

Statement of Policy and Procedure	
Policy No.	18
Department Ownership	Administration
Issue/Effective Date	January 31, 2018

Shackan Indian Band

Employee Policy

Approved by Council on January 31, 2018

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1. Welcome

A sincere and warm welcome to the Shackan Indian Band Administration, we are committed to providing a positive and friendly working environment and hope that you find satisfaction in your employment with us. We welcome your contribution to our team.

2. Shackan Vision

Members of the Shackan Band envision a healthy community where we live in accordance with the traditional Scw'exmx values of sharing, helping, learning and teaching.

Living these values means helping the younger generation realize their potential and promoting everyone's involvement in the life of the community. Part of this vision includes understanding our role as stewards to our land and respecting the environment by managing our resources in a sustainable way.

3. Definitions

- "Abandonment"** means an employee gives up completely, his/her employment with Shackan without notification of any kind to the employer, barring extenuating circumstances, you will be considered to have voluntarily resigned after three consecutive "no call, no shows".
- "Acting Manager"** means an individual assigned to cover day-to-day operations of a department while the manager is away for short periods of time, generally less than four (4) weeks.
- "Acting Executive Director"** means an individual assigned partial authority and responsibility for the day-to-day operations of the Band Administration for a short period of time, generally less than four (4) weeks. Authority and responsibility does not include authorization of financial transaction over \$2000.00.
- "Business Partners"** means an individual in a legally defined business arrangement or partnership.
- "Conflict of Interest"** (also Conflict) means a conflict, or the appearance of a conflict, between the private interest and official responsibilities of a person in a position of trust. Persons in a position of trust include staff members, officers, council members and volunteers of Shackan. Refer to #20 Conflict of Interest Policy
- "Council"** means the Chief and Councilors duly elected by the members of the Shackan Indian Band in accordance with the Shackan Indian Band Custom Election Code and within the definition of the Indian Act.

“Department/Program Manager”	means a person who reports to the Executive Director and is responsible for program activities within his/her job description.
“Director of Operations”	means the most senior Shackan employee as set out in the Band’s administration organizational chart and job description established by a duly approved motion of Council.
“Dismissal”	means permanent removal of an employee by the employer, from any type of employment with Shackan.
“Disputant”	means one who is engaged in a dispute.
“Elective Leave”	means time the employee is permitted to be absent from work due to illness, family illness, quarantined or injured as a result of an accident. This does not include time away from work when the employee’s time away from work is covered by WCB, ICBC or the Shackan group insurance benefits.
“Employee”	means a person employed by Shackan in a manner in which s/he receives remuneration of some type for his/her labour/skill. This definition excludes contract service where the contractor is self-employed, or employed by another person and volunteers. Employees are persons who are entered, on an ongoing basis, on the payroll records of the Shackan.
“Employer”	means the Council of the Shackan or it’s designate.
“Employment Year”	means 00:01 of the day of commencement of employment by the employee until 24:00 of the day prior to the anniversary of the date of commencement.
“Extended Family”	means aunts, uncles, nephews, nieces, brothers-in-law, sisters-in-law and cousins.
“Financial Benefit”	means monetary, material or any other direct or indirect financial benefit received or perceived to be received, by an individual beyond benefits, normally provided to the Band or Band members as a whole.
“Holidays or Statutory Holidays”	include New Year’s Day, Family Day, Good Friday, Easter Monday, Victoria Day, National Aboriginal Day, Canada Day, B.C. Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day.
“Hourly Workers”	mean those employees who are paid a prescribed amount of money for each hour worked.
“Immediate Family”	means spouse, child, father, mother, brother, sister, father-in-law, mother-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grand parent, grandchild, ward or guardian – recognizing natural, adopted, foster and traditional relationships and any relative residing with the employee or with whom the employee resides.

“Interim Manager”	means a person assigned to a management position for an extended period of time with full authority and responsibilities of the position.
“Interim Executive Director”	means an individual assigned to fulfill Executive Director position for an extended period of time with the full authority and responsibilities until a permanent person can be hired.
“Job Description”	means a written list of responsibilities and related duties as prescribed by the Executive Director or his/her designate as prescribed within the Band.
“Leave”	means time away from job description responsibilities with or without pay as determined in accordance with this policy.
“Shackan” or “Band”	means the Shackan Indian Band
“Management”	means Executive Director and other managers within the organization.
“Overtime”	means time worked in excess of an agreed upon time for normal working hours by an employee as defined in “Section 8”.
“Professional Mediator”	means a person who has been certified by a recognized school of mediation.
“Regular Full Time Employee”	means an employee who works 32 hours in a workweek and whose workweeks constitute 52 weeks in a calendar year.
“Regular Part-Time employee”	means an employee who works between 25 and 32 hours in a workweek and whose workweeks constitute 52 weeks in a calendar year.
“Salaried Workers”	mean those employees who are paid a prescribed amount of money for each month worked.
“Supervises”	means the act of ensuring job descriptions, working relationships and adherence to Shackan policy are followed.
“Supervisor”	means the person to which the employee reports as set out in the employee’s job description.
“Temporary Employee”	means an employee who is hired for a specific time period, employment offer includes an employment start and employment end date.
“Time Banked”	means time accrued by an employee from the overtime as defined by definition “Section 8.6
“Vacation”	means earned and approved time away from the job description responsibilities of work with pay and excludes sick time, general holidays, and various types of leave as set out in Section 11 .

