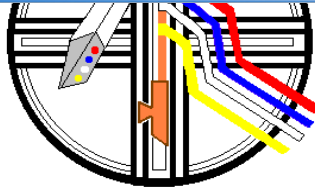


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FROG LAKE FIRST NATIONS

PERSONNEL POLICIES & PROCEDURES MANUAL

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SECTION 1 ADMINISTRATION

1.0.0 PURPOSE OF THIS MANUAL

- 1.0.0.1 The purpose of this employment policy manual is to create and maintain a harmonious and mutually beneficial working relationship between the Frog Lake First Nation and their employees.
- 1.0.0.2 These policies describe the terms and general working conditions of employment which reflect the values and traditions of the Frog Lake First Nation community.

1.0.1 ADHERENCE TO MANUAL INSTRUCTIONS

- 1.0.1.1 As a prerequisite to employment, employees are required to read these policies and sign an agreement that they have read, understand and agree to these policies.
- 1.0.1.2 The policies in this manual meet or exceed the minimum requirements of the Canadian Labour Standards and are in compliance with the Canadian Human Rights Act. In the event of any inconsistencies and/or omissions within these policies, the Canadian Labour Standards regulations and the Canadian Human Rights Act take precedence.

1.0.2 AMENDMENTS TO MANUAL

- 1.0.2.1 The Chief and Council and Band Manager will ensure that the policies are reviewed on an annual basis and revised whenever staff or organizational changes occur to insure that they reflect current needs and/or values of the Frog Lake First Nation.
- 1.0.2.2 Where employees believe that certain items in this manual require change, they are requested to write the Band Manager setting out the wording and the suggested revision(s).
- 1.0.2.3 Any policy changes will be distributed to all employees and have an effective date of implementation on the top of the affected policy page.

1.0.3 ORGANIZATION CHARTS

- 1.0.3.1 Current organization charts show how the Frog Lake First Nations is structured so that employees and community members understand where to direct comments, inquirers or complaints.
- 1.0.3.2 Current organization charts will be maintained which will clearly reflect all aspects of the organization including:
- a) Band Members
 - b) Band Council
 - c) Committees of Council
 - d) Standing Committees
 - e) Ad hoc and Task Committees
 - f) Band Businesses
 - g) Boards of Directors for Band Businesses
 - h) All positions in Administration including the current incumbents in each of the position(s).
- 1.0.3.3 The Band Manager will designate an employee to be responsible for maintaining the organization charts.
- 1.0.3.4 The Band Manager will ensure the organization charts are reviewed and updated whenever staff or organizational changes occur to ensure that they reflect current information.
- 1.0.3.5 Copies of all organization charts will be kept on file to provide an accurate historical record of all organizational structures, positions, and incumbents.
- 1.0.3.6 A copy of the current organization chart will be posted in the reception area of the Administration Office.

1.0.4 EMPLOYEE CODE OF ETHICS

- 1.0.4.1 Carry out duties of their positions conscientiously, loyally and honestly, remembering that the primary work is to serve the Frog Lake First Nation Membership.
- 1.0.4.2 Respect for the authority and structure of the First Nation, Chief and Council, other employees and the policies of the Frog Lake First Nation.
- 1.0.4.3 Maintain confidential of information acquired on the job and only release information that has been authorized by the Chief and Council. Use information obtained on the job for the intended purpose only, not for personal interest.
- 1.0.4.4 To be co-operative courteous and polite with supervisors, instructions and work as team members with other first nations employees.
- 1.0.4.5 Maintain a positive attitude in dealing with the public, staff, band members, and the Chief and Council while being prompt and courteous in the performance of their duties
- 1.0.4.6 During working hours, devote themselves to their duties of employment and use initiative to find ways of doing their work more efficiently, effectively, and economically.
- 1.0.4.7 Conduct themselves properly while on duty and in public in a manner that will bring credit to themselves, their department, and the Frog Lake First Nation.
- 1.0.4.8 Maintain a satisfactory standard of dress and general appearance, appropriate to their duties with the First Nation organization, remembering that appearance reflects on the Band Membership as a whole.
- 1.0.4.9 Provide constructive criticism and suggestions through proper channels seeking to make the work place as harmonious as possible.
- 1.0.4.10 Refuse any fees, gifts, or other tangibles offered in reward for duties performed through their employment positions.

SECTION 2 - RECRUITMENT, SELECTION AND COMMENCEMENT

2.0.0 RECRUITMENT

- 2.0.0.1 All permanent jobs will be advertised. Notices issued by the Frog Lake First Nation Administration will be posted in places accessible to all membership.
- 2.0.0.2 Preference will be given to the Frog Lake First Nation Members, if a candidate from the Frog Lake First Nation Membership has the necessary skills and qualifications.
- 2.0.0.3 It is not a discriminatory practice for Frog Lake First Nations to give preferential treatment to Aboriginal persons in hiring, promotion or other aspects of employment, when the primary purpose is to serve the needs of the Frog Lake First Nations Community.
- 2.0.0.4 When job postings and advertisements indicate whether Aboriginal People will be given preference;
- a) Job applicants will have knowledge and/or experience with the language, culture, history and customs of Frog Lake First Nations people, when such requirements are directly related to the job requirements.
 - b) All employees, as part of their terms and conditions of employment will be made aware of, and required to acknowledge, that Aboriginal people will be given preference in accordance with this policy; and
 - c) Where non-Aboriginal employees have accepted, as a term of their employment, that they may be displaced in preference to an Aboriginal candidate, the employer will treat the non-Aboriginal employee in a fair and reasonable manner, by for example, ensuring that adequate notice of termination is given.
- 2.0.0.5 Notices will include minimum qualifications, salary or salary range, and closing date for applications.
- 2.0.0.6 Applications for employment will be submitted on the Frog Lake First Nation application forms, provided by the First Nation Band Office.

- 2.0.0.7 Competitions will have deadlines, and applications by candidates must be received by the date of the deadline in order to qualify.
- 2.0.0.8 The list of all applications received for any position will be kept in an individual confidential file for up to one year.

2.0.1 HIRING OF EMPLOYEES

- 2.0.1.1 Chief and Council will establish a Personnel Committee consisting of one Councillors, Band Manager and/or Program Manager(s) and an elder.
- 2.0.1.2 The Personnel Committee will be responsible for the hiring of full-time positions.
- 2.0.1.3 The Personnel Committee will be responsible for any grievances of disciplined or dismissed employees and give any final recommendations to Chief and Council.
- 2.0.1.4 The Hiring Committee will prepare a qualifying list from all applications received.
- 2.0.1.5 The Hiring Committee will interview applicants who have been pre-screened, and choose the successful applicant using a standardized rating system forming the basis for the final selection.
- 2.0.1.6 Members of the Personnel Committee directly related to the applicant (members of their immediate family) cannot participate in the decision related to the applicant, nor vote in the applicantsq acceptance or rejection.
- 2.0.1.7 The successful applicant will be notified within three working days and then be provided with a written Offer of Employment starting salary job description and expected start date.
- 2.0.1.8 Where possible, promotion of current staff members to more responsible positions. Such promotions require a majority decision by Chief and Council, and should be based on the individual being considered for promotion having demonstrated capabilities for the job.
- 2.0.1.9 Before a new employee begins work, they will be provided with a

copy of the Frog Lake First Nation Employment Policy Manual. They are required to sign an agreement that they have read, understand and agree to the policies as a condition of employment.

2.0.1.10 Employees will also be required to read through and sign a copy of their written job description, to acknowledge that their job responsibilities are understood.

2.0.1.11 Employees will be required to sign an Oath of Confidentiality.

2.0.2 PROBATIONARY PERIOD for NEW EMPLOYEES

2.0.2.1 All new employees will be on a three month probationary period.

2.0.2.2 Within the three-month probationary period the Employer may terminate employment at any time. Should this occur, the termination will be given in writing, citing the reason for the termination.

