



Personnel Manual

General Policies

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| Subject | Policy # |
| Travel for Meetings | 12.01 |
| Date Issued | Supersedes Policy # |
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Travel Advances

- a. The Program Director must approve all travel advances. Advances will be given up to 90 % of claim according to financial policies.
- b. Unused portion must be reimbursed upon return or will be deducted from the employee's next paycheque.
- c. All receipts must be submitted within 7 days.
- d. Documents must be received before additional travel advances are granted
- e. For travel, which is reimbursable, the 10 % balance will be held until reimbursement is received.
- f. No travel advance will be granted until the previous one is completed unless authorized by the Director of Finance.
- g. According to financial policy any travel over \$1,500 would require approval from Director of Finance.
- h. Travel claim must be made on approved form.
- i. For all reimbursable travel, the cheque must be requested in the name of the Micmacs of Gesgapegiag.

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| Travel for Meetings | 12.01 |
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- This policy will apply for a round trip. If travel can be made within business hours, then no additional travel day is granted; if not then the day after the business trip will serve as a travel day.
- If the employee must travel on a weekend, they are entitled to the next workday off or, if they decide the day before the weekend.
- Without exception, travel days cannot be saved for a later date.
- In order to ensure smooth operation of the organization, the Director of each department must approve all travel days.
- Any hours worked in excess of normal hours during trainings or meetings will be given at straight time and will not be eligible for overtime.

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| Travel for Meetings | 12.01 |
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| <p>Policy —To establish allowable travel days and reimbursement for meetings or training sessions.</p> <p>The employee will be reimbursed for reasonable and legitimate travel expenses when required to travel for business reasons.</p> <p>The employee's Director must approve travel cost and travel time in advance.</p> <p>Due to budgetary restrictions, all travel should be reimbursable or within the budget of the department.</p> | |

For the purpose of the travel to meetings or approved training the following time will be authorized:

- Whenever possible, employees are expected to travel during normal hours of work and to use the most economic means of transportation. Example: meeting on Tuesday, travel day — Monday if distance is long enough If the destination can be reached during work hours ex- 1/2 day travel, then 1/2 day will be granted
- If travel is longer than normal work hours (ex — 10 hours to Ottawa) — additional time will be given at straight time

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| Subject | Policy # |
| Dress Code | 11.01 |
| Date Issued | Supersedes Policy # |
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| Policy —To allow the employees to feel comfortable at work while still achieving a professional image. | |

There is no formal dress code but employees are required to dress in a manner that is respectable and reflects a positive image of the **Band**.

Each department will regulate their dress code.

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| Subject | Policy # |
| Computer Security | 10.01 |
| Date Issued | Supersedes Policy # |
| Approved by: | Page 1 of 1 |
| <p>Policy — Computer software and information is vital to the effective operation of the company and it is of importance that such information and systems are properly protected at all times. Therefore, all employees who have access to or use computer software are required to observe these regulations.</p> | |

1. Employees must not duplicate or modify any software without authorized permission.
2. Every employee is required to exercise adequate control over any software to which he or she has access, and to ensure the software is neither copied, reproduced or not disclosed to any third party or entity.
3. Software must not be used or installed on any of the company's computers, unless there is a software license agreement permitting such, or unless the software is know, to be free-ware.
4. On completion of employment, each employee will return all software belonging to the Band that is in his or her possession.

The Band places great emphasis on your compliance with all of these security regulations.

Infringement or violation of this policy may result in disciplinary action, suspension, dismissal and/or legal prosecution.

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| Subject | Policy # |
| Grievance Procedure | 9.04 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy — To allow the employee to appeal any disciplinary action, suspension or discharge. | |

- a. The employee will present his/her grievance to the Program Director within 10 days of the incident occurring.
- b. Exception** — grievances dealing with suspension or termination of employment, will have to be presented within two working days after the suspension or termination notice to the Program Director.
- c. The Director of Operations will respond to all grievances, except those dealing with suspension or termination of employment, which must be appealed to the Canada Labour commission or Human Rights.
- d. Grievances will be replied to within 30 calendar days of the receipt of grievances or 30 calendar days of the hearing, if a hearing is held.
- e. Appeal Process — the employee may request an appeal of any decision. This appeal will be directed to the Human Resources Director who will convey an Appeal committee. Decision of this committee will be final.

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| Subject | Policy # |
| Termination of Employee- Just Cause | 9.03 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| <p>Policy - Terminating an employee has certain legal ramifications for the employer. When an employee is terminated for just cause no notice is required. It is essential that documentation be kept and that all steps have been taken to ensure that this is the right course of action.</p> | |

Just Cause — shall include but not be limited to the following —

- Incompetence or incapacity to perform the duties of the position as per the job description. This includes loss of driver's license where this is mandatory for the job.
- Abandonment of position- an employee who has been absent without cause for one week will be declared as having abandoned his/her position.
- — On 2nd day of an absence without calling in, the employee will be issued a letter requesting that they contact their Supervisor or that they report for work, with a statement that a failure to response will mean that the employee has quit.
- Misconduct where an employee has already received a suspension or reprimand but has not improved his/her behavior or performance.
- Theft or intentional misuse of Band property.

No notice is required and no severance pay is required when terminated for just cause.