“Work Day” means any daily schedule between 7:00 AM and 5:30 PM Monday to Friday or defined in an employment contract.

“Work Week” means from 00:01 Sunday morning to 24:00 Saturday night.

4. Office

4.1. Policy

The Shackan Indian Band believes in the development and administration of written statements of policy providing fair employment practices and equal employment opportunities for all employees.

Nothing contained in this Policy or in any policy, rule or regulation of Shackan constitutes a contract, agreement or inducement for employment or limits the rights of Shackan or employees of the Band to terminate the employment relationship in accordance with applicable contractual or legislative provisions.

If there is any conflict between the terms set out in this Policy and those in any applicable employment contract, the terms of the employment contract (as applicable) will prevail.

If there is any conflict between the terms set out in this Policy or Employment contract and Legislation, the applicable legislation will prevail.

In the event of extenuating circumstances, the particulars of each case will be reviewed and the applicable policy will be applied.

4.2. Purpose

This manual has been adopted to ensure the fair and equitable treatment of all employees.

If there is any conflict or inconsistency between this manual and any applicable labour legislation the legislation will prevail to the extent required to resolve the conflict or inconsistency.

Compliance with this manual is a term and condition of employment.

4.3. Scope

This policy and procedure applies to all staff and person having a role and responsibilities in the organizational structure of the First Nation.

5. General

5.1. Personal Property

Employees are encouraged to protect their personal property, as Shackan is not liable for the loss of or damage to personal property on Band premises. For this reason, Shackan strongly recommends that employees do not bring to work or store in a desk or work area any valuable items, possessions or tools.

5.2. Lunchroom

A Band lunchroom with certain amenities may be provided for employees' convenience. The lunchroom is to be kept clean at all times.

5.3. Scent-Free Workplace

Due to the health concerns arising from exposure to scented products Shackan has instituted this policy to provide a scent-free environment for all employees and visitors.

Shackan is a scent-free environment. Please do not use scented products while at work. Staff and visitors are asked not to use scented products before reporting to work.

5.4. Smoking

At Shackan smoking is not permitted in any facility. Smoking is permitted outside of buildings in designated areas only. Please keep these areas clean.

5.5. Applications of Employee Policy to Volunteers

For any volunteers of Shackan who are working on Shackan worksites, the Employee Policy applies.

6. Employee Classifications

6.1. Regular Full Time

Employee scheduled to work a minimum of 35 hours a week 52 weeks a year.

6.2. Regular Part time

Employees scheduled less than 35 hours a week 52 weeks a year.

6.3. Temporary/Casual /Project

Employees scheduled to work full-time or part-time hours for a predetermined period of time. Temporary/Casual/Project employees are primarily employed as vacation relief, sick leave relief, maternity/parental leave relief, temporary workload relief or for a specific task or project. (Temporary employees are not categorized as Contractors.)

6.4. Employees

A written agreement in which an employee agrees to work on a full-time, part-time or temporary basis for an employer for a specific or indeterminate period of time, in return for salary or wages. The employer has the right to decide where, when and how the work will be done. In this type of relationship, a contract of services exists.

6.5. Contractors

An individual who has a written agreement in which a self-employed individual agrees to perform specific work for a payer in return for payment. There is no employer or employee. The issuer of the contract does not decide where, when or how the work will be done. The self-employed individual generally does not have to carry out all or even part of the work themselves. In this type of relationship, a contract for services exists.

7. Working Hours

7.1. Attendance

Shackan is committed to providing quality service. It is important for every employee to work as a team to attain this goal. Consistent and regular attendance, punctuality and timely return from scheduled breaks will help ensure Shackan succeeds.

Employees are encouraged to attend work, as scheduled and on time, minimize absences and to take personal responsibility for their attendance. Shackan approaches attendance issues or concerns in a positive and concerned manner, based on the following expectations:

- (1) Employees must contact their supervisor or manager if they are unable to come to work or expect to be late for any reason. Employees are to call as early in the workday as possible.
- (2) If an employee is unable to reach their supervisor/manager, employees are to leave a message detailing the attendance issue and notify reception they will not be in.

Excessive or repeated and unexcused absenteeism or tardiness may result in corrective action up to and including termination.

Barring extenuating circumstance, if an employee does not contact a supervisor for a period of three (3) consecutive work days, the employee will be deemed to have abandoned their position a considered resigned.

