Leech Lake Band of Ojibwe
Housing Authority

Personnel Policies
and
Procedures

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Special Board of Commissioners Meeting
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Section I. Purpose and Scope

A. Purpose

The general purpose of these policies is to promote the strength and future growth of the Leech Lake Band of Ojibwe Housing Authority (LLBO-HA) by recognizing that an essential prerequisite to success is the efficient and effective use of its human resources. It is further recognized that high productivity and efficiency result from individual job satisfaction which depend largely upon the implantation and adherence to fair and impartial personnel policies and procedures that are clearly understood by all employees. These policies will strive to motivate employees to work efficiently and assist them to develop their full capacity for the position they are employed.

This manual will provide the guidelines for a system of personnel administration that meets the program needs of the LLBO-HA. The system provides the means to recruit, select, develop and maintain an effective and responsive work force. Guidelines are established for hiring, advancement, salary administration, fringe benefits, discharge, resolution of grievances, and other related activities that are in conjunction with the Leech Lake Band of Ojibwe General Administration Personnel Policies.

B. Scope

The governing body of the LLBO-HA is the Leech Lake Reservation Housing Authority Board of Commissioners (BOC). The Board is comprised of six members, (two members from each of the three districts of the Leech Lake Reservation).

1. All supervisory personnel shall be responsible for compliance and enforcement of the LLBO-HA personnel policies and procedures.
2. All administrative personnel shall be responsible to the Executive Director.
3. All other employees are directly responsible to their supervisor as specified on their position descriptions and on the Organizational Chart.
4. All employees are subject to provisions of the LLBO-HA policies as it pertains to their employment.
5. Any waivers from the policy guidelines must be submitted in writing, by the Executive Director and resolved by the BOC in accordance with the provisions of this manual.
6. All LLBO-HA staff shall follow these policies and procedures in all matters pertaining to personnel management and administration, including selection, promotion, incentives, separation and disciplinary action and all other matters covered by these policies.
7. Other employees assigned to the LLBO-HA from another agency or Tribal entity shall be subject to these personnel policies.
8. Independent Contractors shall not be subject to these personnel policies.

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9. The LLBO-HA BOC reserves the right to modify policies and procedures for all areas of responsibility via full BOC action, after being duly noted on a meeting agenda and that these policies do not constitute a contract.

C. Leech Lake Band of Ojibwe Housing Authority Chain of Command

The LLBO-HA has an established chain of command that is illustrated through an organizational chart. See appendix

D. Tribal Entity

The Leech Lake Band of Ojibwe Housing Authority is an entity of the Leech Lake Band of Ojibwe Tribal Council as authorized under LLBO Ordinance 79-09.

Section II. 100. General Administration

100.1 Tribal and Applicable Federal Employment Rules and Regulations

In the absence of Federal rules and regulations pertaining to employment shall be abided by in good faith, to their fullest extent, only when applicable. The sovereignty of the LLBO will take precedence; and the LLBO-HA will act in the best interest of its employees on a fair and consistent basis per its policies.

100.2 Employment at Will

The establishment of these policies does not alter the employment at will status of this workplace and does not represent a binding employment contract. As an employee of the LLBO-HA that is free to end their employment at any point in time, the LLBO-HA administration reserves the right to terminate employment in accordance with these policies.

100.3 Nepotism

a. No individual shall appoint immediate members of his/her family or be involved directly or indirectly, with the vacancy selection process in section II. Furthermore, no individual in a management or supervisory position will have direct supervisory authority over any immediate family member.

b. The LLBO-HA definition of an “immediate family” regarding nepotism is as follows:

1. Employee’s spouse or significant other
2. Employee’s parent, child, sibling, aunt, uncle, spouse/significant other’s parent, child, sibling, aunt or uncle
3. Employee’s children’s spouse or grandparent
4. Employee’s grandchildren

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100.4 Code of Ethics and Conduct

a. To preserve the reputation, promote continued growth and success of the LLBO-HA, the organization strives to assure principles of fair dealing and ethical conduct of its employees and also the fair and honest treatment of all its employees and the protection against coercion for and from partisan political purposes.

b. Employees are expected to act in a way that will promote continued trust and confidence in the organization and to conduct themselves with personal integrity, the highest standards of conduct and in accordance with all applicable laws and regulations.

c. All employees shall be required as a condition of their employment, to notify their supervisor in writing, of any criminal charge(s) and/or conviction(s), no later than five working days following such charge(s) and/or conviction(s). It is further expected under this policy, that any criminal charges and/or convictions, resulting in detainment, that directly affects an individual’s employment would be reported, immediately.

d. Disregarding or failing to comply with this standard of ethics and conduct will lead to disciplinary action, up to and including termination of employment and prosecution.

100.5 Conflict of Interest

Employees may not accept compensation from, have financial interest in, or perform work for any other business or organization that supplies or seeks to supply LLBO-HA with materials, services or receive offers of free services.

100.6 Receipt of Monetary Value Gifts

All LLBO-HA employees are forbidden to solicit or accept anything of monetary value for personal benefit from any organization/individuals whose interest may be affected by the employee’s action in the course of performing his/her duties. This includes, but is not limited to salespersons or companies that promise gifts for orders received. Violations of this policy will be immediate termination of employment and, at the discretion of the LLBO-HA BOC, criminal prosecution.

100.7 Bonding

All employees shall be covered under a blanket fidelity bond to ensure honesty in dealing with money and supplies while employed by the LLBO-HA.

100.8 Confidentiality

a. All information that is revealed to employees (either verbal or written) regarding the
LLBO-HA or any other LLBO entity, and its vested interest, including but not limited to, financial and business information, employment activities, employment information and customers, clients or tenants of Tribal Operations and business is confidential. The unauthorized release of information while on or off-duty may subject the employee to disciplinary measures up to and including termination of employment.

b. As a condition of employment with LLBO-HA employees will be required to have a Confidentiality Agreement containing the employee’s signature in their personnel file. Refusal to sign the Confidentiality Agreement will be grounds for disqualification from employment with the LLBO-HA.

100.9 Retaliation

No adverse employment action will be taken against any employee who submits documentation about discrimination or about any violations of an applicable law involving the workplace or these Personnel Policies. This prohibition against retaliation does not mean that LLBO-HA may never discipline an employee who complains or exercises certain legal rights, rather the discipline may not be the result of the complaint.

