Benefits - General

General

The Nation reserves the right to modify any discretionary benefits based upon the Nation's ability to fund the benefits. All questions in regards to both mandatory and discretionary benefits should be directed to a representative from the Payroll Department, the Insurance Department or an Unemployment Insurance Specialist.

What is a Mandatory benefit?
Mandatory benefits are Social Security, Workman's Compensation, and Unemployment Insurance.

- Social Security benefits are deducted from an employee's payroll check weekly.
- Workman's Compensation benefits, which apply only if an employee is injured on the job while complying with all of the Nation's safety rules, are explained in great detail in the Employment Relations Act.
- Unemployment Insurance is a benefit that employees may be eligible for upon termination from the Nation.

What is a Discretionary Benefit?
These are benefits allowed at the discretion of the Nation and they include Group Health-Care Plans, Short-Term and Long-Term Disability insurance, Life insurance plans, and 401K Plan for retirement.

Employee Assistance Program (EAP)

EAP is designed to assist employees with personal problems and supervisors in need of assistance in dealing with employee issues. This program is available to all employees of the Ho-Chunk Nation and anyone who lives in the same home as the employee.

Is there a cost for this program?
The employee and those living in the employee's home can meet for five (5) sessions per situation at no cost. Should there be referrals or additional sessions required, the cost and possible insurance options will be discussed with the person at that time.

How does an employee apply for EAP?
The Department of Personnel/Human Resource offices have brochures that employees can pick up and review to determine if they are interested in using the services. A toll free telephone number is provided if the employee would like to speak to a consultant and/or schedule an appointment.

Can a supervisor request that an employee seek EAP assistance as part of a work improvement plan?
Yes. The supervisor would complete the "Formal Referral Memo" form *(see forms section)*. The employee receives a copy as well as EAP. It is up to the employee to schedule the appointment. Please keep in mind that participation in the EAP will not exclude employees from disciplinary action.

How does a supervisor monitor whether an employee is following through with EAP assistance if this was made part of a work improvement plan?
As a voluntary program you will have no way of knowing whether the employee chose to accept the formal referral. If the employee chooses, he/she can complete a "Release of Information" form with the EAP counselor to keep the supervisor apprised of the situation.

How can you access EAP counselors?
Counselors are available 24 hours a day, seven (7) days a week. It is appropriate and encouraged that you consult with an EAP counselor regarding workplace and work performance concerns. Work tools are available to you through the counselors to help you in evaluating whether an employee should be considered for EAP referral.

Transfer of Annual/Sick Leave Time

Employees may transfer leave hours to another employee if needed. However, the receiver must be eligible to use accrued leave hours. Employees who have given notice of resignation or employees being separated because of layoff or termination cannot donate leave hours. This policy is voluntary and no employee shall be required to transfer leave hours.

How can an employee receive donated leave hours?
An employee must have a total of less than 40 combined hours of accrued annual/sick leave to receive donated leave: i.e. 24 annual and 15 sick. The employee can not be receiving any other type of pay, such as Short Term Disability or Worker's Compensation. His/her supervisor must approve the donation. The employee must sign the "Request to Transfer Annual/Sick Leave" form *(see forms section)*.

How does an employee donate leave hours?
An employee who wishes to donate hours to another employee must fill out and voluntarily sign a "Request to Transfer Annual/Sick Leave" form *(see forms section)*. The employee must be specific with the amount of hours and what type of hours he/she wants to donate (i.e. annual or sick leave). The donating employee must maintain a balance of 24 hours in his/her account for the type of leave he/she is donating. The employee's supervisor must approve of the donation. The employee must sign the form.

Do I have to approve the donation or receipt of leave hours?
No. However, the supervisor must justify why it is being denied. One reason might be that an employee is abusing the leave policy. Another reason is there may be times when an employee may not be eligible to transfer or receive leave hours.

Example 1:

- Employee receiving has over 40 hours of combined annual/sick leave.

Example 2:

- Employee donating must maintain a minimum balance of 24 hours in that particular leave account.

Example 3:

- Employee wants to donate 30 annual leave hours but only has 45 hours in that particular leave account. Therefore, the employee would only be able to donate 21 hours at that time.

How long does it take before an employee can use the donation of leave hours?
First and most important, the original "Request to Transfer Annual-Sick Leave Time" form *(see forms section)* must be submitted to the Department of Personnel/Payroll. Please see "Deadline List" as to when the Department of Personnel needs to receive the form. These are not to be submitted with the time sheets as leave slips. If the original request is submitted by Friday, the hours are transferred from and to the designated employees for that current week. The employee will then be able to use the donated hours for that week if needed.

If Payroll's deadline is 3:30 p.m. on Friday:

Example 1:

- Original Request to Transfer Leave hours received by Payroll on Friday, 10/19 at 3:00 p.m.
- 16 hours of annual leave being donated.
- Employee may use those 16 hours of annual leave for PPE, Saturday 10/20.

Example 2:

- Original Request to Transfer Leave hours received by Payroll on Monday, 10/22.
- 16 hours of annual leave being donated.
- Employee may not use those hours until the following PPE, Saturday, 10/27.

What happens after hours have been donated?
After an employee decides to donate leave hours, he/she can not recover the leave hours donated. The employee will be eligible to use only his/her remaining leave hours.

What happens if the donator or receiver is ineligible?
Any leave transfer requests that do not qualify, will not be processed. A copy of the "Request to Transfer Annual/Sick Leave" form *(see forms section)* will be returned to the donator and the receiver by the Department of Personnel.

Unemployment Insurance

In the event your department parts ways with an employee (i.e. as a result of a termination), one issue that may arise involves unemployment. Even though you are not likely to have major involvement with the unemployment process, it is to your advantage to become familiar with the basic principles of the unemployment system. There may be occasions when you may be asked to provide information regarding your past employees and reasons for his/her departure from your department. Detailed and accurate documentation is critical.

Who is eligible for unemployment?
Eligibility for unemployment insurance, benefit amount, and the length of time benefits are available, are determined by state law under which unemployment insurance claims are established.

> **Supervisor Tip**
>
> All separated employees can file for unemployment benefits, but it doesn't mean they are eligible to receive benefits. Never tell a separated employee that they will get unemployment benefits at any time! If they have questions, have them contact the Unemployment Insurance Specialist in the Department of Personnel.

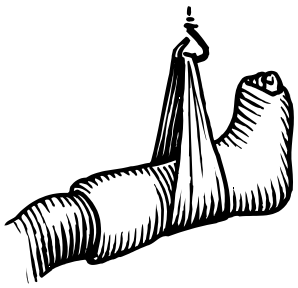
Workers must meet state requirements for wages earned or time worked during an established period of time referred to as a "base period."

Disqualification from eligibility
If an employee's reason for separation from a job is due to some reason other than a "lack of work," a determination will be made about whether the worker is eligible for benefits. Generally, all determinations of whether or not a person is eligible for benefits are made by the appropriate state agency under its law or applicable federal laws.

Worker's Compensation

According to the ERA, Chapter VII, Page 72, section 57 Reporting Obligations:

- An employee must report any injury, no matter how slight; to his/her supervisor by the end of his/her workday that the bodily injury occurred. A bodily injury can also be reported by another person on behalf of the employee. Should the employee fail to report this injury by the end of his/her workday, the employee would not be eligible for compensation and/or medical benefits under this Plan.
- Once you are notified of the injury, within 24 hours complete an "Injury Report" form *(see forms section)* and submit this report to the Insurance Department.
- No compensation or medical benefits will be paid if a bodily injury is not reported within ten (10) calendar days after the employee received medical treatment.



Facility – Gaming
If the injured employee works in a gaming facility, an "Injury Report," a "Supervisor Report of Accident," and an "Incident Reporting" form *(see forms section)* must be submitted to the on-site Safety Officer. The on-site Safety Officer will forward these reports to the Insurance Department.

Facility – Non Gaming
One copy of the completed "Injury Report", "Supervisor Report of Accident" and "Incident Reporting" forms *(see forms section)* must be sent to the Insurance Department. One copy of each report must also be sent to the Black River Falls Safety Division within the Labor Department.

Employee's responsibilities
If an employee seeks medical attention, he/she must keep his/her supervisor informed of any time loss due to the work related injury. The employee's physician must complete a "Return to Work/Physical Capability/Certification for Time Loss" form after each visit. If the employee is claiming loss time, the employee must apply for Family Medical Leave. FML is not automatically submitted. The employee must comply with the FML requirements.

Please note that the Insurance Department and the Safety Department do not determine what a compensable injury is. The Nation's third party administrator for the Plan makes this determination. The Nation's third party administrator may contact the supervisor and/or employee for additional information.

Your Notes

Benefits - Leave

General

Benefit rates are based on an employee's current employment status.

- Leave benefits for a full-time employee shall be earned at 100%.
- Leave benefits for a part-time employee shall be earned at 50% of a full-time employee.
- Leave benefits for a quarter-time employee shall be earned at 25% of a full-time employee.
- Health premiums are deducted from employee's weekly salary.
- Benefits for a contract employee must be specified in the contract.
- A Limited Term Employment or Labor Program employee is not eligible for benefits unless specified.

Leave Requests

As a supervisor, you are likely the first person who will hear an employee's concerns about not being able to come into work. It is important then that you are familiar with the various types of leave, many of which are legally protected.

Some of the more common types of leave are:

- Family medical leave(FML)
- Military leave
- Jury duty
- Funeral leave
- Annual, sick, or leave without pay
- Maternity leave
- Waksik Wosga

Administrative Leave

The Office of the President may grant administrative leave or may reduce the normal work hours. This leave may be granted for: inclement weather, hazardous working conditions, voting purposes, blood drives, and other circumstances.

Is administrative leave paid?

This leave is considered unpaid unless otherwise specified by the Office of the President. The employee may use annual or leave without pay with supervisor approval.

If administrative leave is specified as paid leave, how is it recorded on the time sheet?

These hours are recorded as regular hours worked, not to exceed the employee's normal hours worked per day. When utilizing paid administrative leave, an employee will not receive pay exceeding 40 hours, unless the employee physically works in excess of 40 hours. If that is the case, the employee wouldn't receive paid administrative leave.