7.2. Normal Hours of Work

Normal hours of work are 8:30 to 4:30 with 1 hour for lunch (7 hour day) any hours work over the normal hours of work must be approved in advance in writing. If not approved in advance will not be paid.

Hours of work may be set from time to time by means of memorandum to all staff members by the Executive Director and shall not exceed eight (8) hours a day or forty (40) hours a week as per the Canada Labour Code.

Some employees by nature of their work may be required to work flexible hours, if required this arrangement will be made in writing. These employees must structure their time to meet the normal work week hours.

Employees who work in the school, pre-school program, as bus drivers, or janitorial services, have unique hours of work that will meet the special circumstances of their duties. They will be advised in writing of their hours of work.

7.3. Working from Home

Employees are occasionally allowed to work from home only if their job duties permit it. For example, people who are obliged to come in direct physical contact with customers are not eligible to telecommute under this policy. But, employees who carry out most of their work on a computer can occasionally work off-site.

When employees plan to work from home, this procedure must be followed:

- Employees file a written request can be through email
- At least two days in advance
- Their managers must approve their request considering all elements mentioned above
- If the work from home arrangement spans for more than a week, managers and team members should meet to discuss details and set specific goals, schedules and deadlines
- Employees who need to work from home for unforeseen reasons (e.g. illness or temporary difficult commute) should file their request as soon as possible, so managers can consider and approve it.

7.4. Shift Work

- (1) For shift work a Program Manager must display hours of work notices in each workplace in designated locations where the notices can be read by all workers.
- (2) An hours of work notices must include:
 - a. When work starts and ends.
 - b. When the meal breaks are scheduled during the shift.
- (3) The employer must give an employee 48 hours' notice of a change is shift unless:
 - a. As a result of the change the employee will be entitled to overtime wages.
 - b. The shift is extended before it ends.

7.5. Minimum Hours of Work

If an employee (excluding Managers) reports for work on any day as required by the employer, the employer must pay the employee for:

- 1) At least the minimum hours for which the employee is entitled to be paid under this section
- 2) If longer the entire period, the employee is required to be at the workplace.

If an employee is requested to report to work for an unscheduled shift, s/he is entitled to be paid for a minimum of:

- 1) Three (3) hours at the regular wage.
- 2) Three (3) hours at the regular wage in any other case unless the employee is unfit to work or fails to comply with the standards in the Workers Compensation Act.

7.6. Maximum Hours of Work

(1) Office Employee

All office employees working more than eight (8) hours in a day and forty (40) hours in a week shall be compensated at the rate of time and one-half (1 ½) for each overtime hour worked.

(2) Hours worked on a Designated Statutory Holiday

All non-management employees required to work on a statutory holiday as defined in Section 12 shall be paid at the rate of one and one-half times (1 ½) for each hour worked and time off in lieu of time worked.

(3) Chaperone Compensation

From time to time, if an employee's job requires them to Chaperone groups for overnight functions, they will receive an additional two (2) hours regular rate pay.

If during the night(s) away employees are required to attend to a group member(s) for more than two (2) hours during the night they can claim the hours spent attending to the group member over the two (2) hours to a maximum of 8 hours.

All chaperone pay will be a regular rate of pay.

7.7. Hours Free from Work

The employer must either:

- (1) Ensure that an employee has at least 32 consecutive hours free from work each week
- (2) Pay an employee double the regular wage for time worked by the employee during the 32-hour period the employee would otherwise be entitled to have free from work.
- (3) The employer must ensure that each employee has at least eight consecutive hours free from work between each shift.
- (4) Subsection 7.6 does not apply in an emergency.

7.8. Fish, Wildlife and Agriculture Exemptions

Where the successful management of fish, wildlife and agriculture are dependent upon seasonal patterns of fish and animal behavior or weather, and to which the employer has little or no control, the employer is exempt from sections 7 and 8

In accordance with the exemptions provided under section 7.7 the employer must:

- (1) Not expect the employee to work any more than 12 hours per day
- (2) Allow the employee to bank overtime, for any work which exceeds regular scheduled work day hours
- (3) Provided the employee with 8 hours' notice to go to work unless weather requires shorter notice.

7.9. Inclement Weather

Shackan is open on all normally recognized business days during the year to serve our members. Even in inclement or severe weather, the facilities are open for work.

Employees are encouraged to exercise judgment based on travel and family circumstance. However, employees are expected to make every reasonable effort to come to work. At the discretion of the Executive Director, late reporting for work may be excused. If unable to attend work, employees have the option to use a elective leave day, vacation day or time off without pay.

8. Overtime

Shackan follows the Canada Labour code Standards of overtime, Overtime rates are applicable after eight (8) hours in a day or forty (40) hours in a week.

