

A. EMPLOYMENT

Leq'á:mel First Nation is a federally regulated workplace and as such falls under the jurisdiction of the *Canada Labour Code*. Leq'á:mel's administration makes every effort to keep on top of changes to the *Canada Labour Code*, and the *Code* is deferred to as the superceding authority on all matters related to employee/ employer relations. The following policy has been adopted by Leq'á:mel Chief and Council as a companion document to the *Canada Labour Code*, and is not intended to overrule the federal legislation.

1.0 EMPLOYMENT CLASSIFICATIONS

The following definitions are intended for the purpose of the Leq'á:mel First Nation Policy Manual.

- .1 *Chief and Council*-means the elected leaders of the Leq'á:mel First Nation.
- .2 *Employee*-means any person permanently employed by the Leq'á:mel First Nation on a full or part-time basis.
- .3 *Contract Employee*-means any person employed by the Leq'á:mel first Nation on a casual basis, where the amount of pay and work to be done is fixed and agreed upon.
- .4 *Employer*-means the Leq'á:mel First Nation
- .5 *Immediate Supervisor*-means the person employed as the Supervisor for a specific program of the Leq'á:mel First Nation.(See Page 1-Organizational Chart).
- .6 *Manager*-means the person hired and/or appointed by the Leq'á:mel Chief and Council to administer the overall operations of the Leq'á:mel.

2.0 HIRING POLICY

When a position is vacated or a new position is required, management will first consider promotion from within the organization. Secondly the position will be advertised to Leq'á:mel members and the public through local newspapers.

- 2.1 The immediate supervisor in consultation with the Manager will conduct hiring of new personnel.
- 2.2 All employees will be required to sign an LFN employee contract and the LFN Code of Ethics (See Appendix A).
- 2.3 Anniversary date is the date which the employee commenced working with the LFN.

3.0 PROBATIONARY PERIOD

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

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

4.0 LEQ'Á:MEL EMPLOYEE JOBS DESCRIPTIONS (See Appendix D)

B. WORK SCHEDULE

1.0 OFFICE HOURS

The normal working hours are from 8:00am to 4:00pm Monday to Friday

- 1.1 All employees shall receive one- (1) hour for lunch.
- 1.2 Employees may elect to work a modified workweek where such provisions are approved by the immediate supervisor in consultation with the manager.

2.0 STANDARDS AT WORK

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

- 2.1 Employees should try to arrange any such medical/dental appointments to a minimum amount of time; and if possible, arrange the appointment for either early in the day; or near the end of the day. All medical/dental appointments will be deducted from accumulated sick leave.
- 2.2 Employees shall conduct themselves in a courteous and business-like manner at all times during work hours and when representing LFN.
- 2.3 LFN employees authorized to attend a conference; seminar or training workshop shall attend all sessions in a serious and business-like manner. The employee is expected to give a written report to the immediate supervisor within five working days following the conference, seminar or training shop attended.
- 2.4 LFN employees will be on the job punctually each day unless there is a valid reason for absences or lateness, in which case the employee will contact his/her immediate supervisor and give an indication of when he/she expects to return to work.

C. COMPENSATION AND PERFORMANCE

1.0 PAYROLL

Employees will be paid Bi-weekly. If a payday falls on a statutory holiday, paycheques will be issued the day prior to the holiday.

- 1.1 The following is a list of employees deductions/benefits:
 - .1 Employment Insurance (E.I.) All employees are subject to E.I. deductions.
 - .2 Canada Pension Plan (C.P.P.) All employees are subject to CPP deductions.
 - .3 Great West Life- Extended Medical/Dental Plan (optional)
 - 4. London Life Pension Plan (optional)
- 1.2 There will be no payroll advances.
- 1.3 Salary increases will be reviewed by the immediate supervisor on an annual basis and in conjunction with the performance review. (Only available if budgets warrant).

2.0 OVERTIME

Employees may be required to work within a flexible schedule. In the event an employee is required to work beyond his/her normal work schedule the employee will be granted leave in lieu of pay. Leave will be calculated as one and half-hours per hour worked.

Employees must have prior approval from his/her immediate supervisor for any deviation from normal working hours.

3.0 BONUSES

In special circumstances an employee may receive a bonus. The immediate supervisor in consultation with the Manager and/or Chief and Council will determine bonuses.

4.0 TRAVEL AND OTHER EXPENSES

An employee using his/her own vehicle for approved business purposes will be reimbursed according to the current federal government rates.

- 4.1 Employees claiming mileage, travel, accommodation and meal expenses must submit a claim supported by receipts (for accommodation only) on the appropriate form. Expense limits shall not exceed the current Federal Government rates.
- 4.2 Any travel, expenses, honorariums, money etc. paid to an employee from an external agency must be paid directly to the LFN administration.
- 4.3 The manager must authorize use of LFN vehicles; LFN vehicles shall not be used for personal business. All LFN vehicles will normally be parked at the LFN Office. When a vehicle is required for transportation from the office to the employee's home, the vehicle must be parked safely at the employee's home.
- 4.4 The manager must authorize use of LFN cellular phones or pagers; LFN cellular phones and pagers cannot be used for personal business.

5.0 ANNUAL PERFORMANCE REVIEW

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

- 5.1 Regular reviews of all employees will be conducted as needed, when an employee's adequacy becomes an issue for discussion.
- 5.2 Chief and Council will conduct the manager's performance review in the same manner, in consultation with the Community Development Committee.

6.0 DISCIPLINARY

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

- 6.1 On the first occasion that a problem develops the employee shall be given a written or verbal warning. The employee will have the opportunity to respond to the warning, in writing to his/her manager.
- 6.2 In the event that the problem recurs the employee may be issued a second or final warning, or may be suspended without pay for a period of time not to exceed two weeks.
- 6.3 In the event that the same problem recurs a third time, and depending on the severity of the incidents, the employee may be terminated immediately by the supervisor or manager.