Annual Leave

Eligible employees accrue annual leave for each week they receive a payroll check.

Weekly Accrual Rates	Full-Time	Part-Time	Quarter-Time
New Employee	1.85	.92	.46
Start of 4th Year	2.77	1.38	.69
Start of 9th Year	3.69	1.84	.92
Start of 15th Year	4.62	2.31	1.15

What happens to my annual leave if I don't use it all by the end of the fiscal year?
An employee can carry over 160 hours of annual leave at the end of the fiscal year. Any hours over 160 hours will be paid to the employee, provided the employee uses 60 annual hours during the fiscal year (July 1st through June 30th). If the employee does not use 60 hours of annual leave during the fiscal year, he/she will lose any hours over 160. If the employee qualifies to have their annual hours paid out, the Payroll Department generally does this in July.

How is annual leave approved?
Requests must be submitted in writing at least ten (10) working days prior to the start of leave, unless otherwise approved by the supervisor. Supervisors shall sign leave requests in a prompt manner since the employee's plans may hinge on the approval. Preference to employees is based on seniority and the date the request was submitted. Employees in their initial 90 day probationary period are not eligible to use annual leave hours.

Do I have to approve all requests for annual leave?
No. Your department may have policies stating that during certain times of the year leaves are not allowed. An example of when you could say no:

- Someone may already have requested and been granted leave.
- The department is short staffed.
- If the request was not submitted within the ten (10) day requirement.

What happens to my annual leave hours if I transfer?
Regular employees will retain their leave hours when they transfer within the Ho-Chunk Nation. The only exception is when the position is federally or state funded. In such cases the Nation will follow the guidelines for that funding.

What happens to my annual leave hours when my employment with the Nation ends?
Any unused annual leave hours are paid out to the employee. However, if the employee owes the Nation money (i.e. for uniforms, loans, etc.), the unused annual leave will be applied towards the balance.

Cultural Leave

Enrolled Ho-Chunk tribal members may request time off to attend cultural events. Unless the enrolled Ho-Chunk tribal member requests annual leave, the leave will be without pay. The request must be submitted in writing at least 14 days in advance.

Do I have to approve this leave?
The supervisor must comply with this policy. The supervisor must accommodate requests for cultural leave. In the event that multiple requests are received from the same work area, additional staffing and any training necessary shall be made available "without causing disruption" to the business enterprises.

What if the employee abuses or violates this policy?
If the employee violates this policy by not attending the event, then the employee shall not be eligible to request time off for a period of 90 days. A second similar violation will result in the employee not being eligible to request time off for a period of 180 days.

Educational Leave

The employees may request no more than 24 hours per month for attending classes. Education leave may not be used for study time.

What does the employee need to do?
A written request must be turned in at least 30 days before the class/courses start with an attached class schedule.

Does this leave have to be approved?
No. However, an explanation must be given as to why the leave is being denied. An example of why this leave could be denied would be that it does not apply to the employee's current job.

What if this leave begins to interfere with the employee's job duties?
If the leave begins to interfere with the employee's performance or attendance, progressive discipline may be administered and/or leave may be denied.

What are the requirements to be reimbursed for tuition?
The department's Executive Director may grant reimbursement based on length of service, quality of performance, availability of funds, and successful completion of the class/courses with a 2.0 or better grade point average. Reimbursement is limited to tuition only and for only the class/courses approved by the employee's supervisor and will not exceed six credits per semester. The final grade transcript must be provided to the supervisor before reimbursement is made.

What if an employee is required to meet mandatory professional continuing education credits?
All staff that are required to meet these credits shall be reimbursed tuition, registration fees, textbooks, class supplies, time, travel, lodging and meals.

Family Medical Leave (FML)

One of the most common types of leave is Family Medical Leave, governed by the Family Medical Leave Act (FMLA). FML is unpaid job protection for eligible employees to attend to certain family medical matters. This job protection can last up to 12 weeks within a rolling year. A rolling year is a 12 month period measured backward from the FML start date. It determines how much FML an employee is eligible for. The Department of Personnel is responsible for this calculation.

Supervisors often act as a go-between for employees who are absent for a possible FML qualifying reason and the Human Resource office that needs to know about the absence and the reason for it.

FMLA privacy

If you know that an employee is gone or will be gone for three (3) or more days, you must let the Department of Personnel/Human Resource office know. You don't need to know whether a situation involves a serious health condition or not. While you are in charge with providing appropriate information to the Department of Personnel/Human Resource office, don't ask inappropriate questions such as those that reveal private or personal information. Instead, limit your questions to such things as "How long will you be absent?" "When can we expect you back?" "Will you be gone intermittently or all at once?"

Further, courts have held supervisors personally liable for not following FMLA requirements, so this is a matter you must take seriously.

Supervisor Tip

As soon as you suspect an employee may have an FML-qualifying event (for example, is absent for three (3) consecutive days or requests "time off" related to a medical condition), notify your Department of Personnel/Human Resource office and find out how to proceed.

What are the qualifications that need to be met?

- Employee must have worked for the Nation at least 12 months which does not need to be consecutive AND
- Employee must have physically worked 1,250 hours within the last 12 consecutive months.

What must the employee do?

Employees seeking to use FML are required to provide a 30-day advance notice of the need for FML when the need is foreseeable and such notice is possible. For example, if an employee has an upcoming scheduled medical procedure, he/she should let you know as early as possible. The employee must let the Department of Personnel/Human Resource office know immediately of the use of FML. The employee can apply by picking up the FML paperwork in person at his/her local Department of Personnel/Human Resource office. The "FML and Acknowledgement" form and "FML Application" form will need to be returned within two (2) days of pickup from the Department of Personnel/Human Resource office. The employee has 15 calendar days from the date of pickup to return the "Certification of Health Care Provider" form.

What must the supervisor do?
You must offer the employee FML when conditions warrant or if an employee is absent for more than three (3) calendar days due to a medical reason. Notify the Department of Personnel/Human Resource office when an employee is absent for more than three (3) calendar days due to a medical reason. If the employee is unable to apply in person, then the supervisor must notify the Department of Personnel/Human Resource office of the last day physically worked. The Department of Personnel/Human Resource office will send the full FML packet of paperwork to the employee by certified mail or fax it to a hospital.

What happens if the employee and supervisor fail to notify the Department of Personnel/Human Resource office of an employee's FML related absence?
Both the employee and the supervisor are subject to disciplinary action. It is the responsibility of the employee to notify both his/her supervisor and the Department of Personnel/Human Resource office. If the employee and supervisor fail to notify the Department of Personnel/Human Resource office within 15 days of the employee's absence, disciplinary action including termination can occur.

Who will issue disciplinary action?
The immediate supervisor of the employee being disciplined will issue the disciplinary action.

How can FML be used?
When the employee applies for FML, he/she must state whether he/she is taking full time or intermittent time. If the employee does not state anything, the employee will be considered to be taking full time off.

What is Intermittent FML?
Under certain circumstances, FML allows for an intermittent or reduced work schedule. Intermittent leave is defined as FML taken in separate blocks of time due to a single qualifying reason. Reduced schedule is defined as FML taken which reduces an employee's usual number of working hours per day or week. For example, leave might be taken for migraine headaches or physical therapy on an intermittent basis. Pregnancy might cause the need for a reduced schedule. You need to be aware of when the employee is going to be gone. The reduced schedule must not excessively disrupt the Nation's operations. The Nation may temporarily transfer the employee to better accommodate the employee's absences. The job must have equivalent pay and benefits.

It is important that the Department of Personnel/Human Resource office is aware of the time off and reason for it. This will help prevent FML time from being overlooked and not credited for. All leave time must be accounted for; otherwise the Nation might give the employee more time off than the Nation is required to give if another leave issue arises later in the 12-month period.

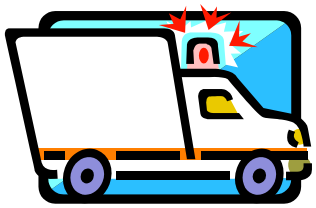
Who tracks these intermittent hours?
It is the supervisor's responsibility to track intermittent FML hours and report these hours to the Department of Personnel.

How should this information be sent to the Department of Personnel?
You must submit the "Intermittent Family Medical Leave Log" form *(see forms section)* to report intermittent hours for each employee that has been approved for intermittent FML.

When should this information be sent to the Department of Personnel?
The "Intermittent Family Medical Leave Log" form *(see forms section)* must be submitted to the Department of Personnel on a monthly basis for each employee that has been approved for intermittent FML.

What must the employee do while on FML?
The employee must update his/her supervisor and the Department of Personnel monthly of his/her status. Failure to do so can result in disciplinary action and/or the denial of further extensions.

What other leaves run together with FML?
FML can run concurrent with Short Term Disability, Annual, Sick, Maternity or Paternity leaves, Worker's Compensation or Unpaid Leave of Absence. If the employee is collecting Short-Term Disability or Worker's Compensation, he/she must apply for FML. The employee can only use two weeks of annual or sick leave if Short-Term Disability has been approved. If annual or sick leave is used, it does count toward the 12 weeks of FML. If an employee plans on using annual or sick leave, he/she must state so when applying for FML.



Emergency

What is FML used for?

- Birth of a child
- Care for the newborn child
- Placement of a child for adoption or foster care
- Care for a newly placed child
- Care for an immediate family member with a serious health condition
- The employee's own condition which renders him/her unable to work because of a serious health condition
- Family member on active duty or recovering from injury/illness while on active duty.

What is considered to be an immediate family member?
A spouse, child, or parent of the employee is considered to be an immediate family member. In-laws are not considered to be an immediate family member.

What is a serious health condition?
A serious health condition includes an illness, injury, impairment or physical or mental condition. These can involve: any period of incapacity or treatment connected with inpatient care in a hospital, hospice or residential medical care facility; absence requiring more than three (3) calendar days; continuing treatment by a health care provider; pregnancy or prenatal care; chronic serious health condition; permanent or long-term condition; absences to receive multiple treatments; or a condition that likely would result in incapacity of more than three (3) consecutive days if left untreated.

What is a regimen of continuing treatment?
This includes a routine or scheduled taking of over the counter medications such as aspirin, antihistamines or salves; or bed rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider. This by itself is not sufficient to constitute FML.