2.0.2.3 Before the end of the probationary period, each successful employee will be given a performance evaluation and be completed on an approved performance appraisal form. The purpose of the evaluation is to help improve overall employee performance and should be viewed as a positive experience.

2.0.2.4 Employee performance appraisals, like all personnel files, will be considered confidential, and kept in a locked filing cabinet. Each employee will receive a personal copy of his or her appraisal.

2.0.2.5 An employee's probationary period may be extended if there was insufficient time or opportunity to evaluate his or her performance. An evaluation would then be conducted before the completion of the extended probationary period.

2.0.2.6 Employees who are promoted will be placed on a three month probationary period. In the event that the promoted employee performance is unsatisfactory every effort will be made to return the employee to his or her previous position.

2.0.3 EMPLOYEE PERFORMANCE APPRAISALS

- 2.0.3.1 Performance reviews are something that you as an employee should not fear. These provide the perfect opportunity to raise problems and questions with your employer. The employer is able to assess an employee's strengths as well as their weaknesses, by identifying areas where additional training and career development is required, which benefits both the employee and employer. These are in fact positive feedback sessions ensuring that the employee and the employer are both on the same page.
- 2.0.3.2 Purpose for performance appraisals:
- a) Assists the employees to evaluate and improve their performance.
 - b) Provides feedback of how well the employee has performed the various functions and clarifies understanding of the job functions.
 - c) Improves communication and expectations of the employee between the management and Chief and Council.
 - d) Assists employees to set clearly defined goals and provides an opportunity to set employee work plans for the coming year.
 - e) Provides an opportunity to discuss professional training and development workshops and options for employees.
 - f) Recognize strengths and weaknesses and reward.
 - g) To determine if the employee has accomplished their goals laid out in their work plan.
 - h) The extent to which they have met their job description.
 - i) Their attitude to their job and fellow employees.
 - j) Their adherence to the employees' code of ethics.
 - k) May serve as a basis for salary adjustment or promotion.

-
- 2.0.3.3 Employees will be evaluated based on the following criteria:
- a) planning and organization;
 - b) ability to work with others;
 - c) initiative and creativity;
 - d) dependability;
 - e) judgment; and
 - f) quality of work.
- 2.0.3.4 The performance appraisal process:
- a) Both employee and supervisor will complete separate copies of the appraisal form and compare their completed copies.
 - b) Individuals discuss the job description with the supervisor and on the content of the job and the relative importance of the major duties the employee is accountable for.
 - c) The employee establishes performance goals and objectives for each of his or her responsibilities for the coming period.
 - d) Checkpoints are established for the evaluation of his or her progress; ways of measuring progress are selected.
 - e) The supervisor and the employee meet at the end of the period to discuss the results of the employees efforts to meet the agreed upon goals and objectives.
- 2.0.3.5 Performance appraisals will be held annually.
- 2.0.3.6 Appraisals will be conducted for new employees, and may also be required when an employee's performance is below satisfactory levels.
- 2.0.3.7 At the time of the assessment the Supervisor, Program Manager or Band Manager shall discuss the performance appraisal with the employee, and outline any remedial action necessary.

SECTION 3 - PERSONNEL/PAYROLL INFORMATION

3.0.0 PERSONNEL FILES

- 3.0.0.1 All Frog Lake First Nations employee personnel files are confidential. They will be stamped confidential and kept locked in a filing cabinet at the Frog Lake First Nations Band Office.
- 3.0.0.2 Employees, who breach their Oath of Confidentiality by releasing information contained in personnel files, do so, at risk of having their employment with the Frog Lake First Nations terminated.
- 3.0.0.3 Personnel files will be maintained on the current basis for all employees and include but are not limited to such information as:
- a) Original employment application
 - b) Date employment started
 - c) Job description
 - d) Signed confidentiality and employment policy agreement
 - e) Information on the employee's vacation and sick credits, etc.
 - f) Employee appraisal reviews
 - g) Any progressive discipline actions or steps taken
- 3.0.0.4 Employees shall have access to their personnel files in the presence of an authorized staff member.

3.0.1 PAYROLL ADMINISTRATION

- 3.0.1.1 The starting salary of new employees will be stated in the employee's Offer of Employment Letter. Salary will coincide with the employee's experience and education, and will also take into account the level of responsibility of the position, and the budget appropriations of the Frog Lake First Nation Council.
- 3.0.1.2 The Frog Lake First Nations Council shall approve a salary scale for each position, which will usually range in salary levels for similar positions in the area.

-
- 3.0.1.3 Employees performances shall be reviewed on an annual basis. Salary adjustments will be determined on the basis of staff performance evaluation reviews as well as available funding.
 - 3.0.1.4 All salaries shall be paid according to the terms and conditions of employment. Employees shall be paid at the rate approved by the Chief and Council.
 - 3.0.1.5 Employees are required to record starting and finishing times of daily work, any overtime worked, time off taken and under what circumstances, on forms provided by the Frog Lake First Nations Administration.
 - 3.0.1.6 All Frog Lake First Nations employees shall be paid bi-weekly. Pay days shall be every second Friday at 12:00 noon.
 - 3.0.1.7 Employees shall be provided with a statement of earnings and all deductions made from their pay cheque.
 - 3.0.1.8 An employee who reports for work at the call of the employer, will be paid wages for not less than three hours of work at the employee's regular rate of wages, whether or not the employee is asked to do any work after so reporting.
 - 3.0.1.9 Salary advances must be authorized by the Band Administrator, at the discretion of the Band Administrator. Salary advances will not exceed 60% of the amount due to the employee at the time of the request.

SECTION 4 - GENERAL EMPLOYMENT INFORMATION

4.0.0 HOURS OF WORK

- 4.0.0.1 The hours of work for full time Frog Lake First Nation employees shall be from 8:30 am to 4:30 pm Monday to Friday and from 8:30 am to 3:00 pm on Fridays falling on a pay day.
- 4.0.0.2 Lunch shall be taken from 12:00 pm to 1:00 pm and two 15-minute breaks shall be allowed for all employees in the course of each full day.

- 4.0.0.3 Employees are paid bi-weekly and 80 hours shall constitute a basic pay period for Frog Lake First Nation employees.
- 4.0.0.4 By nature of their employment positions some employees may be required to work different hours. These will include, but are not limited to, janitors, public works, security and contractors.
- 4.0.0.5 Employees wishing to use a flexible work schedule must obtain prior approval from their immediate Supervisor.
- 4.0.0.6 Employees are required to record starting and finishing times of daily work in a manner prescribed by the Frog Lake First Nations Administration. The time sheets must be submitted to the accounting department at least three days before payday.
- 4.0.0.7 Employees are expected to be on the job punctually each day, unless there is a valid reason for absences or lateness, in which case the employee will contact his or her immediate supervisor at the start of the working day, and give an indication of when he or she expects to return to work.
- 4.0.0.8 Absent employees who do not notify the Frog Lake First Nations shall be considered absent without reason. Aside from extenuating circumstances, an employee absent for three days without notification shall be deemed as abandonment of position and will be considered to have resigned.

4.0.1 OVERTIME

- 4.0.1.1 Managers, superintendents, and employees who carry out management functions are exempted.
- 4.0.1.2 No overtime shall be allowed unless approved by the Program Manager or Supervisor.
- 4.0.1.3 Overtime is defined as working more than 8 hours in a day or more than 40 hours in a week.
- 4.0.1.4 Overtime shall be calculated at time and one-half of pay and shall be paid in time off in lieu of pay and must be taken within one month of accrument.

