

**Kitasoo/Xai'Xais First Nation
Operations Manual**

**Section 5
Human Resources**



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Human Resources Management

5.01 Introduction - These Human Resources Policies have been adopted to ensure the fair, equitable, and consistent treatment of all Kitasoo Band Council employees. The policies and procedures are designed to help set new standards for how the Kitasoo Band Council will operate and continue to strive to provide the best service to the people who work and form part of our organization.

The policies, procedures and practices outlined in this section are to serve as a reference and working guidelines for management, supervisory staff and all personnel in fostering and maintaining good employee/employer relationship.

In order to ensure that the purpose of these policies are achieved, we expect that all of our employees, without exception, will understand, respect and comply with our policies. Therefore it is imperative that all employees familiarize themselves with the content to understand the organization. We sincerely hope that our policies will contribute to an open, honest communication process and add to your sense of pride in working with this organization.

First Nations undertake Federal work which means they are covered by the *Canada Labour Code* and other employment related federal and provincial legislations. If any conflict or inconsistencies exist between this manual and applicable labour legislation, the appropriate legislation or regulations shall take precedence in the event of any inconsistencies and/or omissions within this Operations Manual.

Kitasoo Band Council reserves the right to revise, supplement, rescind or add policies to this Operations Manual as appropriate and will ensure that all employees are advised of any changes.

The Kitasoo Band Council is an equal opportunity employer.

5.02 Human Resource Officer - The Human Resource Officer (HRO) is hired by the Chief & Council, with the recommendation of the Band General Manager, to take responsibility for personnel and human resources matters in accordance with the adopted human resources policies and procedures. The HRO directly reports and is accountable to the Band General Manager.

Purpose and Scope:

- a. The Human Resource Officer works closely with the Band General Manager and Department Managers but is responsible for planning, developing, implementing and monitoring application of human resource policies. Provides service and support in the various human resource functions, which include recruitment, staffing, training and development, performance appraisals monitoring, dispute resolution, grievance process, occupational health and safety and maintenance of personnel files. The Human Resource Officer may participate in the Personnel Selection Boards.

Responsibilities:

- b. The Human Resource Officer's main responsibilities are as follows but are not limited to;
- i. Provide advice and assistance with writing job descriptions and ensure that accurate job descriptions are in place for all employees;
 - ii. Provide advice and assistance when conducting staff performance evaluations;
 - iii. Identify training and development opportunities;
 - iv. Organize staff training sessions, workshops and activities and process employee requests for outside training while complying with policies and procedures;
 - v. Provide basic counselling to staff who have performance related obstacles;
 - vi. Provide advice and assistance in developing human resource plans;
 - vii. Ensure all new employees receive proper orientation;
 - viii. Access funding for training and write proposals;
 - ix. Coordinate staff recruitment and selection process in order to ensure a timely, organized and comprehensive procedure is used to hire staff;
 - x. Prepare notices and advertisements for vacant staff positions;
 - xi. Schedule, organize and participate in applicant interviews;
 - xii. Conduct reference checks on possible candidates;
 - xiii. Maintain and implement procedures and policies on staff recruitment;
 - xiv. Provide information and assistance to staff, Managers, Band General Manager and Council on human resource and work related issues;
 - xv. Monitor and implement a human resources plan and personnel management policies and procedures;
 - xvi. Promote workplace safety;
 - xvii. Ensure implementation and adherence of employment standards and legislation such as workers compensation and labour standards;
 - xviii. Oversee the proper maintenance of personnel files;
 - xix. Participate on Personnel Selection boards;
 - xx. Attend Council meetings to provide human resources related information, when required;
 - xxi. Perform other related duties as required.

5.03 Personnel Selection Boards - The Personnel Selection Boards are *ad hoc* committees formed when a job vacancy needs to be filled. Guided by the principle that the Kitasoo Band Council is an equal opportunity employer, the Personnel Selection boards are mandated to proceed with the selection of the most suitable and qualified candidate for the vacant position that needs to be staffed.

Organization:

- a. When a Personnel Selection board is required for the selection of a candidate to fill a vacant position in any departments other than for the position of Department Manager, the board will consist of the Human Resource Officer, the Manager of the department for which the job vacancy exists and is being staffed and a Committee member from the respective Committee attached to the Department where the vacancy is being filled. If there is no Committee attached to the Department from where a position is being filled, then a Supervisor or Manager from another Department could be used.
- b. When a Personnel Selection Board is required for the selection of a candidate for the position of Department Manager, the Job Selection Board will consist of the Human Resource Officer, the Band General Manager and a Committee member from the respective Committee attached to the Department where the Department Manager position is being filled. If there is no Committee attached to the Department from where a position is being filled, then a Council Member could be used.
- c. For the Band General Manager position, the candidate selection will be done by Chief and Council.

Duties and Responsibilities;

- d. The Personnel Selection board's duties and responsibilities are;
 - i. Review the applications and qualifications of the job applicants for the specific job vacancy required to be staffed;
 - ii. Conduct interview of the short listed candidates;
 - iii. Rank the candidates in order of who is best qualified for the position;
 - iv. Notify the Band General Manager of the selection, who with the approval of Band Council then tasks the Human Resource Officer to carry out with the offer of employment to the successful candidate.

Condition of Employment

5.04 Standard of Professional Conduct – The following is the standard of professional conduct we expect from our employees;

- a. Employees of the Kitasoo Band Council shall conduct and present themselves in a professional and an appropriate manner at all times, including while performing work for the employer, representing the employer, participating in employer organized activities or events, and when dealing with outside organizations or persons.
- b. An employee's personal appearance and dress shall be appropriate to the employee's employment position, the image of the organization, and the nature of the employee's work assignments.
- c. Employees shall use the facilities, property, and supplies which are owned or rented by the employer, with care and due diligence, and only as authorized. Employees shall not use employer owned or leased equipment, vehicles and software for their personal use or pleasure, without the preauthorization of the Band General Manager.

- d. Building and maintaining our good reputation is essential to moving forward. Employees shall not publicly criticize the employer and its policies, other employees, the governing body, and any other persons or organizations doing business with the employer, as this can damage our reputation and our ability to serve our clients and partners. Care must be taken that when you are representing yourself that you do not make statements on behalf of the organization.
 - e. Employees shall display a level of integrity and professionalism that always promotes the image and mandate of the employer.
 - f. Employees are to carry out the duties and responsibilities of their position to the best of their ability, conscientiously, loyally and honestly, remembering that their primary responsibility is to the employer in serving the needs of the clients/community.
 - g. Employees are encouraged to demonstrate initiative in finding ways of doing their work more efficiently, effectively, and economically while following instructions attentively, being cooperative with their supervisor and co-workers, and working as a team member with other employees.
 - h. Employees are expected to conduct themselves in a manner that brings credit to themselves, their department and the Organization.
 - i. Employees will show respect for the authority and jurisdiction of the management and the governing body.
 - j. Employees are expected to perform their jobs in accordance with established policy and procedures as set out in the Operations Manual.
 - k. Employees shall not accept any fees, gifts, or other tangible benefits for duties performed by virtue of their position, notwithstanding traditional values or recognition. Sales incentives are property of the employer.
 - l. Employees not presenting themselves or representing the employer in an appropriate manner shall be subject to disciplinary action.
 - m. No employee shall perform or be requested to perform a task that is unethical and / or morally inappropriate.
 - n. Employees will not participate in political activity during the working day or at any time during which the employee is on official business, unless authorized in advance.
- 5.05 Confidentiality** - Employees will maintain the security, confidentiality and accuracy of all personal information collected and held by their employer, and will consider the need for protecting the anonymity of other employees and clients in the course of their duties.

- a. Department Managers, the Band General Manager or the Human Resource Officer will ensure a Confidentiality agreement with all employees is signed. Employees must sign the declaration of Confidentiality within the Employment Agreement as a condition of employment, which will be kept on the employee's personnel file.
- b. Employees have access to information that is confidential to their clients, other employees and members of the community. This information, whether written or verbal, must be kept confidential and used strictly in the performance of their duties.
- c. No business transactions or confidential information should be disclosed without prior written approval of the Band General Manager and must at all times be in keeping with organization policies and legal requirements.
- d. If an employee is unsure about the confidentiality of any information or a document, they must check with their Department Manager or the Band General Manager.
- e. All necessary steps to preserve confidentiality must be taken. At all times consideration must be given to where business is conducted, and to the security of documentation that contains confidential information. Employees must ensure that material belonging to the employer is not stored on home computers.
- f. Any breach of confidentiality will be reviewed by the Department Manager or Band General Manager and may result in disciplinary action, which may include termination of employment.
- g. The Department Manager will make record of any breaches of confidentiality conducted by an employee and will be noted on the employee's personnel file.

5.06 Code of Conduct - The purpose of the Code of Conduct is to provide guidance on the expected standards of conduct required of all employees. One of our fundamental principles is that all individuals, business acquaintances, employees, and clients be treated with respect.

- a. Kitasoo Band Council is committed to providing the highest standard of customer service to its community, and as such is committed to corporate and individual behaviours that uphold the vision, values and goals of our organization. The values reflect this commitment, and the conduct of our employees should instil confidence, accessibility and trust in those they serve.
- b. Our expectations for every employee are:
 - To work as a team with other employees;
 - Treat everyone with dignity and respect;
 - To perform your job to the best of your ability;
 - To offer ideas that may improve efficiency and service;
 - To comply with our policies and procedures contained in the Operations Manual.
- c. The following list provides some examples of improper conduct that would not be in keeping with our Code of Conduct:

- Theft;
 - Abuse of property and equipment;
 - Harassment or discrimination;
 - Habitual tardiness or absences;
 - Solicitation or acceptance of personal gifts or gratuities in exchange for preferential treatment;
 - Falsifying company records;
 - Disclosing confidential information;
 - Engaging in activity that creates a conflict of interest;
 - Possession, use or sale of illegal substances on Kitasoo Band property;
 - Being under the influence of alcohol or illegal substances while on the employer's business;
 - Insubordination or failure to carry out instructions;
 - Job abandonment;
 - Undermining Behaviour.
- d. Failure to live up to the Code of Conduct is grounds for immediate disciplinary action, up to and including termination of your employment.

5.07 Conflict of Interest – Kitasoo Band Council operates an organization that serves the needs of our community. It is very important that our reputation is based on sound behaviour and business practices that reflect our professionalism. The Conflict of Interest policy is designed to help you understand how outside activities and associations can create problems. A conflict must not exist between an employee's private interests and their ability to perform their duties.

- a. Employees will not conduct personal business or the business of any organization other than the employer during normal working hours, without the pre-approval of the Immediate Supervisor or Department Manager.
- b. Employees will report any personal relationships with other employees of Kitasoo Band Council that could create a conflict of interest.
- c. Employees will not take other employment or volunteer positions while working for the employer when it conflicts with the duties, responsibilities and required working hours, or where the employment conflicts with the interests and business of the employer. You need to discuss other employment or volunteer positions with your Department Manager.
- d. Employees or members of their immediate family will not misuse for profit, political gain or personal gain, information, resources, funds, property or an opportunity belonging to the employer, where the employee ought to have had knowledge of, or is in possession of such knowledge because of their employment.
- e. Employees will not take part in discussions or decisions involving a business, or an organization in which they, or a member of their immediate family have an interest in. They need to identify this as a potential Conflict of Interest.

- f. Employees cannot use access to the employer's information, resources or funds to put themselves, their family or personal friends at an advantage over other Band members.
- g. Employees will not demand, accept or offer gifts, discounts, loans, sales incentives, services or benefits from or to a person or organization having dealing with their employer, unless pre-approved by the employer.
- h. If engaging in political activities, employees must remain impartial and retain perception of impartiality in relation to their duties and responsibilities.
- i. Employees should not engage in activities or speak publicly on matters which could bring the organization into disrepute or be perceived as an official act or representation unless authorized to do so.

Declaration of a Conflict of Interest

- j. At hiring, employees must confirm any and all real, potential and perceived conflict issues with their Department Manager. This will be part of the hiring process.
- k. When a conflict occurs, it is the responsibility of the employee to immediately discuss any potential, real or perceived conflict of interest with their Department Manager, or the Band General Manager whom will undertake the appropriate course of action to remedy the situation.
- l. Any employee failing to declare a potential or real conflict of interest involving themselves or a member of their immediate family will be subject to disciplinary action, including possible termination of employment.
- m. All potential or actual conflicts of interest will be reviewed immediately and with due diligence, so as to determine an appropriate course of action to protect the integrity of both the employee and the employer, and where appropriate, to determine the necessary disciplinary action.
- n. The Human Resource Officer will have the authority to obtain information from affected employee(s) before referring the matter to the Band General Manager or Chief and Council, when appropriate, for making a decision.
- o. The Department Manager or Band General Manager will maintain records of employee conflict of interest declarations on the Personnel file. Employees are to identify any assigned duties that will place them in potential conflict situations.