8.1. Authorization of Overtime

Overtime is approved in writing in advance by management on an as needed basis. Overtime is only allowed in extenuating circumstances, or when a supervisor has scheduled it. i.e. Staff working a statutory holiday. Staff choosing to work extra time on their own will not be paid overtime.

8.2. Overtime Compensation

An Employee shall be compensated at the rate of time and one-half (1.5X) for all hours worked in excess of eight hours (8) a day or forty (40) hours per week.

If a work week contains a general holiday that is given to an employee, the hours worked are reduced by 8 hours for each general holiday in that work week and the regular hours the employee works on the general holiday are not counted when calculating the employee's overtime for that week.

The provisions for hours worked in a work day exceeding 12 only apply to emergency situations, fish and wildlife resources management and or agricultural activities.

8.3. Management Employees

Any overtime compensation for the Management is determined by agreement with Shackan Executive Director and/or Chief and Council.

8.4. Emergency Work

The maximum hours in a work week, set out in Section 7.4, may be exceeded, but only to the extent necessary to prevent serious disruption with the ordinary working maintenance or social programs which create a hardship for the membership.

8.5. Limitations on Overtime

Travel time to and from work does not constitute overtime.

8.6. Banking Overtime

- (1) The working of overtime hours is discouraged, but where deemed necessary by a supervisor, an employee who works overtime hours will be compensated at a rate of not less than one and one-half (1.5) times his/her regular hourly rate of pay.
- (2) An employee must obtain prior written authorization from their supervisor prior to engaging in overtime work.

- (3) Compensation for overtime worked, will be in the form of accumulate Banked Time Off (“BTO”) as described below.
- (4) An employee seeking to document BTO must submit to their supervisor for approval, a signed “Approval for Overtime” form.
- (5) BTO is accumulated in the amount of 1.5 hours for each overtime hour worked. For overtime hours worked during a General Holiday, BTO is accumulated in the amount of 2 hours for each overtime hour worked.
- (6) BTO must be approved by the Executive Director. BTO must be scheduled in advance at a time that does not conflict with operational requirements. A “Request for Leave” must be completed and signed by the employee, approved by the Executive Director and submitted to the Payroll Department.
- (7) An employee must use their accumulated BTO within six (6) months of working the overtime hours and finalize the arrangements before the end of the then fiscal year or the employee will be paid the overtime hours.

9. Payroll

9.1. Pay Periods

Shackan payroll is bi-weekly, one week in arrears.

9.2. Timecards

Time cards are completed and approved on the Monday of a pay week and must have all hours worked, department hours are to be charged to, the type of hours and total for each section.

Any overtime approval or leave approvals authorization forms must be attached supporting the information on the time card.

10. Benefits

10.1. Eligibility

All regular full time employees in the active service of Shackan and other businesses deemed part of the Shackan Band who have completed their waiting period, and meet the requirement of the insurance provider, are eligible for the Group benefits plan.

An employee not activity at work on the day insurance would normally commence will not be eligible until he/she returns to work full time.

Please see the benefit booklet for the details of coverage and policy provide by Shackan. Employees should be aware the Insurance Policy Provider determines benefits and depends on such variables as salary, age, hours worked and number of dependents.

The following are compulsory for all eligible staff:

- Life Insurance
- Dependent Life Insurance – if applicable
- Accidental death and dismemberment
- Short Term Weekly salary indemnity
- Long Term Weekly salary indemnity

The following benefits may be waived if an employee is insured under another group insurance plan:

- Medical Services Plan of BC
- Extended Health benefits
- Dental benefits

The above benefit plans and the insurance carriers providing the benefits may be amended from time to time without notice and within the sole discretion of Shackan. The insurance policy is solely responsible for determining eligibility.

10.2. Pension Plan

To encourage you to save for your retirement, Shackan also provides Band sponsored RRSP, participation in this plan is mandatory. This is a Defined Contribution plan; contributions are 5.5% employee and 5.5% Shackan. Employee can increase their portion of the contribution if they wish. Please see booklet for further details.

10.3. Payment of Benefit Premiums

The total cost of the benefit premiums is shared equally between the employer and the employee (50%/50%).

10.4. Other Terms

All other terms and conditions are defined by the insurance provider and may be amended from time to time.

11. Vacation

Vacation leave is provided to permit an employee the opportunity to enjoy rest and recreation away from their work place. Employees should consider taking their vacation in period of at least one (1) week at any one time.

11.1. Full Time and Part Time Employees

Employees accrue vacation dollars on gross earnings as follows:

0 to 1 Year	6%
1 to 2 Years	6.4%
2 to 3 Years	6.8 %
3 to 4 years	7.2%
4 to 5 years	7.6%
Over 5 years	8%

Employee may request vacation time at any time. Determination of pay will be based on vacation dollars accrued.

11.2. Casual Employees

Casual employees are paid their vacation entitlement on each pay period. The vacation entitlement is calculated at 4% of gross pay.