What happens to the FML employee's Health Benefits?
The Nation shall maintain group health insurance coverage if the leave has been approved. The Nation will pay both the employer's and employee's premium during the weeks the employee does not receive a check. The payments will stop if and when the employee informs the Nation that he/she does not intend on returning to work, or if the employee fails to return to work when the FML has exhausted. After the employee returns to work, he/she will be double-deducted for Basic Life and STD (if applicable) for the weeks the employee was on FML.

When can an employee return to work from FML?
An employee that is on FML for medical reasons can not return to work until he/she has provided you with a doctor's release without restrictions. If the doctor's release has restrictions, you must make the determination if you can accommodate those restrictions. If not, you need to inform the Department of Personnel and the employee. At this point the employee will remain off of work on FML. However, if the employee has exhausted his/her FML, you need to inform him/her that he/she can apply for an Unpaid Leave of Absence.

Is an evaluation affected when an employee is off on FML?
Yes. The employee's next scheduled review date is extended by the number of days the employee is on FML. This date is calculated for you by the Department of Personnel. The Department of Personnel will send out the extended evaluation lists to the local Human Resource office. The evaluation is extended for that year only. However, under certain circumstances, it may be extended another year.

Supervisor Tip

When an employee returns to work, communicate this to the Department of Personnel/Human Resource Office.

What happens if the FML employee's evaluation comes due while he/she is on FML?
The evaluation is not done until the employee returns to work. The time off will affect his/her current and next year's evaluation dates. The Department of Personnel will notify you of the extended evaluation date(s).

What happens if the employee does not return to work at the expiration of FML?
If the employee does not return to work promptly after the expiration of FML, he/she will be considered to have voluntarily resigned in good standing. The Department of Personnel will complete the "Status Change Notice" form *(see forms section)* and the department is responsible for sending the individual written notification. The only exception is if the employee has a Worker's Compensation claim. See the Worker's Compensation policy for details.

What happens if the FML employee is on a lay-off plan?
The FML will end on the date the employee is considered to be on lay-off status. The department must complete the "Status Change Notice" form *(see forms section)* and add this comment in the remarks section "End of FML."

Funeral Leave

All employees are eligible for paid funeral leave based on the employee's relationship to the deceased.

Hour Allowance	Full-Time	Part-Time	Quarter-Time
Immediate Family	32	16	8
Extended Family	16	8	4

When is an employee eligible for 32 hours of funeral leave?
Employees who are blood relation or in-laws to the deceased are eligible to use four (4) calendar days following the death. Who is considered blood relation? Spouse, cohabitant, children (i.e. biological, adopted, foster and step), parents, grandparents, siblings and grandchildren.

What is considered an in-law?
In-laws include mother, father, brother, sister and grandparent.

Can I use funeral leave for my spouse's family members?
No, unless the in-law is defined in the definition above.

When is an employee eligible for 16 hours of funeral leave?
Employees who are blood relation to the deceased's extended family member will be granted two (2) calendar days following the death. Extended family members are aunts, uncles, nieces, nephews, and first cousins. Employees may apply to use other forms of leave if additional time is needed.

What if the deceased isn't considered blood relation?
A half (½) day of leave without pay will be granted for employees to attend a funeral of extended family relatives or community members. An employee may use other forms of leave, if requested and approved by the supervisor.

What must the employee do?
The employee must notify his/her immediate supervisor of the duration of his/her absence. At that time, the employee must notify the supervisor if he/she intends on using other forms of leave in combination with funeral leave.

What if the employee is an enrolled Tribal Member?
The employee may be eligible to use Waksik Wosga Leave if he/she is requested to participate in the ceremony. Please refer to the funeral section in the Waksik Wosga leave portion of this handbook.

What if a Ho-Chunk employee is a legion or auxiliary member?
The Ho-Chunk Nation people honor their warriors. Paid funeral leave will be granted to Ho-Chunk legion or auxiliary members who are asked to honor Ho-Chunk Veterans with military rites. This must be noted on the funeral leave request.

Holiday

All employees are eligible to observe the recognized holidays.

What holidays are recognized by the Ho-Chunk Nation?

Holiday	Date Observed
New Year's Day	January 1
Good Friday (1/2 Day)	Varies Each Year
Easter	Varies Each Year
Memorial Day	Last Monday in May
Corporal Mitchell Red Cloud Jr. Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Hocak Day	Day after Thanksgiving
Christmas Eve (1/2 Day)	December 24
Christmas Day	December 25
New Year's Eve (1/2 Day)	December 31

What if the holiday lands on a weekend and I work Monday to Friday?
If the holiday falls on a Saturday, the holiday will be observed on the Friday before the Saturday. If the holiday falls on a Sunday, the holiday will be observed the following Monday. If Christmas and New Year's fall on a Friday and Saturday, they will be observed half (½) day on Thursday and a full day on Friday. If Christmas and New Year's fall on a Sunday and Monday, they will be observed half (½) day on Friday and a full day on Monday.

How is a holiday paid?
Non-exempt employees will be paid double pay on the holiday worked. If the employee does not work, he/she will be paid eight (8) hours holiday pay. Exempt employees will be paid his/her regular salary regardless if he/she did or did not work. The employee must have worked his/her scheduled day before and day after the holiday or have an excused absence to receive holiday pay.

What if the employee works a 10 hour shift?
If the employee works the holiday, he/she is paid double pay for the hours worked. If the employee does not work on the holiday, he/she is paid for eight (8) hours of holiday pay. The supervisor must provide the employee at least one (1) of the two (2) following options:

- Submit a leave request for the two (2) additional hours to total his/her 10 hours for the missed work shift.
- Make up the two (2) hours during the same pay period.

Jury Duty and Witness Leave

What happens if an employee gets a jury summons or notice of selection to serve as a juror?
The employee must turn in a copy of the summons to his/her immediate supervisor. The employee will receive his/her regular rate of pay for normal hours worked, up to a maximum of ten working days.

Can the employee keep the court paid jury pay?

Yes, the jury pay will not have any effect on the employee's regular pay received from the Nation.

What if an employee must testify in work related litigation or court proceedings for the Ho-Chunk Nation?
The employee must turn in a copy of the subpoena and will be paid for the time required to provide testimony.

Leave Without Pay

Leave without pay is a type of unpaid leave, consisting of five (5) or less consecutive scheduled work days, that is at the sole discretion of the supervisor to approve. An employee requests such leave by completing and submitting a "Leave Application" form *(see forms section)* to his/her supervisor. If the absence is going to be more than five (5) consecutive scheduled work days, the employee would be required to apply for FML or an Unpaid Leave of Absence, as outlined in this manual.

Maternity/Paternity Leave

40 hours of paid maternity leave shall be provided for the maternal birthing parent. The employee must provide a physician or medical provider's note stating the maternal birthing parent is no longer able to perform her duties, is adversely affected by the pregnancy, or the maternal birthing parent delivers the child(ren). Once the employee has been taken off work by the doctor or has given birth, a "Leave Application" form *(see forms section)* is filled out by the employee/supervisor for maternity leave pay.

The 40 hours do not have to be taken in one week. The leave can be divided into two weeks, if applicable (i.e. the employee worked until Tuesday, gave birth to child (ren) on Wednesday. If the employee has a Monday through Friday work schedule, then she would receive 24 hours of maternity leave for the 1st week and 16 hours of maternity leave in the 2nd week.)

What additional leave can she receive?
The employee is eligible to apply for Family Medical Leave. When the pregnancy pre-exists employment with the Nation and she is not eligible for FML, she can receive up to a 30 day maternity leave of absence. A "Status Change Notice" form *(see forms section)* must be completed by the supervisor and forwarded to the Department of Personnel/Human Resource office.

What does the paternal birthing parent receive?
Eight (8) hours of paid paternity leave. The employee or supervisor must fill out a "Leave Application" form *(see forms section)* for paternity leave pay. This is submitted with the weekly timesheets.

What additional leave can he receive?
The employee is eligible to apply for Family Medical Leave or an unpaid leave of absence up to seven (7) days. When the pregnancy pre-exists employment with the Nation and he is not eligible for the above mentioned leaves, he can receive up to a seven (7) days maternity leave of absence. A "Status Change Notice" form *(see forms section)* must be completed by the supervisor and forwarded to the Department of Personnel/Human Resource office.

Military Leave

Employees who enter into active duty in a branch of the United States Armed Forces or a member of the Reserve Components of the United States Armed Forces who attends training, active duty for training, or is called to active duty will be granted military leave. An employee has the option of not using military leave but may use accrued annual leave.

Impact on supervisors

Much like other forms of leave, you need to be aware of when your employees may be gone for military duty, so you can plan accordingly to ensure that productivity does not suffer. But, you may not have much time to plan, as employees often do not know much ahead of time that they are being called for duty.

Advanced notice required

USERRA requires that all employees provide advance written or verbal notice to their employers for all military duty, unless giving notice is impossible, unreasonable or not allowed by military necessity. Employees may provide the notice themselves, or it may be provided by an appropriate officer of the military branch of which the employee will be serving.

When an employee gives you notice of being called for duty, you may ask questions about the leave, such as how long. Be aware, however, this information may not be available to the employee at this time. It is not up to the employer to designate eligibility for military leave.

How do I know what type of military leave to use for my employee?

Military leave is classified as paid supplemental leave, unpaid military leave, unpaid military leave of absence.

Paid Supplemental Military Leave

Only active duty or training will qualify an employee for this type of leave. This leave is only granted for regularly scheduled work days and lasts for 15 days. In order to receive the supplemental military leave pay, the employee must provide the published military orders and the pay voucher for that date of service. Payroll will then calculate the pay received from the military and the pay the employee would have received for a regular work week (gross wages). The Nation will pay the difference if there is any.

Example: Employee received $400 a week from the military.
Employee's normal gross wages for a week worked is $500.
Nation pays the employee the difference of $100 for that week.

Unpaid Military Leave

This leave applies to those employees who are eligible for the paid supplemental military leave and decline to take either annual leave or paid supplemental military leave (i.e. should the military leave exceed his/her wage/salary). It may only be used for 15 days or less.