Examples of Conflict of Interest:

- i. an employee benefits from, or is reasonably perceived to have benefited from, the use of information acquired solely by reason of the employee's employment;

- ii. an employee benefits from, or could be reasonably perceived to have benefited from, a financial transaction, contract or private arrangements because the employee influenced decisions,
- iii. an employee uses the employer's property to pursue their private interests or the interests of friends, families or a business or organization controlled by any of these individuals;
- iv. an employee requests or accepts from an individual, corporation or organization, directly or indirectly, a personal gift or benefit that arises out of the employment, other than:
 - the exchange of hospitality between persons doing business together;
 - tokens exchanged as part of protocol;
 - the normal presentation of gifts to persons participating in public functions;
 - the normal exchange of gifts between friends;
 - the benefit is of a nominal value;
 - the exchange creates no obligation.
- v. An employee solicits or accepts gifts, donations or free services for work-related leisure activities other than in situations outlined above.

5.08 Harassment and Discrimination - Our goal is to foster a professional, safe, supportive and productive work environment where all employees are treated with respect and dignity, provided with equal rights and opportunities, and are free from discriminatory practices and all forms of harassment. Kitsoo Band Council will provide protection for complainants, confidentiality in the review of harassment complaints, and proper redress in respect of harassment. This Harassment Policy shall be administered in accordance with the *Canada Human Rights Act* and within the requirements of the *Canada Labour Code*.

Definitions

Harassment:

Harassment is any improper behaviour by a person, be it verbal, physical, or by innuendo that is likely to be offensive to an employee, and which the harasser knew or ought to have reasonably known would be unwelcome. It includes objectionable conduct, comments or display made on a one-time or continuous basis that demeans, belittles, causes personal humiliation or embarrassment to an employee, or creates an offensive or intimidating working environment. Examples of harassment may include, but are not limited to: verbal abuse or threats, inappropriate, embarrassing or humiliating comments; unwelcome remarks, jokes or innuendoes or taunting of an individual, displays of derogatory or offensive printed material or unwanted physical contact.

Sexual Harassment:

Sexual Harassment includes any conduct, comment, gesture or offensive or humiliating behaviour that is related to a person's gender, as well as behaviour of a sexual nature that creates an

intimidation, unwelcome, hostile, or offensive work environment, or that could reasonable be thought to place sexual conditions on a person's job or employment opportunities. Acts of sexual harassment may include, but not limited to: questions and discussions about a person's sexual life; jokes of a sexual nature; displaying material of a sexual nature; touching a person in a sexual way; commenting on someone's sexual attractiveness or sexual unattractiveness; eyeing someone in a suggestive way; requests for sexual favours; stalking or persistent attempts to contact another person and writing sexual suggestive letters or notes.

Discrimination:

Discrimination is an act of differential treatment toward an individual as a member of a group, or toward a group itself, that may create a disadvantage for that individual or group or deny the individual or group an opportunity, without valid reason. The prohibitive grounds for discrimination are outlined as follows: race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.

Abuse of Authority:

Abuse of authority is considered a form of harassment. It occurs when an employee improperly or unreasonably uses the power and/or authority associated with a position held, in order to endanger another employee's job, undermine the performance of that job, offer or withhold training or developmental opportunities, promotional opportunities, or performance evaluations, threaten the employee's economic livelihood or in any way interfere with or influence the employee's career goals or the extension of preferential treatment to one employee to the disadvantage of another. It also includes acts of intimidation, threats, humiliation and coercion. It does not include normal managerial activities or responsibilities, such as performance counselling and discipline, so long as they are not being performed in a discriminatory manner.

Poisoned Environment:

Jokes, offensive literature (for example pinups), derogatory comments or other activities based on sex, racial or personal characteristics that intrude upon a person's dignity, or that create an intimidating, hostile or offensive atmosphere.

Policies

- a. Harassment in any form will not be accepted and will be considered a serious offense subject to discipline.
- b. The policy applies to harassment committed while employed by Kitasoo Band Council, and occurring at or away from the workplace, and during or outside normal working hours.
- c. Allegations of harassment will be investigated and dealt with in a fair, unbiased and timely manner.
- d. This policy does not preclude an employee from filing a complaint of harassment under Section 8 of the *Canadian Human Rights Act*.

Steps for Reporting Harassment / Discrimination Complaints / Abuse of Authority

- e. The following steps outline the process of reporting complaint of Harassment, Discrimination and Abuse of Authority:
 - 1. Any case of harassment or discrimination should be reported immediately to the Band General Manager. Should the Band General Manager be the subject of the complaint, the employee should report the incident to the Chief for investigation. The Chief may obtain external services or appoint Council member to conduct the investigation. It is the responsibility of Management and Chief and Council to take immediate and appropriate action to report or deal with incidents of harassment of any type whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or downplayed nor should the complainant be told to deal with it personally.
 - 2. The goals of the complaint procedure are to ensure that any inappropriate behaviour or actions cease immediately and do not recur, that any loss incurred by the employee subjected to such behaviour is redressed and that employees are educated about discrimination and harassment so that it does not happen in the future.
 - 3. The employee should provide documentation of any incidents including dates, times, locations, details of the behaviour, names of witnesses and any prior attempts to resolve the issue or stop the behaviour. In addition, the complainant should provide the remedy they are seeking to satisfy their complaint.
 - 4. Employees who file a complaint in good faith will remain free from threats or reprisals from either co-workers or management. Should a threat or reprisal occur a separate complaint would be filed. Kitasoo Band Council does not condone such behaviour and will take the necessary action to address the matter, up to and including dismissal.
 - 5. The Band General Manager or when deemed necessary, the Chief or its appointee will undertake an investigation including meeting with the employee (complainant) filing the complaint to confirm the facts, meeting with the person being accused (respondent) to understand their perspective and any witnesses to these events. The complainant and the respondent are both entitled to be informed of the outcome of the investigation.
 - 6. The Band General Manager, in consultation with the Chief or in cases where warranted, the Chief, in consultation with Council will determine the appropriate resolution to any complaint which could include discipline, up to and including termination, counselling, demotion, suspension, among other options. Chief and Council will be informed when termination is the recommended resolution.

Employee Responsibilities:

- f. The following outline the employee's responsibilities when subjected to Harassment, Discrimination or Abuse of Authority:
 - i. Speak up. If you are uncomfortable with another person's behaviour and you feel you are being harassed, you need to tell the person to stop. Let them know how you feel (embarrassed, humiliated, demeaned or just bothered) by what they are doing or saying. You should speak to that person directly. You should keep a record of this

conversation, including the date and any other person you discussed this with and your attempts to resolve the issue.

- ii. If you are unable to address the person yourself, you may ask your Department Manager or the Human Resource Officer to help you deal with the person on an informal basis. They may be able to help you by facilitating a discussion with the person or help you to express your feelings in a letter.
- iii. Keep notes of all unwelcome or harassing behaviour. Write down what happened, when it happened, where you were, anyone who witnessed the event and how you felt about it.
- iv. Report the harassing behaviour before it happens again.
- v. In harassment complaints, the person who is accused (respondent) will be provided with copies of your complaint so that they can respond to the allegations.
- vi. You must decide what would resolve the issue for you.
- vii. You have the right to have someone accompany you during the process, and to be kept informed of the progress of your complaint. You will be advised about the final outcome of the investigation at the same or similar time as the person accused.

Person Accused of Harassment:

- g. If you have been accused of harassment, you have the right to be informed of the complaint and receive a written statement of the allegations to enable you to respond. You have the right to have someone accompany you during the process, and to be kept informed of the progress of your complaint. You will be advised about the final outcome of the investigation at the same or similar time as the complainant.

Resolutions:

- h. Resolutions resulting from an investigation which finds discriminatory or any form of harassing behaviour occurred, whether formal or informal, may include one or more of the following options:
 - i. A formal apology;
 - ii. A written warning delivered to the person who conducted the harassment;
 - iii. Counselling;
 - iv. Attendance at educational seminars;
 - v. Disciplinary action which may include termination of employment.
- i. The employer will review the past history of the employee, whether any previous events have been recorded, the employee's accountability for their actions and the wishes of the victim when determining the penalty.

- j. Should the victim file a complaint externally to the Canadian Human Rights Commission, additional sanctions could be imposed as a result of a CHRC investigation.
- k. Complaints that are not supported by evidence gathered during an investigation will be dismissed and no record of it will be placed in personnel files. As long as the complaint was filed in good faith, there will be no penalty to the person who complained.
- l. Where an employee's allegations of discrimination or any form of harassment are found to be frivolous or malicious, and in bad faith, that employee will be subject to disciplinary action, up to and including termination.

5.09 Alcohol and Drugs - It is the intent of Kitasoo Band Council to have an environment that is free from the adverse effects of drugs and alcohol. All functions and premises will be drug and alcohol free and visitors or guests who are under the influence of alcohol or drugs will be asked to leave our premises. Drug and alcohol abuse can adversely affect an employee's performance and the safety and health of themselves and other employees. With the exception of over-the-counter or prescription drugs that have been properly prescribed and used, any and all use of illegal drugs or alcohol in the workplace is strictly prohibited.

- a. The use, possession, sale, distribution, exchange or consumption of alcohol or illegal drugs or drug paraphernalia on the employer's property, or on the employer's time is strictly prohibited.
- b. Prescription and over-the-counter drugs may be used as long as they do not impair your ability to do your job.
- c. Reporting to work under the influence of the above-noted substances that may impair your ability and/or create a safety hazard for others is also prohibited and subject to disciplinary action up to and including termination of employment.
- d. When employees are being paid to attend and represent Kitasoo Band Council at outside functions, they are not to consume alcohol while at that function.
- e. When an employee is on their own time, they may make their own decision about alcohol consumption however they should remember to always act responsibly.

5.10 Fraud - Kitasoo Band Council aims to provide community leadership and quality services, operated with the highest standards of respectability and accountability. It is our aim to establish appropriate controls which would aid in the detection and prevention of any fraud against Kitasoo Indian Band.

Fraud is defined as the intentional, false representation concealment of a material fact for the purpose of inducing another to act upon it to his or her detriment, or misappropriation or use of the organization's money. In law, — fraud generally involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion,

embezzlement, or concealment of material facts. Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a violation of trust.

This Anti-Fraud Policy Statement aims to raise awareness of the risks and consequences of Fraud. It provides a framework for promoting the Organization's policies and procedures to prevent and detect fraud. This statement covers fraud and loss within the Kitasoo Band Council Organization and applies to Staff, Band Member, Contractors and Elected Officials.

This policy has been created to protect the Organization's commitment to protect its revenues, property, reputation and other assets; to emphasize clearly the need for accurate financial reporting and to define guidelines for the investigation and handling of fraud should it occur.

Policies

- a. We expect staff to act with honesty and integrity at all times; to safeguard the public resources for which they are responsible. All staff is required to participate actively in protecting the organization's money and resources.
- b. We promote an anti-fraud culture by having a zero tolerance for fraud; by an expectation that every employer and all employees are knowledgeable about this policy and create an environment to support this policy; by investigating every allegation of fraud whether anonymously or otherwise; taking disciplinary action where appropriate; and recovering losses through civil action if necessary.
- c. Any fraud detected or suspected must be reported immediately to the Band General Manager with your report being kept in the strictest confidence. If the accused is the Band General Manager, the complaint would go to the Chief.
- d. The Band General Manager, or when deemed appropriate, the Chief will initiate the investigation with utmost discretion and determine whether the accused should remain at work or be suspended pending the investigation.
- e. The Band General Manager will immediately notify the Chief and Council of any significant fraud investigation. Also, the Chief and Council will involve the Auditor/Legal or RCMP, as deemed appropriate.
- f. Upon conclusion of the investigation, the results will be reported to the appropriate management representatives. All significant instances of fraud will be further reported to the Chief and Council. Lastly, quarterly updates of fraud will be provided to Chief and Council and appropriate management representatives.
- g. Where there are reasonable grounds to indicate that a fraud may have occurred, the Band General Manager will report the incident to the Chief and Council and the appropriate authorities in order to pursue all legal remedies. Also, the employer may pursue every reasonable effort, including court ordered restitution, to obtain recovery of the losses from the offender. If there is proof that a fraud has occurred by the investigation, disciplinary action, up to and including dismissal shall be taken.

h. The following are examples of acts of fraud. This list is not exhaustive.

- Embezzlement, misappropriation or other financial irregularities;
- Forgery or alteration of any document or account belonging to the organization (e.g. cheques, time sheets, leave applications and absence reports, travel claims, contract agreements, purchase orders, other financial documents, electronic files, etc.
- Taking funds, securities, supplies or other assets;
- Destruction or concealment of records or documents;
- Improprieties in the handling or reporting of money or financial transactions;
- Misappropriation of funds, supplies, inventory, or any other assets (including but not limited to furniture, computers, fixtures or equipment);
- Authorizing or receiving payment for goods not received or services not performed;
- Authorizing or receiving payment for hours not worked; and
- Misuse of office (including but not limited to failure to disclose conflict of interest resulting in personal benefit).