4.0.2 ANNUAL VACATIONS

4.0.2.1 Vacation pay is calculated as a percentage of the gross wages an employee earns during the "year of employment+.

The entitlement is;

- a) 2-weeks and 4% of wages up to three years of employment.
- b) 3-weeks and 6% of wages after three years of employment.
- c) 4-weeks and 8% of wages after six years of employment.
- d) 5-weeks and 10% of wages after ten years of employment

4.0.2.2 An employee may take vacation at the discretion of the employer or at a time mutually agreed to by the employer and employee. But, it must begin no later than 10 months after completion of the "year of employment" for which the employee became entitled to vacation. In cases where the employer has chosen the timing of the vacation, the employer will give at least two weeksq notice of when the employee's annual vacation is to begin.

4.0.2.3 Vacation pay is normally paid to the employee within 14 days prior to the commencement of a vacation. However, vacation pay may be paid during or immediately following vacation.

4.0.2.4 Employees are required to provide as much advanced notice as possible to the Frog Lake First Nations Manager when scheduling vacation leave. All vacation leaves must be requested in writing.

4.0.2.5 The Frog Lake First Nation Manager shall maintain a chart of vacation schedules for staff, to help ensure vacations are scheduled in a way which will enable the Frog Lake First Nation Administration to meet their responsibilities during their absences.

4.0.2.6 In granting vacation leave, reasonable efforts will be made:

- a) To grant vacation leave to employees for at least two consecutive weeks, if earned and requested.

- b) To grant vacation leave after twelve full months of employment approved by the Frog Lake First Nations Manager.
 - c) Not to disturb employees, or recall them to duty, after they have proceeded off duty.
- 4.0.2.7 An employee may, by written agreement with the employer, postpone or waive his or her entitlement to an annual vacation for a specified year of employment.
- 4.0.2.8 An employee who resigns or is dismissed will be paid any vacation pay owed to the employee for any prior completed "year of employment". In addition, the employee is entitled to vacation pay for the partially completed current year.

4.0.3 GENERAL HOLIDAYS

- 4.03.1 A general holiday is a special day, on which employees of First Nation are entitled to a day off with pay.

The following are considered General Holidays:

New Years Day*
Family Day
Good Friday*
Easter Monday
Victoria Day*
National Aboriginal Day - June 21
Canada Day*
Civic Holiday
Labour Day*
Thanksgiving Day*
Remembrance Day*
Christmas Day*
Boxing Day*

(*Statutory Holiday)

Christmas Break at the discretion of Chief and Council

- 4.0.3.2 If any holiday falls on either a Saturday or a Sunday, the following Monday shall be considered a holiday.

- 4.0.3.3 The designated holiday schedule will be approved by Chief and Council in February of each year.
- 4.0.3.4 Other events may also be designated as a holiday by Chief and Council. Staff is encouraged to assist in these events.
- 4.0.3.5 When a holiday falls within a period of vacation leave with pay, the holiday shall not count as a day of vacation.
- 4.0.3.6 Provisions shall be made for the substitution of other holidays, where the Chief and Council and a majority of employees agrees to substitution.
- 4.0.3.7 Employees required to work on any **one of the nine** general statutory holidays and have been employed for at least 30-days are entitled to time-and-one-half pay plus pay for the holiday or time off in lieu of pay.
- 4.0.3.8 All employees must be employed at least 30-days before they qualify to be paid for a Statutory holiday.

4.0.4 MATERNITY-RELATED REASSIGNMENT AND LEAVE, MATERNITY LEAVE AND PARENTAL LEAVE

- 4.0.4.1 An employee who is pregnant or nursing may request that the Frog Lake First Nation modify her job functions or reassign her to another job if continuing any of her current job functions may pose a risk to her health or that of her fetus or nursing child. This request must be accompanied by a certificate from a qualified medical practitioner indicating how long the risk is likely to last and what activities or conditions should be avoided in order to eliminate the risk.
- 4.0.4.2 The Frog Lake First Nation will examine the request in consultation with the employee and, where reasonably practicable, modify the employee's job functions or reassign her.
- 4.0.4.3 An employee who has made a request for a reassignment or job modification is entitled to leave with pay while the employer is examining her request and until the employer modifies her job

function, reassigns her or informs her that it is not reasonably practicable to modify her job functions or reassign her.

- 4.0.4.4 Where a reassignment or a job modification is not reasonably practicable, an employee may take an unpaid leave of absence for the duration of the risk as indicated in the medical certificate.
- 4.0.4.5 An employee who is pregnant or nursing is entitled to an unpaid leave of absence during the period from the beginning of the pregnancy to the end of the twenty-fourth week following the birth, if she provides the employer with a certificate of a medical practitioner of her choice indicating that she is unable to work by reason of the pregnancy or nursing and indicating the duration of that inability.
- 4.0.4.6 Part II of the *Canada Labour Code* (Occupational Health and Safety) enables the pregnant or nursing employee to cease to perform her job if she feels there is a risk to her health or that of the fetus or child, until a medical certificate can be obtained.
- 4.0.4.7 Female employees, including managers and professionals are entitled to maternity leave after they have completed six consecutive months of continuous employment with the Frog Lake First Nation when their leave begins.
- 4.0.4.8 An employee may apply for maternity leave prior to having completed six months of employment, but leave cannot begin until six months of employment are completed.
- 4.0.4.9 Natural or adoptive parents, including managers are entitled to parental leave and must have completed six consecutive months of continuous employment with the Frog Lake First Nation at the time their leave begins.
- 4.0.4.10 Employees are entitled up to 17 weeks of maternity leave. In addition, an employee who assumes actual care of a newborn or newly adopted child is entitled to parental leave of up to 37 weeks. However, the total duration of the maternity and the parental leaves must not exceed 52 weeks.
- 4.0.4.11 Parents are entitled to combined parental leave of up to 37 weeks. Parents have the option of taking their parental leave at the same

time, or one after the other, as long as the total combined parental leave does not exceed 37 weeks. Also, the 52 week combined maternity and parental leave limitation stated applies.

- 4.0.4.12 Employees can take both maternity and parental leave but, an employee may only take one period of time for each leave. For example, an employee wishing to take parental leave must do so in one block of continuous time.
- 4.0.4.13 The 17 week maternity leave may be taken any time during the period that begins 11 weeks before the expected date of delivery and ends 17 weeks after the actual delivery date.
- 4.0.4.14 Parental leave may be taken any time during the 52-week period starting the day the child is born or the day the child comes into the employee's care.
- 4.0.4.15 Employees must give the Frog Lake First Nation written notice at least four weeks before beginning either maternity or parental leave. The notice must advise the Frog Lake First Nation of the intended length of leave.
- 4.0.4.16 For maternity leave the employee must also provide the employer with a certificate from a qualified medical practitioner confirming that she is pregnant.
- 4.0.4.17 The Frog Lake First Nation will not compel an employee to take maternity leave unless she is unable to perform an essential function of her job.
- 4.0.4.18 The employee will be reinstated in her or his former position, or be given a comparable position in the same location and with the same wages and benefits.
- 4.0.4.19 Employees on leave are entitled to receive information about opportunities for training and promotion that arise during the period of leave.
- 4.0.4.20 Pension, health and disability benefits and the seniority of the employee accumulate during leave. These benefits continue during the leave period provided an employee pays any contributions she or he would normally have paid. Non-payment of contributions for

the leave period has no impact on the employee's employment status. These benefits may lapse during the leave period, but employment upon reinstatement is considered to be continuous with employment before the leave, for purposes of calculating future benefits. The employer will pay at least the same share of contributions as if the employee were not on leave, unless the employee does not pay her or his contributions.

- 4.0.4.21 The *Code* provides job security only. Some employees, however, may be entitled to cash benefits under the *Employment Insurance Act*.