Unpaid Military Leave of Absence

This leave will be granted to employees for extended periods of time, beyond 15 days. The employee must provide the published official military orders. The supervisor completes a "Status Change Notice" form *(see forms section)* and attaches the military orders. This pertains to any type of military leave.

What happens when the employee returns from military leave?
The employee must be restored to the same seniority, status, and pay he/she would have received had he/she not entered into the military service. Employees returning from military leave may not be terminated for taking military leave.

The employee provides his/her supervisor with the release papers and a return to work date is determined. A "Status Change Notice" form *(see forms section)* is completed with attached documentation releasing employee from service.

Sick Leave

Eligible employees accrue sick leave for each week they receive a payroll check.

Weekly Accrual Rate	Full-Time	Part-Time	Quarter-Time
Duration of employment	.92	.46	.23

This type of leave is paid time off when an employee's absence is due to sickness, temporary disability, injury or for medical, dental, or optical appointments or treatment. If the employee was exposed to a contagious disease and would jeopardize the health of his/her coworkers, he/she may be eligible to use sick leave. Leave time cannot be used prior to being earned. Absences due to illness extending beyond accrued sick leave will be charged as annual leave.

Can I take sick leave for my family members?
Yes. Employees can use sick leave for illness in their immediate family. Immediate family is defined as: parent, grandparent, sibling, child, step relations, and spouse or cohabitant. This would include their doctor visits.

How do I approve sick leave?
Employees must immediately notify their supervisor when the use of sick leave is necessary. It is recommended that you request a written excuse from his/her doctor for absences exceeding three (3) days.

Do I have to approve sick leave?
You are not required to approve every sick leave form you receive. If you do not approve the leave, you must have an explanation as to why you are denying the leave. Sick leave is a benefit that is earned by the employee. Some examples of why sick leave could be denied are:

- Not enough sick leave to cover hours.
- Did not receive proper notification.

What happens to my sick leave hours if I transfer?
Regular employees will retain their leave hours when they transfer within the Ho-Chunk Nation. The only exception is when the position is federally or state funded. In such cases the Nation will follow the guidelines for that funding.

What happens to my sick leave hours when my employment with the Nation ends?
Please refer to page 72, Conversion of Sick Leave to Extend Insurance. If the employee does not have health insurance coverage or does not qualify for the conversion, his/her remaining sick leave hours are lost.

Can I use annual leave while collecting disability insurance payments?
Yes. Employees can use the number of hours, combined with insurance payments, which do not exceed the employee's gross pay. Employees cannot use sick leave while collecting disability insurance payments.

Can an employee receive more than 40 hours of pay when using any other form of leave?
No. Employees are not allowed to receive pay over 40 total hours per week when being compensated for any form of leave during that pay period.

Examples:

	24	Regular Hours Worked
+	6	Annual Leave Hours
+	10	Sick Leave Hours
	40	Total Hours Paid

	24	Regular Hours Worked
+	16	Annual Leave Hours
+	8	Sick Leave Hours
	48	Total Combined Hours
-	8	Approved Leave Hours
	40	Total Hours Paid

Unpaid Leave of Absence

Employees with more than 12 full time consecutive month's service may be eligible for an unpaid leave of absence. The leave of absence must not exceed 90 days. Final approval will be granted by the Department of Personnel.

How does an employee apply for Unpaid Leave of Absence?
As soon as an employee knows he/she needs to take time off from work, the employee must submit a written request to his/her supervisor. This request needs to include the reason why and how long he/she will need to be off. Once the supervisor notes what his/her recommendations are, the request is forwarded to the Department of Personnel for final review/approval. The final decision is then sent back to the department/supervisor and the employee.

Please remember that this all needs to be completed prior to the employee going off of work.

Supervisor Tip

When an employee returns from a long period of leave, provide the support he/she needs to transition back into work (i.e. communicate policy changes and explain new technology).

Why would an Unpaid Leave of Absence be granted?
Extended absence beyond annual, sick or FML can be considerations for an unpaid leave of absence. Other reasons can include advanced training, higher education, or research which will increase employability and job skills that are in the best interests of the Nation.

Why would an Unpaid Leave of Absence be denied?
Some examples of why an unpaid leave of absence could be denied are:

- Employee has already been off for too long of a period
- Time off could have an unfavorable effect on productivity
- Department would be left short handed
- Busy time of the year

What happens to the employee's Health Benefits?
If the leave is for medical reasons, health benefits will continue for up to 90 days. After the employee returns to work, he/she will be double-deducted for health insurance, Basic Life and Short Term Disability (if applicable) for the weeks on leave of absence. The employee my divide the premiums to be reimbursed over a period of no more than one (1) year. If the leave is not for medical reasons, health benefits stop and COBRA is offered. If the employee decided to maintain insurance benefits, he/she must reply to the COBRA letter that he/she received. The COBRA letter contains the cost to continue the insurance benefits. If the employee decided not to take COBRA, he/she will be responsible for all medical bills incurred during this time.

What happens to the employee's job position while on an approved unpaid leave of absence?
The employee's position can not be posted or filled on a permanent basis with another employee. It will remain vacant while the employee is off on leave. However, the department can hire a LTE or temporarily reassign an employee to fill in if needed.

What happens when the employee returns to work?
The employee shall be reinstated in the position held at the time the leave was granted. If the unpaid leave of absence was due to the employee's own medical condition, the employee must provide a doctor's release before returning to work. If the doctor's release has restrictions, you must decide if the department can accommodate those restrictions prior to allowing him/her to return to work.

The employee's next scheduled review date is pushed back by the number of days the employee is on the leave of absence. This date is calculated for you by the Department of Personnel. The Department of Personnel will send out the extended evaluation lists to the local Human Resource office. The evaluation is extended for that year only. However, under certain circumstances, it may be extended another year.

What happens to the employee's Health Benefits when he/she returns to work?
The employee's insurance benefits are reinstated upon return to work to the coverage he/she had prior to the leave. However, it is the employee's responsibility to notify the Insurance Department when he/she returns to work from an unpaid leave of absence. On the other hand, it would be a courtesy for the supervisor to remind the employee of that upon their return to work. A doctor's release must be provided at least two (2) days before returning to work

What happens if the employee does not return to work?
The employee will be considered to have voluntarily resigned in good standing. The Department of Personnel will generate a "Status Change Notice" form *(see forms section)*. The department is responsible for sending the individual written notification of termination. Please refer to page 71, Separation, for an explanation of what effect this has on the employee's health benefits.

Waksik Wosga Leave

To promote attendance and help preservation of the Nation's culture, Waksik Wosga Leave is provided to the Nation's employees. This leave provides enrolled tribal member employees the ability to observe their religion, culture,

and tradition, without the threat of losing their job or pay. This leave is only to be used for families, clans, and individuals who are required by tradition to work at an event during their scheduled work hours.

Who is eligible?
All enrolled Ho-Chunk tribal member employees are eligible for paid Waksik Wosga leave and must be a worker at an event. Non-enrolled spouses of an enrolled Ho-Chunk tribal member are eligible. Nebraska Winnebago employees are eligible to apply for leave without pay or may use annual leave.

When can paid leave be claimed?
Paid leave can only be claimed for the days that the event actually occurs. Employees who attend an all night ceremony or event can use annual, sick, or leave without pay for one day following the all night ceremony or event.

What does the employee do to receive paid Waksik Wosga Leave?

- Submit the "Waksik Wosga Leave" form *(see forms section)* to his/her supervisor. If the employee can not provide the leave form, then the employee shall notify the supervisor verbally. Notification will include the reason and duration of absence. A leave form must be completed by the supervisor and submitted with the employee's work hours for that week to Payroll.
- Sign in on the official "Waksik Wosga Sign-in" form *(see forms section)* while attending the ceremony or event.
- Clan leaders will verify all sign-in participants.

What happens if the employee did not participate in the event?
Clan leaders will be consulted. In the event the employee did not actually participate, the work pay for that day will be deducted from the employee's pay the following week.

Who notifies the supervisor if the hours are deducted from the employee's pay?
The Department of Personnel will notify the supervisor and Payroll Department that this payment must be deducted.

What happens if the employee violates this policy?
The employee shall not be eligible to request time off for 90 days. If this happens a second time, the employee shall not be eligible to request time off for 180 days.

What are qualifying events and how many days does this include? Paid leave is only for those days that the employee is regularly scheduled to work.

- Funeral — four (4) days.
- Medicine Dance — eight (8) days.
- Feast Lodge — three (3) to five (5) days.
- Native American Church — two (2) days.
- Scalp Dance — five (5) days.
- Doctoring — four (4) days.

What are the limitations to the Waksik Wosga Leave?
The maximum amount paid to an employee is 10% of the employee's total hours worked for a given year. This is monitored by the Department of Personnel. Extensions must be made with a written note from any member of the Traditional Court. Abuse may result in denial of use from the Traditional Court and the

Executive Director of Personnel. This policy does not include attending pow-wows or events held at pow-wows.

Who has final authority on this policy?
Traditional Court shall make recommendations to the Executive Director of Personnel in regards to questionable paid Waksik Wosga leave. The Executive Director of Personnel shall have final authority on all matters in this policy.

Your Notes

Compensation

30% Flex

A new hire or employee being transferred into a flex position may be employed at a higher base rate. This is not to exceed 30% of the wage range stated for that position.

- The request is based on the employee's qualifications that exceed the minimum job requirements.
- Justification must be submitted to the Department of Personnel for review.
- The 30% flex will be calculated by the Department of Personnel prior to job offer.
- The justification must be attached to a "Status Change Notice" *(see forms section)* and submitted to the Department of Personnel.

Merit Increase

The only time an employee can receive a merit increase is on his/her annual evaluation. Supervisors shall complete the evaluation up to ten (10) days prior to the annual review date. The employee may be subject to a merit pay increase up to 4%. To be eligible for a merit increase, the employee must not have any scores of unacceptable or need improvement. An individual that comes within 4% of their current maximum rate will be moved up to the next grade level.

Overtime

All non-exempt employees who physically work more than 40 hours in a weekly pay period will be compensated at an overtime rate of one and a half (1½) times the employee's regular rate of pay.

Wage Range

The wage range is found on each of the Nation's job descriptions. It includes a base rate, which is the minimum amount per hour that can be paid to an individual holding that position. The maximum rate is the maximum amount per hour for that position.