11.3. Scheduling of Vacation entitlements

All vacation leave must be approved by the Executive Director and the Executive Director vacation leave must be approved by Chief and Council.

Advances of unearned vacation days will not be given under any circumstances.

To assist in accommodating employee vacation requests Written Vacation Requests are to be submitted to the Executive Director by March 31 for the next fiscal year. After March 31 Vacation Request will be approved on a first come first serve basis based on operational needs. Vacation approvals will not exceed more than 1 employee off on vacation at a time.

All vacation earned during a fiscal year must be taken during the following fiscal year from April 1 to March 31. Vacation days will not be carried forward to the next fiscal year. To facilitate this, the Executive Director and or the Program Manager may schedule unused vacation time not booked by January 1 each year.

For the purposes of calculating vacation leave entitlements, employment is considering continuous if an employee is on Maternity Leave, Parental Leave, Jury Duty or short-term disability. Vacation entitlement will be calculated the same as if the employee had worked during the absence.

In the event an employee leaves employment before the end of the fiscal year,

- (1) Any vacation days taken over and above those earned will be deducted from their final pay cheque.
- (2) Any vacation days earned and not taken before termination date will be paid out with their final pay cheque.

All Vacation pay shall be subject to regular statutory deductions.

11.4. Holidays during Vacation

If a Statutory Holiday falls or is observed during an employee's vacation period, the employee shall be granted an additional day's vacation for the Holiday.

11.5. Approved Leave during Vacation

(1) Elective Leave

If an illness occurs to the employee during his/her vacation period, the employee shall be granted Elective Leave in lieu of vacation for the period of Elective leave covered by a Doctor's certificate.

(2) Bereavement Leave

If bereavement leave is approved by the employer (in accordance with the Bereavement Policy Section 14) during the employee's vacation period, the employee shall be granted bereavement leave in lieu of vacation for the period of bereavement leave.

12. Statutory Holidays

The following days are designated as paid holiday for all employees;

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

Any other day either the Federal or Provincial Government proclaims as a paid holiday.

Statutory holidays that fall on a Saturday will designate the preceding Friday as a day off with pay in observance of the Holiday.

Statutory holidays that fall on a Sunday will be recognized the following Monday as a day off with pay in observance of the Holiday.

When a statutory holiday falls on the weekend or in the middle of the week and where the Shackan and a majority of affected employees agree, another day off may be substituted for the statutory holiday.

12.1. Compensation for a Paid Holiday

Employees who meet the Canada Labour Code requirements for statutory Holiday Pay shall receive pay as per the Canada Labour Code.

Full time employees, who qualify as per Canada Labour Code, will receive his/her regular rate of pay for the holiday.

Where the employee works the Holiday, the employee shall be entitled to re-scheduled time, calculated at time and one-half plus one day off with pay for each holiday day worked. Therefore, the employee effectively receives two and one-half time the hours worked as lieu time.

12.2. Christmas Holiday Closure

Shackan Office will close annually from December 24 to the first work day following January 1 inclusive.

All eligible statutory days will be paid to staff. Any work days included in the closure are unpaid and employee can use vacation or banked time to cover these days.

13. Elective Leave

13.1. Policy

Elective leave is the period of time that an employee is unable to perform his/her duties as a result of absences described in Section 13.2

The policy is intended to protect Shackan's operational requirements through an employee's duty to report for work.

Shackan Band reserves the right in its sole discretion to request supporting evidence of Elective Leave use.

13.2. Elective Leave Definition

Elective Leave is benefit that full-time employees accrue and may be used at their discretion, subject to approval from the Executive Director. It is intended to cover absences related to:

- Sickness/Illness
- Medical appointments
- Dental appointments
- Marriage
- Serious illness or injury of family member
- Traditional responsibilities
- Parental responsibilities not covered under Parental Leave

13.3. Qualification Period

Employees will earn, but will not be eligible to exercise, the benefits of elective leave until they have successfully completed their probationary period.

13.4. Entitlement

A permanent full-time employee will accrue credit for Elective Leave at the rate of 1.0 day for each month of service in which pay was received, to a yearly maximum of twelve (12) days

- (1) Elective Leave is calculated from the start date of employment and is accrued on a monthly basis.
- (2) Upon being satisfied that the request for Elective Leave is reasonable in all the circumstances, an employee's supervisor may approve Elective Leave.
- (3) In the event of a question regarding eligibility, the matter will be referred to Shackan's Human Resources and Employee Policy for a determination regarding eligibility.
- (4) Elective leave will be paid for the one (1) day or less not covered by the Workers Compensation program. Elective leave credits shall not apply to any period compensable under the Workers' Compensation Act.
- (5) An employee will not accrue elective leave while on an approved workplace leave of absence.
- (6) Accrued elective leave will not be paid out upon termination of employment.