4.0.5 RESERVIST LEAVE

- 4.0.5.1 An employee who has completed at least 26 consecutive weeks of employment and is a reservist is entitled to reservist leave without pay to take part in the following operations or activities:
- (a) Deployment to a Canadian Forces operation outside Canada;
 - (b) Deployment to a Canadian Forces operation inside Canada that is or will be providing assistance in dealing with an emergency or with its aftermath;
 - (c) Annual training, including related travel time, for an amount of up to 20 days in a calendar year
- 4.0.5.2 An employee who intends to take reservist leave must give at least 4 weeks written notice of the date the reservist leave is to start and the notice must also include
- (a) Copies of any termination notice and of written requests to employees to return to work after a temporary layoff.
 - (b) The estimated date on which the employee intends to resume work, or
 - (c) In the case of leave for annual training the date on which the employee intends to resume work.
- 4.0.5.3 If an employee cannot comply with the notice requirement because of deployment in urgent circumstances, the employee must advise the employer in writing of the reservist leave as soon as is reasonable and practicable in the circumstances.

- 4.0.5.4 Unless there is a valid reason for not doing so, an employee who takes reservist leave must advise the employer in writing of any change in the length of the leave as soon as is reasonable and practicable in the circumstances.
- 4.0.5.5 If an employer requests proof that an employee is entitled to reservist leave, the employee must provide the Frog Lake First Nations with a document from the employee's commanding officer specifying:
- (a) That the employee is taking or has taken part in an operation or activity.
 - (b) The day on which the leave is to start or started, and
 - (c) The estimated or actual length of the leave.
- 4.0.5.6 The Frog Lake First Nations will not terminate the employment of, or lay off, an employee who has started reservist leave.
- 4.0.5.7 If an employee has been on reservist leave for more than 4 weeks, the employee must give at least 4 weeks written notice of the day on which the employee intends to resume work.
- 4.0.5.8 If an employee has been on reservist leave for 4 weeks or less, the employee must, as soon as possible before resuming work, give the employer written notice of the date on which the employee intends to resume work.
- 4.0.5.9 The Frog Lake First Nations will reinstate the employee or provide the employee with alternative work of a comparable nature at not less than the earnings, with no loss of seniority and other benefits that had accrued to the employee when the reservist leave started.
- 4.0.5.10 If the employer informs the employee in writing that the employee's return to work is postponed, the employee is not entitled to return to work until the day that is indicated by the employer. During the period of postponement, the employee is deemed to continue to be on reservist leave.
- 4.0.5.11 If an employee who has been on reservist leave in respect of annual training is not required to give written.

- 4.0.5.12 An employee who does not wish to resume employment after reservist leave must give the employer at least 4 weeks written notice of intention to terminate employment.
- 4.0.5.13 If an employee is on reservist leave on the day by which his or her vacation must be used, any unused part of the vacation must be used immediately after the leave expires or, if the employer and employee agree to a later date, by that later date.

4.0.6 COMPASSIONATE CARE LEAVE

- 4.0.6.1 Employees are entitled to up to 8 weeks of compassionate care leave to provide care and support to a gravely ill family member. A certificate is required from a qualified medical practitioner, stating that the family member has a serious medical condition with a significant risk of death within 26 weeks.
- 4.0.6.2 Under the provisions of the Canada Labour Code Part III a "family member" is considered the employee's spouse or common-law partner; the employee's child(ren) or the child(ren) of the employee's spouse or common-law partner; and a parent of the employee or spouse or common-law partner of the parent. "Common law partner" means a person who is cohabiting with the individual in a conjugal relationship, having so cohabited for a period of at least one year.
- 4.0.6.3 The *Code* provides job security only. There is no provision for paid leave of absence. Some employees, however, may be entitled to cash benefits under the *Employment Insurance Act*.
- 4.0.6.4 The entitlement of up to 8 weeks of compassionate care leave may be shared by two or more employees under federal jurisdiction. The total amount of leave that may be taken by two or more employees in regard to the same family member is 8 weeks in the 26 week period.
- 4.0.6.5 The Frog Lake First Nations may request in writing a medical certificate within 15 days of an employee's return to work. The certificate must have been issued by a qualified medical practitioner, stating that the family member has a serious medical condition and as a result, there is a significant risk of death within 26 weeks.

- 4.0.6.6 If the family member is still gravely ill at the end of 26 weeks, an employee is entitled to a further period of up to 8 weeks of compassionate care leave. A qualified medical practitioner would be required to issue another certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks.

4.0.7 BEREAVEMENT LEAVE

- 4.0.7.1 When an employee's immediate family dies, the employee is entitled to leave on any normal working day that falls within the three-day period immediately following the day the death occurred.
- 4.0.7.2 Under the provisions of the Canada Labour Code Part III "immediate family" includes the employee's spouse or common-law partner; the employee's father and mother and the spouse or common-law partner of the father or mother; the employee's child(ren) and the child(ren) of the employee's spouse or common-law partner; the employee's grandchild(ren); the employee's brothers and sisters; the grandfather and grandmother of the employee; the father and mother of the spouse or common-law partner of the employee and the spouse or common-law partner of the father or mother; and any relative of the employee who resides permanently with the employee or with whom the employee permanently resides.
- 4.0.7.3 An employee entitled to be paid for bereavement leave of five days, provided the employee has been continuously employed for three consecutive months when the leave begins. Employees without the necessary continuous employment are entitled to leave without pay.
- 4.0.7.4 An employee may be entitled to an addition two days for traveling time but must be approved by the Frog Lake First Nations Manager.
- 4.0.7.5 Bereavement leave covers only scheduled working days. If the death occurred during an employee's vacation, bereavement leave would not apply.

- 4.0.7.6 Staff who are involved in funerals, at wake services or attend mass or services will be given the appropriate time off.

4.0.8 SICK/MEDICAL LEAVE

- 4.0.8.1 The Frog Lake First Nation provides protection against dismissal, lay-off, suspension, demotion or discipline because of absence due to illness or injury.
- 4.0.8.2 The Frog Lake First Nation may request in writing a medical certificate within 15 days of an employee's return to work and the employee must provide one. An employee must produce a doctor's certificate after three consecutive days of illness or upon management request.
- 4.0.8.3 Paid sick leave shall be earned at the rate of one and one-quarter (1.25) days for each full month worked to a maximum of 15-days per year.
- 4.0.8.4 Employees will not be credited with sick days at the beginning of the year.
- 4.0.8.5 The Program Director or Band Manager shall be notified of the employee's absence and shall be provided with an indication of when the employee expects to return to work.
- 4.0.8.6 Recognized holidays which fall within the period of sick leave will not be charged to the employee's accumulated sick leave.
- 4.0.8.7 Employees suffering from illness or accident which causes them to be unable to work for a considerable projected period of time due to physical or mental incapacity, shall be required to apply for a Leave of Absence for the estimated time they will be unable to work. The Frog Lake First Nation Administration will, at its discretion, fill the position on a temporary or contract basis until the employee is able to work.
- 4.0.8.8 Any employee who takes sick leave in excess of 15-days per year will have the excess days deducted from their pay.

4.0.8.9 Paid sick leave is a benefit. If an employee is found to have abused this benefit, their pay will be deducted for any hours missed and may initiate disciplinary action.

4.0.8.10 Employees who resign or are terminated are not entitled to sick leave credits.

4.0.9 COURT LEAVE

4.0.9.1 Court Leave with pay may be granted to employees by the Frog Lake First Nation Manager under the following conditions:

- a) When the employee is subpoenaed to appear as a witness.
- b) To serve on jury duty.
- c) If the employee must appear in court as an official delegate for the Frog Lake First Nation.

4.0.9.2 In instances where an employee is required to appear in court for personal reasons, either as a Plaintiff or as a Defendant, leave shall be without pay

4.0.10 VOTING LEAVE

4.0.10.1 Employees who are eligible to vote in Frog Lake First Nation, Provincial and Federal elections, and whose names appear on the voter's list, shall be granted:

- a) Sufficient time off to allow them four full hours prior to the polls closing, to vote on Federal elections;
- b) Sufficient time off to allow them three full hours prior to the polls closing, to vote on Provincial elections;
- c) Sufficient time to allow them one hour prior to the polls closing, to vote in Frog Lake First Nation elections.