100.10 LLBO-HA Property

All equipment, materials, supplies, documents and information pertaining to the LLBO-HA, its employees, residents or clients are the property of the LLBO-HA. Inappropriate or unauthorized use of equipment, materials, supplies or inappropriate or unauthorized release of documents or information relating to the activities of the LLBO-HA, its employees, residents or clients, may result in discipline, the severity of which will be commensurate with the degree of the infraction, including termination of employment.

100.11 Political Activities

LLBO-HA employees may:

a. Exercise their rights of citizenship by participation in Tribal, local, state or national elections and public activities to the extent permitted by law.

b. Be a candidate for a political position, provided that such candidacy does not interfere with the performance of his/her assigned duties and/or responsibilities.

LLBO-HA employees are prohibited from:

a. Using their authority or influence for the purpose of interfering with an election, nomination or affecting the results thereof;
b. Directly or indirectly coercing, commanding or advising subordinates to pay, lend or contribute anything of value for political purposes to any party, committee, organization, agency or person;

c. Engage in any political activity outside the scope of assigned duties during scheduled working hours or neglect their assigned duties and/or responsibilities. Personal leave must be utilized if an employee is going to participate in campaign activities during his/her regular work hours.

d. Actively participating in political protests during his/her assigned work hours.

100.12 Drug and Alcohol Free Workplace

The LLBO-HA is responsible and committed to providing a safe working environment by fostering the well-being and health of its employees. Please see the complete LLBO-HA Alcohol & Drug Free Workplace Policies and Procedures.

100.13 Background Checks

In an effort to assure the safety of tenants, clients, staff and property of the LLBO-HA; every employee is required to give authorization to conduct a background check. These checks may be conducted using the MNBCC website per [Minnesota Statute Section 13.87, subdivision 3 (f)]. It is the responsibility of the employee or job applicant to disclose any law violations from any jurisdiction, within (5) working days of violation. Failure to report violations may result in disciplinary actions which may include termination of employment.

The LLBO-HA reserves the right to refuse employment, demote, transfer or terminate any employee who has been convicted of a criminal offense from any jurisdiction including, but not limited to crimes of violence, sexual assault, theft, drugs and/or alcohol as it pertains to the job duties, responsibilities and constituent contact.

100.14 Anti-Harassment and Offensive Behavior

a. It is policy of the LLBO-HA that all employees are able to work in an environment free from discrimination and harassment. Engagement in harassment or offensive behavior will result in discipline, the severity of which will commensurate with the degree of the infraction, including termination of employment.

b. This policy refers to, but is not limited to harassment and offensive behavior in the following areas:

1. Age
2. Gender
3. Color
4. National Origin

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5. Religion
6. Sexual Orientation
7. Marital Status
8. Handicap
9. Veteran Status
10. Political Affiliation
11. Family Ties
12. Physical Attributes
13. Any other behavior reasonably believed to be harassment

c. Harassment includes display or circulation of written materials or pictures degrading to gender or to racial, ethnic or religious groups; and verbal abuse or insults directed or made in the presence of members of a racial, ethnic or minority group.

d. Harassment also refers to behavior that is personally offensive or degrading, impairs morale, intentionally meant to harm someone’s reputation, and/or interferes with the effectiveness of employees. Any harassment or bullying of employees by other employees will not be tolerated, regardless of their working relationship.

e. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other offensive verbal/non-verbal or physical conduct that is sexual in nature. Sexual harassment undermines the employment relationship by creating an intimidating, hostile or offensive work environment and will not be tolerated. (See Sexual Harassment Policy)

f. In fulfilling their obligation to maintain a positive, productive work environment, management and supervisors are expected to immediately halt any apparent or suspected harassment or offensive behavior of, which they become aware. They will immediately notify the Human Resources Manager, so the situation can be investigated in a timely and confidential manner.

100.15 Cash Handling

a. Where cash handling is involved, a separate written finance policy will cover these cash handling procedures. (See Finance Policy)

b. Employees suspected of mishandling cash will be placed on unpaid leave while an investigation is taking place. If the investigation determines the employee did not mishandle cash, the employee will be paid for the time off during the investigation.

c. Unaccounted for cash that has been investigated internally and is still unaccounted for will be considered theft, the employee will be terminated and the LLBO-HA shall direct its legal counsel and local law enforcement to pursue criminal charges through the applicable courts against the employee(s) involved in the unaccounted funds for recovery.
100.16 Firearms and Weapons in the Work Place

   g. The LLBO-HA prohibits its employees in the course of their employment from possessing weapons, firearms, ammunition or explosives. This prohibition is applicable to any location where an employee’s scope of work take him/her, including LLBO-HA vehicles.

   h. All employees are forbidden from introducing, possessing, using, selling weapons, firearms, ammunition, explosives and other items prohibited by federal, state and Tribal regulations.

   i. Employees who become aware of a violation of this policy are required to immediately notify their supervisor and/or the Leech Lake Tribal Police Department.

   j. Violation of this policy is considered a serious offense that endangers the safety of the organization, its employees, residents and other band members and will result in discipline, the severity of which will commensurate with the degree of the infraction, including termination of employment.

100.17 Internet/PC/Cell Phone usage/ Social Networking and Online Community

   a. Use of the internet and LLBO-HA owned computers/cell phones is intended for official LLBO-HA business.

   b. Usage of the internet and LLBO-HA owned computers/cell phones for personal business should be limited, excessive personal usage will be subject to disciplinary action, up to and including termination of employment.

   c. Pornographic material, political activities, chat rooms, instant messaging and social networking sites (such as Facebook, My Space, Twitter, etc.) is strictly prohibited, except when duties require these sites. Use of LLBO-HA computers/cell phones for these reasons will result in discipline, the severity of which will commensurate with the degree of the infraction, including termination of employment.

      1. The sending of, or logging onto pornographic websites/material on LLBO-HA computers or cell phones will result in termination of employment.

   d. The Leech Lake Housing Authority reserves the right to conduct random and reasonable suspicion monitoring of all LLBO-HA computer/cell phone usage.

   e. All employees of the LLBO-HA are expected to be respectful of the LLBO-HA, Board of Commissioners and employees on any Social Networking and Online Community. (See Social Media Policy)
100.18 Media Contact

Any contact by the media, such as newspaper reporters, television or radio broadcast news, etc. shall be referred to a single media contact, the LLBO-HA Executive Director.