13.5. Procedure

- (1) An employee who is unable to report for work and is using Elective Leave must notify his/her supervisor as soon as reasonably possible.
- (2) Employees wishing to utilize their elective leave days, must provide their immediate supervisor with written notice, at least 5 working days prior to the intended commencement of the leave, whenever possible.
- (3) An employee who does not advise his/her supervisor of an absence from the workplace due to Elective Leave within a reasonable time will be considered absent without permission and may be subject to discipline in accordance with the Shackan Human Resources Policy Manual.

- (4) Where an employee advises his/her supervisor of an inability to report to work for Elective Leave reasons the employee will complete a Request for Leave form upon their return to work. The form must be approved by the employee's supervisor and submitted to the Payroll Department for administration.
- (5) An employee who exhausts accumulated Elective leave prior to Shackan's fiscal year end may choose to continue being paid by requesting Annual Leave. An employee who exhausts, Elective leave, Annual leave or banked overtime may complete a Request for Leave form seeking Elective leave without pay.
- (6) Employees must produce a certificate from a qualified medical practitioner before consideration for paid Elective Leave is granted in cases of absences due to illness of more than three (3) consecutive days. Shackan may request a certificate from a qualified medical practitioner for any elective leave requested for illness by an employee.
- (7) To provide Shackan with enough information to make a determination whether to approve a request for Elective Leave, medical certificates must, at minimum, include the following information:
 - a. the nature of the illness, the date(s) of the absence, the date medical attention was sought, any specific job duties an employee is unable to perform by reason of the medically certified illness/injury, and the expected date of a return to work.
- (8) An employee who fails to provide adequate and timely information in support of a request for Elective Leave may be considered absent without authorization and may be subject to discipline according to the Shackan Human Resource Policy.
- (9) An employee who is unable to schedule medical or dental appointments outside of normal working hours may request Elective Leave providing all reasonable efforts are made to schedule such appointments outside work hours. Shackan may request confirmation of medical or dental appointments at its discretion.
- (10) Unused Elective Leave on March 31 year end will be forfeited.
- (11) Elective leave at any fiscal year end of March 31st, is permitted, when requested in writing, to carry over into the next fiscal year up to five (5) of those days. The five (5) day carryover will not continue from fiscal year to fiscal year and should the five (5) days not be used in the next fiscal year, they will not continue to accrue into the following fiscal year. For periods of personal illness or ongoing injury in excess of ten (10) days, an employee may apply for either short term or long term disability benefits in accordance with the Shackan benefits plan.
- (12) An employee wishing to apply for either of short or long-term disability benefits must notify his/her supervisor of his/her intention to do so prior to submitting a claim.
- (13) Once a disability claim is made, the decision whether to approve the claim for long term disability is the sole responsibility of the benefits plan provider and claim related enquiries must be addressed directly to the insurer.
- (14) An employee wishing to return to work at the expiration of an approved short term disability period must inform their supervisor in writing of their intention to return to work, and must also provide a certificate from a qualified medical practitioner verifying that he/she is fit to return to work. If the planned return to work is to be on a limited or graduated basis, the certificate must include a summary of all related limitations.

- (15) If a claim is denied by the insurer, the employee must report to work immediately upon receiving notice. An employee who wishes to remain off work while appealing a claim denial may request leave without pay. Such request must be made in writing to his/her supervisor at or prior to the expiration of the previously approved absence along with supporting documentation from a qualified medical practitioner. The supervisor will make a recommendation to the appropriate Department Head who will make a determination whether to approve the request for extended leave.

13.6. Part time and Casual Employees

Are not eligible for Elective Leave

13.7. Managing Elective Leave

Advances of unearned elective leave days will not be given under any circumstance.

Any absence from work (other than for illness) for a period longer than three (3) months will not be counted as “days worked” for the purpose of elective leave accumulation.

Employees are responsible for scheduling their elective leave days in a manner that will meet their needs throughout the year. If an employee uses up all of their elective leave early in the year, further absences will be without pay.

Under no circumstances, will elective leave pay be paid out without a corresponding absence from work.

14. Bereavement Leave

- (1) All employees shall be entitled to a leave of absence with pay in the case of a death in the immediate family.
- (2) Members of the immediate family shall include the spouse, son, daughter, brother, sister, father, mother, father-in-law, mother in-law grandparents, grandchildren, aunts, uncles nephews and nieces. This may also include other relatives permanently living in the employee’s household or with whom the employee permanently resided at one time for a period of more than one year.
- (3) The Executive Director must approve all Bereavement leave.
- (4) In the case of the Executive Director, approval must be given by Chief and Council
- (5) For immediate family child, father, mother, brother, sister, father-in-law, mother-in-law, son, daughter, stepson, stepdaughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grand parent, grandchild, ward or guardian – recognizing natural, adopted, foster and traditional relationships and any relative residing with the employee or with whom the employee resides.
- (6) In the event travel (more than 5 hours) is involved, two additional days with pay may be negotiated at the discretion of the Executive Director.
- (7) Bereavement leave with pay shall not exceed five days.

