime payment, however, in accordance with the *Canada Labour Code*, employees may receive compensatory payment. Compensatory time off shall be taken within the fiscal year that overtime is accrued.
- c) All employees will record start and end times of all overtime hours worked in a manner acceptable to and determined by the immediate supervisor. Overtime compensation is calculated at the rate of straight time for hours worked up to eight (8) hours of a regular work day. Hours worked in excess of eight (8) hours are compensated in accordance with the provisions of the *Canada Labour Code*.
- d) Contractual and casual employees who are requested to work beyond their regularly scheduled work hours are compensated at a rate of straight time up to eight (8) hours in



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

a regular work day. Hours worked in excess of eight (8) hours are compensated in accordance with provisions of the *Canada Labour Code*.

- e) All fulltime employees must take time in lieu for their overtime unless prior approval has been given by the Band Manager, in consultation with the Controller.

### 25.6 Travel Expenses

- a) Employee's use of his / her personal vehicle for job-related purposes shall be compensated by a mileage allowance. Any extraordinary travel outside the regular work-related use must be approved in advance by the Band Manager.
- b) The rate of reimbursement to the employee shall be at the current federal expense rates.
- c) Mileage shall be accounted for and reimbursed on a monthly basis.
- d) The TLFN shall not be held responsible for any compensation claim whatsoever for the loss of, theft of, or damage to an employee's personal vehicle.
- e) Employees using his / her personal vehicle for work-related activities shall have two million dollars (\$2,000,000.00) liability insurance and a copy of proof of his / her ICBC insurance shall be submitted to the Program Manager. The differential between pleasure and business insurance rates shall be paid by the Band administration upon submission to the Program Manager. (The differential may be reviewed and adjusted according to base rates, rather than individual license rates when applicable.)
- f) All out-of-town or extraordinary travel must be authorized in advance by the Band Manager, and all expenses for which an employee claims must be documented on a Travel Claim Form (see Appendix G – Travel Claim Form). Claims should be signed, dated and totaled before being submitted. Receipts shall be attached for hotel, transportation, and parking expenses. Note that for out-of-town travel, meal allowances, incidentals and personal vehicle use will be provided on a per diem or per kilometer basis, therefore receipts will not be required for these three (3) items. Employees must follow the guidelines on the Travel Claim Form and accurately estimate their allowance for these three (3) expense items.
- g) All travel expense claims shall be completed and provided to the Program Manager within five (5) working days after an employee's return. An expense which has not been approved in advance shall not be reimbursed. The Program Manager approves the claim by signing the form and submitting the original signed form to the Finance Director.
- h) Employees shall be eligible for a travel advance of up to five hundred dollars (\$500.00). If an advance in excess of five hundred dollars (\$500.00) is required, it may be provided at the discretion of the Band Manager.

### 26.1 PAID HOLIDAYS

- a) All permanent employees of the TLFN administration shall be entitled to statutory holidays with pay. The following days shall be designated as paid holidays:
  - i. New Year's Day
  - ii. Good Friday
  - iii. Easter Monday
  - iv. Victoria Day
  - v. Aboriginal Day
  - vi. Canada Day





**TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL**

- vii. BC Day
  - viii. Labour Day
  - ix. Thanksgiving Day
  - x. Remembrance Day
  - xi. Christmas Day
  - xii. Boxing Day
- b) Christmas Leave: For added clarity, staff are expected to work from December 27 – January 6 inclusive every year unless it is a legally designated holiday or prior approval for Vacation Leave has been approved by the Band Manager.
  - c) Any other day proclaimed as a holiday by the Federal, Provincial, Municipal or Band governments for the locality in which the employee works shall also be a paid holiday.
  - d) In the event the paid holiday falls on a Saturday or Sunday and is not proclaimed as observed on some other day, the following Monday is deemed to be the holiday.
  - e) When a holiday falls on a Sunday and is not proclaimed as being observed on any other day, the following Monday (or Tuesday, where the preceding section already applies to the Monday), is deemed to be the holiday.
  - f) If an employee is on vacation leave and a day of paid holiday falls within that leave period, the paid holiday is not counted as a vacation day.