Section III. 200. Human Resources

200.1 Native American Preference

Qualification for all positions in the organization will be based on eligibility requirements as contained in the position description. When candidates are equally qualified in meeting education, experience and/or training requirements of the position, candidates will be hired utilizing Native American Preference as follows:

a. Qualified Leech Lake Band Members  
b. Qualified Minnesota Chippewa Tribe or Red Lake enrollees  
c. Qualified federally recognized Tribal enrollees  
d. Qualified Canadian Reserve Tribal enrollees  
e. Qualified other applicants

200.2 Job Vacancy Posting

When a vacancy occurs, the management staff will determine whether the position will be posted to the public, in-house or if a selection will be made from the employees that had been previously laid off. If the determination is to post to the public, Human Resources will be contacted to begin the posting process. The Executive Director may hire on an emergency basis, a qualified replacement until the qualified replacement or a candidate has filled the position. This shall be at the discretion of the Executive Director with the concurrence of the Board of Commissioners.

200.3 Entry Level Hiring Procedure

a. The BOC has adopted the following procedure that will be used in the hiring process for entry-level positions:

Applicants will be given preference points during the interview process for:

- Native American enrollment status  
- U.S. Veteran status

200.4 Promote from Within

In accordance with the LLBO-HA Policy, the philosophy of promoting from within whenever possible will be applicable for all LLBO-HA employees. If an internal candidate is qualified for a vacancy within the LLBO-HA, the candidate may be promoted upward to that position with
approval from the Executive Director in concurrence with the BOC. Employees in their introductory period do not qualify for a promotion.

200.5 Application Process

a. All applicants will be required to complete a LLBO-HA employment application. Resumes, credentials, transcripts, etc., should be submitted along with an application.

b. Applications received by LLBO-HA will be considered active for a period of six months, regardless if the desired position is formally advertised or not. After six months an applicant will need to update their application with the Human Resources office or submit a new application. All applications will expire after (1) year; a new application will need to be completed to be considered for employment.

c. In most cases, open positions will be posted reservation wide or regionally.

1. The interview panel will consist of the program Manager and/or Supervisor, Executive Director and the Human Resources Manager or their designee; and a Board Commissioner for management positions if available. The Human Resources Manager will use his/her discretion when scheduling and if availability may hinder the process.

2. The interview panel will take into consideration the factors relevant to the position, including knowledge, skills, abilities, experience, education and interview skills.

3. The selection process will be completed in a timely manner and applicants not selected will be promptly notified in writing by the LLBO-HA Human Resources Manager.

d. In the event a position needs to be filled immediately, received applications will be reviewed for consideration and a selection may be made based on this review (this will only apply to Temporary or Seasonal positions).

e. All recommendations for hire will be required to have BOC concurrence.

200.6 Posting Provision

Employees with written warnings and/or suspensions for any policy violation will not be allowed to apply for another position within the organization for a period of ninety days from the date of suspension or warning.

200.7 Selection Provision

In the event the selected candidate resigns, is terminated or for whatever reason cannot continue in the position he/she has interviewed for and the position announcement is still within the (90) day probationary period, the division may choose the next candidate from
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the interview recommendations. This will ensure that the position will be filled rather than delayed.

200.8 Job Descriptions

a. Job descriptions will be the responsibility of the Human Resources Manager and Program Manager. Job Descriptions will be changed or revised in order to meet the goals and objectives of the LLBO-HA, with approval of the Executive Director.

b. New positions or job descriptions must have supporting documentation for review and approval of the Executive Director.

c. Employees will receive a copy of an approved job description upon hire or after revision. Employee will review and sign a copy of their position description to verify their understanding of the position description and duties.

Section IV. 300. Employee Relations

300.1 Personnel File Administration

a. An official personnel file will be established for each employee and will be maintained in the Human Resources office. Copies of documents may be maintained by the individual departments for day to day tracking, etc. (time sheets, schedules, leave slips, etc.)

b. Personnel files are confidential and the release of information to external agencies/representatives may occur only under limited circumstances and only under the authorization of the Human Resources Manager. Written approval by the employee or former employee may be necessary.

300.2 Personnel File Review

a. Employees or former employees may request to review his/her file in the presence of the LLBO-HA Human Resources Manager, or the Executive Director in the absence of the Human Resources Manager.

b. Personnel file copies will be made upon written request from the employee or former employee.

c. Personnel files may be retained for a period of seven (7) years after an employee has separated from employment.

d. The LLBO-HA retains the right to shred personnel file documentation that are older than one (1) year.

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300.3 Progressive Discipline

a. The purpose of progressive discipline is to state the LLBO-HA’s position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. LLBO-HA believes that the best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employee levels.

b. The LLBO-HA’s own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare an employee for satisfactory service in the future.

c. The policy of the LLBO-HA is to use a progressive disciplinary system at its discretion to correct behavior in the workplace at an early stage in hopes to be a benefit to both the employee and the LLBO-HA. Progressive discipline means that with respect to most disciplinary problems, these steps will normally be followed. (Attendance issues will have separate criteria see 400.7). A first infraction will result in a verbal (written) warning, a second infraction will result in a written warning, a third infraction will result in suspension and a fourth will result in termination of employment. If more than one year has passed since the last disciplinary action, the process will normally start over.

d. The LLBO-HA recognizes that there are certain types of employee problems that are serious enough to justify either an immediate suspension or in extreme situations, immediate termination of employment without going through the progressive discipline process, with the approval of the Executive Director, and the concurrence of the BOC.

e. It is impossible to list every type of behavior that may be cause for disciplinary action. (300.5, Disciplinary Infractions provide examples of unsatisfactory conduct that will trigger progressive discipline).

