



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 14-08

of the

### SQUAXIN ISLAND TRIBAL COUNCIL

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

**WHEREAS**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

**WHEREAS**, the Squaxin Island Tribal Council passed Resolution 14-02 on January 23, 2014; and

**WHEREAS**, it has come to Tribal Council's attention that Resolution 14-02 did not correctly express the intent of Tribal Council, and that it would be in the best interests of Tribal Council to rescind Resolution 14-02; and

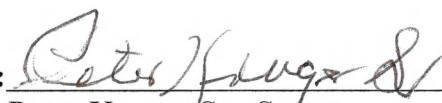
**WHEREAS**, the Squaxin Island Tribal Council finds that it would be in the best interests of the Tribe to approve and amend certain personnel policies relating to the grievance procedures and paid holidays, as such applies to the employees of the Squaxin Island Gaming Enterprise.

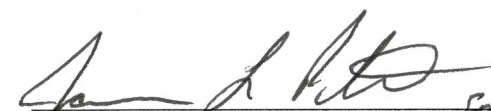
**NOW THEREFORE BE IT RESOLVED**, that the Squaxin Island Tribal Council does hereby rescind Resolution 14-02 and adopts the modifications to the Squaxin Island Gaming Enterprise Employee Handbook, as set out in the attached materials.

**CERTIFICATION**

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 13<sup>th</sup> day of February, 2014, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.

  
\_\_\_\_\_  
David Lopeman, Chairman

Attested by:   
\_\_\_\_\_  
Peter Kruger Sr., Secretary

  
\_\_\_\_\_  
Arnold Cooper, Vice Chairman

## HOLIDAYS

### Policy:

It is the policy of Squaxin Island Gaming Enterprise to designate and observe certain days each year as Holidays. Full-Time employees are immediately eligible and will be given a day off with pay for each Holiday observed.

### Comment:

The schedule of Holidays Squaxin Island Gaming Enterprise observes is as follows:

- 1) New Year's Day
- 2) Martin Luther King, Jr. Day
- 3) American Indian Day
- 4) Memorial Day
- 5) Independence Day
- 6) Labor Day
- 7) Thanksgiving Day
- 8) Christmas Day
- 9) Personal Day

- 1) Employees hired or transferred into a full-time position are eligible to receive their regular rate of pay for each observed Holiday.

Part-Time, Temporary, Seasonal and On-Call employees who work on the Holiday will be paid their regular rate of pay plus the Holiday pay, however employees in these categories who do not work are not eligible to receive Holiday pay.

Full-Time employees who work on the Holiday will receive hours worked plus 8 hours of Holiday Pay.

- 2) Employees on leaves of absence or on lay-off are not eligible to receive Holiday pay.
- 3) To receive Holiday pay, an eligible employee must be at work on their scheduled workdays immediately preceding and immediately following the day on which the Holiday is observed. If an employee is absent on one or both of these days because of an illness or injury they will not receive Holiday pay.
- 4) A Holiday that occurs on a Saturday or Sunday generally will be observed by the Company on either the preceding Friday or following Monday.
- 5) If a Holiday occurs during an employee's vacation period, the employee has the choice to add the Holiday to the vacation time off or to take fewer vacation days. (i.e.: 32 hours Vacation with 8 hours Holiday *or* 40 Hours Vacation with 8 Hours Holiday, etc.)

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Employees of Squaxin Island Gaming Enterprise are employed at-will and are subject to termination at any time, for any reason, with or without cause or notice. Nothing in this manual should be considered as altering the employment-at-will relationship or as creating an express or implied contract or promise concerning the policies or practices that SIGE has implemented or will implement in the future. Accordingly, Squaxin Island Gaming Enterprise retains the right to establish, change, and abolish its policies, practices, rules, and regulations at-will and as it sees fit. PPM 08/01/02 – Revised 01/01/14

Approved by Michael Starr, CEO \_\_\_\_\_ (Initials) Date \_\_\_\_\_ Mailed on \_\_\_\_\_

- 6) Exempt Employees who are scheduled to work on the Holiday will be given the opportunity to take an alternate day off or be paid for the Holiday, whichever is agreed to with management.

Exempt Employees who work a full schedule during the holiday week (i.e.: 40 hours), but due to normal scheduling the observed holiday is included in their scheduled days off, will be given the opportunity to take an alternate day off or to be paid the Holiday Pay, whichever is agreed to with management.