4.0.11 CULTURAL LEAVE

- 4.0.11.1 All full time employees with at least three months consecutive service are eligible for 10-days cultural leave per year, without pay. All requests must be made in writing to the Band Manager with at least 20 days notice prior to the requested date of leave. All full time Employees are eligible for 4 days off with pay for cultural leave as per our Cultural Day Policy.
- 4.0.11.2 Cultural leave cannot be taken during February or March due to year end constraints but may be granted, subject to the approval Chief and Council.

4.0.12 EDUCATIONAL LEAVE

- 4.0.12.1 Permanent employees of the Frog Lake First Nation may be granted short-term leave for educational courses, with full or partial salaries.
- 4.0.12.2 Employees should apply to the Frog Lake First Nation Manager at least three months prior to the educational leave. Approval must be obtained from the Frog Lake First Nation Band Manager and the Chief and Council.
- 4.0.12.3 Applications shall provide all relevant details regarding the course/workshop including how it will benefit the applicant's professional development, and improve performance abilities relative to employment with the Frog Lake First Nation.
- 4.0.12.4 Professional examination leave may also be granted with pay and travel assistance, to enable employees to sit for professional examinations. Applications for approval will require a written request and approval from the Frog Lake First Nation Band Manager and Chief and Council.

4.0.13 STAFF DEVELOPMENT & TRAINING

- 4.0.13.1 The Frog Lake First Nation provides opportunities for professional development of its employees by offering internal staff training.

- 4.0.13.2 The staff may participate in external training opportunities such as meetings, workshops, seminars, and conferences, which are directly related to their position with the Frog Lake First Nation.
- 4.0.13.3 The Chief and Council reserve the right to release any employee wishing time off for training.
- 4.0.13.4 The Frog Lake First Nation may pay for part or all of the cost of training. This will be subject to approval by Chief and Council.

4.0.14 LEAVE WITHOUT PAY

- 4.0.14.1 Employees may apply to the Frog Lake First Nation Council to be granted leave without pay. The reason and duration of leave request must be clearly indicated on the application.

SECTION 5 - EMPLOYEE CONDUCT

5.0.0 CONFLICT OF INTEREST

- 5.0.0.1 The purpose of this policy is to protect both employees and Councilors of the Frog Lake First Nation from putting them or the Band into a conflict and/or liability situation.
- 5.0.0.2 This policy applies to all employees and Business, which are owned or operated by the Frog Lake First Nation.
- 5.0.0.3 Employees must arrange his/her private affairs and conduct him/herself so that they are not in conflict of interest or apparent conflict of interest situation when acting for, or dealing with the Frog Lake First Nation.
- 5.0.0.4 Employees are not permitted to directly or indirectly assist, work for, invest or benefit from participation in any corporation or firm which carries on business in competition with the Band or any portion of a business now or in the future carried on by the Band. You are not permitted to participate in any outside employment that will damage the relationship between the Band Council and its members, or otherwise interfere with work performance.

Some specific examples of Conflict of Interest include:

- a) Lobbying to gain employment for family members.
- b) Telling someone how Council members voted an issue.
- c) Approving expenses or absences for someone who is directly related to you.
- d) Accepting gifts from parties who may have an item on the Council table.
- e) Discussing proceedings at meetings with anyone who was not in attendance.
- f) Voting on an item with which the Employee is directly involved.

5.0.0.5 Chief and Council members shall not give direction to employees. As elected officials of governing body, this places them in a Conflict of Interest situation. Issues will be referred through the Supervisor, Program Manager, or Band Manager.

5.0.0.6 An Employee must, immediately upon becoming aware of a potential conflict situation, disclose the conflict in writing to the Chief Band Manager Band or to a specific person who has been designated by the Band for this purpose.

- a) If you are in doubt as to whether a situation involves a conflict, you must immediately seek the advice of the person designated by the Band Council to give such advice.
- b) Unless otherwise directed, you must immediately take steps to resolve the conflict or remove suspicion that it exists.
- c) If you are concerned that another employee is in a conflict situation, you must immediately bring your concern to the other person's attention and request that the conflict be declared. If the other person refuses to declare the conflict, then you must bring this concern to the attention of the person who is designated by the Band to deal with these issues.

5.0.0.7 Violation of this agreement will result in disciplinary action.

5.0.1 HEALTH AND SAFETY

- 5.0.1.1 The Frog Lake First Nations employees safety and health comes first. Management is committed to doing everything possible to prevent injuries and to maintain a healthy working environment.
- 5.0.1.2 All supervisors are responsible to ensure that the employees whom report to them are trained in approved work procedures so that employees can carry out their work without accidents and injuries. Supervisors are also responsible to ensure that employees follow safe work methods and all related regulations.
- 5.0.1.3 All employees, including Supervisors, are required to support the Occupation Safety and Health Policy (OSH) program and to make safety and health a part of their daily routine.
- 5.0.1.4 All employees are personally responsible to ensure that they are following safe work methods, wear protective clothing, equipment and follow relevant regulations.
- 5.0.1.5 Employees must immediately report any work related accident, injury or potential workplace hazard to their supervisor.

5.0.2 HARASSMENT IN THE WORKPLACE

- 5.0.2.1 The Frog Lake First Nation will ensure that all reasonable measures are taken for the safety and occupational health of their employees. No one has to put up with harassment for any reason, at any time. Likewise, no one has the right to harass anyone else, at work or in any situation related to employment. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.
- 5.0.2.2 Frog Lake First Nation follows Part II of Occupational Health and Safety regulations that apply to work place violence. Work place violence constitutes any action, conduct, threat or gesture of a person towards an employee in their work place that can reasonably be expected to cause harm, injury or illness to that employee including harassment, bullying and abuse. Violation of this policy will result in disciplinary action.

- 5.0.2.3 All Supervisors, Managers, and Councilors have a responsibility to stop harassment. If you become aware of harassment in your work area, or elsewhere in the workplace, you should intervene to stop it, whether or not a complaint has been made. If a Supervisor or Manager knew or should have known that an inappropriate situation existed, and did nothing about it, that person may also be held responsible.
- 5.0.2.4 Harassment is any behavior or actions, comments, or displays that demeans, humiliates, or embarrasses a person in any manner and that a reasonable person should have known would be unwelcome. It may be a single incident or continues over time. The Canadian Human Rights Act protects employees, and people receiving goods and services, from harassment related to a prohibited ground, namely, race, national, or ethnic origin, color, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.
- 5.0.2.5 Sexual Harassment includes offensive or humiliating behavior of a sexual nature that creates an intimidating, hostile, or poisoned work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. A few examples are: questions and discussions about a person's sexual life; touching a person in a sexual way; commenting on someone's sexual attractiveness or sexual unattractiveness; persisting in asking for a date after having been refused; telling a woman she belongs at home or is not suited for a particular job; eyeing someone in a suggestive way; displaying cartoons or posters of a sexual nature; communicating sexually suggestive correspondence.

Some examples of harassment include:

- Unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, color, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- Unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a relationship);
- Displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- Written or verbal abuse or threats;

- Leering (suggestive staring) or other offensive gestures;
- Unwelcome physical contact, such as patting, touching, pinching, hitting
- Abuse of authority that undermines someone's performance or threatens her/his career;
- Vandalism of personal property, and
- Physical or sexual assault.