300.4 Types of Disciplinary Action

a. Verbal (Written) Warning: A verbal (written) warning is from the supervisor to employees to address policy violations or job performance, to request improvement. The original document will be placed in the employee’s official personnel file.

b. Written Warning: A written warning is from the supervisor about policy violations or job performance to request and assist improvement. This is usually the second occurrence of the same infraction as the verbal (written) warning. The original document will be placed in the employee’s official personnel file.

c. Suspension: A suspension cannot be used arbitrarily by supervisors and can range from one (1) to five (5) days without pay and shall be given with written notice
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(Employee Warning Report) to the employee. The standard suspension terms are: First Suspension (1) day, the Second Suspension for the same infraction (3) days, the third occurrence of the same infraction will result in termination. This may occur after prior reprimands have not been conducive to improvement. Extenuating circumstances may be taken into consideration by the Department Manager to supersede the disciplinary process in concurrence with the Human Resources Manager and the Executive Director. The original suspension documentation will be placed in the employee’s official personnel file.

d. Demotion or Transfer: When an employee is in a position and cannot adequately perform the duties and responsibilities of the position, the immediate supervisor may make recommendations to the Human Resources Manager to demote or transfer the employee to another department within the organization. Transfers due to demotion are contingent upon the concurrence of the Human Resources Manager and the Executive Director. Position and wages shall be dictated by prevailing wage of the position the employee is transferring to. Documentation of the demotion or transfer will be placed into the employee’s official personnel file.

e. Termination of Employment: Termination of employment will be in the form of a written notice (Employee Warning Report and Letter) to the affected employee and will be used when progressive discipline measures have not corrected a behavior or in extreme cases the situation warrants immediate termination. A copy of the original written notice will be placed in the employee’s official personnel file. The Executive Director has the authority to terminate employment with the concurrence of the BOC.

300.5 Disciplinary Infractions

The following are some examples of conduct warranting disciplinary action:

a. Neglect or failure to perform job duties.

b. Willful violations of LLBO-HA policies.

c. Mishandling or misrepresentation of revenues and/or expenses.

d. Excessive tardiness or absenteeism (see 400.7).

e. Misrepresentation of hours worked to include punching in/out of other employees’ timecards or knowingly signing timecards of employees when hours worked are misrepresented or supervisory staff arbitrarily reducing hours without notifying employees.

f. Forbidden political activity (see 100.11).
g. Insubordination (defiance of established authority, failure or refusal to recognize or submit to the authority of a supervisor). Demonstrating insubordination, including but not limited to:

1. Refusal to do an assigned job.
2. Refusal to work overtime when required.
3. Refusal to render assistance.
4. Refusal to accept holiday work when assigned.
5. Insolent response to a work order.
6. Delay in carrying out an assignment.

h. Gross Insubordination (willful disregard of instructions, safety and/or policies)

i. Sale, offering, possession, manufacturing, or use of alcohol, illegal or controlled substances while on or off duty.

j. Verbal or physical assault/abuse or threatening of a co-worker, supervisor, member of management, client/customer or constituent during work hours or on LLBO-HA property.

k. Abuse, unauthorized use, sale, theft or destruction of LLBO-HA property.

l. Abuse of authority of or by a supervisor, member of management or co-worker.

m. Gross misconduct (i.e.; assault, battery, malicious destruction of LLBO-HA property, arson, sabotage, embezzlement, theft, driving/operating a LLBO-HA vehicle/equipment without a valid Driver’s License or any other act which amounts to prosecution of criminal laws).

n. Breach of confidentiality as defined in the LLBO-HA Confidentiality Agreement and these Personnel Policies.

300.6 Grievance Process

The LLBO-HA is committed to providing the best possible working conditions for its employees and encourages an open and candid atmosphere in which any problem, complaint, suggestion or question receives a timely response from supervisors and management.

The grievance process is intended to assure an employee’s grievance/complaint will be heard and the corrective action taken will be without reprisal or retaliation against the employee submitting the grievance.

Any employee may file a grievance with their supervisor as the first step, following the chain-of-command, regarding any violations of LLBO-HA policies and procedures or regarding unsafe or unhealthy working conditions (see 100.9).
The Human Resources Manager will receive and review the employee’s submitted grievance and determine the validity as the last step of the grievance filing process.

Procedure:

a. Employee presents the completed Employee Grievance Form to their supervisor with a copy given to the Human Resources Manager within five (5) working days of the incident, unless extenuating circumstances have prevented the filing within the allotted time frame. The supervisor must respond within five (5) working days. If the employee is dissatisfied with the outcome or has not received a response from their supervisor he/she can take the grievance to the Human Resources Manager. Administrative action may be taken against the supervisor for failure to address the grievance. If the supervisor is involved with the grievance, the supervisor will be given the opportunity to review the grievance and respond to the employee within five (5) working days. Grievances that do not follow the chain of command will not be considered. Grievances that have not been resolved will be followed up by the Human Resources Manager.

b. Once a grievance is received by Human Resources, it will be reviewed by the Human Resources Manager; he/she may meet with the complainant’s department management staff and discuss any recommended actions that may need to take place. The employee will be notified of the results as soon as a decision has been made, not to exceed ten (10) working days.

c. If the employee is not satisfied with the Human Resources Manager’s decision, the employee has two (2) working days to submit their grievance along with an explanation of the dissatisfaction of the previous decisions, to the Executive Director.

d. After consideration of all available documentation, the Executive Director will make a decision within five (5) working days, with a copy sent to the Human Resources Manager. The decision of the Executive Director will be the final resolution of the grievance.

e. The Board Chairperson will be utilized should the Executive Director have a conflict of interest.

300.7 Appeal

The appeal process will be used for disputing decisions of termination of employment. An employee who has passed their 90 day probationary period, and who is terminated may appeal the action within five (5) working days upon receipt of the official termination letter in person or within seven (7) days of termination letter being sent via certified mail. An appeal shall be initiated by the employee by sending a written request to the Human Resources Manager. The Human Resources Manager will forward the
submitted appeal to the Board of Commissioners and the Executive Director. The Human Resources Manager will place the appeal on the agenda of the scheduled Board of Commissioners meeting, within fifteen (15) working days of the receipt of the appeal request. A special Board of Commissioners meeting may be scheduled in extenuating circumstances.