Management must ensure that the agreed to Time Off or Holiday Pay is applied within 6 weeks after the date of the Holiday.

- 7) Squaxin Island Gaming Enterprise recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days, which are not included in the Company's regular Holiday schedule. Accordingly, regular full-time employees who would like to take a personal Holiday off for such reasons may be permitted to do so if the employee's absence from work will not result in an undue hardship on the conduct of the Company's business and if the employee's supervisor approves. On such occasions an employee may also take such time off as an unpaid absence.
- 8) Employees hired or transferred into a full-time position prior to July 1 in any calendar year will accumulate one (1) Personal Holiday. Employees hired into a full-time position on or after July 1 in any calendar year will not accumulate their Personal Holiday until the following calendar year.
- 9) Squaxin Island Gaming Enterprise regularly schedules work on observed Holidays. Normally, work on an observed Holiday will be paid as if the day were a regularly scheduled day in addition to the Holiday pay. .
- 10) Upon approval from management, an employee will receive Holiday Pay if due to inclement weather the employee is absent from working on the Holiday, the day before or the day after the Holiday.

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Approved by Michael Starr, CEO \_\_\_\_\_ (Initials) Date \_\_\_\_\_ Mailed on \_\_\_\_\_

## GRIEVANCE PROCEDURE

### Policy:

It is the policy of Squaxin Island Gaming Enterprise that employees *who have successfully completed their Probationary period and/or Introductory period by successfully completing the Employee Evaluation process* should have an opportunity to present their work-related complaints and to appeal management decisions through a grievance procedure. Squaxin Island Gaming Enterprise's grievance procedure will offer employees an opportunity to grieve their concerns regarding disciplinary actions before an impartial grievance committee. Squaxin Island Gaming Enterprise will attempt to resolve promptly all grievances that are appropriate for handling under this policy.

For the purposes of this policy, whenever an individual is named by position (i.e. the Human Resources Director), the action required may be taken by that person's designee in his/her absence.

### Comment:

(1) An appropriate grievance is defined as an employee's expressed written dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors or other appropriate personnel resulting in a suspension, termination or other disciplinary action taken. Examples of matters, which may be considered appropriate grievances under this policy, include:

- Suspension
- Dispute of Disciplinary Action
- Termination

(2) Employees should notify the Company within seven (7) calendar days, of any grievance considered appropriate for handling under this policy. The grievance procedure is the exclusive remedy for employees with appropriate grievances. While timeliness is essential in responding to grievances, timelines can be extended, at the discretion of the Human Resources Director, by request of any party to the Human Resources Director. However, if the appropriate supervisor or manager does not respond to grievance documents within fourteen (14) calendar days, the Grievant's requested relief, at the discretion of the CEO, may be deemed to have been granted and may be executed as requested.

(3) Grievances may be resolved at any step in the process and the decision becomes binding on all parties. If a party fails to file a timely appeal or when a decision is made in the final step, the right of appeal no longer exists.

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Approved by Michael Starr, CEO \_\_\_\_\_ (Initials) Date \_\_\_\_\_ Mailed On \_\_\_\_\_

(4) Employees who feel they have an appropriate grievance, described in (1) above should proceed as follows:

- (a) **Step One** – Within seven (7) calendar days of the disciplinary action being grieved, bring the grievance to the attention of the Human Resources Director or Human Resources Department by completion of a grievance form or letter. The Human Resources Department will assist the Employee in completing the grievance form and will forward the form to the Employee’s immediate supervisor requesting a written response or a meeting with the supervisor (if the grievance occurs at a higher level, the appeal shall commence at that level and it is permissible to proceed directly to Step Two or Step Three as appropriate). The supervisor should prepare a written and dated summary of the grievance and proposed resolution for file purposes within fourteen (14) calendar days of receipt of the grievance form; and provide a copy to both the employee and the Human Resources Department within the fourteen (14) calendar day timeframe.
- (b) **Step Two** – Appeal the decision to the department manager (if the grievance occurs at a higher level, the appeal shall commence at that level and it is permissible to proceed directly to Step Three). Such an appeal or initial complaint must be made within seven (7) calendar days using a written form provided for this purposes. Human Resources Director will forward the supervisor’s comments and recommendations on the grievance form to the department manager. The department manager will, within fourteen (14) calendar days, confer with the employee, Human Resources Director, the supervisor, and any other members of management deemed appropriate; investigate the issues; meet with the employee; and communicate a decision in writing to all parties involved.
- (c) **Step Three** - Appeal an unsatisfactory department manager disciplinary action or termination decision to the CEO. The timeliness requirement and procedures to be followed are the same as those in Step Two. The CEO will take the necessary steps to review and investigate the grievance and will then issue a written and binding decision.