**27.1 VACATION**

- a) Vacation shall be earned and computed on the twelve (12)-month period beginning on an employee's date of employment, and shall be taken after one (1) year of permanent employment. Vacation leave shall be computed as follows:

Number of Years Employed	Number of Paid Vacation Weeks
1 – 2	2
3 – 5	3
6 – 8	4
9 – 11	5
12 – 15	6
16 years or over	6

- i. During the probationary period an employee shall not be entitled to use any vacation leave, but shall accumulate vacation leave during that period.
- ii. All permanent employees who leave the Band administration's employ with less than one (1) year of service, and who have not taken accumulated vacation time, shall be entitled to vacation pay in lieu of vacation leave, calculated at the rate of 4% of the gross earned salary.
- iii. In the event that an employee with more than one (1) year of service tenders his / her resignation, said employee shall receive payment for any unused accrued vacation leave he / she is entitled to, by reason of length of service.
- iv. All contract and part-time employees shall be excluded from this policy, as their specific individual agreements with the Band administration shall detail hours of work and pay.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- v. All vacation leave, or holiday pay, shall be taken during the year of entitlement, unless prior written approval is obtained from the immediate supervisor in consultation with the Band Manager. Five (5) vacation days may be carried over from one (1) year to the next without written approval. Vacation leave and / or holiday pay shall not be cumulative from one year to the next.
  - vi. Vacation time shall not be taken in advance of entitlement, except with the prior written approval of the Band Manager, and then only to a maximum of five (5) days.
- b) The Program Manager in accordance with operational requirements shall schedule vacation, within twelve (12) months of the anniversary date of employment, and according to organizational constraints and the wishes of the employee, which shall be made known as far in advance as possible. Employees shall use the Application for Leave – Absentee Form to make wishes known regarding vacation dates. (see Appendix J – Application for Leave – Absentee Form) Upon commencement of the fiscal year, employees shall submit vacation requests to the Program Manager. Vacations shall be granted on a first-come first-serve basis, and shall be subject to administration approval.
  - c) Vacation leave shall be scheduled by the Program Manager to ensure the orderly continuity of operations in all departments. If approved, the Leave Form is signed and a copy placed in the employee's personnel file.
  - d) A current record of earned holiday leave is maintained for all employees.
  - e) Vacation leave does not include any accumulated time from unpaid leaves or unpaid education leave.
  - f) For holidays that exceed three (3) consecutive working days, an employee will preferably submit a Leave Form at least one (1) week prior to the leave. Ten (10) days' notice is required for annual holiday requests. Time allotted will be approved with preference given to seniority.

### 28.1 LEAVE OF ABSENCE

#### 28.2 Sick Leave

- a) All permanent employees shall be entitled to paid sick leave for all physical, emotional and psychological ailments that could sufficiently impair work ability. A physician's report may be requested by the TLFN. A review will be made should sick days be consistently taken around holiday, long weekends other patterns that may suggest that sick leave is being abused.
- b) Employees shall be entitled to 1½ day per month worked in that year.
- c) The TLFN administration reserves the right at all times to demand proof of illness. The onus shall be on the employee to substantiate his / her illness to the administration, and therefore the employee shall provide adequate substantiating documentation.
- d) An employee will contact his / her supervisor no later than thirty (30) minutes after the start of the work day, if he / she will be absent due to illness.
- e) An employee must produce a physician's/nurse's certificate after three (3) consecutive work days missed due to illness.
- f) If there is a concern about the note, the employer will follow up with physician/nurse



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- g) Following fifteen (15) consecutive work days of sick leave, the employee's wage continues under the *Employment Insurance Act* short-term medical disability provisions.
- h) Should an employee be consistently absent or a pattern of leave emerges (e.g. Monday or the day following a long weekend), the Band Manager may direct the employee to provide evidence of all sick leave taken.
- i) An employee failing to comply with all of the terms in Sections 28.1 -.28.7 will be deemed to have taken a personal leave absence and a payroll deduction will result.