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| Termination of Employee | 9.02 |
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Reasons for Terminating Employees

- Layoff due to completion of project.
- Layoff where services are no longer required because of lack of work, or because of discontinuance of the employee's functions.
- Financial restrictions- where, due to budgetary restrictions, the Band can no longer afford to pay the employee.

Note:

In the event that the employee is not given sufficient notice of termination, the Band will make payment to the employee, equal to the number of days of the difference between the actual and the required notification period.

Contract Terms

- **When an employee is on** a term contract and the ending date is indicated, no notice would be required.
- If the employee continues past the ending date, a new contract would be required or notice would have to be given.

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| Subject | Policy # |
| Termination of Employee | 9.02 |
| Date Issued | Supersedes Policy # May, 1994 |
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| Policy - Terminating an employee has certain legal ramifications for the employer. It is important to give adequate written notice or payment in lieu of notice. | |

In event that it is necessary to terminate an employee, the employee will be notified in writing by their Program Director.

Written notice of termination will include the following

- Reason for termination
- Effective date of termination

Notice will be given as follows:

- Under 3months — no notice required.
a 3 months plus- 2 weeks.

Severance pay — An employee who has completed twelve consecutive months of continuous employment shall be entitled to the following severance pay, the greater of:

- Two days wages at the employee's regular rate of wages for his regular hours of work in respect of each completed year of employment that was continuous.
or
- Five days wages at the employee's regular rate of wages for his regular hours of work.

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| Subject | Policy # |
| Resignation of Employment | 9.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy —To establish timelines for notice of resignations in order to provide proper recruitment and training of new employees. | |

The employee wishing to terminate their employment must give a written notice of 10 calendar days to their Program Director .In special circumstances, and with approval of the Program Director, the employee may terminate employment with less notice.

Adjustments will be made in the last paycheque for any outstanding items such as unearned sick time, which was used, and any item owing to the Band.

Vacation pay owed will be calculated according to gross pay to date and will be calculated at the rate applicable for years of service according to Canada Labour Code.

The employee's personnel file will be retained for a minimum of three years.

All Band property, including keys, must be returned before the final paycheque is issued.

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| Subject | Policy # |
| Disciplinary actions for Harassment | 8.03 |
| Date Issued | Supersedes Policy # May, 1994 |
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Disciplinary Action

Any action taken against the offender will be based on the circumstances surrounding the allegations of harassment. Disciplinary measures taken will be influenced by a variety of factors such as persistence, severity of behavior and the co-operation and willingness on the part of those involved to change their behavior.

Management will use flexibility in the sanctions to be imposed on offenders. A verbal reprimand and warning may be all that is required. A warning, whether verbal or written, may include recommendations for counseling.

In more serious cases in which the circumstances are severe or it is a repeated offence, disciplinary action may include suspension without pay or even discharge from employment.

The employee may be required to attend sensitivity training before returning to work.

If harassment has been substantiated the incident will be documented in the offender's personnel file. No formal record will be kept if the allegation is not substantiated.

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| Harassment Investigation Procedure | 8.02 |
| Date Issued | Supersedes Policy # May, 1994 |
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4. Resolution

The Supervisor or Human Resource Director will request all information such as dates, names, remarks and actions. This will be forwarded to the Human Resources Director.

The allegation will be dealt with immediately and with the strictest confidence. The Human Resource Director will meet with the employee to review the allegation. The Human Resource Director will then meet with the alleged offender to discuss the allegation and determine the facts as he/she sees them. The legitimacy of the allegation must be assured to determine how the complaint is to be resolved.

- The seriousness and effects of the offense will be discussed with the alleged offender
- If the investigation reveals that the alleged offender is at fault then -
 - a) The offender must agree to take the following steps
 - a. The harassment must stop immediately without any repercussions to the affected employee
 - b. If there has been any economic or job related repercussions to the subject they must be offset
 - c. The subject must be given a letter of apology and a promise that the action will never reoccur
 - d. The appropriate disciplinary action will be taken.

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2. Documentation

If the offender continues the inappropriate behavior, the individual must document each offensive suggestion, remark or action, including the time, date and place the incident occurred noting the names of any witness. (

The employee should inform the offender that each offensive remark is being documented and should the behavior continue, the information will be referred to the appropriate sources — his/her Supervisor or Human Resources Director.

3. Referral

If the offensive action continues or if the first episode is severe then the employee should inform his or her supervisor of the allegation and of the facts surrounding the incidents. If the employee does not wish to discuss the circumstances with his or her Supervisor for the following reasons:

- a. The Supervisor is the individual who is responsible for the harassment
- b. The employee does not feel comfortable or secure discussing the allegation with the supervisor

Then the employee should contact the Human Resources Director.

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| Subject Harassment Investigation Procedure | Policy # 8.02 |
| Date Issued | Supersedes Policy # May, 1994 |
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| Policy - All employees have a right to a comfortable work environment. All accusations of sexual/personal harassment will be dealt with following a proper investigation process. The Director of Human Resources must be notified of any charges of harassment so an investigation can be conducted. | |

The reporting structure has four components:

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| 1 . | I d e n t i f i c a t i o n | 3 . | R e f e r r a l |
| 2 . | D o c u m e n t a t i o n | 4 . | R e s o l u t i o n |

1. Identification

When an employee perceives he or she has become a subject of harassment as outlined in the policy the employee must tell the offender they do not approve of the behavior that it is inappropriate and must stop immediately. In a majority of cases, offenders feel their behavior is harmless and do not realize the negative effect it is having on the other person. In many situations, once the employee communicates his or her position to the offender, it will stop.