Weighted Average Rate

The definition of weighted average rate: An employee in a single week works at two different positions for which different rates of pay have been established. The total earnings are computed to include the compensation during the work week from both positions. These earnings are then divided by the total number of hours worked at both jobs. The overtime pay comes out of the primary job line item.

Your Notes

Discipline

General

Documentation is a critical step in the process of managing employee issues. Effective documentation will provide record of facts, circumstances and discussions that have taken place leading up to and often following corrective action. Effective documentation will be necessary in the event of a supervision change, future performance reviews, and additional corrective actions that may be taken and legally challenged. Also, effective documentation will be a great asset in grievance hearings and unemployment cases.

Supervisor Tip

A department must keep accurate attendance records on an attendance control card for each employee. This must include reasons for absences, tardiness, early outs, etc. Note the time the employee called in.

When a policy violation has occurred, this must be documented and brought to the attention of the employee. This may be done by using one or more of the following forms (see forms section):

- Counseling Report
- Incident Reporting Form
- Performance Improvement Plan
- Disciplinary Action Form

By properly documenting the violation and discussing it with the employee, it provides the employee an opportunity to make corrections and take measures to eliminate the substandard performance/behavior.

The following questions may be helpful to a supervisor who is considering a discussion, counseling or other measures of correction.

- Seriousness of the Problem: How severe is the issue or infraction?
- Time Span: Have there been other similar discipline problems in the past by this employee, and if so, over how long of a time span?
- Frequency and Nature of Problems: Is the current problem part of the emerging or continuing pattern of problematic behavior or disciplinary infractions?
- Policy/Rule Violated: If a policy or rule was violated, was the rule or supervisor's order reasonably related to the employee's job and performance? Was every effort made to ensure that the employee did, in fact, violate the rule or management order?
- Employee's Work History: How long has the employee worked for the department without problems, and what has been the overall quality of job performance?
- Extenuating Factors/Provocation: Are there reasonable extenuating circumstances related to the problem, such as provocation by another person or personal problems that could be affecting the employee's work performance?
- Degree of Orientation: To what extent has management made in earlier

efforts to educate the employee about existing discipline rules to performance expectations, and the consequences for violations?

- Investigation: Was an investigation conducted fairly and objectively? Was the investigation completed fully before disciplinary action was taken and was there substantial evidence or proof of the employee's guilt?
- History of Discipline Practices: How have similar infractions been dealt with in the past – has there been consistency in the application of discipline procedures or are there unique conditions that would set this particular situation apart from others?
- Progressive Discipline: Is the nature and severity of the problem appropriate to use progressive disciplinary measures as a means of trying to correct the problem?
- Justification: If the employee decides to take his/her case to higher management or use the grievance process, is there reasonable evidence (i.e. documentation) to justify the disciplinary/termination decision?

Coaching and Motivation

To help your department meet your goals, a supervisor must motivate his/her employees to work faster, smarter, more efficiently or safer.

Why is motivation important?

- Retain employees
- Improve job performance
- Help stimulate an employee to go beyond his/her routine performance
- Promote creativity and inventiveness in job duties

How can a supervisor motivate his/her employees? Two effective ways are:

- Feedback
- Rewards

Supervisor Tip

Even highly skilled employees will not achieve high performance if they are not motivated.

Due Process

In suspension and termination cases, a non-probationary employee is entitled to due process. Due process is oral or written notice of the charges and what laws the charges violate. This affords an opportunity for an explanation of the employer's evidence, and an opportunity for the employee to present his/her side to the supervisor.

Due process is essentially a process that involves the supervisor and employee for whom the corrective action is being considered. It can be viewed as a process by which:

- The performance/behavior standard has been established and communicated to the employee.
- The performance/behavior discrepancy has been identified and persuasive evidence of the employee's guilt or negligence has been

obtained.

- The employee is informed that his/her performance/behavior does not meet standards.
- The employee is given an opportunity to present his/her viewpoint.
- Corrective action is imposed that is fair and consistent with other similarly situated employees.
- Communication of expected standards is repeated.
- The consequences of failing to meet expected standards are communicated.
- Appropriate action is taken if standards continue not to be met.
- A "Due Process" form *(see forms section)* must be completed and submitted to the Department of Personnel with the "Suspend/Terminate Approval Request" form *(see forms section)*.

Supervisor Tip

A "Due Process" Form *(see forms section)* needs to be completed and sent to the Department of Personnel along with all appropriate documentation and justification for all suspensions and terminations. The only exception is for an employee in his/her initial probationary period.

Feedback

This technique is a powerful motivator. Feedback reflects visible facts regarding an employee's individual performance. Constructive feedback often encourages employees to continue good performance practices. It also makes the employee aware of the expectations, and guidance on what and how to improve performance.

Your feedback should always be Frequent, Accurate, Specific, and Timely. Note the abbreviation, FAST.

Frequent – Employees crave frequent feedback. Show the employee the respect he/she deserves by providing this feedback in private. By doing this it may encourage a good exchange of ideas between you and your employee. Some positive reinforcing feedback may be provided in public.

Accurate – Show your employees that they are worth your time and energy by providing feedback on his/her performance that is based on observed data, not hearsay or presumptions. This will ensure them that the feedback is accurate. Otherwise you might not be giving any incentive to the employee.

Specific – Always try to be specific, when discussing observed behavior or performance data with your employees. If you were to state "You do a great job greeting the customers," you are letting the employee know what specific behavior you want to see repeated time and time again. To get the desired results you are seeking, tell employees what specifically they are doing well or could be doing better at, and how such performance relates to his/her evaluation.

Timely – Make sure that when you observe a behavior or performance whether it is good or needs improvement, it is addressed as closely to the time it occurred

as possible. You can use this as a learning tool, encouraging and promoting a positive feedback experience. This will tie together all of the aspects of the FAST theme. It will be frequent, accurate, specific and timely.

Supervisor Tip

Providing feedback is an excellent way for you to receive critical information about misunderstandings of performance expectations or task instructions.

Suspension

The supervisor taking the action to suspend an employee will immediately notify the department director and prepare a written statement of action taken and the reasons for such actions.

- The department director will prepare, together with the supervisor, the statement of charges and document any supporting evidence.
- As soon as possible after the initial action, the department director needs to sit down with the employee and get his/her side of the story.
- A "Suspend/Terminate Approval Request" form *(see forms section)* is completed and signed by the supervisor and department director/general manager. The "Disciplinary Action" form, "Due Process" form *(see forms section)* and all supporting documentation needs to be attached along with the "Suspend/Terminate Approval Request" form. The "Disciplinary Action" form must be completely filled out.
- This is all forwarded to the Department of Personnel for review.
- The Department of Personnel will conduct a thorough review, which may include an investigation to determine whether the stated action complies with the HCN Employment Relations Act.
- The form is signed and returned to the department or Human Resource office.
- If the requested suspension is approved, the suspension can be served.
- If the request is denied a written statement will be provided by the Department of Personnel as to why it did not conform to the ERA.

Under certain circumstances, an employee may be immediately suspended for up to ten (10) days and an investigation conducted. Prior approval for this is necessary.

What if a holiday falls during a suspension?

If the suspension falls on a holiday, the suspension shall be extended by the number of holidays occurring during the suspension period.

Are suspensions paid?

All suspensions will be unpaid. No employee may be disciplined by issuance of a suspension with pay. If an employee is vindicated of any wrongdoing, he/she will be compensated for lost compensation and wages.

Termination

The same procedure is followed as outlined in a suspension. A "Suspend/Terminate Approval Request" form *(see forms section)* is completed, along with a "Disciplinary Action" form *(see forms section)* and all appropriate

documentation. The “Disciplinary Action” form must be completely filled out. The information is sent to the Department of Personnel for an approval determination. Once the Department of Personnel approves the termination and you are notified of that, a “Status Change Notice” form *(see forms section)* must be completed with supporting documentation attached. Please include an “Employee Assignment of Equipment” form *(see forms section).*

How do I release an Initial Probationary Employee?
An employee on initial probation (90 days) is not entitled to the protections of due process. This does not mean that supervisors can let a probationary employee go for any reason. The probationary period is a difficult part and extension of the employee selection process. During this time the employee will be considered in training and under careful observation and evaluated by supervisory personnel.

To release an initial probationary employee, the supervisor does not need to treat the release as a disciplinary action. An approved “Suspend/Terminate Approval Request” form and a “Status Change Notice” *(see forms section)* with justification for the release is all that is required. The justification needs to show that the employee had proper training and that the employee was informed that improvement was needed. This can and should be done through a 30 and 60 day evaluation during the initial probationary period.

Your Notes

Documentation

General

Documentation is one of a supervisor's biggest responsibilities – and biggest friends! Keeping excellent records may make the difference between the Nation winning or losing a grievance court decision.

Easy to read and understand
It is very important to keep your records legible. You may wish to actually type up any notes you want to keep for your records. This will ensure that someone else will be able to read those notes years later.

Stick to the facts
It is extremely important that you do not speculate when documenting an issue. You need to address the issue with facts you have and nothing else.

Supervisor Tip

Make sure your notes are not discriminatory or don't appear discriminatory (for example, "John's age appears to be slowing him down.")

Up-to-date
Document an issue when it is fresh on your mind. If you do not, you may forget important information. Make certain you forward necessary information to the Department of Personnel/Human Resource office in a timely manner, so they can update personnel files, etc.

Consistency
Be consistent with all employee records. If you document something for one employee, make sure you document the same thing with all employees.

Supervisor Tip

Keep notes that are intended only for you in a separate supervisor file…not in files where employee information is kept. Otherwise, these files can become an extension of personnel files. For example, if a file contains a performance evaluation and you put reminder notes in the file, the entire file is subject to review by others (i.e. in legal proceedings).

Complete
Records need to be complete. Original information must never be removed from a file unless the "Statue of Limitations" rule falls into play. Another exception would be if an employee has a court or grievance settlement which states certain documents are to be expunged from his/her file.

Types of records
There are numerous types of records you may be responsible for. Some common areas for documentation include:

- Interview notes.
- Accident investigations.
- Harassment investigations.
- Worker disputes/conflict resolution.
- Worker's comp information.
- Performance evaluations.
- Discipline.
- Attendance.
- Time reports.