- (8) Employees attending a funeral for someone who is not considered immediate family will be compensated for the day if they attend the funeral.
- (9) If Chief and Council decides to close the office on the day of a funeral, all staff will be compensated for a normal day's pay.

15. Court Leave

Upon application to the Executive Director, regular employees (full-time and part-time) shall be granted court leave without loss of pay to appear in court subject to the following:

- (1) to serve on a jury
- (2) be available for jury selection
- (3) subpoenaed as a witness

Former employees who are required to attend court on Shackan's behalf shall receive pay for the duration of the actual attendance in court as if they were still employed by Shackan (at Shackan rates).

15.1. Employee Responsibilities

An employee must give a copy of the duty summons to his or her manager as soon as possible so that the manager may make arrangements to accommodate the employee's absence.

Employees being paid for days at court by the Band are required to remit to the Band any per diem or other compensation paid by the court.

Employees are also expected to receive a release from the court and to turn it in to their manager upon return to work.

Employees are expected to report to work after release from the court, or between intervals, when reasonably possible.

16. Maternity and Parental Leave

16.1. Definition

Maternity and parental leaves are unpaid leaves of absence. Given for the birth or adoption of child.

16.2. Maternity Leave

The entitlement for and length of the leave allowed under the law is determined by Federal Employment Standards Legislation.

16.3. Parental Leave

Maternity and parental leaves are considered as two separate leave periods under federal employment standards legislation. The date the individual leave period begins determines the length of leave to which the employee is entitled. The entitlement for and length of the leave allowed under the law is determined by Federal employment standards legislation.

16.4. Notice of Maternity and Parental Leave

Every employee who intends to take a maternity and or parental leave of absence shall give at least four (4) weeks' notice in writing to the Executive Director. The written notice must state the date of commencement and the date of return and be accompanied by a doctor's note stating the employee is pregnant.

16.5. Benefits during Maternity Leave and Parental Leave

For the maternity leave and parental leave periods, the employment of the employee will be considered continuous for the purpose of pension and/or health disability benefits if the employee opts to continue to pay premiums to those plans in the same manner as if the employee was not on leave. In such a case, the employer shall continue to pay the employer portion of the premiums.

17. General Leave of Absence

The Executive Director, after consultation with the department manager, may grant a regular employee a short-term leave of absence without pay for up to one (1) year for personal or other reasons, providing:

- (1) There is a good and sufficient cause;
- (2) Operational requirements permit;
- (3) No reduction or change expected in the position.
- (4) The employee has taken all earned vacation and banked time;
- (5) The employee does not accept other employment while on leave;

Requests for leave of absence shall be presented to the Executive Director in writing; Approval decision on Leave of Absence required will be processed within fourteen (14) working days of receipt of leave request.

17.1. Chief or Council Leave

- (1) No candidate shall be ineligible for nomination by reason only of his or her employment with the Shackan Band or by reason of contractual relations then ongoing with the Shackan Band.
- (2) In the event that the candidate is elected to the office of councilor, he or she shall have forty-eight (48) hours within which to decide whether or not to take office, by notice to the Electoral Officer.
- (3) In the event that the candidate elects to take office, as elected then;

- a. He or she shall resign his or her employment with the Band or with the Band owned entity, upon the first to occur of the earliest reasonable time or the Band owned entity successfully finding a suitable replacement.
- b. He or she shall apply for and the Band shall grant or cause to be granted to him or her, a leave of absence from employment with the Band or the Band owned entity for the period commencing upon the earliest reasonable time for commencing the leave and finding a suitable replacement and ending upon the first anniversary following the councilor's departure as an elected office.
- c. He or she shall finish up and complete all contracts then in place with the Band or the Band owned entity and shall not engage in any further contracts with the Band during the term of election and
- d. He or she shall finish and complete any and all contracts that he or she may have with the contractors supplying goods or services to the Band and shall not engage in any further contracts with any person supplying goods or services to the Band during the term.

17.2. Secondment

The Executive Director, after consultation with the department manager, may approve an employee's request for a Secondment up to one (1) year.

17.3. Participation in Group Benefits

Regular employees on a leave of absence may continue their participation in Group Benefits providing:

- (1) The employee pays 100% of all applicable benefit premiums.
- (2) The employee maintains his/her participation in all benefits enrolled in prior to the leave (employee may not pick and choose).

17.4. Return to Employment

Every employee who takes, or is required to take a leave as defined in section above shall be reinstated into the same position at the same wage rate, or when that is not possible, reinstatement in a comparable position with the same wages and benefits.