If the harassment is severe and therefore inappropriate to be discussed with the offender, an employee should proceed directly to Step 3, referral

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| Sexual/Personal Harassment | 8.01 |
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Unwelcomed sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature constitutes sexual harassment when any of the following occurs:

1. Submission to such conduct is made either explicitly or implicitly as a condition of employment.
2. Submissions to or rejection of such conduct is used as the basis for employment decisions.
3. Such conduct has the intention or effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive work environment.

The Band will not tolerate acts of harassment at the workplace by individuals involved in the operation of Band business. Bullying is considered to be a severe form of harassment. Appropriate disciplinary action, reflecting the seriousness of the offense, will be imposed upon offenders of the Band's policy and will be consistent with the personnel disciplinary practices.

False Accusations

To falsely accuse someone of harassment is a serious offense. If the allegation of harassment is not substantiated and is determined to be a false claim, appropriate action will be taken against the individual making the false allegation.

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| Sexual/ Personal Harassment | 8.01 |
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Harassment may be expressed in a number of ways, including the following:

- Unnecessary touching patting or pinching
- Suggestive remarks or other verbal abuse, showing offensive pictures or printed matter
- Demands for sexual favors
- Physical or sexual assault
- Behavior directed at an individual by a person who knows, or should reasonably know that such attention is unwanted
- Behavior that might, on reasonable grounds, be perceived by a person as placing a condition of a sexual nature on employment or on any opportunity for advancement
- Involve conduct, comment, gesture, material or contact of a sexual nature
- Unwelcomed remarks, jokes, innuendo or taunting about a person's body, attire, age, marital status, ethnic or national origin or religion
- Practical jokes that cause embarrassment
- Bullying

Harassment can extend to incidents occurring at or away from the workplace, during or outside normal working hours, provided such acts are committed within the course of employment or in the provision of goods, services or facilities by the employer.

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| Subject | Policy # |
| Sexual/Personal Harassment | 8.01 |
| Date Issued | Supersedes Policy # May, 1994 |
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| <p>Policy — The Band Council strives to provide a working environment for all employees free from sexual or personal harassment. Harassment in any form is unacceptable behavior and will not be tolerated.</p> <p>It is the belief of the Band Council that every employee can expect to be treated fairly in the work place in an environment free of discrimination and personal or sexual harassment. Any behavior which denies individuals their dignity and respect is offensive and will not be tolerated.</p> | |

The following describes the Band's policy on sexual /personal harassment. This policy will familiarize all employees with what constitutes sexual or personal harassment at the workplace.

For the purposes of this policy "Harassment" means any sexual advance or personal insult that threatens an employee's job or well-being. It is usually an expression of power made by someone perceived as having authority. Such behavior may be verbal, physical, deliberate, unsolicited or unwelcome; it may be one incident or a series of incidents.

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| Subject | Policy # |
| Health & Safety | 7.02 |
| Date Issued | Supersedes Policy # May, 1994 |
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| <p>Health and Safety legislation regulates workplace safety standards with the aim of preventing accidents and injuries. Micmacs of Gesgapegiag Band wishes to take every precaution to follow the procedures and regulations in order to have a safe working environment for all employees.</p> | |

Employers Responsibility:

- Provide proper equipment and protective devices
- Provide proper health & safety instruction
- Provide information and supervision
- Report workplace injuries and accidents

Employee Responsibility:

- Take precautions in the workplace to protect their own health & safety
- Protect the safety of others in the same environment

Employee Rights:

- Right to receive training, information, supervision and instruction on matters pertaining to occupational health and safety in the workplace
- Right to refuse unsafe work
- Right to participate in joint occupational health & safety committees, comprised of employee and employer representatives

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| Subject | Policy # |
| Drug and Alcohol-Free Workplace Policy | 7.01 |
| Date Issued | Supersedes Policy # |
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| Policy- The Band is committed to providing employees with a drug — alcohol- free workplace to ensure the safety of all employees and the public. This policy applies to all employees. | |

- No employee shall consume alcohol and /or drugs while performing their duties
- This prohibition includes lunch hours and /or rest periods
- No employee shall attend work in an impaired or "hung over" condition
- This includes abuse of prescription drugs

Action to be taken if violation occurs

- If a manager becomes aware that an employee has violated this policy and is under the influence, or in possession of drugs, necessary measures will be taken to prevent the employee from causing harm and appropriate disciplinary actions will be taken.
- The Manager must assure that the employee is placed on temporary suspension and that the employee gets home safely.
- Depending on the circumstances, the seriousness of the situation, the frequency of the violations, the Director will recommend that the employee enroll in a substance abuse program before returning back to work.

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| Subject | Policy # |
| Use of Band Equipment | 6.01 |
| Date Issued | Supersedes Policy # |
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| Policy — All equipment or vehicles owned by the Band are to be used for business of the Band and not to be used for personal use. | |

- Band vehicles are to be used for Band purposes only and not for personal use such as traveling from home to work. The use of vehicles to move personal belongings is forbidden.
- Computers / Laptops — all equipment will remain at the office of the employee unless written permission is received from the Program Director.
- Digital Cameras — any cameras that are removed from the office must be signed out.
- Any other equipment/tools which are also owned by the Band will follow under this policy.