Hearing Procedure:

At the hearing held by the Board of Commissioners to review the appeal of the employee, the Supervisor will present the employee’s job performance and grounds for adverse action of appeal. At the conclusion of the evidence presented by the Supervisor, the employee shall have the opportunity to offer any relevant evidence relating to the termination and present an oral argument to the Board of Commissioners. Both the Supervisor and the employee will have the opportunity for rebuttals on the initial statement of the other party before each make their final statements. The Board of Commissioners with a majority vote of a legally constituted quorum shall dismiss the appeal or reinstate the employee as of the date of the appeal hearing without back pay, unless extenuating circumstances warrants it. The ruling of the Board of Commissioners is the final decision of the employee’s appeal.

300.8 Personnel/Department Audits

When occurrences of multiple complaints regarding specific departments within the organization occur, Administration or the Board of Commissioners may deem it necessary to clarify issues. In some situations, an audit may be necessary. Any administrative personnel or program manager may request an audit, the Executive Director will determine if an audit is warranted.

The purpose of a personnel/departmental audit will be to assess the overall strengths, weaknesses, departmental structure, specific responsibilities, communication and management style currently being used.

Section V. 400. Employee Classifications and Requirements

400.1 Employee Classifications

a. Classifications have been developed to clarify the employment status and benefit eligibility of each employee for any specified period of time.

1. Exempt (or salaried) employees are not entitled to overtime pay.
2. Non-exempt (or hourly) employees are entitled to overtime pay.

b. In addition to the above categories, each employee will be further classified under an additional classification listed below:

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1. Full-time employees are those who are regularly scheduled to work a full-time schedule (equal to or more than 32 hours per week). Generally, they are eligible for the benefits package, subject to the terms, conditions and limitations of each benefit program.

2. Part-time employees are prohibited from working more than twenty-nine (29) hours per week. They receive limited benefits (see 500.2 Types of Leave).

3. Seasonal employees are those who have established an employment relationship with the LLBO-HA, but who are assigned to work on an intermittent or unpredictable basis. They receive limited benefits (see 500.2 Types of Leave). They are not eligible to receive benefits that require full-time, permanent status such as: Health/Dental/Life insurance, Short Term Disability, or IRA contributions. The Affordable Care Act may require the availability of Health benefits if the Seasonal employee works more than thirty (30) hours per week continuously for 60 days.

4. Temporary employees are those that are hired for a specific amount of time for a specified project, the duration of their employment is contingent upon the time of specified project. They receive limited benefits, and do not accrue personal leave time. Temporary employees will not be subject to the normal probationary period (as explained in section VI), but will be considered to be in the probationary period for the duration of their employment.

5. Emergency Hire Employees are those that are hired for a specific amount of time to fill immediate needs of a department on an emergency basis. They are considered Temporary Employees. The duration of their employment is limited to the amount of time it takes to fill the position through the standard Application process or Entry Level hiring procedure as described in Sec. III 200.2 and 200.3 of this document (typically 90 days).

400.2 New Hires / Probationary Employees

New hires / probationary employees will be placed on a ninety (90) day performance evaluation period. It is the responsibility of the immediate supervisor to conduct an initial program orientation with the employee to discuss expectations, job duties and responsibilities, department policies and procedures, and performance standards.

a. Upon successful completion of the ninety (90) day probationary period and performance review, the employee will be reclassified to regular full time status.

b. During the evaluation period, should the employee’s performance and other factors fail to meet the requirements of the position, the direct supervisor has the responsibility to provide the necessary documentation to support termination of probationary employment, or in extenuating circumstances request an additional (30) day probationary period with the concurrence of the Human Resources Manager and the Executive Director.
c. The prevailing wage scale and/or budgetary constraints will determine rate of pay. When possible, education and experience will be taken into consideration in determining wages.

d. Initiation of the Drug/Alcohol Testing procedures and the Criminal Background check will be the responsibility of the Human Resources Manager. After a recommended applicant successfully completes a pre-employment UA/breathalyzer, the new employee will need to see the Human Resources Manager, for all required paperwork, a short presentation of policies and distribution of complete policies.

e. The applicable Supervisor shall be responsible for the program orientation within that department; this will consist of, reviewing the job description, inter-departmental policies and procedures relevant to the position and discussion of expectations, responsibilities and performance standards.

f. The Human Resources Manager shall initiate a Personnel Action Form (PAF) with all appropriate information, needed for Accounting, appropriate department and personnel files. The Human Resources Manager will enter pertinent employee information into the QuickBooks system.

g. Probationary employees will accrue personal leave hours, however are not eligible to use until successful completion of their (90) day probationary period. If an employee does not successfully complete the (90) day probationary period they will not be paid any accrued personal leave hours upon severance of employment.

400.3 Former Employees

a. Employees who voluntarily left or resigned from the organization in good standing may be considered for re-employment after a six (6) month waiting period, and will be subject to a new probationary period.

b. Employee’s, whose separation was due to a LLHA initiated lay-off, will be considered eligible for re-hire with no waiting period. Employee’s re-called from lay-off will be subject to a new 90 day probationary period. If re-called within 90 days from layoff, employee will not be subject to a new probationary period.

c. Employees that were terminated from employment for policy and conduct violations will not be considered for employment for one (1) year.

d. Employees who were terminated for harassment or physical violence toward another employee or individual in the workplace must submit documentation of steps taken to correct their behavior and why they should be considered for re-hire.

e. Former employees terminated for theft of LLBO /LLBO-HA property will not be considered for employment.

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400.4 Transfer Employee

Employees may transfer between programs operated by the LLBO-HA, or any other programs administered by the LLBO with the understanding that benefits and rate of pay will be dictated by availability. If transferring from a LLBO division, employees will be subject to a new probationary period. Transferred employees will accrue personal leave during the probationary period however, will not be allowed to use leave until the end of the probationary period.

400.5 Attendance Policy

a. Normal hours of operation are 8:00 am to 4:30 pm, therefore, most work schedule hours are 8:00 am to 4:30 pm unless other arrangements are made between Supervisor and Employee to meet departmental goals and objectives. Exceptions would be the Homeless Resources Program & Maintenance department, whose operating needs dictate employee’s schedules.

b. Salaried employees (Executive Director) are exempt from this requirement in that they must be available as needed according to their departmental goals and objectives, but are expected to work forty (40) hours per week. Overtime shall not be applicable.

c. Personal leave requests require advance notice of three business days unless in the case of an emergency/extenuating circumstances which shall be left to the discretion of the supervisor.