18.Cell Phones

18.1. Policy

Shackan realizes the need for cellular phones and wireless services to certain employees to assist in the operations of Shackan business. Wherever possible, employees who use their personal cell phone to conduct Shackan business will receive a Cell Phone allowance if three (3) or more of the following is required:

- (1) Employee receives Shackan Emails on their phone
- (2) Employee publishes their personal cell phone number for business use.
- (3) Travels for Shackan Business more than 10 times a year
- (4) After hour's member or technical support on a regular basis
- (5) Work in field – no landline service available
- (6) Worker safety

For payment of Cell phone bills employee are required to complete an expense claim form with a copy of the phone bill attached. Payment to employee will be process on the next payable run.

In the event that the employee does not have a personal cell phone or are unable to open a new cell phone account the Shackan may provide a cell phone with the Executive Director approval, if the follow criteria are met:

- (1) Travel more than 10 times a year
- (2) After hour's member or technical support on a regular basis
- (3) Work in field – no landline service available
- (4) Worker safety

All Cell phones provided by Shackan Band are property of Shackan and are to be returned when an employee job does not require or need the cell phone or upon termination of employment.

18.2. Use of Cell Phone While Driving

Shackan is committed to promoting highway safety by encouraging the safe use of cellular telephones by its employees while they are on Shackan business. Shackan recognizes that there will often be a business need to use cellular phones and safe practices must be the first priority.

Employees are expected to comply with current legislation, if any, in all jurisdictions as it relates to cellular phones. Any tickets and/or fines received by employees due to using a Shackan cell phone while driving are the sole responsibility of the employee.

18.3. Cellular Phone Security

While cellular phones are convenient, they are not secure. Employees should use discretion in their cellular phone conversations. Discussions of a confidential nature should be postponed

until a secure landline is available. Before discussing or relaying information ask yourself the consequences if an outside party overheard your cell phone conversation.

19. Vehicle Policy

19.1. Band Vehicles

This policy outlines the guidelines, procedures and general information regarding the applications and administration of vehicle usage. This policy is not to be construed as a contract and the Band reserves the right, in its sole discretion, with or without notice, to make changes in the policy or its application, as deemed appropriate.

The Vehicle Policy applies to all locations and Employee that utilize a personal vehicle for work or are assigned Band vehicles.

The primary goal of this policy is to assist in understanding the options and responsibilities, outline the procedures and guidelines to administrate, maintain Band vehicles and outline procedure and guidelines to Administer Vehicle Allowances.

19.2. Band Vehicles

Band vehicles are primarily supplied to Employees to conduct their day-to-day duties. Employees are required to follow the guidelines outlined below and discuss any concerns with their manager. Failure to follow these guidelines will result in an evaluation up to and including suspension of the use of Band vehicles.

19.3. Driver

Employees are required to operate all vehicles legally and safely. Only Shackan employees are insured to operate Shackan owned vehicles. In the event a person not employed by Shackan is required to drive a Band vehicle a copy of their driver license and a signed authorization is required to be on file.

As a condition of employment the employee is required to maintain a valid driver's license at all times, and to provide a Driver's Abstract upon request.

The Band will reimburse Employees for parking fees on submission and approval of appropriate receipts and expense reports.

Any traffic violations are the sole responsibility of the Employee. The Band will not cover the cost of traffic violations or parking tickets or any related legal costs incurred by the employee. Use of the Band vehicle is restricted to the assigned Employee only.

Family members are not allowed to be insured to operate the vehicle, except in extenuating circumstance and having a Designated Shackan Drivers form completed.

All Band vehicles must be parked and secured at the designated location of Shackan after office hours including weekends, except if out of town on Shackan business.

19.4. Vehicle Care & Appearance

Vehicles are to be kept clean both inside and out. Regular car washes are to be done, and receipts submitted for reimbursement.

The Band supports a No Smoking policy in all facilities. As an extension of this policy, a courtesy for future drivers of the vehicles and to maintain market values for its vehicles, smoking is not allowed in Band vehicles.

No attachments are to be installed on or inside the vehicles, including the installation of a radio, antennae, cellular phone, stereo, CB, etc. where permanent and visible alterations are necessary.

Bumper stickers, signs etc. are not to be affixed to vehicles except those authorized and issued by the Band or required by federal, provincial or local law.

Vehicles are not to be used to tow trailers, boats etc. for personal use. Trailers to transport Band equipment may be permitted in some incidents where warranted and approved in writing by the Manager.

19.5. Band Vehicles

The Band vehicles are insured within the laws and regulations of the Province; however, the Band insurance does not cover personal items that are stolen or damaged while in a Band provided vehicle or authorized rental vehicle. The Band shall not be held responsible for damage or loss of such personal items. Employees should check with the home insurance provider for coverage and claims for personal items.

19.6. Accident Reporting/ Break in & Theft

All accidents, break-ins or theft must be reported to the Shackan immediately. Emergency services (RCMP, Ambulance, and Fire) will be contacted as legislated by ICBC.

19.7. Accident Repairs

In the event of an accident, damage assessment and repairs are to be carried out under the direction of the Shackan.