Employees must not use the property of the Band (i.e.- equipment or vehicles) for any other reason than official Band approved business.

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| Subject | Policy # |
| Performance Evaluation | 5.01 |
| Date Issued | Supersedes Policy # May 1994 |
| Approved by: | Page 1 of |
| <p>Policy—All employees will receive a formal evaluation of work performance at least annually by their Supervisor. Circumstances may require more than one evaluation per year at the discretion of the Supervisor and in accordance with the results of the annual review.</p> <p>The purpose of the Performance Evaluation is to increase morale, identify areas that need improvement and allow employees to set goals for their career path.</p> <p>Any salary increase will be based on performance. An employee must receive a satisfactory or outstanding performance to qualify for salary increase. All increases will be based on the fiscal year (April 1st).</p> <p>Managers will be expected to provide regular feedback to staff members in more informal meetings throughout the year.</p> <p>For more detailed information on this process — refer to Performance Appraisal Policy — as approved by Council — December 15, 2003</p> <p>This Performance Appraisal Policy is to ensure that the performance evaluation process is conducted in a fair and equitable manner in accordance to the approved policies of the MicMacs of Gesgapegiag Band.</p> | |

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| Discipline Actions | 4.01 |
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c. **Suspension** — To be imposed once the previous steps have been implemented and the Program Director finds reasonable cause to suspend an employee without pay for a week. Reasonable cause shall include, but not restricted to the following —

- a. Accumulation of two or more reprimands
- b. Absenteeism without just cause
- c. Gross insubordination

d. **Coaching** - When all previous disciplinary measures have failed, the Director must make every effort to coach and assist the employee before taking the final step of discharge.

e. **Discharge** —When all efforts have failed to have the employee improve their performance or behavior, have failed then the final step would be discharge of the employee. The Program Director must discuss the situation with the Director of Human Resources before meeting with the employee .All applicable notices and labor laws must be followed.

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| Subject | Policy # |
| Discipline Actions | 4.01 |
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a. Oral reprimand — The immediate Supervisor will give the employee a verbal reprimand in private for minor infractions and emphasize the need for improvement. The discussion should result in the employee agreeing to correct the unacceptable behavior or to improve performance. No documentation will be placed in employee file, but the Supervisor should make notes on the meeting.

b. Written reprimand — If within a reasonable period of time, the behavior or performance has not improved or produced the desired results, the employee will be interviewed, informed that the conduct or performance is still unsatisfactory, and that a written reprimand will be placed in the employee's file.

The written reprimand will outline the reason and the improvement with a target date. The employee will be given the opportunity to make an explanation either verbally or in writing, in order to ensure that the situation is clearly understood on both sides.

All written reprimands will be signed by the Supervisor and the employee and placed in the employee's personnel file. The employee may, after a period of 12 months, request that the written reprimand be removed from the personnel file. This request will be granted if the behavior or performance is satisfactory.

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| Subject | Policy # |
| Discipline Actions | 4.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 3 |
| Policy - To outline causes for and steps to be taken when dealing with employees in regards to disciplinary action. Note — documentation is crucial when dealing with problem areas. | |

1. Causes for Disciplinary Actions

An employee may be disciplined for the following reasons:

- a. Incompetence, incapacity or insubordination in the performance of duties.
- b. Abandonment of position without reason or explanation or notification to their immediate Supervisor.
- c. Misconduct in terms of attendance, work performance and personal behavior.
- d. Breach of Code of Ethics and Confidentiality.

2. Disciplinary Steps

For the approximate handling of staff discipline, there will be four steps taken in disciplinary action:

1. Oral reprimand
2. Written reprimand
3. Suspension
4. Discharge

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| Subject | Policy # |
| Funeral Days | 3.13 |
| Date Issued | Supersedes Policy # |
| Approved by: | Page 1 of 1 |
| Policy —To display respect for the memory of community member and to allow employees to attend the funeral to share the grief and offer comfort to the family during their time of loss. | |

All offices will be closed for the day scheduled for the funeral of community member.

Employees are encouraged to attend the funeral to show the support for the family.

If an employee is away on business, or a department cannot close because of the nature of their work, no overtime or accumulated time off will be given. The time given off for funerals is a show of respect and cannot be taken at any other time.

All departments will handle funeral days in the same manner.

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| Subject | Policy # |
| Employee Leave —Request for Leave without pay | 3.12 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy—Guidelines for granting request for leaves of absences. | |

The Band recognizes that an employee may at certain times require a leave of absence from work. Employee must apply to the Program Director to be granted leave without pay.

An employee's job performance, the impact on company operations and the employee's length of service are factors that will be considered when a request for leave is made.

The relationship of the leave of absence in regards to improvement or development of the current job will be considered while approving educational leave.

The reason and the length of the leave must be clearly stated on the application form.

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| Subject | Policy # |
| Employee Leave — Voting Leave | 3.11 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy—Guidelines for voting leave for Band, Provincial or Federal elections. | |

Employees who are eligible to vote in Band, Provincial or Federal elections, and whose name appears on the voter's list shall be granted:

- a. Sufficient time off to allow four hours prior to the polls closing, to vote on the federal, provincial and Band elections.