7.0 TERMINATION OF EMPLOYMENT

Situations which call for suspensions and/or investigation of an employee that may lead to an employee being discharged by the immediate supervisor in consultation with the Manager.

- 7.1 Conviction of a Criminal Offense that conflicts with the LFN's interest will result in immediate discharge.
- 7.2 Insubordination or dereliction of duty will result in immediate discharge.

Insubordination-unwilling to abide by the LFN Policy.
Dereliction-an intentional abandonment of duty.

- 7.3 Severance pay shall be in accordance with Canada Employment Standards with regard to notice when it is deemed to be "Employer Related" (i.e. Change in funding).

8.0 GRIEVANCE PROCEDURE

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

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

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

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

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

If the grievance is with the supervisor Step 1 may be passed or if the grievance is with the Manager, step 2 may be passed.

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

D. BENEFITS

1.0 STATUTORY HOLIDAYS AND OFFICE CLOSURES

The LFN Administration Office and Transfer Station will be closed during the following paid holidays:

<i>New Years Day</i>	<i>Indian Solidarity Day</i>	<i>Thanksgiving Day</i>
<i>Good Friday</i>	<i>Canada Day</i>	<i>Remembrance Day</i>
<i>Easter Monday</i>	<i>BC Day</i>	<i>Christmas Day</i>
<i>Victoria Day</i>	<i>Labour Day</i>	<i>Boxing Day</i>

Christmas Holidays are at the discretion of the Manager, in consultation with the Chief and Council. If any of the days listed above falls on a weekend, another day off will be granted in lieu, during the regular workweek.

2.0 LEAVES

All leaves are calculated using the anniversary date.

- 2.1 All leaves must be documented in the appropriate form.
- 2.2 **Annual leaves** must be approved of by the employee's immediate supervisor at least one week in advance and must not be taken during peak operational times. Employees must make every effort to take the time off for annual leave. If this is unachievable the employee may be paid according to the Canada Labour Code.

YEARS EMPLOYED	ANNUAL LEAVE	YEARS EMPLOYED	ANNUAL LEAVE
1 TO 3 YEARS	2 WEEKS	10 YEARS	5 WEEKS
4 TO 5 YEARS	4 WEEKS	11 YEARS	5 WEEKS, 1 DAY
6 YEARS	4 WEEKS, 1 DAY	12 YEARS	5 WEEKS, 2DAYS
7 YEARS	4 WEEKS, 2 DAYS	13 YEARS	5 WEEKS, 3 DAYS
8 YEARS	4 WEEKS, 3 DAYS	14 YEARS	5 WEEKS, 4 DAYS
9 YEARS	4 WEEKS, 4 DAYS	15+ YEARS	6 WEEKS

- 2.3 **Sick Leave.** All employees may earn 1-1/2 days per month and may accrue sick leave credits. Sick leave credits cannot be carried over into the next calendar year. If sick leave credits are not utilized prior to December 31st each year, these will be eliminated at the start of the next calendar year.
- .1 When an employee resigns, retires or is dismissed he or she is not entitled to be paid for the accumulated sick leave credits.
 - .2 A maximum of ten- (10) days sick leave credits may be advanced to an employee who has not accumulated enough sick leave days to cover an illness period. The advance days are then deducted from sick leave credits subsequently earned. If the employee quits or is fired, the overdrawn credits are recovered from any monies owed to the employee.
 - .3 The employee must his/her immediate supervisor no later than 30 minutes after the start of the working day and will provide an indication of when he/she expects to return to work.
 - .4 An employee must produce and deliver a doctor's certificate to the immediate supervisor, after three days of consecutive illness.
- 2.4 **Other Leaves.** Employees will be granted maternity, paternity, and adoption leave according to the Canada Labour Code Regulations.
- 2.5 **Cultural Leave.** All employees are entitled to up to six (6) weeks cultural leave without pay. The leave is granted to enable staff to participate in their respective cultural practices and traditions. The immediate supervisor and /or manager must approve any cultural leave.
- 2.6 LFN employees may be allowed **compassionate leave** when a life-threatening situation occurs in the immediate family. Compassionate leave must have prior approval from the immediate supervisor and will not exceed five (5) consecutive working days. While the employee must have prior approval it does not have to be written approval.

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

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

- 2.6 Employees will be allowed **bereavement leave** in the event of a death in the employee's immediate family (as outlined in section D-2.5) the employee is entitled to five (5) consecutive working days leave, starting the first after the death of the family member. An additional two (2) days may be granted if travel beyond 600 kilometers is necessary.
- 2.5 Employees may be granted up to one year of **leave without pay or benefits** upon approval by immediate supervisor in consultation with the Manager, and/or Chief and Council.

E. OTHER

1.0 Guidelines for LFN Chief and Council and LFN Members (see Appendix B)

Oath for Chief and Council (See Appendix B)

2.0 Guidelines for the Advisory Committee of the LFN (See Appendix C)

F. IMPLEMENTATION

1.0 AMENDING PROVISION

The LFN policy Manual may be amended after:

- .1 Council and/ or management to make written recommendation of proposed amendment.
- .2 Consultation with Council, Manager, and relevant staff and/ or committee to discuss proposed amendment.
- 3. Amendment to be passed by motion of Council at a duly convened Council meeting.

2.0 COMING INTO FORCE

These policies shall come into force on the __day of _____, 2___, upon ratification by a simple majority of those eligible electors of the LFN, in attendance at the duly convened meeting as dated above.