400.6 Time Clock/Time Sheets

Employees are required to use the time clock/time sheets for documentation of hours worked and may not be docked in increments of more than a quarter hour (15 minutes), unless extenuating circumstances warrant it, with the concurrence of the Human Resources Manager and the Executive Director. If an employee is docked time the supervisor must inform the employee of the change to their time card. Cameras may be used to verify accuracy of time sheets. If inaccuracies occur, the supervisor must inform the employee of inaccuracies and disciplinary actions may be taken. This may be considered theft. An employee is not allowed to punch in early (prior to 7:53 am) without prior approval from their supervisor.

400.7 Excessive Absenteeism and Tardiness

To maintain a productive work environment, the LLBO-HA expects employees to be reliable and to be punctual in reporting to work. Absenteeism and tardiness place a burden on other employees and on the LLBO-HA. In instances when employees cannot avoid being late or unable to work as scheduled, they are required to notify their immediate supervisor as soon as possible in advance of the anticipated absence or tardiness. Poor attendance and excessive tardiness are disruptive and will not be
tolerated. Unexcused absence is defined as: An absence that has not been pre-approved or requested within (3) required business days or not a true emergency. A lack of planning does not constitute an emergency.

a. Absenteeism is defined as: habitual unexcused absences from work one or more times a week. Progressive discipline will be initiated when three (3) unexcused absences occur within a (30) day period. No more than nine (9) unexcused absences will be allowed within a one (1) year period.

- First occurrence: Employee will be given, a written warning.
- Second occurrence: Employee will be given a written warning and a three (3) day suspension.
- Third occurrence: Employee will be given a final written warning and will result in immediate termination.

b. Tardiness is defined as: habitually late for work. Progressive discipline will be initiated when four (4) unexcused tardies occur within a (30) day period. No more than twelve (12) tardies will be allowed within a one (1) year period.

- First occurrence: Employee will be given, a written warning.
- Second occurrence: Employee will be given a written warning and a three (3) day suspension.
- Third occurrence: Employee will be given a final written warning and will result in immediate termination.

400.8 No Call/No Show

No-call/No-show: will be considered “absent without leave” fifteen (15) minutes after the start of scheduled work and no notice has been given for absence or being tardy. Extenuating circumstances will be taken into consideration by the supervisor in regard to weather conditions, road conditions, family emergencies, etc.

- First occurrence: Employee will be given, a written warning and sent home without pay, for the remainder of the day.
- Second occurrence: Employee will be given a written warning and an immediate three (3) day suspension without pay.
- Third occurrence: Employee will be given a final written warning and will result in termination, by way of job abandonment.

400.9 Job Abandonment

a. When an employee fails to report to work for three (3) consecutive scheduled workdays without notice they will be terminated via no call/no show policy.
b. Walking off the job or leaving the designated job site without direct supervisor’s approval, will be considered resignation by job abandonment. Extenuating circumstances will be taken into consideration.

400.10 Employee Separation

a. The employee or LLBO-HA may initiate employment separation.

b. An employee who initiates separation by voluntarily means shall receive all compensation due to them in the pay-period following their last day of work, minus any obligations owed to the LLBO-HA.

1. The LLBO-HA BOC, at their discretion may allow appropriate severance compensation to recognize long term employment or service to the organization.

c. An employee whose employment separation is initiated by the LLBO-HA shall be paid all compensation earned to date on the last day of work minus any obligations owed to the LLBO-HA.

d. The LLBO-HA may at times have the need to lay-off personnel due to budgetary constraints or project completion and shall give one (1) week notice to employees affected by the action. Employees shall be paid compensation earned to date on the last day of work minus any obligations owed to the LLBO-HA.

e. When an employee separates from employment, the responsibility of generating the supportive documentation shall be the immediate supervisor. The immediate supervisor shall submit the documentation to the Executive Director and forward to the Human Resources Manager.

400.11 Resignation

A general accepted business practice for resignations is two weeks.

400.12 Gambling

Employees of the LLBO-HA are prohibited from gambling at any gaming facilities during their normal working hours, including break times and lunch periods. Employees on prior leave (i.e. holidays, annual leave, leave of absence) may gamble at gaming facilities.

- First violation of this policy will result in immediate suspension and loss of pay for one (1) day.
- Second violation will result in termination, unless on prior approved leave. Violations of this policy will be subject to progressive discipline up to and including termination.

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400.13 Dress Code

Office staff are expected to dress appropriately and in a professional manner for their positions. They should appear neat, clean and not disruptive to the working environment. A business casual appearance portrays the importance emphasized in the community and its value.

400.14 Professional Service Contract

Professional service contractors are individuals or organizations that contract with the LLBO-HA in accordance with the LLBO-HA procurement policy. The contract will specify the terms, conditions and services to be provided. The Finance Officer and the Operations Manager are responsible to ensure compliance with contract procedures. The program manager will be responsible for ensuring satisfactory performance requirements of the contract.

400.15 Mandated Reporting

Employees of the LLBO-HA are mandated reporters under the Leech Lake Reservation Business Committee Resolution No. 2015-62 Judicial Code Title 3B: Maltreatment of Minors Code. Any LLBO-HA employee who knows or has reason to know that a child is being or has been neglected, egregiously harmed, abandoned or physically or sexually abused must immediately (no more than 24 hours) report to Leech Lake Child Welfare and follow up with a written report within 48 hours, unless LLCW deems it unnecessary. (see: LLRBC Resolution No. 2015-62)

Section VI. 500. Benefits and Compensation

500.1 Performance Evaluations

a. Probationary performance evaluations, in the standardized format, will be conducted at the end of an employee’s ninety (90) day period in a new position. The period, known as the probationary period, allows the supervisor and the employee an opportunity to follow-up the departmental orientation at hire, to discuss the expectations, responsibilities and performance standards of the position. During this period, if an employee’s performance fails to meet the requirements of the position, it is the responsibility of the direct supervisor to make appropriate recommendations including but not limited to termination of employment.