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| Subject | Policy # |
| Employee Leave —Court Leave | 3.10 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Pag e lof |
| Purpose —Guidelines for dealing with requests for leave to attend court. | |

- a. A court leave with pay shall be granted when an employee is subpoenaed to appear as a witness or to serve on a jury, or to appear in court as an official delegate for the Band Council, or to escort their children when necessary. (under 18 years old)
- b. In instances where an employee is required to appear in court for personal reasons, either as a plaintiff or as a defendant, leave shall be without pay or chargeable against accumulated vacation credits.
- c. Any amount received from the court in payment for jury duty must be submitted to payroll. Confirmation of service must be submitted to the Program Manager to be placed in the employee's file.

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| Subject Employee Leave — Injury on Duty | Policy # 3.09 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Purpose —Guidelines for Work related injury absence. Documentation and proper follow-up is important .An employee remains an employee until released by Workers Compensation. | |

Employees who are unable to work due to injuries suffered on the job shall receive pay benefits during their absence through Workers Compensation or salary insurance.

- a. Upon rehabilitation, the employee shall return to their original position and pay.
- b. All vacation and sick leave credits will accumulate during this leave of absence
- c. All health, pension and disability insurance benefits will remain in effect during the entire absence of the employee.

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| Subject | Policy # |
| Employee Leave — Marriage Leave | 3.08 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Purpose — Guidelines for marriage leave approval and entitlement. | |

Permanent employees who have completed at least six (6) months of continuous work and who provide at least 15 days notice prior to the requested date may be granted up to five (5) days paid leave for the purpose of getting married.

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| Subject | Policy # |
| Employee Leave — Paternity or Adoption | 3.07 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page |
| Purpose —Guidelines for paternity or adoption leave. To grant our employees with sufficient time to celebrate the birth of a child. | |

Paternity Leave

An employee shall be entitled to 3 days paid paternity leave to be present at the birth of his child and /or assist the mother at home, following the birth of the child.

The father of the child is entitled to 5 weeks unpaid leave of absences for paternity leave.

Adoption Leave

An employee is entitled to 3 days paid adoption leave to facilitate adoption procedures. The father of the child is entitled to 5 weeks unpaid leave of absences for paternity leave.

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| Subject | Policy # |
| Employee Leave — Parental | 3.06 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Purpose — Guidelines for parental leave approval and entitlement. | |

Every employee who has completed six (6) consecutive months of continuous employment with an employer is entitled to an unpaid leave of absence from employment of up to fifty two (52) weeks to care for a newborn child or a child who has been adopted by the employee.

- a. The leave of absence may only be taken during the fifty two (52) week period beginning on the day, which the child is born or is adopted into the employee's family. The parental leave shall not end later than 70 weeks after the child has been born or in case of adoption entrusted into the family.
- b. Notice of 4 weeks must be given to the immediate supervisor before commencing this leave.
- c. Upon completion of this leave the employee will be reinstated to their former position and pay.
- d. No accumulation of sick leave or holiday credits during this leave.
- e. Either the mother or father of the child may take this leave.

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| Subject | Policy # |
| Employee —Maternity Reassignment | 3.05 (a) |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Pag e lof |
| Purpose —Guidelines for maternity leave reassignment. | |

An employee who is pregnant or nursing may request that the employer temporarily modify her job duties or reassign her to another job, where reasonably practicable, if continuing any of her current duties may pose a risk to her health or that of the fetus or child.

A physician's certificate indicating how long the risk is likely to last and what activities or conditions should be avoided is required.

When a reassignment or a job modification is not reasonably practicable, any employee may take an unpaid leave of absence for the duration of the risk as indicated in the medical certificate.

An employee who is pregnant or nursing is entitled to an unpaid leave of absence during the period from the beginning of the pregnancy to the end of the twenty fourth week following the birth, if she provides a certificate of a medical practitioner indicating that she is unable to work by reason of the pregnancy or nursing and indicating the duration of that inability.

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| Subject | Policy # |
| Employee Leave — Maternity | 3.05 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Purpose — Guidelines for maternity leave eligibility. | |

Every employee who has completed six consecutive months of continuous employment is entitled to an unpaid maternity leave from employment of up to 18 weeks.

- a. A pregnant employee may stop work at anytime during her pregnancy on the recommendation of her physician, documentation will be required.
- b. A normal maternity leave should not start earlier than eleven weeks and end not later than eighteen weeks following the actual date of the birth.
- c. The employee shall provide a four (4) week notice to her supervisor prior to the start of her maternity leave.
- d. The employee shall notify her supervisor at least fifteen (15) days prior to her return to work.
- e. After the maternity leave has expired, the employee shall be reinstated in her former position with her former pay and benefits
- f. There will be no accumulation of sick leaves or vacation credits during this leave of absence.
- g. Health, Pension and Insurance benefits will continue during the maternity leave, provided the employee makes their required contributions.

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| Subject | Policy # |
| Employee Leave — Bereavement | 3.04 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Purpose — to grant leave to employees due to death of a family member. | |

a. An employee who is absent from work due as a result of a death in the immediate family may use up to five days of paid bereavement leave.

Immediate family - shall be defined to include

- The employee's spouse or common-law partner
- The employee's father and mother and the spouse or the 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
- Any relative of the employee who resides permanently with the employee or whom the employee permanently resides.
- Parent surrogate by tradition

b. If an employee is required to serve as a pallbearer, or other official function at a funeral, an employee shall arrange for a paid leave for the funeral with their immediate supervisor.

c. If an employee is not a family member of the deceased, but wishes to attend the funeral, arrangements may be made with their immediate supervisor for time off.