Controls

All employees should be familiar with the types of impropriety that could occur in their area of responsibility and report any suspected fraudulent activity to their supervisor. The organization is responsible for instituting and maintaining a system of internal control.

Whistle Blower protection

No employee of the Kitsoo Band Council or person acting on behalf of the Organization in attempting to comply with this Fraud Policy shall:

- Be dismissed or threatened to be dismissed;
- Be disciplined or suspended or threatened to be disciplined or suspended;
- Be penalized or any other retribution imposed, or
- Be intimidated or coerced,

Based on any extent upon the fact that the employee has reported an incident or participated in an investigation in accordance with the requirements of this policy, Violation of this section of the Policy will result in disciplinary action, up to and including dismissal. If an allegation is made in good faith, but is not confirmed by the investigation no action will be taken against the originator. If, however, individuals make malicious allegations, action may be considered against the individual making the allegation.

5.11 Privacy Policy - Kitsoo Band Council has a practice of protecting the privacy and security of customer, supplier, and employee records. We are committed to meeting our obligations under Canadian data privacy laws, including the *Personal Information Protection and Electronic Documents Act* and Bill 38, the *Personal Information Protection Act* in BC. We adhere to the privacy principles set out below, which govern the way we collect, use, store, and disclose personal information that is obtained in the course of conducting business or in the course of employment.

“Personal Information”, as used in this policy, means any information about an identifiable person, including employee records, and customer and supplier information, but does not include

the name, title, business address, business telephone number, business fax number, or a business e-mail address of an employee of an organization.

We will collect, use, store, and disclose personal information in accordance with the following privacy principles:

- a. **Accountability:** The overall responsibility for ensuring our compliance with data privacy laws and this privacy policy rests with the Band General Manager, who also acts as the Privacy Officer. All employees within the organization have responsibility for the day-to-day collection and processing of personal information. The role of the Privacy Officer may be delegated to another employee within the organization by adding this designation in their job description.

We are responsible for personal information in our possession or custody, including personal information that we may transfer to third parties for processing. We will require our service providers to agree to contractual requirements that are consistent with our privacy and security policies. We will require that our service providers are prohibited from using personal information, except for the specific purpose for which we supply it to them.

- b. **Identifying Purposes:** Either before or at the time of collection, we will identify the purposes for which we plan to use the Personal Information. Depending upon the way in which the personal information is collected, this can be done orally or in writing. Unless required by law, we will not use personal information for a new purpose without the knowledge and consent of the individual to whom the information relates.
- c. **Consent:** Personal information will only be collected, used, or disclosed with the consent of the individual, except in certain circumstances permitted or required by law. The way in which we seek consent may vary depending upon the sensitivity of the information but will primarily be noted on our forms. We will obtain consent in all cases where the personal information involved is considered sensitive, such as income or health information.

Typically, we will seek consent for the use or disclosure of personal information at the time of collection. However, additional consent will be sought after the personal information has been collected, if it is required for a new purpose. In certain circumstances, obtaining consent would be inappropriate. The federal *Personal Information Protection and Electronic Documents Act* and provincial privacy laws provide for exceptions where it is impossible or impractical to obtain consent.

- d. **Limiting Collection:** We will collect personal information by fair and lawful means and will limit the amount and type of personal information we collect to that which is necessary for our identified purposes.
- e. **Limiting Use, Disclosure, and Retention:** We will not use or disclose personal information for purposes other than those for which it was collected, except with the consent of the individual or as required by law.

- f. **Accuracy:** We will use our best efforts to ensure that personal information that is used on an ongoing basis and information that is used to make a decision about an individual is as accurate, complete, and up-to-date as necessary for the purpose for which it is to be used.
- g. **Safeguards:** We will protect personal information with safeguards appropriate to the level of sensitivity of the information. Our safeguards protect personal information against loss or theft, as well as unauthorized access, disclosure, copying, use, or modification, regardless of the format in which the information is held. We will exercise care in the disposal or destruction of Personal Information to prevent unauthorized parties from gaining access to the information. Our methods of protection include physical measures (e.g., locked file storage and restricted access to offices), organizational measures (e.g., limiting access on a need-to-know basis), and technological measures (e.g., the use of passwords). We also require our outside service providers to provide a comparable level of protection to personal information that we may supply to them.
- h. **Individual Access:** Upon written request, we will inform an individual of the existence, use, and disclosure of his or her personal information, and give him or her reasonable access to that information. We may deny access for legally permissible reasons, such as situations where the information is prohibitively costly to provide, if it contains references to other individuals, or where it cannot be disclosed for legal, security, or commercial proprietary reasons. We will advise the individual of any reason for denying an access request.

When an individual successfully demonstrates the inaccuracy or incompleteness of personal information held by us, we will correct or update the information as required.

- i. **Filing Inquiries and Complaints:** We will investigate all written complaints and respond to all written inquiries. If we find a complaint to be justified, we will take appropriate measures to resolve it.

5.12 Employer's Property – The following are the policies with respect to employer's property:

- a. All employees must protect and care for all property entrusted to them by the employer.
- b. All employees must report any faulty equipment that requires repair or maintenance to their immediate supervisor or designate.
- c. All employees must report any Kitasoo Band's property that is lost or misplaced to their immediate supervisor or designate immediately upon becoming aware of the loss.
- d. Keys will be issued and signed for by the employee. These keys will not be duplicated. Lost keys are to be reported immediately or can result in disciplinary action.
- e. All keys issued and any other property belonging to the employer must be returned to the employer upon termination of employment or leave of absence.
- f. No visitors or unauthorized person(s) are permitted in the band office after regular business hours.

5.13 Internet, Electronic Mail, Phones and Cellular Phones - Computers, the Internet and email are tools used to support job responsibilities and to further the business operations of the Kitsoo Band Council Organization. Use of these tools requires each employee to be personally responsible for the security, integrity and well-being of the systems.

- a. Computers are first and foremost provided for business use.
- b. E-mail messages and electronic documents are written documents for legal purposes, including documents that have been deleted. They may be subject to court order and disclosure may apply to a user's personal documents as well as work documents.
- c. Also understand that email messages are not secure and may be intercepted, misdirected or retransmitted beyond your intended audience.
- d. Any documents, files, programs or other electronic content created on the employer's equipment belongs to the employer regardless of the time of day created or the purpose of that creation.
- e. The employer retains the right to monitor any and all electronic communications, files and use of the Internet to ensure the integrity of the system and compliance with our policies.
- f. The following list, while not exhaustive, demonstrates the types of activities that are prohibited:
 - i. Accessing or distributing pornographic material or engaging in any illegal activity;
 - ii. Knowingly using or distributing software or products that contain viruses, that are designed for hacking or activities designed to interfere with the functioning of the internal or external network;
 - iii. Using technology to make racial slurs, defamatory or other derogatory statements, harass, threaten or electronically stalk or to circulate sexually explicit material including jokes or cartoons;
 - iv. Deliberately misrepresenting the organization or yourself;
 - v. Using material, software or other intellectual property of others that would violate software licenses, copyright and trademark laws;
 - vi. Disclosing security methods, passwords or other proprietary information;
 - vii. Using the network for personal commercial use, advertisements, solicitations or promotions or for personal political gain;
 - viii. Chat rooms, forums and other types of internet areas;
 - ix. Instant messaging systems (e.g. MSN);
 - x. Do not forward jokes, chain emails, etc;

- k. Collect calls are not accepted from the general public as a general practice, however you must use your discretion when a collect call is from staff or Council members.
- l. Personal cell phone use is permitted during break periods only and devices should not be turned on during work time, unless authorized.
- m. Employees must refrain from making or taking cellular phone calls while the vehicle is in motion. For your safety, use cellular phones only while the vehicle is parked so that you may direct your full attention to your driving and the road as distractions can and do cause accidents.

Classification of Employees

5.14 Classification of Employment - Positions shall be classified as either permanent full-time, permanent part-time or casual. All positions will be subject to a probationary period. Contract relationships do not constitute employment. Positions may be classified as supervisory depending of their roles and responsibility.

Categories of Employment

- a. **Full-time:** Employees who are employed for a minimum of 30 hours per week, who are being funded for the position on an ongoing basis and have been designated permanent by Chief and Council.
- b. **Part-time:** Employees who are employed for between 20 – 30 hours per week, who are being funded for the position on an ongoing basis and have been designated permanent by Chief and Council.
- c. **Casual:** Employees who are employed only on a short-term basis, working less than 20 hours per week and have been designated as Casual by Chief and Council.
- d. **Contractor:** A person who has a written contract setting out duties to be performed, rates of pay, performance dates and other scope of work.

5.15 Job Description - Job descriptions will be available for all full-time and part-time positions. The Human Resource Officer is responsible for writing and amending all job descriptions and maintaining an updated copy of all job descriptions on file. Band General Manager is responsible to approve all job descriptions.

- a. Job descriptions shall include the following:
 - Job title;
 - Purpose of the job;
 - Decision making authority of the position;
 - Accountability – sets out the reporting structure;
 - Qualifications required for the position;

- Responsibilities which may change from time to time to reflect the needs of the employer.

5.16 Probationary Period - The probationary period is an integral part, and an extension of the employee selection process. During the probationary period, the employee's Department Manager and the immediate supervisor shall work in partnership with the new or promoted employee to achieve a desired and acceptable level of performance. The probationary period provides both the employee and employer the opportunity to assess skills, knowledge and abilities and fit with the organization. We encourage you to actively participate in this process and ask questions that will help your understanding of your role and of the organization.

- a. All new employees shall serve a three (3) month probationary period from the commencement of their employment.
- b. Employees who are already receiving benefits when promoted or transferred will continue to receive these benefits during the probationary period.
- c. Employees who are promoted or transferred who are not successful in their probationary period in the new position may not be entitled to return to their previous position.
- d. During the probationary period, the employee will receive a written performance evaluation review two weeks prior to the end of their probationary period. The Department Manager will evaluate employees working under their respective department. Department Managers and Human Resource Officer will be evaluated by the Band General Manager. If the position of a Department Manager is vacant, the Band General Manager will assume the role of Department Manager. The Band General Manager will be evaluated by Chief and Council. Employees must be given written notice of their evaluation prior to the end of their probationary period. Any further written comments on an employee's evaluation are to be made available for the employee to review. The notice must indicate whether their employment will or will not continue. Employees who decide not to continue with their employment must give written notice no less than one (1) week prior to the end of their probationary period.
- e. Where an employee does not meet the performance requirements of the position during the probationary period, the employee's employment shall be terminated with or without any notice or pay in lieu of notice depending on length of service in accordance with *Canada Labour Code* and the *BC Employment Standards Act*.
- f. Upon completion of the probationary period, should the employer decide to offer the employee a permanent employment contract, the employment offer shall be made in writing.

5.17 Seniority - Services seniority shall mean the length of continuous service as an employee with the Kitasoo Band Council. It shall not include the work of casual employees unless the casual employment contract was for an uninterrupted term of at least eight (8) months.

Recruiting and Staffing

5.18 Recruitment Process - Vacant positions will be filled through a process of recruitment and selection designed to hire and retain the most suitably qualified applicants following objective and consistent hiring practices. However, Kitasoo Band Council is committed to the providing career development opportunities for staff and community members. The organization has a vested interest in encouraging and assisting in the development of training and education programs designed to create a skilled source of future staff members from within the Band membership, thus vacancies will first be posted internally and then externally to find qualified candidates.

Internal Process

- a. To create or abolish a position, the Band General Manager, in consultation with Department Managers, Committees and the Human Resource Officer, makes a recommendation to Chief and Council outlining the rationale identifying the need to add or delete a position, the cost, identification of funding source and other relevant information. The Chief and Council will render a decision and task the Human Resource Officer to proceed with the recruiting process.

Advertising of Positions

- b. Vacant or new staff positions for the Kitasoo Band Council or its enterprises shall first be advertised internally and will be posted in a prominent public place commonly used for the purpose of community notices, newsletter and website where available. It will be common practice to post for ten (10) working days where operationally feasible. The Kitasoo Band Council reserves the right to hire without posting to meet operational requirements.
- c. In the event a qualified candidate is not found within the Kitasoo/Xai'Xais First Nation community, the employer may advertise the vacant or new position externally for a period of fourteen (14) days. Advertising may include, but is not limited to, the following;
 - Newspaper ads;
 - Postings with Human Resources Development Canada;
 - Postings with other First Nations;
 - Ads with Educational Institutions (where appropriate);
 - Public notices;
- d. The employer reserves the right to re-advertise any position wherein the applications received did not meet the basic requirements for the position.
- e. All job postings will contain a brief job description, minimum qualifications and a date by which the applications should be received. An indication of salary or wages may also be included.
- f. Job postings that are being developed in anticipation of an upcoming position will state —Anticipatory Staffing— This position may not be filled depending on funding.
- g. To avoid nepotism and conflict of interest, relatives of employees may not be hired into positions where there is a direct reporting relationship or where internal controls may be compromised as a result of such appointment. Individuals must declare these relationships in advance.

