

3. Obligation to Report Violations of This Policy

- a. If an Employee becomes aware of a violation of this social media policy, such violation should be reported to an appropriate supervisor or to the Office of Human Resources.

If an Employee feels he or she is being harassed, discriminated against or retaliated against for reporting a violation of the social media policy, he or she should immediately report this to his or her supervisor or to the Office of Human Resources.

VIII. EMPLOYEE CLASSIFICATION

A. Exempt Employees

Each employment position is classified as exempt or non-exempt under this Policy in accordance with the Department of Labor regulations at 29 C.F.R. Part 541.

Exempt employees are paid on a salary basis and, with certain exceptions, must be paid their full salary for any week in which they perform work. The exceptions for which an exempt employee's pay may be reduced are as follows:

1. Employees who are absent for at least a full day because of sickness or disability will not be paid for that day unless they are eligible for benefits under MBCI's paid time off, vacation, sickness, or disability policies. An exempt employee's pay will not be reduced if he/she is absent for less than a full day because of sickness or disability.
2. Employees who take leave under the Family and Medical Leave Act ("FMLA") will not be paid for that time unless they have accrued benefits under MBCI's leave policies which run concurrent with the FMLA leave. Pay of employees on FMLA leave will be reduced by the hours missed even if it is less than a full day.
3. Employees who are absent from work for at least a full day for personal reasons other than sickness or disability will not be paid for that day. If an employee is absent for less than a full day for personal reasons, his or her pay will not be reduced.
4. Employees who are absent from work for jury duty, attendance as a witness at a trial, or temporary military leave will have their pay reduced by the amount of payment they receive in the form of jury fees, witness fees, or military pay. Their pay will not be reduced by the number of hours or days they are absent from work unless they perform no work in a given week.
5. If an employee violates a safety rule of major significance while on duty, his or her pay may be reduced in an amount to be determined by MBCI as a penalty for that violation.
6. Employees may be suspended without pay for certain other types of

workplace misconduct, but only in full-day increments. The reduction in pay will be proportionate to the number of days suspended.

7. Employees who work less than 40 hours during their first or last week of employment will be paid a proportionate part of their full salary for the time actually worked.
8. Exempt employees shall be at their designated worksite at all times during the work day. If an exempt employee will be away from their designated work site for more than a brief period of time and annual or sick leave has not been approved, they must obtain their supervisor's written approval to be away from the work site. It is entirely within the supervisor's authority to deny the request.

MBCI will reimburse any exempt employee whose pay is reduced in violation of this Policy. If you feel your pay has been improperly reduced, please notify your supervisor or the Director of Human Resources.

B. Nonexempt Employees

Nonexempt employees will be paid only for actual hours worked unless they receive benefits under MBCI's leave policies. All time worked by nonexempt employees in excess of forty hours in a workweek will be paid at one and one-half times the employee's rate of pay.

All hours of work must be accurately recorded. If you have been instructed to falsify time records by any person, you must report this matter immediately to the Director of Human Resources.

C. Probationary Employees

Probationary employees include employees who have not yet completed 90 calendar days of employment, and employees who are on disciplinary probation under part XVI, section C of this Policy. Probationary employees who have not yet completed 90 calendar days of employment are subject to the provisions of Part V, Section E of this Policy. Probationary employees, whether they are on the initial 90-day probation or disciplinary probation, may take the following leave with pay: holiday, emergency leave, civil leave, administrative leave, bereavement leave, and military leave. Probationary employees are also eligible to take leave without pay. However, they may not take annual leave or sick leave.

D. Regular Full-time Employees

Employees who are regularly scheduled to work at least 40 hours per week and are eligible for full employee benefits.

E. Regular Part-Time Employees

Employees who are regularly scheduled to work less than 40 hours per week will be eligible for prorated sick leave, annual leave benefits, and workers' compensation.

F. Temporary Employees

Employees hired for a specific and limited period of less than six (6) months are eligible only for workers compensation benefits. If it is determined at the conclusion of the six months to continue employment, temporary employees may be reclassified as Regular Part-Time or Regular Full-Time, which may make them eligible for employee benefits in accordance with this Policy.