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| Subject Employee Leave - Compassionate | Policy # 3.03 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Purpose: To allow our employees to spend time with family during a difficult time. | |

a. Employee may obtain paid compassionate leave up to five days per year for serious illness or accidents in their immediate family with the approval of the Program Director.

b. Immediate family - shall be defined to include:

- The employee's spouse or common-law partner
- The employee's father and mother and the spouse or the 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
- Any relative of the employee who resides permanently with the employee or whom the employee permanently resides.
- Parent surrogate by tradition.

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Holistic leaves may be granted up to three days, these will be deducted from accumulated sick leave.

g. If the illness persists beyond 10 working days, and the employee has used all accumulated sick credits, they must apply for sick leave benefits from their insurance plan or Employment Insurance.

h. If an employee takes unearned sick leave, the value of the unearned sick leave will be deducted from their paycheque in the payroll of the illness, if it is not possible to take the deduction that same week, the deduction will be made the following week.

Payment of Unused Sick Leave

Sick leave will be accumulated by calendar year up to a maximum of 15 days. Any sick leave credit remaining at the end of the calendar year will be paid out at \$ 50.00 per day. A day is based on 7 hours.

This period will be from December 01 — November 30th, with payment the last payday before Christmas.

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| Subject | Policy # |
| Employee Leave —Sick | 3.02 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 2 of 3 |

Granting of Sick Leave

a. Sick leave may be granted with pay when an employee is unable to perform work duties due to illness or injury, provided the employee has accumulated sick leave credits.

b. An employee's Supervisor must be notified no later than 30 minutes after the working day commences and indicate when they expect to return to work.

c. If an employee is late, the time may be deducted off their accumulated sick time.

d. An employee must provide a doctor's certificate after three consecutive days of illness.

e. The Director of Operations reserves the right to demand proof of illness.

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| Subject | Policy # |
| Employee Leave —Sick | 3.02 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 3 |
| <p>Purpose —Guidelines for sick leave approval and entitlement. In dealing with employees with regards to sick leave, it is essential to obtain all the facts and to keep proper documentation.</p> <p><i>Please note that according to Labour Code of Canada, a permanent employee cannot be dismissed for being ill even if they have no sick credits until 12 weeks have passed. The employee must provide documentation as requested in a timely manner.</i></p> <p>If the employee returns after an illness and is not able to perform their regular employment duties, a reasonable attempt will be made to find other suitable employment within the Band operation. If suitable employment is not found, the council has grounds for termination with just cause.</p> | |

Sick Leave Entitlement

Sick leave shall be 15 days per full calendar year for all permanent employees. If the employee resigns or is terminated before the year, then the sick leave will be prorated at a day and a quarter per month .Any unearned sick leave that was used will be deducted from the final pay.

Recognized holidays that fall within the period of sick leave will not be charged to the employee's accumulated sick leave.

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| Subject | Policy # |
| Employee Leave —Vacation | 3.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 3 of 3 |

Payment of Vacation after Employee Leaves

- a. When an employee dies while serving as an employee of the Band, the employee's estate shall be paid the accumulated vacation leave due (plus any salaries owed).
- b. When an employee ceases to be employed by the Band Council through resignation or termination, the employee will be paid accumulated vacation due.

Scheduling of Vacations

When scheduling vacations, it is essential that the department still be staffed in order to provide adequate coverage and work flow. The Director of Human Resources, in cooperation with the Supervisors, will maintain a chart of vacation schedules for all staff.

Floating Days

An employee is entitled to use (5) of their vacation days with the **approval** of their supervisor to cover unscheduled days off due to a sick child, other personal situations or storm days.

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| Subject | Policy # |
| Employee Leave- Vacation | 3.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 2 of 3 |

h. No vacation pay will be granted instead of vacation leave to permanent employees.

Requesting Vacation

a. Employee shall provide at least 10 working days advance written notice to their Supervisor when requesting vacation leave. This policy must be followed and no vacation will be granted without proper notice.

Granting Vacation

- a.** In granting vacation leave, reasonable effort will be made:
- To grant at least (2) consecutive weeks, if earned; and
 - Not to disturb employees or recall them to duty while on vacation leave.
- b.** No more than two employees shall be on vacation at any given time unless approved by the Program Director.

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| Subject | Policy # |
| Employee Leave —Vacation | 3.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 3 |
| <p>Policy—Guidelines for vacation leave approval and entitlement. The procedures to follow to ensure that granting of vacation leave is made in a fair and consistent manner. In order to maintain a healthy work/life balance, all employees must take their annual vacation leave.</p> | |

Permanent employee with the Band Council shall earn vacation leave as follows:

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| a. Permanent employees (6 months) | 1 week |
| b. Permanent employees (1 year) | 2 weeks |
| c. Permanent employees —(3 —5 years) | 3 weeks |
| d. Permanent employees (5- 10 years) | 4 weeks |
| e. Permanent employees (10 — 15 years) | 5 weeks |

When determining vacation entitlement — years of employment must be continuous employment. Vacation entitlement is prorated monthly for first year of employment.

f. Part-time employees will receive 4 % of their gross pay and may request vacation time up to that amount.

g. All permanent employees shall schedule their vacation leave in the fiscal year in which they are earned. The fiscal year is from April 1" to March 31'. Upon approval from their Supervisor a maximum of (5) days vacation leave may be carried over into the next fiscal year.