Supervisor Tip

Best practice dictates keeping employee records for four (4) years because some courts have found that a statute of limitations of four (4) years may apply.

Letting employees see your files

It is common for employees to request to see information you have accumulated about them. When this type of request comes in to you, refer the employee to the Department of Personnel. You should not let employees see your supervisory file; these notes are intended for you only.

Privacy

Chances are, you keep files that contain sensitive or confidential information. If so, it is critical and in some cases required by law, that you keep these files secure and in a locked cabinet. And, if you maintain electronic records, make sure they are password protected.

Your Notes

Employee Rights

Mediation (Alternative Dispute Resolution)

What does this mean?
The Ho-Chunk Nation has elected to implement an alternate means of resolving workplace conflict. This may be done prior to and in some cases in lieu of utilizing the Administrative Review Process.

The Department of Personnel will conduct mediation between disputing parties upon request:

- The request may be made verbally, in writing or via the Nation's email system to the Executive Director of Personnel.
- The Executive Director will then give the information to the mediator. The mediator will contact the requesting party and discuss the nature/issue of the conflict.
- A pre-mediation session with each party will be held initially to discuss the mediation process and feasibility.
- The mediator will coordinate the meeting place and time.
- Time allowed for a mediation session is approximately 90 minutes.

The participant's goal is to work towards a mutually accepted agreement in resolving the issues that brought them to mediation.

What is my responsibility as a supervisor?
If there is a dispute between two coworkers, talk to each separately to try and discover what the dispute is about. Plan on meeting with them either individually or together, depending on the circumstances and discuss ways to resolve this without mediation. Don't wait until you have an explosive situation before talking with the employee. If you can not work the conflict out between the coworkers, contact the Executive Director of Personnel.

What if the dispute is between a supervisor and one of his/her staff?
The employee must always follow the chain of command and contact the supervisor's immediate supervisor. He/she should discuss the dispute with both parties. That supervisor will determine if he/she can resolve the dispute or if they need to contact the Department of Personnel to arrange for mediation.

What happens after the Department of Personnel is contacted?
The supervisor that initiated contact will discuss with the mediator what the dispute situation is. If it is decided to try and resolve this through mediation the mediator will contact the employees to schedule a time and location that is convenient for the disputing parties and their respective departments.

When is mediation done?
Mediations are generally scheduled during normal working hours and all those attending are paid for their time while they are at mediations.

Supervisor Tip

Don't let the dispute get out of hand. Talk to every one involved, both one on one, and then as a group to see if the conflict can be resolved without mediation. The Department of Personnel can be consulted.

What conflicts should a supervisor always consider for mediation?
Discrimination, harassment, and communication conflicts are some examples of when the supervisor should seek mediation assistance. The supervisor or employee does not have to wait until there is an investigation to ask for mediation.

What happens after mediation?
The disputing parties will have created with the help of a mediator, a mutual "Memorandum of Understanding," in which they have made intentions to follow in order to settle their differences. This plan is not shared with anyone, including the supervisor, unless the disputing parties agree to disclose their plans. The mediator will destroy all of his/her notes for confidentiality reasons.

If the dispute could not be settled, a second mediation may be tried. However, this may not be successful and the supervisor should then follow progressive discipline.

Grievance (Administrative Review Process)

Administrative Review
The Department of Personnel will take all reasonable steps to investigate any incident which has resulted in disciplinary action. It is the Ho-Chunk Nation's policy to afford all eligible employees who have been subject to suspension or termination a means of having the circumstances of such disciplinary action reviewed by the Grievance Review Board (GRB).

Employees are entitled to grieve suspensions or terminations to the GRB. Following a GRB decision, the employee shall have the right to file an appeal with the Ho-Chunk Nation Trial Court. Employees electing to appeal the GRB decision to the Court may do so freely and without fear of reprisal.

How does an employee file a grievance?
At the time an employee is notified of disciplinary action, the employee shall be advised of his/her right to a hearing before the GRB. An employee must request a hearing within five (5) business days of the date the disciplinary action was taken.

Witnesses and Evidence

- Supervisors are responsible for submitting all witness lists and exhibits to the Department of Personnel in a timely manner.
- Ten (10) business days prior to the hearing, the employee and supervisor shall each provide the Department of Personnel with a list of all witnesses he/she intends to call during his/her hearing. He/she shall present copies of any documentary evidence that they would like to submit to the GRB.
- Both parties may make changes to their original witness list and /or submit additional documentary evidence within five (5) business days after receiving the other party's list of witnesses and evidence.
- Failure to abide by any of the above time requirements will prohibit the non-compliant party from introducing documentary evidence or presenting witnesses to the GRB.
- Exceptions to any of the above time frames must be approved by the Executive Director of Personnel.

- Supervisors are responsible for getting all witnesses to the hearing.
- Upon a supervisor's request, the Department of Personnel will represent supervisors at a GRB hearing only on matters where Personnel has signed off on a "Request to Suspend/Terminate Approval Request" form *(see forms section)*.

Please refer to the ERA on any question regarding the hearing procedure and proceeding of the GRB.

Judicial Review

A grievance involving a suspension, termination, discrimination or harassment may proceed to the Ho-Chunk Nation Trial Court for Judicial review only after the Administrative Review Process has been exhausted through the GRB. An employee may appeal a GRB decision to the Trial Court within 30 calendar days of when the GRB decision is served by mail.

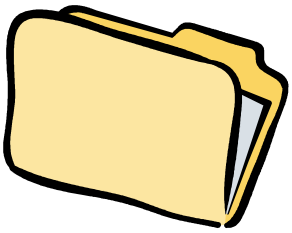
Personnel File Review

Can an employee review his/her Personnel file?

Yes. Any current/former employee who wants to review/receive a copy of his/her personnel file must complete the "Freedom of Information Act" form *(see forms section)*. This form must be notarized before the Department of Personnel/Human Resource office can process the request.

Can a supervisor review a personnel file for a current or prospective employee?

No. However, a supervisor can obtain information by filling out a "Reference Request" form *(see forms section)* and submitting it to the Department of Personnel. The supervisor will need to obtain written permission from the candidate allowing the release of this information.



Whistleblower Protection

A provision of the ERA mandates an employee to report violations of any law, rule, policy, or regulation that pertains to fraud, waste, abuse and unnecessary expenditures to the Ho-Chunk Nation's Attorney General. The employee is protected from reprisals or adverse consequences for making the report.

Prohibited Personnel Practices

If an employee makes a disclosure, he/she is not to be subjected to any adverse personnel action by any employee/supervisor who has the authority to take, direct others to take, command, or approve any personnel action related to that disclosure. Supervisors are prohibited from taking or threatening to take or failing to take a personnel action with respect to any employee for employment because of a disclosure. Violations or abuses of such prohibited practices shall subject that employee to disciplinary action.

Your Notes

Employment Hires

Contract

Contracts are issued for positions that the Nation does not have an approved job description for. There are three different types of contracts. They are as follows:

- W-2 Contract - which goes through our Payroll and Department of Personnel, with or without benefits.
- W-9 Contract - which goes directly to Accounts Payable at the Department of Treasury.
- Employment Agreement - which goes through our Payroll and Department of Personnel, with or without benefits.

The Department of Justice handles all contracts. They will work with you in getting the contract approved through the proper process. Below is a list of the steps you need to take before hiring a contract employee.

- Decide if a contract is needed - if there is an approved job description, then a contract should not be allowed.
- Decide which type of contract you want - Department of Justice can assist.
- Medical pre-screen needs to be filled out by employee.
- Medical pre-screen results have to show that the individual is fit to work in that position prior to starting - the Department of Personnel staff will notify you when this happens.
- Once contract is approved, send to the Department of Personnel with attached status change.
- Orientation will be scheduled by the Department of Personnel.
- If the contract employee is entitled to insurance benefits, the employee must meet with an Insurance Benefits Specialist within 31 days or they will not receive the health benefit.

Labor Program

The Department of Labor has several programs that might be able to help place someone in a department as a temporary employee.

- The Adult Vocational Experience (AVE)-477 Federal Grants program is designed to place individuals that may be new to the workforce environment, have skills but are having difficulty getting a job or have work skills that are not marketable and may need to be retrained.
- The Youth Vocational Experience-477 Federal Grants program places enrolled Native American youth within departments for a limited time. Requirements to qualify for this program are: enrolled in an Alternative Education Program and meet poverty income guidelines.
- The Youth-NPD program for enrolled Ho-Chunk youth only, is used to help youth learn work skills and experience employment.

Employees placed through these programs are paid through the Department of Labor or the 477 Program. These individuals can not work more than 240 hours in a fiscal year and there are no extensions available for additional hours.

If you supervise a Labor Program employee, there are specific responsibilities that you will need to be aware of. You can receive the following forms from the

Department of Labor:

- Vocational Experience Supervisor Responsibilities.
- Vocational Experience Responsibilities.
- Youth Work Site Agreement.

For any additional information on any of these programs please contact the Department of Labor.

Vocational Rehabilitation for Native Americans (VRNA)
This program assists Native Americans with disabilities to obtain or maintain employment through placement of consumers in various departments. To be eligible for these employment opportunities, the employee must be a current consumer of the VRNA program. The first program offered is "Paid Work Experience," that runs for six (6) weeks and is designed for the consumer to gain work experience and work skills to be successful in future employment, and the VRNA program pays the employee's wages. The second program is the "On-the-Job" (OJT) training. The VRNA program pays a portion of the employee's wages for three (3) months, and upon completion of the OJT, the individual becomes a regular employee of the Nation. There are three (3) forms that are used in the program which you can get from the Department of Labor. For additional information, please contact the VRNA office at 1-800-472-7207.

Recall

Names of employees who are laid off or continue employment in a lower position will be placed on a recall list by job title they held at the time of layoff. The recall list will be maintained for a period of six months from the effective date of the layoff.

When a vacancy occurs in a position on the recall list, persons appearing on the list will be offered employment in inverse order of his/her layoff dates, earliest to most recent, prior to considering other persons for employment.

An employee that is recalled to the same position within six months will be eligible for Bridge Service Credit, shall be assigned a new annual review date, and shall be assigned the same rate he/she was at when they left employment. The employee is placed on a 30 day probationary period. Bridge Service Credit doesn't include health, life, and other discretionary benefits.