5.0.2.5

EMPLOYEES RIGHTS AND RESPONSIBILITIES

a) **RESPECT OTHERS** Each employee has the right to be treated fairly and respectfully in the workplace. Each employee also has the responsibility to treat co-workers and customers in a way that respects individual differences. No matter what your position, or that of the people with whom you interact at work, showing mutual respect and consideration will make work easier for all of us. If you have doubts about whether a joke, comment, or other behaviour will embarrass, humiliate, or degrade someone, then don't say or do it.

b) **SPEAK UP** If someone behaves in a way that offends, harms, humiliates, or degrades you, do not put up with it. First, if you feel that you can speak to that person, do so. Let him or her, in a business-like fashion, know how you feel. Tell the person the behaviour is inappropriate. If the behaviour continues, or if you do not feel you can speak directly to the person, you have several options, from writing the person a letter, speaking to a member of management to filing a formal complaint.

c) **REPORT HARASSMENT** If you observe a co-worker or other person behaving in a way that seems to be embarrassing or harassing someone else, you can and should speak up. You can let them know in a respectful way that you think the behaviour is inappropriate. If you think someone is being harassed, you can let him or her know you support him or her in ending the situation. Depending on the circumstances, you may want to say something as the behaviour is happening, or you may decide to speak privately with either of the people involved. You can also speak to a manager although you may want to check first with the person whom you believe is being harassed. He or she may not want to deal with it him or herself.

d) **CO-OPERATE AND RESPECT CONFIDENTIALITY** All staff have a responsibility to co-operate in the investigation of a harassment complaint. Anyone who gives evidence in an investigation, or who is otherwise involved in the process **MUST** keep this information confidential, except as is necessary to deal effectively with the complaint. These are serious issues, and people's privacy must be respected. Even once a complaint is resolved, confidentiality and respect are important.

5.0.3 COMPLAINT PROCEDURE

5.0.3.1 INFORMAL PROCEDURE

If an employee believes they are being harassed, the first thing to do is to tell the person to stop. This should be done as soon as an employee receives unwelcome comments or conduct. Although this may be difficult to do, telling the person their actions and offensive and unwelcome is often enough to stop the behaviour.

Make notes. You could speak to the person directly, or write a letter. If you write a letter, date it and keep a copy. If you speak, you may want to tell a trusted friend what you have done and why. You should also make a note of what the bothersome behaviour was, the date it happened, how you felt, what you did about it, and who else was present, and whether there were witnesses. Ideally, the harassment will stop. If it does not, continue to keep notes.

If an employee believes that someone who is not an employee (for example, a band member) has engaged in harassment, a verbal report should be made to the Chief and Council. Aside from dealing with employees or colleagues, the Chief and Council have limited control over the personal conduct of band members, but if there is a way for the Chief and Council to address the issue and prevent further problems from arising those steps will be taken.

5.0.3.2 FORMAL PROCEDURE

If an employee cannot resolve the matter by dealing directly with the person, they are entitled to take the matter to the Personnel Committee by initiating a formal, written complaint.

If the employee decides to initiate a formal complaint, as much written information as possible should be given.

It is important that the Personnel Committee receive the complaint as soon as possible so that the problem does not escalate or happen again. Once Personnel Committee receives a complaint, a formal investigation will be initiated. If necessary or appropriate this may include appointing someone from the Frog Lake First Nation or a third party investigator to conduct the investigation and report back to Chief and Council.

5.0.3.3 INVESTIGATION

To the extent that it is possible, The Director of Operations will try to keep complaints confidential.

Every effort will be made to commence and complete investigations as quickly as possible.

All investigations will include giving the accused harasser an opportunity to respond to the allegations and may also include speaking to witnesses and reviewing any related documentation.

The results of any investigation will be communicated, in writing, to The Director of Operations, and copies of the report will be provided to the complainant and the person accused of harassment.

5.0.3.4 CORRECTIVE ACTION

If an employee has been found to have engaged in sexual or other harassment, the employee will be subject to disciplinary action, up to and including dismissal for cause, depending on the nature and severity of the conduct.

If the investigation report does not support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser. When the investigation reveals that harassment occurred, the incident and the discipline that is imposed on the harasser will be recorded in the harasser's file.

5.0.3.5 The Frog Lake First Nation will not disclose a complainant's or alleged harasser name or any circumstances related to a

complaint, to anyone, except as necessary to investigate the complaint or take disciplinary action related to the complaint, or as required by law. Managers involved in a complaint are required to keep all information confidential.

- 5.0.3.6 Retaliation is considered a serious disciplinary breach. Anyone who retaliates in any way against a person who has complained of harassment will be subject to disciplinary action, up to and including dismissal for cause, depending on the nature and severity of the conduct.
- 5.0.3.7 An employee who has been found to have made a complaint was made in bad faith will be subject to disciplinary action, up to and including dismissal for cause, depending on the nature and severity of the allegations and the degree or nature of the malice involved.
- 5.0.3.8 A complainant may, within one year of the behaviour complained of, file a complaint with the Canadian Human Rights Commission. Information on filing a complaint can be obtained by phoning the Commission toll free number at 1-888-214-1090.

5.0.4 EMPLOYEE INFRACTIONS AND PROGRESSIVE DISCIPLINE

- 5.0.4.1 The purpose of the progressive discipline policy is to have a fair system of progressive and corrective discipline for misconduct which permits employees to learn from their mistakes and improve their performance.
- 5.0.4.2 Immediate Supervisors and Program Managers are responsible for employee discipline except for severe infractions, which will be referred to the Personnel Committee.

Examples of unacceptable performance and/or behaviour but are not limited to:

- a) Absenteeism without explanation
- b) Excessive absenteeism
- c) Failure to meet job expectations.
- d) Behaviour that conflicts with the core values
- e) Actions that bring disrespect to the Band.
- f) Proven allegations of sexual harassment

Examples of unacceptable performance and/or behaviour are:

Minor Violations:

- Do not involve questions of honesty.
- Do not constitute a significant threat to the operation of the facility.
- Do not pose a threat to the safety and well-being of other employees/Band Members/customers or the employer.

Some examples are:

- Excessive lateness
- Overstaying breaks or lunch periods
- Minor inefficiencies

Serious Violations

- Constitute a threat to the operation of the facility.
- Constitute a threat to the safety and well-being of other employees/Band Members/customers or the employer.

Some examples are:

- Smoking in a restricted area
- Careless work performance
- Un-excused absence without notification

Major Violation

- Major violations are acts that seriously threaten the operation of the facility or the safety and well-being of co-workers/Band members/customers.
- They are actions that cannot be tolerated in any organization.

Some examples of Major violations are:

- Threatening or striking a supervisor, Band Member, customer, co-worker, or the employer.
- Theft of employer's property, co-workers property, band member, or customer property.
- Harassment of any kind.

5.0.4.3 Types of Disciplinary Actions

The steps in the progressive discipline process are:

- a) Verbal warning which is documented but not placed into the employee file.
- b) Verbal warning supported by a written warning which is placed in the employee's file that may include one or more days suspension
- c) A second written warning which is copied to the personnel file.
- d) A suspension of 3-days up to 2-weeks without pay.
- e) A demotion.
- f) Termination with just cause

5.0.4.4 The nature of the disciplinary action will depend upon the severity of the offence. In situations of serious misconduct, a verbal warning may be inappropriate even for a first-time occurrence. Therefore, the steps in the policy may be skipped in the event of serious misconduct.

5.0.4.5 To impose the appropriate level of discipline, Supervisors and Managers will consider the following issues:

- a) The severity of the employee's misconduct.
- b) Any previous discipline imposed on the employee, and whether the previous misconduct is in any way similar to the current misconduct.
- c) The employee's length of service.
- d) Similar misconduct by other employees, and the type of discipline that was imposed.

5.0.4.6 **Verbal Warning**

This will normally be given for a minor offense. It should be carried out by the employee's supervisor in private. A verbal warning is generally considered to be the "first step" in any discipline process, and is to advise an employee that his or her conduct is unacceptable, and must be changed. The main purpose is to encourage an employee to alter his or her conduct in such a way as to cause the least possible resentment. Therefore, every effort should be made on the part of management to explore with the employee the source of any difficulty and to suggest constructive ways to overcome it.