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| Subject | Policy # |
| Personnel Files | 2.05 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy— To safeguard the employee's files and to fulfill all legal and privacy obligations in regards to the storage and access right to personnel files. Note —terminated employee files must be kept for at least 36 months after the date of termination. | |

1. General

a. Personnel files will be maintained on a current basis for all employees. Files will include:

- Date of hire
- Personnel information
- Vacation and sick leave credits
- Time cards and hours paid
- Signed copies of contract, job description
- Performance evaluations
- Letters of reprimand
- Training Certificates
- All other relevant information

b. Employees may gain access to their personnel file by making a request to their immediate Supervisor. Files must be viewed in the presence of an authorized staff and cannot be removed from the premises.

2. Confidentiality of Personnel Files

All employee personnel files are to be considered confidential. Files will be stamped confidential and be kept in a locked cabinet. Access to private information will be by authorized personnel only.

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| Subject | Policy # |
| Designated Holidays | 2.04 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| <p>Policy —The following holidays shall be designated holidays for all Band Employees. In order to be eligible for holiday pay, the employee must work their scheduled shift before and after the holiday. Employees must have been employed at least 30 days before qualifying for holiday pay.</p> | |

a. ***Statutory Holidays***

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| New Year's Day | Labour Day |
| Good Friday | Treaty Day |
| Easter Monday | Thanksgiving Day |
| Victoria Day | Remembrance Day |
| National Aboriginal Day | Christmas Day |
| St- Jean Batiste Day | Boxing Day |
| Canada Day | |

Discretionary: Any other day as designated by Chief and Council

b. Any of the above holidays fall on a weekend, the following Monday shall be observed as the holiday.

c. When a designated holiday falls within a period of vacation leave with pay of an employee, the holiday shall not count as a day of leave.

d. To be eligible for the paid holiday, the employee must work their scheduled shift before and after the holiday.

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| Subject | Policy # |
| Overtime | 2.03 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| <p>Policy To clarify approval and payment of overtime. It should be noted that overtime is an additional cost and should be avoided if possible. Director of Operations has the authority to question all overtime.</p> | |

a. All overtime must be approved by the Program Director and authorized in writing. Unauthorized overtime will not be recognized. Due to the nature of the service the police department is not covered in this policy.

b. Overtime shall be classified as work scheduled on weekends or holidays

In lieu of overtime pay, employees shall receive time off, on the following basis:

Employees required to work over their regular hours in any one work week shall take one and one half hours off for every hour worked over the regular 35 hours. (32 hours for -Band Administration employees)

Employees required to work on statutory holidays shall take two hours and one half off for every hour worked.

Overtime shall be kept on record and shall be taken at a time pre-approved by their immediate Supervisor.

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| Subject Lateness or Absence | Policy # 2.02 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy - To establish rules and guidelines for promptness and accountability for hours worked. | |

- a. Employees who will be late or absent are required to contact their immediate Supervisor and the receptionist as soon as possible and within 30 minutes after the opening of the Office. Employees are required to give an indication of when they expect to arrive at work. Employees who have to be replaced must provide their supervisor with sufficient notice to arrange a replacement.
- b. If an employee is late, a deduction will be made from their overtime or accumulated sick or vacation time, if they have no accumulated time, they will not be paid for time missed.
- c. Absent employees who do not notify their office shall be considered absent without reason and will have their salary deducted equivalent to the length of absence. A reprimand will be issued and copy placed in their file.
- d. Any employee absent without notifying their supervisor for one week will be terminated for having abandoned their position.
- e. Storm Days — if an employee feels that the roads are too dangerous for travel, they may use accumulated sick time or vacation credits upon approval from their Supervisor.
- f. Doctor's appointment or medical tests will be deducted from accumulated sick time.

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| Subject | Policy # |
| Hours of Work | 2.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy—To establish hours of work in order to ensure that all obligations are met and to maintain coverage of services as required | |

General

a. The hours of work for full-time Band employees shall as determined by the department, for which employee works.

Lunch hour will be from 12:00 - 1:00
and

Two (15 minutes) breaks per day as determined by Program Director.

Some employees, by nature of their employment positions, may be required to work different hours. These positions include janitors, recreation monitor, health care staff, police, public work and education employees.

b. Thirty five (35) hours shall constitute a basic workweek for all employees unless otherwise determined by department policy.

Flextime in regards to hours can be arranged with the Program Director and is encouraged to promote a work/life balance. All schedules must be approved by the Program Director in order to have adequate coverage and work flow.

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| Subject | Policy # |
| Probationary Period | 1.04 |
| Date Issued | Supersedes Policy # May 1994 |
| Approved by: | Page 1 of 1 |
| <p>Policy— To establish a period that will be used to evaluate a new employee for abilities to perform the job as required. ** Important to note that after 3 months of service, if terminated a two-week severance notice is required. Continuous coaching and monitoring will help to detect problems.</p> | |

- a. All employees shall be on probation for the first six months of employment. A performance appraisal will be completed with the employee and their Supervisor. At this time it will be determined whether he/she will continue as a permanent employee, based on performance and budgetary appropriation for the position.
- b. Within the probationary period, the Director may terminate employment at any time. Reason for termination must be given in writing.