### 28.3 Bereavement / Compassionate Leave

- a) All employees shall be granted five (5) days leave with pay upon the death of an employee's "immediate family"<sup>5</sup> member. Further leave shall be granted without pay, with the approval of the Band Manager for a period not to exceed ten (10) days.
- b) In the case of a death occurring in a remote area far from the employee's home, the leave may be extended for up to three (3) days for travel time. The Band Manager may consider an employee's request to use some of his / her accumulated sick leave in compassionate circumstances.
- c) In the event an employee requests leave for the death of anyone not included in the definition of "immediate family", the employee may apply to the Band Manager by completing an Application for Leave - Absentee Form or the employee may be granted leave without pay. The Program Manager, after consultation with the Band Manager approves the Leave Form by signing it and placing a copy on the employee's personnel file.

### 28.4 Maternity Leave

- a) The period of maternity leave shall be in accordance with the Maternity / Parental Benefits provisions of the *Employment Insurance Act*. At present, maternity benefits are payable to the birth mother or surrogate mother for a maximum of 15 weeks. To receive maternity benefits you are required to have worked for 600 hours in the last 52 weeks or since your last claim. You may receive up to 50 weeks when regular EI benefits are combined with maternity, parental and sickness benefits.
- b) Upon submission of a written request, the employee shall be granted leave of absence without pay for a further period of up to one (1) year.
- c) Upon return to work, the employee shall be reinstated to the former position and shall receive salary at the current rate of pay.
- d) If an employee maintains coverage for medical, extended health / life insurance or dental plans, the TLFN shall pay the employer's share of these premiums for the period covered by the Maternity / Parental Benefits provisions of the *Employment Insurance Act*.

---

<sup>5</sup> "Immediate Family" shall be defined as:

spouse (including common-law and same sex), children (including biological, adopted, foster, step), brother (including step), sister (including step), mother (including step), father (including step), nieces or nephews of brother and sister, and grandchildren.



**28.5 Parental Leave**

- a) An employee shall qualify for parental leave upon completion of his / her probationary period.
- b) Prior to the expected birth of his / her child, an employee may request parental leave up to a maximum of twelve (12) weeks by completing an Application for Leave - Absentee Form.
- c) The period of parental leave shall be in accordance with the Parental Benefits provision of the *Employment Insurance Act*.
- d) Upon return to work, the employee shall be reinstated to the former position and shall receive salary at the current rate of pay.

**28.6 Cultural Leave**

- a) Specific events during the employment cycle of a First Nation's person may require time off for participation. These events are generally planned in advance and are referred to as custom or traditional events. Leave for these events shall be granted without pay.
- b) Employees shall not lose the position in which they were employed prior to the leave.
- c) The employee must request leave from the immediate supervisor at least thirty (30) days in advance of the event. Leave is granted by the Band Manager, in consultation with the Program Manager.

**28.7 Educational Leave**

- a) Employees may be granted up to one (1) year of educational leave without pay for purposes of professional development / education or skill upgrading.
- b) The educational program shall be related to the work performed in the position held by the employee.
- c) An employee must submit a written request for educational leave to the immediate supervisor, outlining the details of the leave, including the training institute, courses, etc. The Band Manager will approve the leave based on the recommendations of the Program Manager by signing the request. If the request is granted, the Band Manager, in consultation with the Program Manager will decide if the employee's position will be held open or filled with a term appointment.

**28.8 Special Leave**

- a) An employee who desires a leave of absence may apply with at least five (5) days' notice in writing to the Band Manager using the prescribed Leave Form. The Leave application shall be submitted as far in advance as is practicable, stating the full particulars of the request including the reason for, and the length of, the desired leave.
- b) A special leave of absence may or may not be granted at the discretion of the Band Manager. If a leave is refused, it shall be communicated in writing to the employee making the request. If granted, the Band Manager signs the Leave Form and the employee then delivers the signed letter to the Program Manager, who ensures that a copy is included in the personnel file.
- c) The leave of absence may or may not be granted with pay, depending upon the decision of the Band Manager and the circumstances surrounding the request (e.g. an employee summoned for jury duty shall continue to receive regular pay and shall return to work immediately upon completion of jury service).