5.0.4.7 **Written Warning**

This is given for an offense which is considered to be serious, either in itself or because of the frequency of its occurrence. The

letter of reprimand will state the nature of the infraction and give a warning against repetition. If this warning is a final one, the letter should so state. It will also mention that if further similar infractions occur, more severe disciplinary action may be taken.

5.0.4.8 **Suspension**

Suspension is an enforced removal of an employee from duty for a period for which he or she will not be paid. It will normally apply if there is a continuation of infractions which have not been corrected by written reprimand, or for a first offence where a lesser disciplinary measure is considered inappropriate.

Suspension is a severe form of disciplinary action. An employee is relieved from duty with the resulting financial loss. For the Frog Lake First Nation, it means the temporary loss of a trained employee and the accompanying effect on production and efficiency and the allocation of extra work to other employees.

Management may, for specific reasons, suspend an employee pending the results of an investigation of an alleged infraction. Such action should only be taken in very serious cases and where the employee's continued presence constitutes a threat or danger to the safety and/or security of the Frog Lake First Nation, its employees, or to the employee concerned.

The suspension would be without pay. For obvious reasons, the investigation should be quick and thorough so that specific disciplinary action can be taken or the employee vindicated as soon as possible. In the latter case, the employee would be reinstated with full back pay.

5.0.4.9 **Demotion**

The only time demotion would be considered is when there is just cause for dismissal. Where just cause for dismissal exists, the employer is entitled to demote, rather than dismiss the employee.

5.0.4.10 **Dismissal**

An employee is "terminated" for very serious misconduct. It is normally based on an accumulation of infractions, when all other

corrective disciplinary measures have failed the employee had been informed of any previous infractions and a final warning given that further misconduct could result in a recommendation for the termination of his or her employment. In rare cases, however, it is possible to discharge an employee for a first offence such as fraud, but the normal pattern is to progress through the levels of disciplinary action.

5.0.4.11 It is an implied term of all contracts of employment that the employer may terminate its employees for just cause, without being obligated to give reasonable notice.

5.0.4.12 In appropriate circumstances, any of the following forms of misconduct may be sufficient to support termination from employment with the Frog Lake First Nation:

- Willful misconduct
- Theft
- Fraud
- Conflict of interest
- Serious breach of rules/policy
- Gross incompetence
- Failure to respond appropriately to progressive discipline
- Possession of alcohol or drugs on Band premises, on duty, affecting work performance, affecting safety; and using a Band vehicle, vessel, or equipment.
- Fighting on Band premises
- Threats, intimidation or other actions which constitute a threat to the safety and well-being of other employees or Band Members; or to Band Operations.
- Unlawful harassment of any kind, including sexual harassment of other employees.

5.0.5 ALCOHOL/DRUG POLICY

5.0.5.1 The Frog Lake First Nation recognizes that the use of illicit drugs or the misuse of alcohol or other drugs, can limit an employee's ability to do their job and can have a serious negative impact on the health and safety of themselves and others.

5.0.5.2 The Frog Lake First Nation prohibits the use, transfer, distribution,

manufacture or possession of alcohol, controlled substances, unauthorized drugs, intoxicants, drug paraphernalia, or any combination thereof within all work premises, work sites, equipment/vehicles and private vehicles parked within or on work sites.

5.0.5.3 POLICY OBJECTIVES

- a) To identify employees with a substance abuse problem and refer them to treatment
- b) To deter substance abuse use among employees
- c) To improve workplace safety
- d) To foster public trust

5.0.5.4 GENERAL RULES

- a) This policy applies to all employees of Frog Lake First Nations, its subsidiaries, and contractors at work or on call.
- b) There will be no use of drugs or alcohol during work hours. Employees coming to work under the influence of alcohol or drugs will be subject to immediate disciplinary action.
- c) There is a zero tolerance for the use, possession or trafficking of any illicit drug.
- d) Medications, the use or possession of prescription drugs consistent with a physician's direction is not considered a violation of this policy. Employees are required to advise their supervisor if they are taking a prescription or over-the-counter medication that may interfere with their job.
- e) No employee is allowed to operate company equipment/vehicles while under the influence of any mood-altering substance.

5.0.5.5 GENERAL EXPECTATIONS

- a) Employees are expected to arrive at work for duty, e.g., without

performance-altering levels of alcohol or other drugs in their system.

b) Employees are expected to cooperate in the assessment of a substance use/abuse problem.

c) Supervisors are required to implement this policy on a consistent basis.

d) Supervisors will receive ongoing training about managing substance use problems at work.

e) Supervisors are responsible for dealing with a troubled employee or an employee suspected of having a substance abuse problem. Specifically, supervisors must identify the troubled employee, document the behavior of deteriorating performance, interview the employee and set a plan of action.

5.0.5.6 VIOLATIONS

The Frog Lake First Nation Personnel Policy on Discipline shall guide supervisors in the management of a troubled employee with the overall intent of motivating the employee to seek help through constructive intervention.

The selection of an appropriate program and/or appropriate disciplinary action for the employee violating the alcohol and drug abuse policy is completely a discretionary decision of management and the Frog Lake First Nation reserves the right to take disciplinary action up and including discharge.

5.0.5.7 EMPLOYEE SUPPORT

Employees with a substance abuse/use problem agreeing to enter into an accredited residential treatment program:

a) Can continue as employees of the Frog Lake First Nation or its subsidiary while in treatment.

b) Their job will be kept for the employee until:

- He or she has successfully completed the treatment program is

enrolled in a recognized aftercare program.

- Is medically fit to return to work

c) Can request assistance with treatment costs including tuition and transportation.

d) Employees who return to work after completing treatment may be asked to participate in alcohol/drug testing.

c) After treatment the employer will encourage, assist and support the recovering employee. The employees supervisor is expected to plan concrete steps to ensure a smooth transition back to work.

SECTION 6 - TERMINATION OF THE EMPLOYMENT RELATIONSHIP

6.0.0 EMPLOYEE RESIGNATION

6.0.0.1 Employees wishing to terminate their employment and wishing to obtain full and final pay cheque, separation certificates, etc on the last day at work must give written notice of at least two weeks to the Band Manager.

6.0.0.2 Either written or verbal notice of resignation will be accepted.

6.0.0.3 Adjustments will be made on the last pay cheque for such items as vacation pay, overpayments, and any amounts owing to the Frog Lake First Nation and/or other sums due to the employee upon termination.

6.0.1 EMPLOYEE TERMINATION

6.0.1.1 An employee is entitled to written notice of the intention of the Frog Lake First Nation to terminate his or her employment, at least two weeks before the date specified in the notice. In lieu of such notice, employees are entitled to two weeks' wages at the regular rate.

This applies to any employee whose employment is being terminated except as follows:

a) An employee who has not completed three consecutive months

-
- of continuous employment;
- b) An employee who terminates his or her own employment;
 - c) An employee who is dismissed for just cause;
 - d) An employee who is on a lay-off that does not constitute a termination of employment.
- 6.0.1.2 Lay-offs and absences permitted or condoned by the Frog Lake First Nation are not a termination of employment. This means, in effect, that any absence which did not result in a termination of employment, such as parental leave, is not considered an interruption in the continuity of employment.
- 6.0.1.2 An employee must have completed at least 12 consecutive months of continuous employment to qualify for severance pay.
- 6.0.1.3 If an employment position is terminated, the employee is entitled to severance pay at the equivalent of two days' pay at the employee's regular rate of wages for regular hours of work for each complete year of employment, with a minimum benefit equivalent to five days' wages.
- 6.0.1.4 Severance pay does not have to be paid to employees who are dismissed for just cause or employees who, on or before ceasing to be employed, are entitled to:
- (a) A pension under a pension plan contributed to by the employer that is registered pursuant to the *Pension Benefits Standards Act*;
 - (b) A pension under the *Old Age Security Act*;
 - (c) A retirement pension under the *Canada Pension Plan*
- 6.0.1.5 If an employee on a lay-off that is not a termination, fails to return to work after having been recalled the employee is deemed to have terminated his or her own employment and is not entitled to severance pay.
- 6.0.1.6 An employee who quits or terminates his or her own employment is

not entitled to severance pay.