Employees may also request assistance and monitoring from the Human Resources Director and/or if requested by the Grievant, a SIT Tribal Liaison will be assigned to assist throughout the grievance process.

(5) After exhausting all remedies outlined in comment (4), SIGE will provide a means of having the circumstances of a final management decision, regarding a disciplinary action, reviewed by an impartial and objective panel of employees and managers, referred to as the Grievance Committee. The Grievance Committee will be made-up of a five-member committee appointed as described below, with a roster of 5 alternates.

- (a) Each committee paneled for a **non-exempt** employee’s grievance will include:
- (i) 2 Non-Management (non-exempt) Employees selected by HR Director or assignee;
  - (ii) 1 Management (exempt) Employee, selected by the CEO;
  - (iii) 1 Exempt-Level Tribal Government Director, appointed by the Executive Director;
  - (iv) 1 Member of the Community, appointed by Tribal Council.

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PPM Revised 1/2014.

Approved by Michael Starr, CEO \_\_\_\_\_ (Initials) Date \_\_\_\_\_ Mailed On \_\_\_\_\_

- (b) Each committee paneled for an *exempt* employee's grievance will include:
- (i) 2 Management (exempt) Employees selected by HR Director or assignee;
  - (ii) 1 Professional (exempt) Employee, selected by the CEO;
  - (iii) 1 Exempt-Level Tribal Government Director, appointed by the Executive Director;
  - (iv) 1 Member of the Community, appointed by Tribal Council.

Where possible, the Community Member and Tribal Government Director will not change from case to case.

- (c) At the time the employee is notified of management's decision Step 3 (4)(c), the employee may opt to continue on to the Grievance Committee for an impartial and objective review of the Step Three decision.

A request for an appeal before the Grievance Committee must be submitted by the Employee in writing to the Human Resources Director within seven (7) calendar days of the receipt of notification of management's decision.

(e) Should seven (7) calendar days elapse without a written request having been received by the Human Resources Department as outlined above, the employee will have exhausted their appellate rights with the SIGE organization.

(f) If an employee elects not to appeal the decision by management within the specified seven (7) day period, SIGE will consider this as acknowledgment by the Employee that they are in agreement with the management decision.

(6) If an employee elects to appeal the disciplinary decision and is eligible for an appeal as outlined above, the Human Resources Director and SIT Tribal Liaison (if appointed) will facilitate the Grievance process as follows:

(a) The Grievance Committee will convene within ten (10) business days from the date the appeal is received in the Human Resources Department, or as soon as possible thereafter.

(b) The Grievant will be present during all proceedings of the Grievance Committee, except during the deliberations by the Grievance Committee.

(c) The Human Resources Director and the SIT Tribal Liaison (if appointed) will also be present as a silent monitor to ensure that the process is followed, and will also be present during the Grievance Committee's deliberations.

- (d) Committee members will be provided, in advance when possible, with copies of all documentation in the employee's file relevant to the disciplinary action being appealed.
- (e) The Grievance Committee will conduct the hearing under the following rules,, unless otherwise changed at their discretion:
- (i) The appeal is intended to be a confidential process between the employee and his/her peers. As such, no attorneys or other such outside representation will be allowed to represent either the employee or SIGE during the appeals process. An attorney of the Squaxin Island Legal Department may be present to assist the Grievance Committee in carrying out its responsibilities, but in no case shall that attorney serve as an advocate for the SIGE during the hearing. Employees will be accompanied by the SIT Tribal Liaison (if appointed), who will monitor the process on the employee's behalf; the Human Resources Director shall also monitor the grievance process.
  - (ii) There will be a case presentation time limit of 30 minutes for both the SIGE as well as for the Grievant.
  - (iii) The process before the Grievance Committee will be recorded on audiotape.
  - (iv) All participants will sign a non-disclosure, confidentiality agreement.
  - (v) Either the Employee or the SIGE may present any relevant witnesses, who shall be heard at the Committee's discretion. "Relevant witnesses" are those persons who have personal knowledge concerning the basis for the disciplinary action. Both the employee and SIGE shall present the Committee with a list of their proposed witnesses and a brief description of their testimony. The Committee will have full authority to call any additional relevant witnesses and ask for any additional information or documentation or to not hear any witness whose testimony the Committee determines will not add any relevant information to the process.
  - (vi) The Grievant's Department Manager or his/her designee(s) will advise the Committee of the nature and extent of the alleged incident/s, which led to the disciplinary decision and at this time present their case.
  - (vii) The Grievant will then present their case and will have the burden of showing by a preponderance of the evidence that the SIGE did not follow policies and procedures in making the disciplinary action. Although the Grievance Committee, in its sole discretion, may change the order of the process, generally, the Grievant will be second to present facts, either through documents or testimony by relevant witnesses, that SIGE did not follow policies and procedures in making the disciplinary action.
  - (viii) The Committee may at any time ask questions of the Grievant, the SIGE or any relevant witnesses, and summon and question any other relevant witness.