## 29.1 STAFF BENEFITS

- a) Employees may participate in group insurance coverage in accordance with the plan subscribed to by the TLFN administration from time-to-time. Both Status and Non-Status employees shall be eligible to be covered under the Band administration's group insurance policy.
- b) Currently, all ordinary medical expenses are paid for Status employees by the Department of Indian and Northern Affairs Canada.

## 30.1 RETIREMENT

- a) An employee's normal retirement date shall be the end of the month in which the employee turns 65 years of age.
- b) Deferrals of up to one (1) year may be granted, with the possibility of extensions. A written request must be submitted to the Band Manager at least two (2) months prior to the potential retirement date. In reaching a decision, the Band Manager shall consider:
  - i. the annual employee appraisal and the employee's ongoing ability to carry out the requirements of the job (including health, energy, enthusiasm, and ability to establish rapport with youth, if applicable)
  - ii. the best interests of the clients served
  - iii. the best interests of the administration
  - iv. the reason for the request (the employee's individual circumstances)
- c) **Deferrals of retirement shall be considered exceptional, and there shall be no obligation on the Band Manager to agree to such a request.**

## 31.1 GRIEVANCES – INTERNAL / EXTERNAL

- a) An employee or community member who feels he / she has been treated unjustly or feels aggrieved shall be entitled to present a dispute.

### **Informal / Internal (Employee)**

- i. An employee will make every effort to resolve the grievance by meeting with the person with whom the employee has a conflict. (It is advisable for the employee to be accompanied by another employee).
- ii. The employee shall request a meeting with his / her supervisor (or the Band Manager if the grievance involves the Program Manager), in an effort to discuss and resolve the issue before a formal grievance is initiated.

### **Formal / Internal (Employee)**

- i. If the attempt at an informal resolution fails, the employee shall file a written notice (accompanied by supporting argument) with his / her immediate supervisor, within thirty (30) days of the occurrence of the grieved event.
- ii. The supervisor then forwards his / her decision, supported by written argument and the employee's documentation, to the Band Manager. Upon receipt of notice of grievance, the Band Manager reviews the documentation and arranges to meet with the complainant and other parties involved. The Band Manager may consult with the Council, or an outside source, to assist in resolving the grievance. The Band Manager renders a decision on the grievance after hearing from all parties.



## TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL

---

- iii. The decision of the Band Manager is the final level of appeal of grievance within the organization.
- iv. In the event that the grievor is the Band Manager, the matter will be brought before the Council. The employee who has filed the grievance must inform the Council of the grievance and the steps they have taken to resolve the matter in writing. The Council organizes a hearing and renders a final decision.

### **External (Member of the Community)**

- i. Should a member of the community have some concerns or issues regarding the Band administration or its employees, he / she shall inform the Band Manager in writing of the grievance. The Band Manager will then contact the community member for further clarification. Upon receiving adequate information, the Band Manager will pursue the grievance with the appropriate employee. In some matters, the Band Manager informs the Council.
- ii. Within ten (10) days, the Band Manager will respond in writing to the community member with the outcome of the grievance, and outline the steps the administration may contemplate, if required. Should the community member still feel aggrieved, the Band Manager will provide a report to the Council. The community member is invited to the Council meeting to address the Council directly regarding his / her grievance. The Council, upon hearing all of the evidence, makes a ruling. Its findings are final.

### **32.0 POLICY REVISIONS**

Council has the authority and responsibility to update this Manual from time to time after consultation with the Band Manager and staff.



**TAKLA LAKE FIRST NATION POLICY AND PROCEDURES MANUAL**

---