- 6.0.1.7 The Frog Lake First Nation will pay all wages and any other amounts that may be due to the employee.
- 6.0.1.8 In the event that it is necessary to terminate an employee, the employee will be notified in writing by the Band Manager or Program Manager.
- 6.0.1.9 The notice of termination will include:
- a) the reason(s) for the discharge.
 - b) the effective date of termination.
- 6.0.1.10 Abandonment of position - any employee absent without cause for three days or more may be declared as having abandoned and voluntarily resigned his or her position and the period of absenteeism will be deducted from the employees= pay.
- 6.0.1.11 Financial Restrictions - Where due to budgetary restrictions, the Frog Lake First Nation Council can no longer afford to pay for a position, the position may be terminated or the employee may be temporarily laid off.

6.0.2 GRIEVANCE POLICY AND PROCEDURE

- 6.0.2.1 Any employee may make a grievance as to his working conditions, the decision of a supervisor or any other matter without prejudice to his or her good standing as an employee.
- An employee who wishes to appeal a decision or act must complete a grievance report form. The information required is:
- a) Date filed.
 - b) Date, time and location of incident or event.
 - c) The employee(s) involved.
 - d) Area(s) concerned in the dispute.
 - e) All supporting evidence or documentation
 - f) The remedies sought.
- 6.0.2.2 During all steps of the grievance procedures, it is assumed that every effort will be made by all parties involved to attempt to:

- a) Include all parties to the grievance as equals in the process of resolving the grievance.
- b) Include any persons who may have special expertise who may be able to help resolve the problem.
- c) Establish the position of everyone involved in the grievance and clearly defines the problem that is cause for the grievance.
- d) Identify and evaluate alternative solutions to the problem.
- e) Agree on a solution that will meet the needs of all parties to the grievance as well as the needs of the Band.
- f) Insure that whatever decision is made is properly implemented;
- g) Evaluate the decision at a later date to determine if it brought about the desired results;
- h) Resolve the conflict without having to proceed to the next step.

6.0.2.3

The following procedures are intended to be a guide only. It is recognized that grievance may be initiated by employees at any level and that certain parts of the procedure will not be applicable to some grievances. The intent of the procedures is to involve everyone who is involved in the grievance in making the decisions necessary to resolve it.

The procedures for resolving a grievance is as follows:

STEP 1: Where possible, the employee should make a clear statement of the grievance to the employee who is cause for the grievance. Statements may be made verbally or in writing and should be made within 3 working days of the incident.

STEP 2: If the grievance is not resolved or if the griever is proceeding directly to Step 2, the griever should make a clear statement of the grievance to their immediate supervisor. The supervisor will investigate the grievance and meet with the griever and affected employees as necessary to resolve the grievance. It is recommended that the Supervisor and the griever spend no more

than 5 working days from the date the grievance discussing a resolution to the grievance.

STEP 3: If the grievance is not resolved at Step 2, the griever may refer the grievance to the Program Manager. The Program Manager will investigate the grievance and meet with affected employees as necessary to resolve the grievance. If the parties cannot resolve the grievance with the assistance of the Program Manager the matter can be referred to the Band Manager.

STEP 4: If the grievance is not resolved at Step 3, the griever may refer the grievance to the Band Manger. The Band Manager will investigate the grievance and meet with the griever and affected employees as necessary to resolve the grievance and the Band Manager will propose a resolution to the grievance.

STEP 5: If the grievance is not resolved at Step 4, the griever may refer the grievance to the Personnel Committee. The Personnel Committee will investigate the grievance and meet with the griever and affected employees as necessary to resolve the grievance. The decision of the Personnel Committee shall be the final step of the grievance procedures.

SECTION 7 GENERAL OFFICE POLICIES

7.0.0 FIRST NATIONS PROPERTY

- 7.0.0.1 Use of equipment, property, or supplies which are owned or rented by the Frog Lake First Nation is for authorized purposes only.
- 7.0.0.2 Employees must protect and care for all Frog Lake First Nation property entrusted to them, and report lost, stolen or any faulty equipment which requires repairs to your supervisor or Program Manager.
- 7.0.0.3 All keys issued to employees must be signed for and under no circumstances will the keys be transferred to another person.
- 7.0.0.4 Return of Band Property - Any Band property issued to the employee, such as keys, tools, or equipment must be returned to the Band Office, at the time of your dismissal or resignation, or

whenever it is requested by your supervisor.

- 7.0.0.5 An Employee using Frog Lake First Nations owned vehicles must have prior written approval of the Band Manager and comply with the following:
- a) Possess the necessary licensing requirements for the operation of the vehicle.
 - b) Maintain all logs provided by the Supervisor.
 - c) Ensure the care and maintenance of the vehicle.
 - d) Not to use the vehicle for personal use.
 - e) Use vehicle for the intended purpose and during normal hours of work unless otherwise authorized.
 - f) Immediately report any accident to immediate Supervisor, Band Manager and appropriate Police Authority.
 - g) Loss of driving license may result in termination of employment.

7.0.1 EMPLOYEE COMPUTER USE POLICY

- 7.0.1.1 The purpose of this Policy is to promote an effective use of Band computer resources by providing a basic definition of appropriate computer access and examples of inappropriate use.
- 7.0.1.2 Some personal use of computers and the Internet while at work is acceptable; however, personal computer use should not interfere with the purposes for which these resources are made available to the employee.
- 7.0.1.3 Employees are responsible to insure that computers under their control are only accessed by authorized Band employees.
- 7.0.1.4 Each employee is responsible for using computer resources in an appropriate manner. The First Nation attempts to filter offensive materials, but cannot monitor or control all Internet content and cannot be held accountable for information accessed through the Internet.
- 7.0.1.5 Software is not to be installed on any computer, server or network resource without the proper prior approval. Repairs to any hardware or software installed on any computer or any part of the Bands networks should only be performed by authorized personnel.

7.0.1.6 Examples of inappropriate computer use include, but are not limited to, the following uses:

1. Using any computer or network resource for personal gain;
2. Attempting to bypass system restrictions or tampering with system files or applications;
3. Unauthorized access to system files;
4. Attempting to disrupt the integrity of the system;
5. Violating Canadian laws;
6. Violating Band regulations or policies;
7. Transmitting, disseminating, printing or downloading sexually explicit images;
8. Behaving in an abusive or harassing manner in language or images;
9. Unauthorized copying of copyright-protected materials;
10. Deliberately wasting or overloading computer resources;
11. Using the e-mail system to forward e-mails commonly referred to as SPAM or non-work related materials to multiple people;
12. Downloading and installing screen savers, weather applications, streaming radio or video, and other unapproved software from the Internet;
13. Modifying the configuration or installation of any hardware or software;
14. Streaming radio or any other non-work related audio; or
15. Streaming video such as movie previews, You Tube videos, sporting broadcasts, or any other non-work related video.

7.0.1.7 The Frog Lake First Nation reserves the right to investigate an employee's use of Band computer resources. Violations of this Policy will be considered employee misconduct and will be subject to disciplinary consequences in accordance with the personnel policies.

7.0.2 HOUSEKEEPING & CLEANLINESS

7.0.2.1 We ask that all employees take pride in good housekeeping and to make a special effort to keep our office as clean as possible at all times. Thank You