G. Education Contract Employees

All employees with positions in the Department of Schools are Education Contract Employees. Education Contract Employees serve on the basis of an annual contract, with the exception of school principals, whose contracts may be for a period of up to three (3) years, subject to an annual evaluation.

Education Contract Employees will not receive annual leave, but will receive time off in the form of school holidays and personal leave. Personal Leave will be awarded at the beginning of each contract period in amounts determined by part XII. Time Off From Work.

Substitute employees in tribal educational programs, and any employees in the Tribal Health Center who work only as needed basis, are considered intermittent employees and are retained on an as-needed basis only, are not guaranteed any certain number of hours of work per week or pay period, and are eligible only for the benefit of workers' compensation.

H. Political Appointees

Political appointees are those persons occupying positions directly appointed by the Chief and supervised by the Chief or the Chief's designee. Political appointee positions may or may not be advertised, and will not be subject to an initial probationary period. Incumbents of such positions shall not have recourse to the grievance procedures described in this Policy as a result of termination or for any other cause. A Waiver of Native American Preference is not necessary for political appointee positions as the nature of these positions are at the discretion of the Tribal Chief who retains ultimate authority to select who is best qualified for the position.

To assist the Chief in carrying out the duties of his or her office, the Chief is authorized to maintain political appointee positions. The political appointees must be nominated by the Chief and confirmed by the Tribal Council, except for the Executive Assistant to the Tribal Chief, which does not require confirmation by the Tribal Council. Political Appointees must be re-confirmed by Tribal Council every four (4) years. There shall be no other political appointee positions, except as are otherwise expressly created elsewhere under the Tribal Code, or as approved by the Tribal Council in a revision to the Executive Branch organizational chart or when approving the Budget. Political appointee positions expressly created under other provisions of the Tribal Code are not subject to this provision. This paragraph shall be applied to all political appointee positions upon the effective date of this Policy.

For all political appointee positions requiring confirmation by the Tribal Council, including all political appointee positions in existence at the time of the effective date of this Policy, a person may serve in an “acting” role for no more than 180 days, except where the Tribal Council has not taken action on a nomination within that timeframe, in which case the time period in an “acting role” shall be tolled from the date the nomination was submitted to the Tribal Council for confirmation.

IX. ATTENDANCE AND PUNCTUALITY

The normal workweek is 40 hours, Saturday through Friday, at all tribal locations unless otherwise specified and approved by the Chief. Daily hours are from 8:00 a.m. to 4:30 p.m. with a one-hour lunch break between 12:00 and 1:00 p.m., unless otherwise decided by the Chief. Individuals may alter this schedule by prior agreement with their supervisors, provided the regularly scheduled hours are worked each week. Some positions may require employees to work nights and weekends.

All employees must report to work as scheduled. If you must be absent or tardy, you must notify your supervisor in advance of the anticipated tardiness or absence. If you cannot provide advance notice, call your supervisor as soon as possible, but in no event later than 30 minutes after your scheduled start time. You also may be required to submit documentation of the reason for your tardiness or absence.

Any employee absent from work for a period of two (2) consecutive workdays, without daily notification to your supervisor of the reasons for the absence, will be considered as having voluntarily resigned. It is not sufficient to leave a voice mail message; you must personally contact your supervisor. If for any reason you are unable to contact your supervisor personally, then you must contact your supervisor’s superior. In the rare case where neither can be contacted personally, you must leave your supervisor a voice mail message, stating the date and time you called, the reason for your absence, and where and how you can be reached.

In the event of an emergency situation (hurricane, flood, and severe weather) you should monitor media outlets including the Tribal website to determine if your specific work location is open for business. If you do not locate this information through media outlets, contact your supervisor. If you cannot reach your supervisor, contact the Office of Human Resources. If your work location is open for business, MBCI expects you to report to work if possible. If you are unable to report to work, you still must contact your supervisor to inform him or her why you are unable to report to work. MBCI will make every effort to make public notifications regarding closures in emergency situations through the media or Tribal website.

X. COMPENSATION

Salaries will be paid biweekly on Thursday with a two-week lag in reimbursement. All supervisors will submit two-week time sheets prior to each pay period for each nonexempt employee under their supervision and for exempt employees who take leave during the pay period.