1. At the supervisor’s discretion, an employee’s probationary period may be extended, in an effort to assist the employee in retaining employment. In these instances, the employee’s benefits may be on hold, until the employee’s performance is satisfactory.
2. Probationary employees are not eligible to transfer to other positions within the organization until they have successfully completed the probationary period.

b. Annual performance evaluations are conducted to provide both the supervisor and the employee the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals and expectations. These performance evaluations will be scheduled every twelve (12) months on or around the anniversary of the employee’s date of hire or transfer date.

c. Informal performance evaluations may be conducted periodically to use as tool to assist the employee in attaining their employment goals, it is recommended these be in writing and forwarded to Human Resources for inclusion in the personnel file.

500.2 Types of Leave

a. LLBO-HA Family Medical Leave

1. For the purpose of immediate family medical needs, the LLBO-HA will allow up to twelve (12) weeks unpaid leave within any twelve (12) month period. This leave is available to any individual who has been employed for at least twelve (12) months and has worked at least 1,600 hours in the twelve (12) month period preceding the leave.

2. Medical Leave may be utilized for the following reasons:
   • Birth of an employee’s child/children.
   • Adoptions(s) of a child or official placement with the employee for foster care.
   • Care of a son, daughter, spouse or parent (not parent in-law), having a serious health condition(s).

3. Leave without pay, personal leave or Administrative leave (at BOC’s discretion) may be used for Medical Leave.

4. Documentation is required, and if possible, advance notice of expected duration of leave.

5. The LLBO-HA will provide, within that twelve (12) week leave period, as follows:
   • Maternity leave: Up to six (6) weeks of paid leave for the birth of an employee’s child/children.
   • Paternity leave: Up to two (2) weeks of paid leave for the birth of an employee’s child/children provided the employee provides official medical documentation.
b. Bereavement Leave
An employee may be granted up to five (5) working days with pay within one week from the date of death of an immediate family member, this also includes step-family members.

1. The LLBO-HA defines “immediate family” for Bereavement Leave purposes as the employee’s:
   - Spouse/Significant Other
   - Children
   - Parent
   - Grandchild
   - Grandparent
   - Siblings

2. An employee may be granted up to three (3) working days with pay from the date of death of the following family members:
   - Aunt/Uncle
   - Niece/Nephew
   - In-laws, (siblings, parent/grandparent, aunt/uncle, niece/nephew)

3. An employee may be granted one (1) working day with pay from the date of death of the following:
   - Cousin
   - Friend

4. Additional time may be granted and charged to personal leave or leave without pay.

5. Leave must be requested by the employee and approved or declined by the immediate supervisor as soon as practical under the circumstances.

6. Bereavement leave time will not be counted as actual hours worked, therefore will not assist in time being paid in excess of 40 hours.

7. A memorial card must be presented to the immediate supervisor and must be attached to timecard upon submission to payroll.

c. Holiday Leave

1. In order to receive a paid holiday, the employee must have worked or been on pre-approved leave the day prior to the holiday and the day after the holiday.
2. Holiday leave for certain programs and construction employees will be contingent on timeframes, workloads, etc. Workers will be compensated accordingly, if required to work holidays.

3. The following days are declared holidays by the LLBO-HA:
   - New Year’s Day
   - Martin Luther King Day
   - Presidents Day
   - Native American Day
   - Memorial Day
   - Independence Day
   - Labor Day
   - Veteran’s Day
   - Thanksgiving Day
   - Christmas Day
   - Others as declared by the LLBO-HA

4. If a holiday falls on a Sunday, the following Monday will be considered the holiday. When a holiday falls on a Saturday, the preceding Friday will be considered the holiday.

5. Holidays occurring during a period of personal leave will be considered a day of holiday leave and the holiday pay will supersede the personal leave.

6. Employees will be paid holiday pay according to their scheduled work hours, if an employee works part-time, they will be compensated at part-time.

d. Administrative Leave

Regular employees may be granted administrative leave at their normal rate of pay to participate in specified reservation and civic duties. Examples may be Pow-wow Committee, School Boards, DRM Committees, Honor Guard, etc. All administrative leave must be requested with a Leave Request Form and must be pre-approved by the Executive Director. Special circumstances may warrant administrative leave deemed necessary by the Executive Director.

e. Jury Duty

1. An employee who is summoned to serve on jury duty, during their regularly scheduled work hours, shall be granted administrative leave with pay. (Includes Seasonal/Temporary Employees).

2. An employee who is summoned to serve on a jury during a holiday observed by the LLBO-HA is eligible for holiday pay and receives no alternate day off.

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3. An employee must give a copy of the summons to their immediate supervisor, prior to start of jury duty. Upon completion of jury duty, the employee is required to turn in a record of hours served from the court administrator to their immediate supervisor.

f. Administrative and Legal Proceedings

1. When an employee is required to attend administrative, legal proceedings or act as an expert witness for proceedings involving the tribe, or LLBO-HA, leave with pay will be granted for the actual time spent at the legal proceedings.

2. Personal legal proceedings shall not be applicable.

3. Upon completion of legal proceeding, the employee is required to turn in a record of hours served from the court administrator to their immediate supervisor.

g. Military Leave

A military leave of absence (without pay) will be granted to employees who are absent because of service in the U.S. Military Reserves. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. The employee may retain their position or a comparable position depending upon the length of service.

h. Personal Leave

1. Time off with pay is available to employees who have accumulated Personal Leave. The amount of personal leave a full-time permanent employee receives weekly is pro-rated according to the number of hours worked/paid per week. The personal leave accrual rate is based upon years of continued employment according to the following schedule:

   • Three (3) hours per week will begin to accrue on the first day of employment.
   • Four (4) hours per week, following the end of three (3) full years of continued employment.
   • Five (5) hours per week, following the end of six (6) full years of continued employment.

2. Seasonal/PT employees will earn .075 hours of personal leave per each hour worked/paid with a maximum accrual of (3) hours per week; hours will begin to accrue on the first day of employment. Seasonal/PT employees are not eligible to use personal leave until they have completed their (90) day introductory period.

3. Requests to utilize personal leave via Leave Request Form, need to be submitted a minimum of three (3) business days in advance (unless extenuating circumstances
arise). The employee’s direct supervisor has the authority to deny the usage of personal leave based upon factors that are in the best interest of the LLBO-HA.