Selection of Employees

- h.** The employer is an affirmative action employer although it reserves the right to give first preference to individuals of the Kitasoo/Xai'Xais First Nation who possess the necessary qualifications or experience for the position and second preference to members of other First Nations who possess the necessary qualifications and experience for the position.
- i.** Applications will be reviewed by a Personnel Selection Board which will compile an initial ranking to produce an eligibility list consisting of a maximum of 3 candidates, or less if less than 3 candidates apply. Ranking of the candidates will be done in a fair and equitable manner based on the following criteria: (Prior to the interview)

 - Education and Training;
 - Work Experience;
 - Skills and Abilities;
 - Motivation and potential;
 - Personal expectations of the employee;
 - References;
 - Aptitude test (where applicable)
- j.** Once the initial ranking has occurred, a member of the Personnel Selection Board is required to declare any personal conflict of interest and withdraw from the selection process if the eligibility list includes a member's spouse, sibling, child, parent, spouse's parent, aunt or uncle, direct niece or nephew. In that case, the Band General Manager or the Chief when applicable will replace the Job Selection Board member who has a personal conflict of interest with another suitable member.
- k.** Prior to the actual interviews, the Personnel Selection Board will compile a set of questions designed to test the candidate knowledge, ability, and personal suitability for the position. Once unanimously approved, these same questions shall uniformly be used for all candidates. The Personnel Selection Board will then proceed with interviewing the candidates on the eligibility list.
- l.** Once all interviews are completed, the Personnel Selection Board will decide which candidates are qualified for the position based upon their skills, abilities and suitability for the position. Where more than one candidate is qualified, the board will rank the candidates in order of who is best suited and qualified. In some cases salary requirements may be an issue and may be subject to consideration in the selection process. The Human Resource Officer will notify the Band General Manager of the Personnel Selection Board's results.

The Human Resource Officer will then notify the successful candidate of the result and if he or she accepts the position, the other interviewees will be contacted and notified of the Personnel Selection Board's decision. Should the successful candidate turns down the position, the second interviewed candidate on the list will be offered the position.

In the event that no qualified candidate is identified or accept the position, the position will be advertised again.

Offer of Employment

- m.** Once a successful candidate accepts the position, the offer of employment will be made by way of a written letter setting out the terms and conditions of employment including the job title, starting salary, the benefits (if any), the probationary period, the commencement date, a copy of the Human Resource Policy section of the Operations Manual, and the employment agreement. The offer will not be complete until the candidate signs and return the original Offer of Employment letter and the Employment Agreement. All duly signed forms must be returned prior to the start date. The Human Resource Officer will keep the Offer of Employment letter and the signed forms on the employee's personnel file.

Employment Conditions

- n.** It is the policy of Kitsoo Band Council to require verification of all education, certificates and licences before employment commences. The candidate will be required to provide original documents or certified true copies, including transcripts, certificates, graduation certificates or licences for copying. Copies will be maintained in the employee's personnel file.
- o.** Positions that have bona fide occupational requirement may require the ability:
 - i.** To obtain and maintain a valid Criminal Record Check;
 - ii.** To obtain and maintain a valid BC Driver's Licence;
 - iii.** To obtain and maintain bonding;
 - iv.** To obtain and maintain first aid certification.

Candidates will be informed of this requirement on the job posting, at the interview and in writing in an offer of employment letter. Failure to meet or maintain the requirement could result in termination of employment.

- p.** In cases where it is necessary to hire for a position on an emergency basis, the procedure set out above may be waived, but only with the prior approval of the Chief and Council.
- q.** These procedures do not restrict the ability of Chief and Council to make appointments as required.

5.19 Criminal Record Checks – The following policy applies for job positions within the Kitsoo Band Council that requires a criminal record check as a term of employment:

- a.** Positions requiring a criminal records check (CRC) will provide an offer of employment that is contingent upon obtaining and maintaining a satisfactory CRC for the position.
- b.** During employment, an employee who is charged with a criminal offence must immediately advise their Department Manager.
- c.** An employee of the Kitsoo Band Council convicted of a criminal offense or who engages in criminal activity, where the offense or activity harms or compromises the reputation or

position of the employer, or where the offense or activity interferes with an employee's ability to perform his/her duties and responsibilities, may be subject to the termination of her/his employment.

- d. Kitasoo Band Council reserves the right to require annual Criminal Records Checks and Driver's Abstract for employees at the employer's expense.

5.20 Employee Orientation - The employer shall provide all new employees with an orientation process at the start of their employment. The orientation process takes time and does not happen all in a single day. As you settle in, please do not hesitate to ask questions at any time. We recognize the value of providing a comprehensive orientation program to employees.

- a. The Orientation will be the responsibility of the employee's Department Manager and may be supported by other staff members of the organization.
- b. The Department Manager will ensure that all payroll, benefits and employee documents are completed and forwarded to the payroll department, and to the employee's personal file, within the first two days of work.
- c. An Orientation checklist may be used by the supervisor to ensure that all aspects are covered. The New Employee Orientation Checklist is attached as **Appendix "5A"**.

5.21 Employee Records - Adequate records must be maintained on every employee and all information retained in the employee's personnel file will be the responsibility of the Human Resource Officer.

- a. Two files will be kept on each employee: (a) a personnel file, and (b) a payroll file. Refer to the Employee Documentation Requirements List attached as **Appendix "5B"** for a complete list of employee records necessary to be included in each of the employee's file.
- b. No documentation will be placed in an employee's personnel file without the employee's knowledge.
- c. Records will be kept confidential and locked at all times to protect your privacy. Internal access to employee's records is restricted to those having an authorized, business related need to know.
- d. Employees are entitled to review their file at any reasonable time during regular office hours. Employees can make arrangements to view their file by contacting the Human Resource Officer and shall only be allowed to view their Personnel file in the presence of a designated employee. Details of employment references which were obtained in confidence from previous employers and other sources are not to be made available for the employee's review.
- e. Employee files are kept for a minimum of nine (9) years in accordance with the Canada Labour Code Regulations.

- f. An employee with a known medical condition may choose to provide relevant information to the employer in case of a medical emergency. This information is kept in a sealed envelope on the employee's personnel file and can be opened only by emergency medical personnel and the designated Health and Safety employee if the injured employee is unable to speak for him/herself.
- g. Personal employee information within the personnel file shall not be released to anyone without the written consent of the employee, except where required by law. This does not include personal information relating to the employees qualifications, position, performance, or other employment information of a non-personal nature.
- h. We will only release your personal information to third parties at your request, or with your permission to verify your employment or when required to satisfy legitimate investigative or legal requirements. For example, if a third party calls to verify salary for a mortgage or loan application, you will have to provide written permission to give out this information.
- i. We will not provide reference information beyond verifying dates of employment or last position held without your written permission. With your permission we will provide additional reference information concerning your general working habits, reason for termination or resignation, attendance record, salary verification, and whether or not we would rehire you, but would require a written request for us to provide this information.

Personnel Management

5.22 Performance Management - All employees will have regular and scheduled formal performance appraisals once per year for the purpose of providing performance recognition, fostering employee self-development, and identifying performance and personal areas for development. Performance evaluation is achieved by comparing actual performance against goals and work standards. Feedback between an employee and supervisor should be ongoing, frequent and a regular part of working together. The Performance Appraisal Chart attached as **Appendix "5C"** provides direction, guidance and identify who is responsible to conduct employee Performance Appraisals.

- a. Employees shall receive an annual written performance appraisal; scheduled twelve (12) months from the completion of the employee's probationary period and every twelve (12) months thereafter.
- b. For probationary employees, a performance appraisal will be conducted two (2) weeks prior to the end of the probationary period.
- c. The performance appraisal will be conducted by the employee's Department Manager and will be based on the most recent job description and work plan. During the course of this review, the employee and his/her Department Manager will discuss progress made during the previous year and a work plan for the upcoming year. They will also discuss training requirements, salary review and current job description to ensure it is up to date. The appraisal will follow the format as provided on the Performance Appraisal form.

- d. The employee performance appraisal process shall include an employee self-appraisal. It may also include information from peers, supervisors, subordinates, committees and external organizations. The employee is to be given an opportunity to write comments on the fairness of the appraisal.
- e. The employee is required to sign the performance appraisal and may indicate any disagreement with the findings in the comment section provided on the performance appraisal form. The employee will be provided with a signed copy of their appraisal, and the signed original of the appraisal shall be placed in the employee's personnel file. In the event an employee feels that he/she is being treated unfairly, he/she may appeal the appraisal following the provisions of the Dispute Resolution and the Grievance Process outlined in this Operations Manual.

5.23 Employee Training and Development - The employer recognizes the value of employee training and development and will make every reasonable effort to assist permanent employees in obtaining new and enhanced skills, abilities and knowledge, which will aid in the execution of the employee's duties. This assistance may take the form of time off with pay, course fees, or travel costs associated with course or workshop attendance.

- a. An employee requesting professional development shall make written application to the Department Manager or the Band General Manager as appropriate, thirty (30) days before the commencement of the professional development. The application must outline the nature of the training, the cost, date and duration of the training, and the benefits to both the employer and the employee resulting from the employee's completion of the professional development. The Manager will review the employee's application, make note on the application of their rationale whether or not they support the application and forward the request to the Band General Manager for approval. The Band General Manager, in consultation with the Human Resource Officer and Chief and Council may approve the request. Depending on the application to the current job the employee holds, the employer may consider assisting with tuition and course fees, based upon successful completion of the course. The employee would be responsible for all other associated costs including travel time and expenses.
- b. While the employer will make every reasonable effort to accommodate the professional needs of the employee, the assistance will be limited by:
 - Funding availability;
 - Employer's needs;
 - Employee's past and current job performance;
 - Degree to which the training will assist the employee in carrying out his or her duties;
 - Previous training.
- c. The employer may request or require an employee to complete formal professional development that is identified by management which would be the financial responsibility of the employer.
- d. The Band General Manager, in consultation with the Human Resource Officer and Chief and Council shall have the authority to approve professional development for all employees. The

Chief and Council shall have the authority to approve professional development for the Band General Manager.

- e. The Department Manager will manage any travel time that could become overtime by providing a flexible schedule for the employee.
- f. The employee may be asked to share the lessons learned with other employees, provide the employer with a written report or other activities which would add value to the organization's investment.
- g. The employer recognizes the need for the equitable distribution of professional development funds amongst all employees and will take this fact into consideration when approving applications for professional development.
- h. Employees are encouraged and expected to take personal interest and responsibility in the development of their skills, knowledge and personal qualities, and the setting of career goals.

5.24 Discipline, Suspension and Dismissal - Kitasoo Band Council has established a set of rules for employees' conduct and performance that will help guide our practices and behaviour. Our purpose is to serve the needs of our clients with a consistent, professional level of service. Our goal is to provide employees with the opportunity to solve performance or behaviour issues through guidance and feedback. Employees will be kept informed about any changes in the policies and procedures. Some types of misconduct, behaviour or performance issues will be serious enough to warrant a disciplinary approach. This policy will provide the structure for a disciplinary process.

- a. It is the employee's responsibility to review, understand and follow the policies.
- b. Discipline is to be applied fairly, equally, respectfully and confidentially.
- c. The Progressive Discipline Policy is intended as a guideline, but the employer reserves the right to discipline or dismiss employees for just cause when the severity of the behaviour is serious enough to constitute grounds for termination of employment, without warning.

Guideline for Disciplinary Procedures

- d. **Investigation:** Before any disciplinary action is imposed, the immediate supervisor will investigate the circumstances leading to the dissatisfaction with the employee's performance or behaviour. The investigation might include an interview with the employee only or with a number of people. The supervisor should make notes during and after any interviews. The investigation should include a review of past performance, length of service, history of discipline and the seriousness of the infraction.
- e. **Corrective Discussion:** Prior to disciplinary action, the employee's immediate supervisor shall make every reasonable effort to advise the employee. This shall include, explaining the nature and impact of the employee's questionable conduct and setting expectations for future performance or behaviour.

Steps of Progressive Discipline

- f. Where performance issues exist that have not been corrected through feedback or when serious issues occur, a progressive disciplinary process will be followed to address concerns and to signal that behaviour is unacceptable. Progressive discipline is the process of taking greater forms of severity that increase with each event that breaks the rules or standards. This process of escalation will generally consist of:

- 1) Verbal Warning
- 2) Written Warning
- 3) Second Written Warning and/or Suspension
- 4) Dismissal

This process will fairly and effectively inform employees of the expectations and the changes they must make to be successful, along with the consequences of not making those changes. The system will apply to all employees and will be used in a consistent manner. A fair policy means that discipline will be applied to all employees in an unbiased way, focusing on the facts at hand and previous history with similar incidents.