Rehire

Former employees who resigned in good standing, by providing a written two week notice, and are rehired within six months into the same position and department, will be assigned the same rate of pay and are eligible for Bridge Service Credit. A new annual review date is given and the employee must complete a 30-day probationary period without the possibility of a merit pay increase.

Former employees that are rehired into any other position within six months will be eligible for Bridge Service Credit with the exception that they will be assigned a pay rate in the same manner as a new hire. A new annual review date will be given and the employee must complete a 90-day initial probationary period without the possibility of a merit pay increase.

Terminated employees or employees who resigned without good standing, will not be eligible for Bridge Service Credit and will be treated as a new hire.

Limited Term Employee (LTE)

A LTE is hired to fill a position temporarily until the position is posted, interviews have been held and someone has been hired to fill the position. If an employee is off on a leave of absence or on a temporary reassignment, you can use a LTE to fill his/her vacant position. A LTE can work for a total of 480 hours during a fiscal year (July 1 through June 30). There is a one time option for an extension of 160 hours during a fiscal year.

Do the hours that I work as a LTE count towards insurance benefits?
If an employee is hired from LTE to a regular employee without a break in service, the LTE hours count towards receiving medical insurance benefits. However, they do not count towards life and disability insurance.

Regular Employee

This is an employee who has applied for a position, gone through the interview process and hired. They can be a full, part, or quarter time employee and are entitled to all of the benefits offered by the Nation.

Your Notes

Employment Change

General

Anytime there is a change in address, name, position title, wage, department code, etc. that affects the employee's work status, a "Status Change Notice" *(see forms section)* needs to be completed by the supervisor.

Dual Positions

A dual position is a temporary position assigned to a non-probationary employee on an as-needed basis. An employee working a dual position will receive the base rate for that position.

Employees must not be allowed to work more than 40 combined hours per week. If an employee is required to work overtime, they are to be paid overtime at the weighted average rate.

The employee must complete a medical pre-screen and be cleared prior to the start of a dual position if the physical demands of the dual position are different.

Reclassification

A reclassification is a position whose duties and responsibilities have changed significantly from an assigned job description or an employee has been performing for a minimum of six (6) months.

- Positions that have been structurally effected by organizational changes.
- Reclassification requests may be initiated by supervisory personnel in writing.

This request must include how those duties and responsibilities being performed continuously are different in scope from those contained in the applicable job description. The justification must be attached to a "Status Change Notice" form *(see forms section)* when submitted to the Department of Personnel for processing.

Upon reclassification of a position to a class having a higher rate of pay, the supervisor will need to determine whether the current employee meets the qualification requirements of the new position. If so, the above process must be followed. If not, the position would need to be posted and a layoff plan would need to be completed for the current individual who is no longer qualified for the position.

Reclassification should not be used as a way to intentionally eliminate an employee or for the sole purpose of giving an employee a wage increase. If the reclassification will result in the elimination of a current employee, you will need to ensure that you can prove that the reclassification was absolutely needed and that it was not an intentional retaliation or way to eliminate him/her.

Second Job

A part/quarter-time employee may hold a second part/quarter-time job provided that the total hours worked by the employee do not exceed 40 hours per week. An employee who holds two (2) or more part/quarter-time positions for the Nation, for which the combined total of both positions is at least 32 hours per week, shall be considered a full-time employee of the Nation. The Department of Personnel will reflect this change of status. A second job within the Nation is subject to the following restrictions:

- A second job must not adversely affect the employee's primary job performance and ability to fulfill job responsibilities.
- A second job will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or work overtime or different hours.
- Should the second job cause or contribute to any of these situations, such employment must be discontinued and if necessary, normal disciplinary procedure will be followed up to and including termination.
- The employee must provide a written notification to the supervisor of second job before he/she starts a second job.
- The employee must complete a medical pre-screen and be cleared prior to the start of second job, if applicable.
- The supervisor needs to fill out a "Status Change Notice" form *(see forms section)* for the second job.

Temporary Reassignment

A non-probationary employee may be temporarily reassigned for a short term, not to exceed 90 days, to a different position.

- Employees may be temporarily reassigned on a written recommendation from the immediate supervisor and approval of departmental director.
- The written recommendation must include the reason and time frame for this assignment.
- Submit a "Status Change Notice" form *(see forms section)* and written recommendation to the Department of Personnel/Human Resource office.
- Employees will retain regular status while on temporary reassignment.
- If an annual review comes due while on temporary reassignment, it will be given at the end of the temporary reassignment when the employee returns to his/her regular position.

Compensation while on temporary reassignment

- The wage is handled in the same manner as a promotion, demotion and lateral transfer.
- Wage will be calculated by the Department of Personnel.

Transfer Types

Demotion, Lateral, Promotion

Employees are allowed to transfer provided they have applied for a posted position and have been selected through an interview. Supervisors need to do the following prior to a transfer taking effect:

- Have potential employee report to the Department of Personnel/Human Resource office to complete a “Medical Pre-Screen” form, if applicable.
- Medical Pre-Screen must be approved or if there are restrictions they must be within the physical demands of the position.
- Department must have an approved “Intent to Hire” form *(see forms section)*, if applicable.
- Fill out a “Transfer Request” form *(see forms section)* with all appropriate signatures initiated by new supervisor.
- Fax or interoffice "Transfer Request” form *(see forms section)* to the Department of Personnel for approval.
- “Transfer Request” form *(see forms section)* must be approved by Department of Personnel.
- Department of Personnel will calculate the wage for the employee transaction.
- Complete a “Status Change Notice” form *(see forms section)* and attach it to the original “Transfer Request” form *(see forms section)*.
- Forward the “Status Change Notice” form *(see forms section)*, and “Transfer Request” form *(see forms section)* with any additional paperwork to the Department of Personnel/Human Resource office.

Demotion

Upon unanimous approval of the department director and Department of Personnel, a non-probationary employee may be demoted. Upon the effective date of demotion, the employee will be assigned a new annual review date and will be placed on a 30 day performance probation period without the possibility of a merit pay increase.

What determines if it is a demotion?
A regular employee who transfers to another position that has a lower salary range than his/her current position will be considered a demotion.

Compensation upon Demotion
An employee demoted for a non-disciplinary reason will be assigned the pay rate the employee would have achieved in the lower position if the employee’s service had been continuous in the lower position based on his/her original date of hire. However, the assigned pay rate can not go over their current wage.

Lateral

A non-probationary employee may be transferred upon unanimous approval of the department director and the Department of Personnel. Upon the effective date of the lateral transfer, the employee’s annual review date will be unchanged and the employee will be placed on a 30 day performance probationary period without the possibility of a merit pay increase.

What determines if it is a lateral?
A regular employee who transfers to another position that has a same salary range as his/her current position will be considered a lateral.

Compensation upon lateral transfer
An employee transferred from one position to another having the same or substantially similar duties and the same pay range will be compensated at an unchanged rate.

Supervisor Tip

Employees on a probationary status can not transfer or be temporarily reassigned to another position.

Promotion

The Ho-Chunk Nation seeks to promote non-probationary employees when qualified and deemed suitable in all respects and where it is determined to be in the best interests of the Nation. Upon unanimous approval of the department director and Department of Personnel, the employee is eligible for a promotion. Upon the effective date of a promotion, the employee will be assigned a new annual review date and be placed on a 30 day performance probation period without the possibility of a merit pay increase.

What determines if it is a promotion?

A regular employee who transfers to another position that has a higher salary range than his/her current position will be considered a promotion.

Compensation upon Promotion

- A regular employee, who is promoted to a new position with a base rate less than his/her current rate of pay, will be compensated at his/her current rate of pay.
- A regular employee who is promoted to a new position with a base rate of more than his/her current rate of pay will be compensated at the base rate of the new position.
- The promotion policy does not apply to regular employees who accept an appointed or elected position.

Your Notes

Evaluation/Review

General

As a supervisor it's your responsibility to carefully complete an evaluation. Each rating must be clearly defined on the evaluation so that both the supervisor and employee understand what the numerical ratings mean. When filling out the employee evaluation there must be comments next to the scores. Page two (2) of the evaluation specifies what the total score and ratings must be to merit a specific increase. Performance goals must be completed; otherwise it will be considered incomplete. After you have completed the evaluation, it will need to be presented to the employee. When that is done a "Status Change Notice" form *(see forms section)* must be completed with required departmental signatures and evaluation attached. Forward the evaluation and "Status Change Notice" form *(see forms section)* to the Department of Personnel/Human Resource office.

Types of Evaluations

There are four (4) types of evaluations/reviews: Initial Probationary, Performance Probationary, Annual Performance, and Special Reviews.

Annual Performance

As a supervisor, you are able to complete an annual evaluation up to ten (10) days prior to the employee's annual review date. The employee may merit a pay increase up to 4%.

Initial Probationary

This type of evaluation is completed for:

- A new hire employee.
- LTE to Regular, etc.

At the completion of an initial probationary period of 90 days, an employee shall receive a performance evaluation without a merit increase.

Performance Probationary Period

An employee who transfers or is rehired into the same position with Bridge Service Credit, is put on a 30-day performance probationary period. At the completion of the 30 days probation, an employee shall receive a performance evaluation without a merit increase.

Special Review

When, in the opinion of supervisory or management personnel, there arises a marked change in the performance of an employee, an unscheduled performance evaluation can be completed. These reviews would be an effort to assist an employee in correcting deficiencies or marking an improvement in performance. A "Status Change Notice" form *(see forms section)* must be completed and attached to the evaluation. The remarks section would say "Special Review."

How do you prepare for and complete an evaluation?

As a supervisor, you will be responsible for documenting what has happened throughout the 30 or 90 day probationary period and from year to year. This would include attendance records, disciplinary actions, counseling reports, etc.

When it comes time for an employee's evaluation to be completed, the supervisor will be able to refer to their notes and documentations that they have on file. This will enable them to give an accurate evaluation.

Scores for each category should be what an employee truly deserves. You are not helping the employee or the department by giving them a score just so they can receive a merit increase. Be honest and fair when doing all evaluations.