4. Personal leave cannot be utilized if none is accrued.

5. Employees are encouraged to use their accumulated personal leave hours within the calendar year from the date they are earned. Employees will be allowed to carry over 240 hours from one fiscal year to the next. At fiscal year-end on September 30th, the employee will forfeit any leave over 240 hours.

6. An employee who separates from employment (after completion of their 90 day introductory period) shall be paid for unused personal leave up to a maximum of 240 hours, minus any obligations owed to the LLBO-HA.

7. Donating accrued personal leave to a fellow employee is acceptable, however hours may only be donated to an employee who earns wages less than the donator and the donator much have more than 40 hours accrued to donate hours. Donation of hours cannot result in the donator having less than a 40 hours personal leave balance.

8. Cashing in accrued personal leave is allowed if you have an excess of 40 hours and only the hours accrued above the 40 hours are available to be cashed in. Approval is required by the pertinent Executive Manager with the concurrence of the Finance Officer.

9. Personal leave may act as collateral for purchases made from the Warehouse, which remain inaccessible until purchase is paid in full.

10. Temporary Employees are not eligible for Personal Leave.

i. Leave of Absence

1. Upon recommendation of the immediate supervisor the approval of the Executive Director and the concurrence of the Board of Commissioners an employee may be granted an unpaid leave of absence for a specified amount of time, not to exceed ninety (90) days.

2. All applicable benefits shall not accrue and the employee will bear the cost of medical and dental benefits through COBRA. Other benefits will be the responsibility of the employee, if applicable.

j. Leave Without Pay

Time off without pay may be available to all employees, with approval from their immediate supervisor. Submission of a Leave Request Form is required.
k. **Short Term Disability**

Purpose: The plan is a short term disability income protection benefit plan sponsored by the LLBO-HA to replace a portion of the employee's income in the event of sickness or injury that prevents the employee from working for a period of time. The plan does not provide benefits for occupational injuries or sickness. Eligibility is limited to regular full-time employees meeting hourly and length of employment requirements to participate in the program. (Average of 35 hours per week, in the previous six-month period)

l. **Ricing Leave**

LLBO-HA employees may take time off to harvest wild rice and may use personal leave or leave without pay; leave requests must be pre-approved by immediate supervisor and will be contingent upon schedules and workload of employee and/or department. The employee’s direct supervisor has the authority to deny ricing leave based on factors that are in the best interest of the LLBO-HA.

m. **Inclement Weather**

At the discretion of the LLBO-HA Executive Director, the Housing Authority office will be closed when weather creates unsafe conditions. Inclement weather compensation is for employees anticipating arriving at work on time, pre-approved personal leave time will supersede inclement weather compensation.

n. **Educational Leave**

Leech Lake Band member employees who wish to attend school on a part-time basis may do so with pay up to six (6) hours paid education leave per week. The employee must be working towards improvement for their current position or another position within the department that will benefit the LLBO-HA. There must be no undue hardship on the department. The employee must have completed their 90 day probationary period to be eligible. Education Leave includes on-line classes. Official documentation from the school must be submitted to Human Resources prior to approval. Please submit semester grades to Human Resources upon availability.

o. **Election Leave**

Employees of the LLBO-HA will be granted time off with pay for all regular scheduled Tribal, local, state and federal primary and general elections, amount of time off will be determined by the Executive Director.

500.3 **Overtime**

The LLBO-HA will pay (non-exempt) employees time and one half of their hourly wage in excess of forty hours (40) of actual hours worked, worked in one week. Personal leave
time, holidays and administrative leave hours will not be counted as actual hours worked and will not be paid as time and one half until actual hours worked exceeds 40 hours. Overtime will be closely monitored and must be pre-approved by the immediate supervisor with concurrence of the Executive Director.

Section VII. 600. Training and Career Development

600.1 Orientation

Initial organization orientation of new employees shall be the responsibility of the Human Resources Manager. A summary of the LLBO-HA policies shall be discussed with the new employee to include fringe benefits, pay schedules, personal leave, drug testing, etc., on the employee’s first day of work. In addition, the employee will receive a departmental orientation to include job duties, responsibilities, schedules, expectations, etc., by their respective program manager/supervisor.

600.2 Career Development

a. It is the policy of the LLBO-HA to encourage all employees to further develop their skills through a variety of training programs offered by the organization. The training must have a direct impact on the employee’s career path and success of the organization. The immediate supervisor will initiate all training activity and obtain the necessary approval and coordinate arrangements.

b. Occasionally, training programs offered through the organization will be mandatory for specific employees. Employees that fail to attend required mandatory training sessions will be subject to progressive discipline, up to and including termination of employment.

Section VIII. 700. Payroll

700.1 Pay Periods

All LLBO-HA paychecks shall be issued every Friday for a total of fifty-two (52) pay periods per year. If a scheduled pay day is on a holiday, the pay day will be on the day prior to the holiday.

700.2 Payroll Deductions

Deductions from employee paychecks include federal taxes, social security (FICA), Medicare/Medicaid, state income taxes, if applicable, Federal and Tribal Court ordered wage levies including child support payments and LLBO programs.
700.3 Payroll Advances

Payroll advances are prohibited for all LLBO-HA personnel.

700.4 Early Check Release

Early check release will be allowed only under the following circumstances and with the pertinent Executive Manager’s approval:

- Death of immediate family member of the employee, (immediate family as defined in Sec. 2 (d)).
- An employee has an out of town medical EMERGENCY for self or immediate family member, employee must provide documentation stating medical need.
- Employee is traveling in the course of conducting LLBO-HA business.
- Employee is on pre-approved personal leave, during normal check distribution.

700.5 LLHA Paid Leave

Leave paid by the LLHA (bereavement, inclement weather, administrative, etc.) shall not be used to extend an employee’s time beyond their normally scheduled 40 hour work week. In these instances, the paid leave time will only be applied to bring the employee’s hours up to the scheduled 40 hours.
The revised Leech Lake Reservation Housing Authority Personnel Policies Revisions was duly presented and adopted at a Leech Lake Housing Authority Board of Commissioners Meeting by a vote of _5_ for, _0_ against, _0_ silent held on October 14, 2016 at Carlton, Minnesota, a quorum being present.

Roxanne Wilson Chairperson

Samuel Johnson Jr, Secretary/Treasurer

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