Step 1: Verbal Warning

Unless the employee's misconduct is very serious, after the investigation the immediate supervisor will usually decide that the first disciplinary action given an employee should be a verbal warning. The immediate supervisor will clearly explain the issue and set expectations for future performance and behaviour. The immediate supervisor and employee should agree on an action plan, preferably in writing, to ensure the poor performance is corrected or the misconduct is not repeated. The immediate supervisor will arrange to meet with the employee to follow-up on the action plan. A note indicating the date and substance of the verbal warning shall be placed in the employee's personnel file.

Step 2: Written Warning

If the inappropriate conduct or poor performance continues or reoccurs, the employee will be required to attend a meeting with the Department Manager and the Human Resource Officer for the purpose of discussing the case. The employee will be provided with a written warning that clearly describes the misconduct, performance or behaviour issue and set out clear expectations for the employee.

The warning letter will also include the consequences of more serious disciplinary action to be imposed if the misconduct, performance or behaviour issue is not corrected. The employee will be required to sign a copy of all letters issued to acknowledge receipt and understanding. All discussion will be documented and placed in the employee's personnel file along with a signed copy of the warning letter.

Step 3: Second Written Warning and/or Suspension

Should the inappropriate conduct or poor performance continues or reoccurs, the employee will be served a second written warning which may be joined with a suspension without pay. A suspension would be used to provide the employee with time to consider the consequences of

their actions, realize the seriousness of the situation and to reinforce that this is the last step before termination of employment. Again, the letter will clearly describe the misconduct, performance or behaviour issue and the expectations for improvement. The letter will also specify that failure to improve or repeating the behaviour will result in dismissal.

When a suspension without pay is included with a written warning, the length of the suspension shall match the issue and shall not exceed five working days. Notice of suspensions shall be issued by the Band General Manager, after consultation with the employee's Department Manager and reported to Chief and Council, in writing, within forty-eight (48) hours of the notice of suspension.

Step 4: Dismissal

If the inappropriate conduct or poor performance continues or reoccurs, the employee will be dismissed with just cause by the Band General Manager, after consultation with the Chief and Council.

Grounds for Discipline

g. Grounds for discipline may include, but are not limited to:

- Insubordination or the refusal to follow the directions or recognize the authority of the supervisor;
- A pattern of lateness;
- Excessive absenteeism or unauthorized absenteeism for more than three (3) consecutive work days;
- Leaving your job or your regular work place during working hours without authorization (does not include lunch, rest periods or going to the restroom);
- Interfering with the work of other employees;
- Unsatisfactory job performance which could include poor productivity, lack of attention to detail, missing deadlines, poor representation of the organization, etc.;
- Voluntary destruction of the employer's equipment or property;
- Failure to adhere to the policies (including breach of the Code of Conduct or Confidentiality provisions);
- Complaint made in bad faith;
- Unsatisfactory use of company time (e.g. personal phone calls, visitors, not focusing on job responsibilities);
- Taking issues to Council meetings instead of following the prescribed dispute process as stated in Section 5.27 (Dispute Resolution) (examples: internal problems between co-workers, complaints about being supervised or managed, etc.)

h. Grounds that could lead to immediate dismissal for just cause may be a result of:

- Theft;
- Drinking, using or being under the influence of prohibited or restricted drugs, alcohol, solvents or intoxicating beverages on the job;
- Improper use of confidential information;
- Failure to disclose conflict of interest;

- Falsification of records;
- Endangering the safety of other employees;
- Defrauding the employer;
- Repeat or serious harassment in the workplace as described in Section 5.08;
- Persistent incompetence;
- Insubordination;
- Repeat suspensions from the job;
- Any other incident that would be considered just cause at common law.

Off-Duty Conduct

- i. Actions or conduct may occur during or outside of the scheduled workday that may warrant disciplinary action, up to and including dismissal, for inappropriate off-duty conduct, whether verbal, written or through other electronic means, that:
 - Damages our reputation and goodwill within the Community;
 - Materially and adversely affects your job performance or the job performance of other employees;
 - Divulges private information of the organization or of others, to any person or entity that is not authorized to receive that information;
 - Makes libellous, slanderous or maliciously false statements towards or concerning the organization, any of its employees, governing body, services or products.

5.25 Termination of Employment / Layoff - The employer recognizes the adverse affects of a lay-off on an employee and the family of the employee, and also on the general operation of the organization. It is the policy of *the* employer to provide a notice of lay-off or pay in lieu of notice, and pay the employee any accumulated overtime credits and pro-rated vacation pay, where the lay-off constitutes a termination of employment.

- a. The termination will not be considered a lay-off where the employee is terminated for just cause.
- b. Lay-off may occur due to the elimination of positions due to redundancy, lack of funding or completion/cancellation of projects.
- c. The lay-off shall constitute a termination of employment where the lay-off is for greater than three (3) months.
- d. In the event of a temporary lay-off, a period lesser than three (3) months and where the employee may be recalled, no pro-rated vacation pay will be paid to the employee until such a time as the lay-off is determined to be permanent. For the purpose of determining the termination date under this section, the employment of an employee who is laid off for more than a temporary layoff is deemed to have been terminated at the beginning of the layoff.
- e. Employees returning to work after a lay-off will be eligible to participate in benefits.

- f. Notice of Lay-off or Pay In Lieu of Notice are in accordance with Canada Labour Code provisions and are as follows;
- i. An employee with a minimum of 3 consecutive months of employment is eligible to 1 week's notice or 1 week's wages.
 - ii. An employee with a minimum of 12 consecutive months of employment is eligible to 2 weeks' notice or 2 weeks wages.
 - iii. An employee with a minimum of 3 consecutive years of employment is eligible to 3 weeks' notice, plus one additional week for each additional year of employment, to a maximum of 8 weeks' notice, or to an amount equal to 3 weeks' wages plus one additional week's wages for each additional year of employment, to a maximum of 8 weeks' wages.
 - iv. The employer may give the employee a combination of written notice and money equivalent of what the employee is eligible for as per section 5.25 (f) (i), (ii), (iii).
 - v. The employee is NOT eligible to receive notice or pay in-lieu of notice in the case when the employee retires from employment, terminates the employment, or is dismissed for just cause.

5.26 Notice of Resignation – The following policy applies to all Kitsoo Band Council employees;

- a. All employees resigning their employment shall be expected to provide a notice of resignation in writing to their immediate supervisor. In the case of the Band General Manager, Finance Officer, Human Resource Officer, Department Managers or Program Coordinators who choose to terminate his or her employment he or she shall give one month notice in writing. All other employees desiring to terminate their employment shall give ten (10) business days notice in writing.
- b. The immediate supervisor will accept the employee's resignation in writing confirming the last day of work, expectations during this period including a detailed list of agreed upon duties to be completed and turned over, and list of property to be returned (for example: tools, equipment, keys, documents, intellectual property, office supplies, gas cards, calling cards, credit cards, cell phones, pagers, pass codes) before the last day of work. The letter will also address how outstanding vacation entitlement and banked overtime will be handled. Employees must continue to honour their commitment to the Confidentiality agreement after their employment terminates.
- c. All employees shall be compensated for salary and vacation up to the date of termination, provided all other financial documentation is completed and up to date and property or other such assets belonging to the employer have been returned to the employer.

5.27 Dispute Resolution - It is the policy of Kitsoo Band Council that all its employees receive fair and equitable treatment at all times. It is important that we are able to have open communication with each other and we therefore encourage all employees to use their communication skills to resolve issues in a positive, constructive and respectful manner.

- a. Employees should make every reasonable effort and an earnest attempt to resolve any disagreement or differences between themselves before proceeding to the formal grievance process.
- b. If the employee is not satisfied with results of the discussion with the other party, he/she can approach the immediate supervisor for assistance. This should be done as soon as possible, as the longer disputes remain unresolved the greater the potential for more issues to develop. The immediate supervisor should attempt to facilitate a resolution with the two parties present.
- c. If the employee is not satisfied with the results of the assistance from the immediate supervisor and feels that the dispute is not yet settled, the employee can proceed to the formal grievance procedure outline in Section 5.28.

5.28 Grievances and Procedures for Settlement – An employee, other than the Band General Manager, who has been adversely affected by a decision of the employer, within seven (7) days of such event, can file a grievance in accordance with the following procedure:

- a. An employee, who is not in agreement with a decision of a supervisor concerning a decision that directly or indirectly affects the terms of employment of the employee, has a right to grieve such decision in accordance with the within procedures.
- b. There are up to three (3) grievance appeal levels, each being separate levels of appeal as illustrated in the Grievance Process Flowchart in **Appendix “5D”**, namely:
 - i. **From a Decision of a Staff Member** – A grievance from a decision of a Staff Member is before the Manager applicable to the Department/Program under which the employee is assigned (**“Level I Appeal”**);
 - ii. **From a Decision of a Manager** – A grievance from the decision of a Manager (including the decision from a Level I Appeal), is before the Band General Manager (**“Level II Appeal”**);
 - iii. **From a Decision of the Band General Manager** – A grievance from the decision of the Band General Manager (including the decision from a Level II Appeal), is before the Government (**“Level III Appeal”**);
 - iv. **From a Decision of a Teaching School Staff Member** – The same procedure as outlined above in i, ii and iii would apply but the Kitsoo Educational Authority Committee replaces the Band General Manager in the Level II Appeal process.

Procedure to Process a Grievance

- c. The procedure to process a grievance is as follows:

1. A grievance is documented by a letter from the grieving employee directed to the Kitasoo Band Council concisely setting out the facts surrounding the matter being grieved, and the reason the employee thinks such decision is inappropriate with copies of relevant documents attached (**"The Grievance"**)
2. The deadline for delivering the grievance is no later than seven (7) working days of the date the decision being grieved came to the attention of the employee being subject of the grievance;
3. The grievance is delivered to the Human Resource Officer who acts as the Registrar and Coordinator of the grievance process, and if the grievance is against a decision of the Human Resource Officer, then the grievance is delivered to the Band General Manager who acts as the registrar and coordinator of the grievance process (**"The Grievance Registrar"**);
4. The grievance registrar schedules a meeting with the appropriate person(s), in accordance with the appropriate grievance level, to the grievance within ten (10) working days of the date receiving the grievance;
5. Notice of the grievance hearing date is provided to all parties concerned by the Grievance Registrar, with such notice being provided no less than twenty four (24) hours;
6. The above date can only be changed by mutual agreement between the Grievance Registrar and the grieving employee;
7. The Grievance Registrar can group related grievances so that they are heard at the same time;
8. At all levels of appeal, the grieving employee is required to be in attendance, and if the person is not in attendance, the appeal is dismissed;
9. The Grievance Registrar is in attendance at all levels of appeal and bring copies of all grievance documentation and decision of previous levels of appeal;
10. The grieving employee can arrange to have other persons to be in attendance at the grievance hearing to provide useful information in deciding the grievance;
11. At each level of grievance a full, frank and open discussion is encouraged. Rules of evidence do not apply, but all statements are made under oath and in the event a person gives a statement that is knowingly false, then such circumstance is grounds for termination with just cause without the right to grieve under the above procedure;
12. The decision of the decider of the grievance is in writing and is delivered within seven (7) working days of the grievance hearing;
13. All grievance decisions are final except for further appeals by either party to higher levels within the above procedure;

14. An appeal to a higher level within the above procedure is regarded a new grievance and follows the same procedures as the original grievance;
- d. An employee who has been terminated , laid off or suspended is regarded as an employee and can use the above grievance process to grieve the decision to terminate, layoff or suspend;

Notice

- e. **Valid Notices** – Any notice given under the within manual to the employer, is valid if delivered personally to the Band General Manager or the Chief or mailed directly to said person at the Kitasoo Band Office mailing address. Any notices given under the Operations Manual to the employee, is valid if delivered personally to the employee or mailed by ordinary mail to the last known address of the employee. In the event the notice is mailed, then such notice is deemed as received five (5) days after the date of mailing.