Satisfactory Review -

- c. If the employee's performance is satisfactory, the Supervisor may recommend that the employee be placed on permanent status.

Unsatisfactory Review — Extension of Probationary Period

- d. If the employee's performance is unsatisfactory, upon recommendation from the Supervisor, the probation period can be extended for three months. An evaluation would then be conducted upon the completion of the extended probationary period.

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| Subject | Policy # |
| Salary Administration | 1.03 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 1 |
| Policy—To establish guidelines and timing of payment of salaries. In order to assist the payroll department all time cards should be submitted accurately in a timely fashion. | |

1. Paydays

a. Employees shall be paid on a weekly basis on Thursday .All time cards must be submitted by the Directors of each department by Monday .The pay will consist of all hours worked the previous week.

2. Salary Advances

No salary advances will be granted.

3. Vacation pay

Vacation pay must be requested before vacation and will be granted with approval from the Program Manager

Any questions regarding payroll errors must be directed to the Program Manager and not directed to the payroll department.

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| Subject | Policy # |
| Annual Performance Increases | 1.02 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page (inf ") |

Requirements to qualify for pay increase

- To move up from the entry-level position, a staff member must not only have successfully completed a performance appraisal, but also have been employed by the Band for an entire year. Raise will be granted in the following fiscal year .If the position is a seasonal one, the employee must have completed one entire season to move from the entry level after a successful performance appraisal
- Full time employee absent from work for more than 26 weeks will not be eligible to move up the scale until they have completed 52 weeks of work at the salary level in question with a successful performance appraisal. Any adjustment would not be retroactive.
- Exception to the above are leaves such as maternity, paternity or sick leave due to legal requirements
- Staff working in a seasonal or job -sharing basis (e.g.- band office janitors) will not have to wait an entire year to move up the scale as their adjustments will be based on six months' worth of salary.

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| Subject | Policy # |
| Annual Performance Increases | 1.02 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 2 |
| <p>Policy - To define guidelines and requirements of salary increases. The Band Council has the belief that emphasis on performance is the best path for the future. For more detailed information refer to Salary Policy and Job Analysis as approved by council — January 2003.</p> | |

- All salary increases will depend on satisfactory or outstanding performances.
- Salaries will be adjusted for scale once a year, evaluations will be based on calendar year, the adjustment will take place in the next fiscal year and will not be retroactive.

Employees exempt from this system

Some Band Council employees will not be covered by the salary scale system. Since the professional jobs in Health and Community Services (nurses, doctors, social workers), in Education (teachers) and in the Police Department (police officers) are governed by a different salary structure system, they are excluded from the present policy.

For the professional jobs in these departments, the Gesgapegiag Band Council will base its requirements and qualifications on these of the federal and provincial governments.

Workers in the forestry and fishing industries will be paid according to industry norms and standards and are not covered by this salary scale system.

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| Subject | Policy # |
| Staffing Actions | 1.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 2 of 2 |

4. Program Managers shall send out a notice to all managers when a new office employee is hired in order to inform them of the role of the employee and the duration of their position.
5. No managers will be hired without the prior approval of the Council.
6. The dismissal of all managers must be approved at the Council level. Managers may handle all other dismissals, but Council wishes to be informed as soon as possible.
7. The Human Resources Director will maintain confidential files outlining the employment and training history of all employees in permanent, temporary and project positions and such files will be made accessible to managers when employees in question are being considered for employment.

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| Subject Staffing Actions | Policy # 1.01 |
| Date Issued | Supersedes Policy # May, 1994 |
| Approved by: | Page 1 of 2 |
| Policy -To outline the process of staffing actions as approved by Band Council — January 17,2005 | |

Program Managers are responsible for the hiring in their department - there will be two exceptions to this rule — the hiring of workers for construction jobs in Housing and Public Works will be done directly by Council.

Procedures:

1. Annual employment plans will be drafted and submitted to Council by each manager, and updated at least quarterly, or as required.
2. All hiring, including for temporary projects and replacement workers, will be done through the Human Resources Director. Annual plans, once vetted by Council, should be submitted to the Human Resources Director so that he/she can use them to plan future hires.
3. When a selection committee has made the choice of a new employee, the decision must be communicated to Council members through a written report submitted to the next Council meeting.

Section 5 Performance Evaluation

5.01 Performance Appraisals

Section 6 Company Property

6.01 Use of Band Equipment

Section 7 Safe Working Environment

7.01 Drug /Alcohol Use

7.02 Health & Safety

Section 8 Harassment

8.01 Sexual/Personal Harassment

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8.03 Disciplinary Action for Harassment

Section 9 Termination/ Resignation

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Introduction

This policy manual contains policies and procedures governing aspects of personnel management for the employees of the Micmacs of Gesgapegiag.

These policies and procedures are intended to ensure consistency and fairness in dealing with all personnel.

These policies are intended for all personnel but there are some exceptions in regards to hours and overtime as per departmental policy.

Each department regulates hours and overtime — hours of work and overtime.

This personnel manual relates to permanent fulltime employees but in some general areas apply to seasonal, project or part-time employees.

The Micmacs of Gesgapegiag follow all Canada Labour Code regulations and guidelines. These policies strive to provide the best advantage for all employees.

Approved by Council — March 2,2007