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- (ix) After hearing all relevant testimony, the Grievant and the Department Manager will have the opportunity to make any concluding remarks. The remarks by either party will be limited to a 10 minute presentation.
- (x) Following any concluding remarks, the Grievance Committee will meet in private and arrive at a decision. Final decisions must be made by a simple majority.
- (xi) If the Grievance Committee finds that the supervisor or manager followed the SIGE Employee Handbook, the Personnel Policy Manual, or departmental policies and procedures, it shall uphold the decision of the supervisor or manager.
- (xii) No record of the Grievance Committee's deliberation will be made. However, suggestions made on the part of the Grievance Committee may be relayed to management for improvement of the overall operation.
- (xiii) The Committee will advise the Human Resources Director and the SIT Employee Relations Liaison of the final decision within seven (7) calendar days of the hearing.

The Human Resources Director will advise the Grievant, CEO, and the employee's Department Manager of the final decision in writing within seven (7) calendar days of the Committee's final decision.

(7) The decision of the Grievance Committee shall be considered the final decision in regards to the grievance process and, if the Committee upholds the disciplinary action, the employee will be notified that the grievance process within SIGE has been exhausted.

(8) If, during the grievance process, the employee is threatened, subjected to duress or harassment either during or after the decision, the employee may notify the Grievance Committee or Human Resources in writing. The Committee shall authorize an investigation of such complaints and, based upon the findings, may recommend disciplinary action against any person or persons who were derelict or discriminatory in handling the grievance.

(9) If the disciplinary action being grieved was for termination, and if the sole and exclusive reason for such termination was the employee's status as an employee at will, the Grievance Committee's decision shall be considered the final and binding decision upon the parties, and not subject to appeal to the Squaxin Island Tribal Employment Court. In all other cases, either the grievant or SIGE may seek review of a final decision of the Grievance Committee by the Squaxin Island Tribe Employment Court, subject to the following:

- (a) Appeals must be submitted to the Employment Court, using an appeals notice form, within ten (10) calendar days of receipt of written notice of final decision prepared by the Human Resources Director.

- (b) Written notice of appeal shall contain the following information:
- (i) Name of the party seeking review;
  - (ii) Address of the party seeking review;
  - (iii) Name of employee's department;
  - (iv) Name of employee's department supervisor or manager;
  - (v) Date employee was notified of the disciplinary action and the means of notification;
  - (vi) Date of Grievance Committee findings and decision;
  - (vii) Sufficient and pertinent facts and information regarding the action for review; and
  - (viii) Relief requested of the Employment Court.
- (c) Evidence in the review hearing will be limited to the administrative record of the Grievance Committee hearing.
- (d) Applicable law will be the Squaxin Island rules of civil procedure (to the extent they do not conflict with the Employment Court Ordinance), SIGE Employee Handbook, SIGE's Personnel Policy Manual, and operating policies and procedures of individual departments, as they exist or as they are amended, and other applicable law.
- (e) Remedies available to the Employee are limited to injunctive relief and award of employment, reassignment, reinstatement, back pay or benefits. Damage awards are limited by Tribal Ordinance to Five Thousand Dollars (\$5,000.00).
- (f) If the Tribal Employment Court finds that the Grievance Committee's determination that the supervisor or manager followed the SIGE Employee Handbook, the Personnel Policy Manual, or departmental policies and procedures was not arbitrary or capricious, it shall uphold the decision of the supervisor or manager.