Hours of Work

- 5.29 Hours of Work** - Employees will work a workday and a workweek as determined by the employer, which takes into account operational requirements, applicable legislation, fairness and internal equity. Employees shall not take time off without prior authorization.
- a. The standard workday is 6 hours and the standard workweek is 30 hours.
 - b. Except in the case of a real emergency as determined by the employee's immediate supervisor, no employee can work more than forty-eight (48) hours in a week as per Canada Labour Code.
 - c. Employees scheduled to work at least five (5) hours per day are entitled to a one (1) hour, unpaid meal period, normally to be taken daily from 12:00 PM to 1:00 PM or as approved by the employee's immediate supervisor.
 - d. Employees who work at least four (4) hours per day are entitled to one (1) paid fifteen-minute break. Employees who work at least seven (7) hours per day are entitled to two (2) paid fifteen-minute breaks unless otherwise approved by their immediate supervisor.
- 5.30 Overtime** - The employer recognizes that from time to time, due to emergencies and workload, there may be the occasional need for employees to work overtime hours, in excess of their normal regularly scheduled hours. When overtime is required, it requires authorization in advance by the employer before overtime will be compensated.
- a. All hours worked in excess of the normal workday and workweek, except in the case of an emergency, must be pre-approved by the employee's immediate supervisor, in order to receive compensation.
 - b. In the case of an emergency, overtime hours must be approved by the employee's immediate supervisor when possible. If it is not possible to obtain prior approval, employees will use their

discretion in working the additional hours and the employer will verify and confirm the legitimacy of the overtime claimed.

- c. An employee choosing to work overtime without authorization may not receive any compensation.
- d. All approved overtime will be compensated in credits as compensatory time-off in lieu. Additional pay will not be provided for overtime.
- e. Hours worked over six (6) hours a day, but not to exceed eight (8) hours a day, and over thirty (30) hours a week, but not to exceed forty (40) hours a week, will be compensated at the rate of straight time in compensatory time-off in lieu credits.
- f. Hours worked over eight (8) hours a day and forty (40) hours a week will be compensated at the rate of one and one-half (1 1/2) times the hours worked in compensatory time-off in lieu credits.

Accumulation and Scheduling of Time-off in Lieu

- g. All compensatory time-off in lieu credits earned by an employee shall not be accumulated for more than one month. All compensatory time-off credits must be taken before the end of the following month, from the month in which the time-off credits were earned. Should the compensatory time-off credits not be taken within the prescribed time period, the banked time-off in lieu credits will be forfeited.

(Example: Time-off credits earned March 20th – Deadline to use the time-off credits April 30th.)

- h. Immediate supervisors are responsible to schedule their own and employee time off and managing banked overtime amounts on a regular basis to ensure that banked time is liquidated as per policy. The maximum amount of banked overtime is 30 hours. Immediate supervisors are required to manage this time to reduce or eliminate the liability to the employer.

Record of Overtime

- i. All overtime hours must be recorded on bi-weekly timesheets and submitted to their immediate supervisor for approval / signing. In the absence of their supervisor, the Department Manager or Band General Manager will have approval authority.
- j. The Department Manager will maintain records of employee overtime, as applicable.

5.31 Attendance, Lateness and Absenteeism - Employees who expect to be late or absent from work must notify their immediate supervisor, in the supervisor's absence, the Department Manager prior to 9:30 a.m. during a work day.

- a. In the case of lateness or absence from work, the employer may either reduce the employee's pay for the time missed or require the employee to make up for the time missed by working extra hours.

- b. It is the responsibility of the immediate supervisors to monitor and record the attendance of all employees under his /her supervision to ensure that absenteeism does not create operational problems caused by:
 - i. Patterns of absenteeism surrounding weekends, scheduled days off or holidays.
 - ii. Absences that are made without reasonable explanation or when not medically supported.
 - iii. Failing to come to work at the appropriate start times or leaving before the end of your shift.
 - iv. Excessive time off for appointments during business hours.
- c. Supervisors are expected to follow-up with employees. These conversations may include a review of overall attendance and should include ideas to generate solutions.
- d. Unapproved and excessive lateness or absenteeism will result in disciplinary action and may include termination of employment.
- e. Should an employee be absent for three consecutive days without calling their immediate supervisor the employer will consider the employee to have abandoned their position and their employment will be terminated for abandoning their position. A letter will be sent/delivered to the last known address advising the employee of this termination.

Benefits, Wage and Salary Administration

5.32 Employee Benefits - Participation in the pension program maintained by the employer with the designated plan carrier is available for all permanent full time employees. Participation in the health/dental/vision care portion of the designated plan carrier program is not mandatory if the employee is covered by another health plan. Participation for all permanent full time employees and permanent part time employees who work a minimum of 25 hours per week in the life/AD&D/short term and long term disability insurance portion of the designated plan carrier benefit plan is mandatory and is subject to the waiting period set out in the benefit plan itself.

- a. Casual and part time employees who work less than 25 hours per week are not eligible to receive benefits.
- b. The employer reserves the right to make changes to the designated plan carrier benefit package that it, in its sole discretion, deems reasonable and necessary but will not do so without first consulting the employees. Any changes, deletions or modifications to the benefit package shall be communicated to the employees in writing as they occur.

5.33 Wage and Salary Administration - Wage and salary of each new employee will be stated in the contract of employment. Depending upon the terms of employment, the new employee salary may be increased at the end of their probationary period. Wage and salary increases will be determined with considerations for budget, employee performance, training, experience and comparison with other similar organizations and funding levels from external sources.

Pay Increase

- a. Employee's salary treatments will be based on performance and subject to funding and will be reviewed annually at the time of the employee's annual performance appraisal or around March of each year with any applicable pay raise effective April 1st. Teaching staff will have their salaries reviewed by August of each year with any applicable raises effective September 1st. Pay increase will be granted only to those employees whose job performance warrants such an increase (based upon the results of the employee's annual performance appraisal). Employees may be promoted to a new classification and their salary will be reviewed and adjusted based on the new position's pay rate and department budget.

Compensation for Increased Responsibility

- b. Where an employee has been requested by the Department Manager, to temporarily assume the responsibilities of another position and be designated to perform the principal duties of the position for a period of at least 5 working days or 30 working hours or more, the employee may be eligible to be paid a higher salary for that period at the discretion of the employer. The salary rate paid will be within the salary range of the higher paying position, as authorized by the Chief and Council, and should be at least ten (10) percent higher than the employee's current rate of pay, but is not to exceed the top level of the higher paying position.
- c. Employees will not be granted substitute pay for periods less than 30 hours of work or during vacation relief or where they are not designated to perform the principal duties of the position.

Payment of Wages / Salaries

- d. Employees shall be paid bi-monthly on the 15th and the last day of each month or in the event that the pay day falls on a day of rest, the last working day prior to the 15th or the last working day prior to the last day of the month.

Payroll Deductions

- e. Deductions required by law, Court Order, or any other legal requirements on payroll shall be made on each cheque. Such deductions shall include, but not be limited to, Federal Income Tax, Canada Pension Plan, Employment Insurance, and wage garnishments.
- f. The employer shall reserve the right to deduct from any employee's pay, any amounts owed to the band for rents, purchases from band store, etc.

Vacation Pay

- g. All employees are entitled to receive the following amount of vacation pay:
 - i. After completing five (5) calendar days of employment, the employee shall receive 4% of total wages during the year of employment.
 - ii. After completing five (5) consecutive years of employment, the employee shall receive 6% of total wages during the year of employment.
- h. Vacation pay will be paid to an employee on the scheduled payday immediately preceding the start of the employee's approved vacation.

Timesheets

- i. All employees who are not on salary and getting paid on an hourly basis must submit completed bi-weekly timesheets to their immediate supervisor for signing. In the absence of the supervisor, the Department Manager or his designate will have signing authority.

Leave, Vacation and Holidays

5.34 Vacation Leave - Permanent full-time employees shall be entitled to vacation leave as follows:

Completed Years of Employment Based on Employment Anniversary Date	Percent (%) Entitlement	Annual Vacation Leave Entitlement (Working Days)
Less than one (1)	4%	0
One (1) year to five (5) years	4%	10
Six (6) year +	6%	15

- a. Permanent part-time employees will have pro-rated version based on hours worked.
- b. Casual employees are generally not eligible for vacation leave. Casual employees shall receive vacation pay in the amount of four percent (4%) of total wages/earnings as per Vacation Pay policy 5.33 (g).
- c. Vacation leave shall be earned based on the employee's employment anniversary date and shall accrue based on each full month of employment.
- d. Vacation Year – Vacation year is defined as the same as fiscal year April 1st to March 31st.
- e. New permanent full-time and part-time employees will earn vacation leave credits during their first year but are not entitled to vacation leave until after completing one year of continuous employment.

Scheduling of Vacation Leave

- f. All employees must complete the Request for Leave form and submit to their immediate supervisor for approval when scheduling vacation time off.

- g. Vacation leave shall normally be submitted in April for the coming fiscal year. This provides both the employer and the employee with ample time to ensure that operational needs can be met and that conflicts where more than one employee wants the same time can be fairly handled throughout the year.
- h. Vacation leave requests should take into consideration peak times, deadlines and job requirements. Prior to leaving on vacation, employees will make arrangements to ensure their job duties are covered and that their supervisor is aware of any issues that may arise during their absence.
- i. Where vacation leave requests are submitted outside this time period, the employee should provide at least ten (10) working days notice to their immediate supervisor and these requests will be reviewed subject to operational requirements.
- j. Employees may not carry leave over to the next fiscal year. Any unused leave shall be forfeited.
- k. The scheduling and approval of vacation leave for employees shall be the responsibility of the applicable immediate supervisor.
- l. The Chief shall have the authority to approve the scheduling of the vacation leave of the Band General Manager.
- m. Where an employee terminates their employment and has used more vacation than they are entitled to, the dollar value of the time will be recovered from their final pay cheque.

5.35 General (Statutory) Holidays - Statutory Holidays are days of special significance that have been established by government to commemorate or celebrate certain events. A General Holiday is a day on which employees (part-time or full-time) are entitled to a day off with full pay, equal to the wages they would have earned at their regular rate of pay for their normal hours of work.

- a. The following days are considered to be designated paid holidays:

New Year's Day	Good Friday	Easter Monday
Christmas Day	Boxing Day	Labour Day
Thanksgiving Day	Remembrance Day	Victoria Day
Canada Day	B.C. Day	

- b. In addition to the designated paid holidays, any other holidays proclaimed as Provincial, Federal or Civic holidays in the employee's normal work area will be designated as paid holidays.
- c. An employee who has been employed for at least 30 days will receive a holiday with pay for each designated paid holiday falling within the employee's period of employment. The employee must have worked at least 15 days in the 30-day period preceding the holiday in order to be eligible to be paid for the designated holiday.

Holidays Coinciding With a Day of Rest

- d. When a designated paid holiday coincides with a non-working day for the employee, the holiday will be moved to the employee's first working day following the day of rest or will be rescheduled at a mutually convenient time.

Holidays Coinciding With a Vacation Time

- e. When a designated paid holiday falls during an employee's vacation time, the employee will be granted one additional vacation day. The scheduling of the additional vacation day will be decided by the employee's immediate supervisor in consultation with the employee and will be at a time convenient to both the employer and the employee.

Employed on Statutory or Employer Designated Holiday

- f. Any employee required to work (or travel on business) on a statutory or designated holiday will be entitled to, in addition to his or her regular wage, a rate of 1.5 times his or her regular wage for all hours worked on that day. The employee will be compensated in compensatory time off in lieu.

Employer Designated Holiday

- g. The Chief and Council may declare other days as designated holidays at their discretion. For all employees, except casual employees, these employer designated holidays will be paid days off provided the employee meets the eligibility criteria. An employee who has been employed for at least 30 days will receive a holiday with pay for each employer designated holiday falling within the employee's period of employment. The employee must have worked at least 15 days in the 30-day period preceding the employer designated holiday in order to be eligible to be paid for the designated holiday.

5.36 Sick Leave - All full-time and part-time employees are entitled to receive sick leave benefits as per the following policies:

- i. Full-time employees who work 30 hours per week shall earn fifteen (15) sick leave days per year or one and one quarter (1.25) days for each month of employment and have earned at least twelve (12) days of pay.
 - ii. Part-time employees shall earn sick leave on a pro-rated entitlement consistent with their scheduled regular hours of work and have earned at least twelve (12) days of pay.
- a. The employer will grant sick leave with pay to an employee who is unable to perform his or her duties due to illness or accident or who is required to attend a doctor's appointment during work hours, if the employee has obtained the necessary sick leave credits.

- b. Sick leave days will not accumulate during extended leave of absence from work because of illness or accident.
- c. Any illness causing absence must be reported to the employee's immediate supervisor before 8:30 a.m. on the day of the absence or the employee will be considered to be absent without cause and therefore not paid for the time away. The immediate supervisor will then notify the Department Manager of the employee's absence.
- d. Any illness or absence for a period of more than three (3) days, must be supported by medical documentation (doctor's note); submitted to the employee's immediate supervisor upon the employee's return to work. Failure to provide medical documentation as requested will result in the employee not being paid for the related period of sick leave.
- e. Employees are required to complete a Request for Leave form upon their return to work or prior to leaving where the absence is known in advance.
- f. Any employee who exhausts his/her sick leave will be provided with a separation slip for the purpose of applying for sick leave benefits.
- g. An employee who for any reason resigns or whose employment is terminated is not entitled to payment of sick leave accumulated.
- h. The employer reserves the right to refuse to provide payment for sick leave that is not considered valid, that is determined to be dishonest, that is found to be a pattern or other situations that do not match the intent of providing sick leave.
- i. The employer shall not dismiss, suspend, lay-off, demote or discipline an employee because of absence due to personal or work-related illness or injury.
- j. An employee shall not work for another employer while on sick leave.
- k. An employee who is entitled to sick leave with pay as described in section 5.36 and who has not used any of his/her sick leave during the fiscal year will be entitled to receive one third (1/3) of the accumulated sick leave into vacation leave that will be applied to the next fiscal year period.

Example: Permanent full-time employee worked 12 consecutive months during fiscal year 2009, accumulated 15 days of sick leave with pay and did not use any of his sick leave during fiscal year 2009. The employee receives an extra 5 days (1/3 of his sick leave entitlement) in vacation leave to be taken during fiscal year 2010. This is in addition of the employee's regular 15 days vacation leave entitlement.

5.37 Bereavement Leave - All full-time and part-time employees shall be entitled to bereavement leave upon the death of an immediate family member.

For the purpose of this section, "immediate family" is defined as 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 children and the children of the employee's spouse or common-law partner; the employee's grandchildren; 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.

- a. Employees who have not completed their 3 month probationary period will be eligible for time off without pay.
- b. Employees beyond their 3 months probationary period shall be granted up to four (4) regularly scheduled consecutive working days leave with pay where there has been a death in the "immediate family of the employee", as approved by the Band General Manager or the Chief and Council where applicable. In addition, the employee may be granted up to three (3) days of leave for the purpose of travel.
- c. An employee may be granted one (1) day of special leave for close relatives other than the immediate family provided that the immediate supervisor is satisfied that the leave is necessary for a purpose related death.
- d. An employee may be granted one period of ten (10) days of leave for any funeral within the community.
- e. Kitsoo Band Council may declare a period of mourning at their discretion.

5.38 Maternity, Parental and Adoption Leave - The employer shall provide all eligible employees with unpaid maternity, parental and adoption leave. Such leave shall be without pay.

- a. A female employee who has completed twelve (12) consecutive months of continuous employment when her leave begins, and who provides at least four (4) weeks notice before the commencement of maternity leave and a certificate from a qualified medical practitioner confirming pregnancy shall be granted a maternity leave of absence.
- b. An employee is entitled up to seventeen (17) weeks of maternity leave that may be taken any time during the period that begins eleven (11) weeks before the expected date of delivery and ending seventeen (17) weeks after the actual delivery date. Application for leave should be submitted prior to the 7th month of pregnancy.

Parental and Adoption Leave

- c. An employee who has completed twelve (12) consecutive months of continuous employment and who assumes actual care and custody of a new-born or newly adopted child, is entitled to parental leave of absence upon providing a written notice of leave at least four (4) weeks before the commencement of parental or adoption leave, for up to thirty-seven (37) weeks.

- d. Parental or adoption leave is available to either parent, natural or adopting, and may be shared by both parents in such a way, as the aggregate period of leave does not exceed the total entitlement of 52 weeks. Where the employee is requesting parental leave related to the adoption of a child, the employee should provide the Department Manager with appropriate documentation or a declaration.
- e. Where both parents work for the Kitasoo Band Council, or where they both work for another employer under the jurisdiction of the Canada Labour Code, the parents are entitled to a combined leave of up to thirty-seven (37) weeks.

Benefits during Maternity and Parental Leave

- f. Coverage under the employer's Group Insurance Benefits Plan shall continue during the leave period providing the employee pays, within a reasonable time, any contributions she or he would normally have paid. The employer shall continue to pay his or her required share of benefit premiums so long as the employee pays their required premiums. A series of post-dated cheques should be provided before your leave begins.

Employment Status

- g. An employee shall be not dismissed, suspended, laid-off, demoted or disciplined because the employee is pregnant or has applied for leave of absence under this policy.
- h. During approved leave, the employee shall be informed of every employment, promotion or training opportunity for which the employee is qualified.

Return to Employment

- i. Upon the employee's return to work from maternity, parental or adoption leave, the employee shall be reinstated into his or her former position, or where for a valid reason the employer cannot reinstate the employee in the same position, the employee will be placed in a comparable position in the same location and with the same pay and benefits.
- j. Employment shall be deemed to be continuous with employment before the leave for the purposes of calculating benefits.

5.39 Compassionate Care Leave - The employer shall provide all employees, a compassionate care leave (up to 8 weeks, without pay) to provide care or support to a immediate family member of the employee who has a serious medical condition with a significant risk of death within twenty-six (26) weeks as per Canada Labour Code Section 206.3.

- a. Employees making application for Compassionate Care Leave must request the leave, in writing, and include a medical certificate from a qualified medical practitioner as to the health risk of the immediate family member.

- b. Where an employee is unable to produce a medical certificate prior to the leave, the employee must produce a medical certificate within fifteen (15) days of the employee's return to work following the period of Compassionate Care Leave.
- c. Employees do not need to take the entire period themselves, but time cannot be taken in increments of less than one week.
- d. An employee on approved Compassionate Care leave will have protection from dismissal, suspension, lay-off, demotion or other discipline because of the compassionate care leave.
- e. Upon return from Compassionate Care Leave, the employee will be reinstated to her/his former position or a comparable position in the same location and at the same wage or salary.
- f. Compassionate Care Leave shall end the last day of the week in which the family member dies.
- g. Employees shall not be eligible for Compassionate Care Leave and Bereavement Leave at the same time.
- h. There is an additional provision that an employee may be approved for an additional eight (8) weeks of Compassionate Care Leave should the family member not die in the expected period. The employee and any member of their immediate family must wait for the original 26 weeks to expire before re-applying for another eight (8) week period.

5.40 Court leave - Employees shall be granted paid court leave to appear in court for the purpose of being available for jury selection, serving on a jury, attending as a witness in court or any legal proceeding where employees have received a subpoena or summons, and where the required attendance is not the result of any personal action of the employee to a maximum of ten (10) working days.

- a. Leave of absence without pay beyond the ten (10) working days shall be given to every employee who is required to serve on a jury; or is summoned to attend as a witness in any proceedings held before a court, judge, justice, magistrate or coroner in the Province of BC. The employee is required to provide a copy of the summons or subpoena to support this request for time off.
- b. Only the days that an employee is required to be in court will be compensated. Should the employee be excused from court for part of a day (where the employee could reasonably work for one (1) hour or more) or an entire day, they would be expected to return to work, as long as the drive between work and court is reasonable. This expectation is to be established before the leave begins.
- c. Employee must provide a record of all monies paid to them by the court, except traveling and meal allowances, and the employer will make up any difference between that amount and their regular earnings for that ten (10) day period. Overtime hours will not be compensated.

- d. Employees appearing as a Plaintiff or Defendant, attending family court, or for jail time pending a court case must request vacation or banked overtime if available or else request an unpaid leave of absence to cover their absence.

5.41 Voting Leave - The employer respects the right of all employees to vote in Federal, Provincial, Civic and Band Elections and Referendums. On voting days, the employer shall ensure that employees have the opportunity to leave work to vote. The time frame will be three (3) consecutive hours before the polls close for Band and Federal Elections and four (4) consecutive hours before the polls close for Provincial Elections.

5.42 Other Leaves - There could be many reasons for employee absence related to civic duties and personal reasons. This policy will provide the guidelines covering time off from work. In all cases where leave with pay is granted, the employee will be paid at the rate of pay equal to the employee's regular rate of pay in effect on the first day of the absence.

Family Responsibility Leave

- a. All permanent employees will be entitled to five (5) days of unpaid leave to meet responsibilities related to the care, health or education of any member of the employee's immediate family in a calendar year.
- b. The employee is required to notify their immediate supervisor as soon as practical and ensure that they keep them informed about their return to work date.

Personal Leave

- c. An employee may have a need to request a leave from work for personal reasons. Such requests for leave shall be in writing, reviewed on an individual request basis, and shall be without pay. Employees should submit their request two (2) weeks before the leave is to begin.
- d. Leave without pay for personal reasons will be considered in conjunction with:
 - a requirement that all vacation and banked overtime have been used;
 - employees must have been employed for a period of one year;
 - employees have a satisfactory or higher performance appraisal rating;
 - the stated reason for the leave and;
 - current operational requirements and commitments will not result in operational hardship to the employer.
- e. Personal leave will not be granted for purposes of other employment. Personal leave will not exceed six (6) months in duration.
- f. The Band General Manager, in consultation with the Human Resource Officer has the authority to approve personal leave for periods up to three (3) months. Personal leave request exceeding three (3) months will go the Chief and Council for approval.

- g.** An employee on personal leave may continue participation in the Group Insurance Benefits Plans, excluding short-term and long-term Disability, providing the employee pays 100% of all premiums (employer portion and employee portion). All other benefits including vacation accrual will be suspended during the period of the absence for leaves greater than thirty (30) days.
- h.** An employee who fails to return to work on the date specified in their written agreement for a leave of absence will be deemed to have abandoned their position and will be terminated effective that date. All benefits will be cancelled and the employer will complete any requirements for final pay and a record of employment.

Educational Leave

- i.** Employees may be granted educational leave of up to one (1) year without pay. To be eligible for educational leave the following conditions must be met:

 - i.** The employee must have completed twelve (12) months of continuous employment for Kitasoo Band Council;
 - ii.** In the opinion of the employer, the training or education sought by the employee must be beneficial to both the employee and the employer;
 - iii.** Application for educational leave must be submitted to the employer six (6) months prior to the beginning of the requested leave.
- j.** Educational leave request are to be submitted to the Band General Manager for consideration. The Band General Manager, in consultation with Chief and Council, will render decision on the leave request and will inform the employee of the decision no later than one (1) month from the date of the submission. If the educational leave request is denied, the employee will be provided with the reasons in writing.

Health and Safety

5.43 Occupational Health & Safety - It is the policy of Kitasoo Band Council to provide a safe working environment for all employees, to provide instructions covering safe work methods and to have available special equipment required to protect employees against specific hazards. The Occupational Health and Safety Program shall be developed and administered in accordance with Part II of the *Canada Labour Code* and the requirements of the *Workers Compensation Act*.

- a.** Kitasoo Band Council has committed to fulfilling the requirements related to Occupational Health and Safety by:

 - i.** Ensuring that employees are aware of any health and safety hazards in the workplace;
 - ii.** Conducting workplace inspections, as required, and correcting any unsafe acts and conditions;

- iii. Ensuring employees are adequately trained and qualified to safely perform their duties;
- iv. Providing written safe work procedures, when required for the employee's continued health and safety;
- v. Maintaining health and safety records and statistics;
- vi. Posting a copy of the applicable *Occupational Health and Safety Regulations*;
- vii. Posting the safety and health policy;
- viii. Posting the names of the health and safety committee members;
- ix. Posting the minutes of the Health and Safety committee meetings;
- x. Posting the names and work locations of trained first aid attendants

b. In addition, the employer is committed to:

- i. Reviewing and acting on the recommendations of the Safety Committee.
- ii. Providing a safe and healthy work environment, including first aid and supplies, appropriate safety equipment and clothing, protective devices for machinery, tools and equipment, and the proper level of ventilation, lighting and noise.
- iii. Training and education of employees (i.e. hazardous materials, fire and emergency procedures and the safe operation of equipment and tools).
- iv. Developing a program to manage work place hazardous materials.
- v. Reviewing the Occupational Health and Safety Program annually.

Employee Responsibilities

- c. Reporting all accidents, injuries or near misses immediately.
- d. Taking all reasonable and necessary precautions to ensure their own safety and health and that of anyone affected by their work and complying with the instructions provided for the protection of their health and safety.
- e. Correcting or reporting any hazards and accidents in the workplace to their immediate supervisor.
- f. Using safety materials, equipment, devices and/or clothing either furnished by the employer or prescribed by a Regulation.
- g. Helping to create a safe work place by recommending ways to improve the health and safety program.
- h. It is important that your current address, phone number(s), and emergency contact(s) be provided to the employer, in order to respond to potential emergency situations. This information will be kept secure in your Personnel file.
- i. Employees are specifically instructed not to use or operate a machine, including motor vehicle as part of their employment while under the influence of intoxicating substances (See policies on Discipline and Alcohol & Drugs)

- j. According to Labour Code regulations, an employee has the right to refuse to do a job when he/she has reasonable cause to believe:
 - i. The use or operation of a machine or equipment presents a danger to the employee or a co-worker, or
 - ii. A condition exists at work that presents a danger to an employee, the employee may refuse to work. If an employee refuses to work, he/she must advise their supervisor immediately and provide the reasons that make the situation unsafe.

- k. Check-in procedures for field workers who work alone or in isolation will consist of the following:
 - i. Working alone or in isolation means to work in circumstances where assistance would not be readily available to the worker;
 - ii. Workers will leave a written explanation of the location they are going to work at, the directions for locating this place and the expected time frame to be on site;
 - iii. Every two hours and at the end of each shift, the employee is required to make contact with their immediate supervisor;
 - iv. If the employee fails to make contact, the immediate supervisor must try to reach the employee;
 - v. If contact is not possible, the employee's well-being must be verified. This would include sending another employee to the job site to locate the employee;
 - vi. Any worker who is involved in this process must understand the steps to take, who to notify and the methods for contacting emergency assistance (e.g. police, fire or ambulance).

5.44 Smoking - For the health, safety and well being of all employees, clients, visitors and other personnel, all employer buildings, offices and vehicles are designated as Non Smoking in accordance with the Non Smokers Health Act.

- a. Smoking is prohibited within any distance that would permit smoke to re-enter the building.
- b. Employees should ensure smoking does not interfere with visitors, pedestrians or others coming to the building.
- c. Employees shall be responsible for ensuring that co-workers, clients and visitors comply with this policy.
- d. Employees smoking in areas designated as Non Smoking will be subject to disciplinary action.

General Policies

5.45 Employee Acknowledgement - To ensure that all employees have been informed about our Human Resource policies, Kitsoo Band Council asks each employee to sign an Employment Agreement which will be kept on the employee's personnel file.

- a. The Employment Agreement will ensure that every employee is provided with the right information and access to a copy of the Human Resources Policy section of the Operations Manual for their reference.

Employee Orientation Checklist

Employee Name:	Job Title:
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Description	Date Completed	Supervisor Initials
Prior to Hiring:		
Criminal Record Check Completed (if applicable)		
Verification of Previous Employment, Education, Driver's Licence and Driver's Abstract as required		
Offer of employment letter with Confidentiality and Conflict of Interest Declarations		
Start date		
Notice to current staff about new employee		
Advance ordering/organization of equipment, tools, office keys, etc.		
Signing Up New Employees – Day One:		
Time sheet procedures		
Sign up for company benefit program – following 3 months of employment		
Complete admin and payroll forms (if applicable)		
Emergency Contact Information Form		
Explain probationary period and performance appraisal process		
Employee to bring in SIN Card, Names and birthdates of all family members who will be eligible for benefits, etc.		
Departmental, Job-Specific Orientation:		
Hours of work / shift		
Pay Days – date of first pay cheque		
Vacation time – earning, how to request time off		
Sick leave – how to properly notify Supervisor		
Breaks		
Training procedures & expectations		
Dispute resolution and grievance procedure		
Introductions of new employee to staff		
Assign a mentor or buddy to new staff		
Explain how employee fits with the other jobs and functions		
Tour of facilities		
Policies for tools, equipment and company owned property as appropriate		
Policies and Procedures – Human Resource Manual including discussion on Harassment		
Smoking policy		
Overtime		
Access to the workplace, workplace security including how to lock up		
Occupational Health and Safety – accident/ first aid procedures and reporting, location of first aid room, first aid kits, fire extinguishers, fire exit routs and marshalling area, Health and Safety Committee, and protective equipment		
Emergency situations – how to handle & who to contact		
Review job description, pointing out specific expectations for major duties, performance standards, and quality expectations. Have employee sign a copy of the job description, date and send their personnel file.		

I have been provided with all of the information listed here and understand all aspects. I know where to go to ask questions and gain further information if a question arises.

Employee Signature: _____ **Date:** _____

Note: A signed copy of the Orientation Checklist is sent to the personnel file.

Employee Documentation Requirements List

Personnel File	Payroll File
<ul style="list-style-type: none"> • Employee Name, Date of Birth, Occupation, Telephone Number, Address, Social Insurance Number 	<ul style="list-style-type: none"> • Employee Name, Date of Birth, Occupation, Telephone Number, Address, Social Insurance Number
<ul style="list-style-type: none"> • Offer of employment letter including wage rate, hours of work, benefit entitlement 	<ul style="list-style-type: none"> • Offer of employment letter including wage rate, hours of work, benefit entitlement
<ul style="list-style-type: none"> • Job description outlining duties and qualifications 	<ul style="list-style-type: none"> • Time sheets and Overtime bank forms or records
<ul style="list-style-type: none"> • Copies of any certificates, designations or licenses 	<ul style="list-style-type: none"> • Letters documenting promotions, demotions or transfers
<ul style="list-style-type: none"> • Work plans, performance appraisals, disciplinary documentation, commendation letters or notes 	<ul style="list-style-type: none"> • Statement of wages showing benefits paid, gross and net wages for each pay period, deductions
<ul style="list-style-type: none"> • Certificate of completion for any training 	<ul style="list-style-type: none"> • Statutory holidays taken and amount paid by employer
<ul style="list-style-type: none"> • Letters documenting promotions, demotions or transfers 	
<ul style="list-style-type: none"> • Employment Agreement, Conflict of interest form or other forms. 	
<ul style="list-style-type: none"> • Leave and Overtime bank records 	

Performance Appraisal Chart

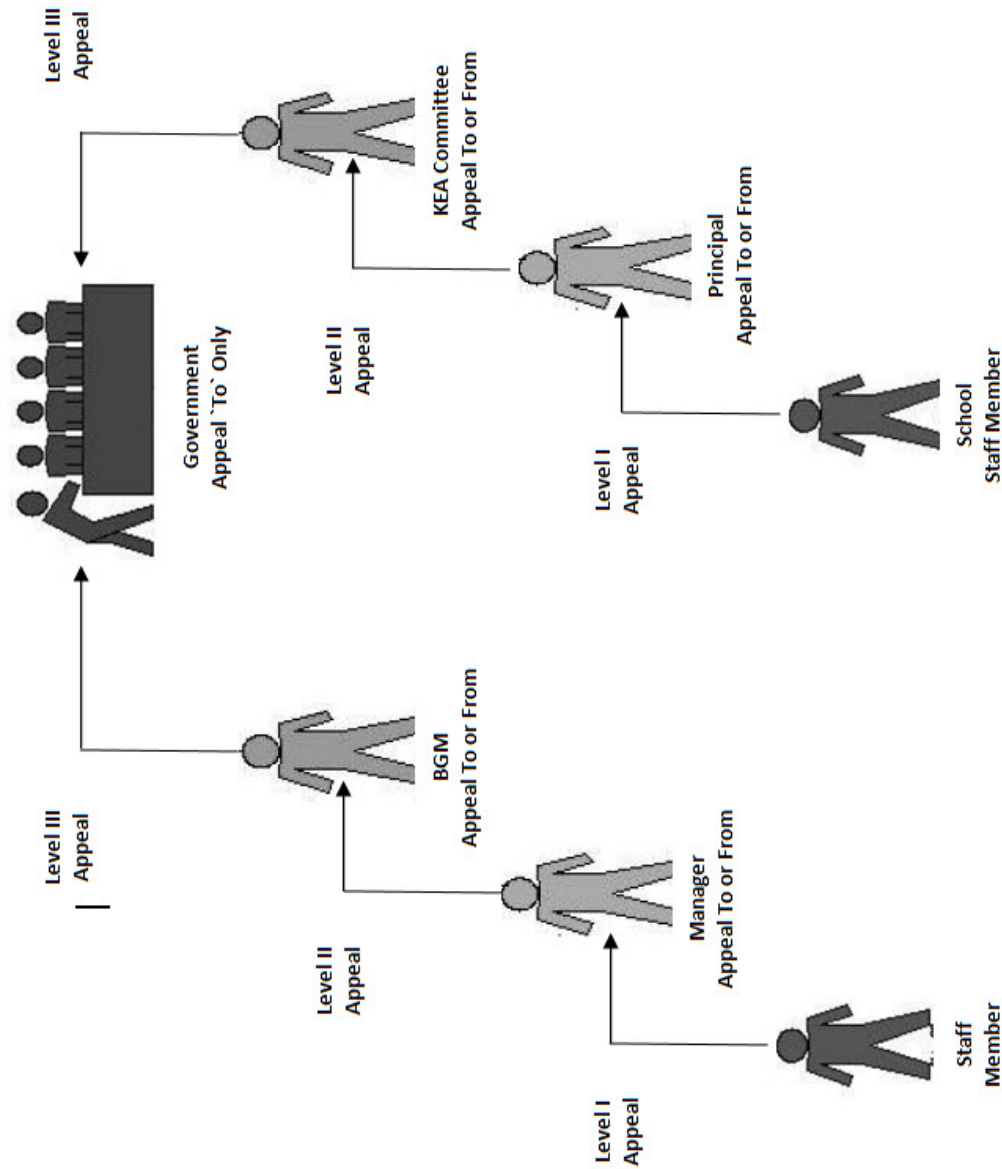
Performance Evaluations are conducted at least once annually.

In the event the position of the person designated to do the evaluation is vacant, then the Band General Manager does the evaluation.

Position Being Evaluated	Evaluation Done By	Option for Comments
Band General Manager	Chief	All Department Managers, Program Coordinators and Committees
Finance Officer	Band General Manager	
Human Resource Officer	Band General Manager	Department Managers who used the Human Resources Services
Office Manager	Band General Manager	Department Managers who use office services
Health Services Department Manager	Band General Manager	Health Committee
Education Department Manager (School Principal)	KEA Committee	Band General Manager
Public Works & Housing Department Manager	Band General Manager	Housing Committee
Resource Stewardship Authority Department Manager	Band General Manager	Kitasoo/Xai'Xais Integrated Resource Stewardship Committee
Social Development Coordinator	Band General Manager	
Administrative & Financial Clerks and Community Services support staff working under the Administration & Community Services Department	Office Manager	Administration
Housing Coordinator	Public Works & Housing Department Manager	Band General Manager
Support Staff working in the Public Works & Housing Department	Public Works & Housing Department Manager	Band General Manager
School Administrator	Education Department Manager (School Principal)	KEA Committee

Non Teaching School support staff	School Administrator	KEA Committee and School Principal
Teaching School Staff	Education Department Manager (School Principal)	KEA Committee, School Administrator
Youth and Recreation Coordinators	Health Services Department Manager	Health Committee
Community Health Rep	Health Services Department Manager	Health Committee
Drug & Alcohol Counsellor	Health Services Department Manager	Health Committee
Nurses & Dietician	Health Services Department Manager	Health Committee
Health Services Department clerical and janitorial Staff	Health Services Department Manager	
Childcare Center Supervisor	Band General Manager	Health Services Department Manager and Health Committee
Childcare Center Staff	Childcare Center Supervisor	Health Services Department Manager and Health Committee
Resource Stewardship Authority Referral Coordinator	Resource Stewardship Authority Department Manager	Kitasoo/Xai'Xais Integrated Resource Stewardship Committee
Marine Use Planning Implementation Coordinator	Resource Stewardship Authority Department Manager	Marine Use Advisor and Kitasoo/Xai'Xais Integrated Resource Stewardship Committee
Land & Marine Watchman Program Supervisor	Resource Stewardship Authority Department Manager	Marine Use Advisor and Kitasoo/Xai'Xais Integrated Resource Stewardship Committee
SEP Operations Supervisor, Co- Management Salmon Program and Shellfish Program Supervisors	Band General Manager	Marine Use Advisor, Resource Stewardship Authority Department Manager and Kitasoo/Xai'Xais Integrated Resource Stewardship Committee
SEP Operations Staff	SEP Operations Supervisor	
Land & Marine Watchman Staff	Land & Marine Watchman Supervisor	
Co-Management Salmon Program Staff	Co-Management Salmon Program Supervisor	
Co-Management Shellfish Program Staff	Co-Management Shellfish Program Supervisor	

Grievance Process Flowchart



GRIEVANCE STEPS

- **Filing of Grievance:** A grievance is made in writing and filed with the Human Resource Officer and if the grievance is against such person then file with the Band General Manager (“**Grievance Registrar**”) within seven (7) working days of the date of the decision being grieved (“**The Grievance Filing Date**”). The Grievance Registrar coordinates the entire process by giving notices, setting dates and managing correspondence.
- **Hearing:** A hearing date is set by the Grievance Registrar within ten (10) working days of the Grievance Filing Date (“**The Hearing Date**”). At the grievance hearing, both parties are given the opportunity to state their case.
- **Decision:** A written decision (“**The Grievance Decision**”) is rendered within seven (7) working days after the Hearing Date.
- **Next Level Appeal:** An appeal by either party to the Grievance Decision is regarded as a new grievance, with the date of the decision being the date the written decision was provided by the lower level appeal.

List of Personnel Forms

- Application for Maternity-Parental Leave
- Authorization to Release Information
- Employee Development Plan
- Employee Record
- Employee Self Appraisal
- Performance Appraisal
- Request for EducationéTraining Approval
- Request for Leave
- Request for Overtime Approval
- Timesheet