Can changes be made to an evaluation after it has been given to the employee?
Once the employee has been given and signs the evaluation, it will be final and can not be changed by anyone. Therefore, it is the responsibility of the supervisor completing the evaluation to have it reviewed by upper management prior to meeting with the employee to discuss.

Performance evaluations are to be completed by the employee's immediate supervisor. Therefore, the immediate supervisor's evaluation will be the official evaluation and should not be changed by anyone other than the supervisor completing it. An evaluation may be subject to changes only under the following circumstances prior to the employee receiving it and it reaching the Department of Personnel. In the event that the manager, director, or any upper management disagrees with any part of the performance evaluation, he/she may discuss his/her concerns with the supervisor that completed the evaluation. If the supervisor is in total agreement with the concerns brought to his/her attention, the supervisor may change the evaluation.

Once the Department of Personnel receives an evaluation, a supervisor is not allowed to make changes. At times, the Department of Personnel will ask a supervisor to either be more specific when there are no or vague comments in the "Comments" section of the evaluation or when the evaluation doesn't have at least two (2) of the three (3) performance goals section completed.

At no time does the Department of Personnel allow for changes to the numeric ratings to occur. Remember, numerical ratings should not be determined so that an employee may receive the amount of increase that you would like them to receive. This would not be an accurate reflection of the employee's actual performance nor would it be truthful to the employee.

Supervisor Penalty for Failure to Complete

How is a non-elected supervisor penalized?
For the first violation, as a supervisor failing to complete a performance evaluation, you will be placed on probation by the Department of Personnel and are required to take corrective action within ten (10) calendar days of the violation and probation. If the violation has not been corrected within ten (10) calendar days or if there is another violation within 30 calendar days, you shall be terminated from the position. If a second violation occurs after the 30 calendar days, you may be demoted or, alternatively, be subject to the same terms as if it had been a first violation. If you continue to violate this policy, you are subject to termination.

How is an elected and appointed Supervisor penalized?
If you are an elected or appointed official, for the first violation, you are subject to a notice of a procedural violation and are required to take corrective action within ten (10) calendar days with a penalty of a monetary fine of $50.00. If there is another violation within 30 calendar days, the supervisor shall be subject to a monetary fine of $100.00.

What is the procedure for administering the monetary fines?
The monetary fine will be taken out of an elected/appointed supervisor's check.

Automatic Merit Increase

Who is eligible for an automatic merit increase?
If an employee has not received an annual evaluation within 30 days after his/her scheduled annual review date, he/she may be eligible to receive an automatic merit increase up to 4%. The following criteria must be met to be eligible:

- The employee has had no disciplinary action placed in his/her personnel file since the last evaluation.
- The employee's last evaluation met the criteria for a merit increase.
- The employee is not currently on a temporary reassignment, any type of leave of absence, layoff or other event that would affect his/her annual review date.
- The Nation has not put into effect any temporary across-the-board payroll restrictions that would suspend merit increases for all employees.

If the criterion is met, the necessary "Status Change Notice" form *(see forms section)* will be generated, signed and processed by the Department of Personnel. This documentation will grant the employee a pay increase effective the date that the employee's annual review date was due. A copy of this status will be forwarded to the Payroll Department, supervisor/department and Human Resource office.

How does this affect the late evaluation?
Even though an employee received an automatic increase, the evaluation must still be completed as usual. The outcome of this late evaluation will not have any effect on the already given automatic increase.

If the employee did not meet the criteria for an automatic increase, and a merit increase is given on a late evaluation, the employee will receive that merit pay increase effective the date that the employee's annual review was due.

Example:

- Employee receives 4% merit increase.
- Late evaluation duly notes only a 2% merit increase.
- Employee will keep the 4% automatic merit increase but does not get an additional 2% merit increase.

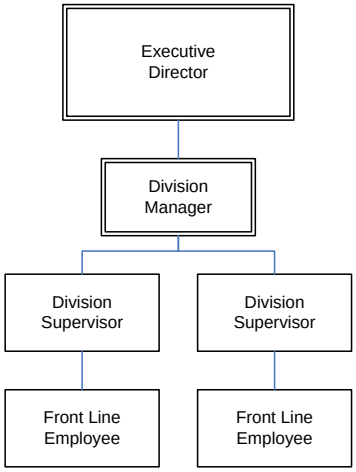
Example:

- Employee not eligible for a merit increase.
- Late evaluation duly notes a 2% increase is due.
- Employee will get a 2% merit increase.

Your Notes

General

Chain of Command



The chain of command is the line of authority and responsibility along which instructions are passed within and between different departments. Instructions are provided down the chain of command, from a higher-supervisor, such as a director, to lower-ranked personnel who either carry out the instructions personally or pass them down the chain as appropriate, until it is received by those expected to carry it out.

In general, supervisors give instructions only to those directly below them in the chain of command and receive instructions only from those directly above them. If someone bypasses his/her immediate supervisor by going to a next level supervisor above his/her immediate supervisor in the chain of command, he/she is likely to be disciplined for not observing the chain of command.

Each department/supervisor is responsible for identifying a written chain of command to its employees. This may be done in written form such as a memorandum to your employees or posted in a common area where employees are certain to see it.

Dress Code

Employees should be clean and dress in casual business clothes unless your department is required to wear uniforms. This means the clothes should not be worn out, torn or baggy. As a supervisor, it is your responsibility to make sure your employees are aware of the dress code. If you notice that the policy is not being followed, address it immediately, don't ignore it. If an employee is sent home to change because he/she is inappropriately dressed, he/she will not be paid for the time away from work.

Supervisor Tip

Don't let your own opinions affect the way you deal with employees. Follow the department's dress code.

Hygiene

Good habits of grooming and personal hygiene are to be observed by all employees. This delicate subject can be very hard and sometimes uncomfortable to discuss with an employee. Always address this issue in private with the employee. Ask the employee to suggest some solutions and discuss these suggestions with the employee. You may want to suggest that the employee see their physician if his/her problem is body odor. Let the employee know that he/she has your support, and if there are some accommodations that the Nation can provide, the employee should contact the Department of Personnel/Human Resource office with this information.

Job Description Process

At some point there may be a need in your department to create a new job description or revise an existing one. All revisions to a job description need to go through the approval process. Some examples include:

- Wage changes
- Duties and responsibilities
- Skills and abilities
- Minimum qualifications
- Employee classifications

You will need to contact the Department of Personnel and speak to the person who handles job descriptions to make that change.

What is the process for creating/revising a job description?

- Complete a job description packet.
- Complete all documents and obtain proper signatures required on the forms.
- Submit all material to the Department of Personnel by "Deadline List."
- Attend the Legislative Administrative Committee Meeting to answer any questions they may have.
- If your job description is tabled for further information, you will need to gather required additional information and be put on the next Administrative Committee Agenda.
- If the job description is approved, the Minutes must be ratified by full Legislature.
- Department of Personnel takes necessary steps to make your job description ready for use.
- A copy of the approved job description indicating approval dates on it will be forwarded to your department.
- Once you receive this approved copy, it is ready for you to use.

Supervisor Tip

A new or revised job description can not be used until a final copy is provided by the Department of Personnel with the approval dates on it.

What are some of the questions that the committee may ask?

When a job description is presented to the Legislative Administrative Committee the supervisor of that position or someone highly knowledgeable of the position is required to attend the meeting. An employee can not represent their own job description. The reason someone needs to be there is to answer any questions that the Legislative Administrative Committee may have regarding what is being proposed to them. Questions may include:

- Do you have the money in your budget for this position?
- How does this position change your staffing/organizational chart?

You need to justify the need for the position in your department. Questions may vary from job description to job description, so be prepared to answer budget questions and anything else they may want to know.

Managing Change

For a business to continue to grow there will always be an atmosphere of change. You, as the employee's direct supervisor, will be held responsible for making any changes the Nation institutes. This will help create a positive experience for your employees and help them to manage this workplace change.

- Talk to the Department of Personnel/Human Resource office to understand why the change is happening and what impact it will have on your department.
- Communicate to your staff about the change that is coming and why the change is being made. Continue to discuss the change from the time you are informed about it all the way through the change.
- Don't assume that because you have accepted this change that others have.
- Make sure that you give your employees time to adjust to the change. They are being asked to change their behavior; but this will not happen overnight.

Handling Resistance to Change

It is a fact that some of those working in your department are going to resist change. Understand this is a reality, and try to help those individuals work through their issues about the change with respect.

Statue of Limitations

A supervisor or employee may request removal of a disciplinary notice from the employee's file if no same or similar incident/disciplinary action occurred within a 12 month period.

Exceptions to the rule are:

- A performance evaluation establishes that the employee has improved in specific areas that were reprimanded. If this happens, progressive discipline will start over.
- A grievance or court settlement states that certain documents are to be removed or expunged from the employee's personnel file.

If the document(s) is eligible to be expunged, the Department of Personnel is responsible for removal of the document from the employee's file. The document will be mailed to the employee as evidence of removal from his/her file.

Verification of Employment

An employer wanting to verify employment must submit a request to the Department of Personnel by fax or mail. The Department of Personnel does not verify employment over the phone. We require written authorization from the employee allowing the Nation to release the information. It is the Nation's policy that all requests for referrals come to the Department of Personnel to be handled.

Your Notes

Harassment

General

Do you have an employee who believes that he/she has been a victim of harassment?
It is the employee's responsibility to immediately report the alleged incident(s) to his/her immediate supervisor, unless this person is involved in the harassment. Then the employee should follow the chain-of-command.

The complaint is then reviewed by the supervisor to determine if the incident can be handled within the department or sent to the Department of Personnel for investigation. If the Department of Personnel is asked to investigate the incident, the investigator will require any available documentation the employee has given the supervisor about the incident. The employee who files the complaint will be required to have their signature on the documents.

All incidents may be filed formally or informally. Methods of reporting complaints are as follows:

- Mail (Inter-office, Postal Service, etc.)
- Fax
- Telephone

Sexual Harassment

Reporting of this type of harassment is the same as above with the exception that the employee has the right to bypass the chain of command. All reports, including both formal and informal, of sexual and other unlawful harassment will be promptly, actively and confidentially investigated by the investigators from the Department of Personnel. A written decision will be forwarded to the appropriate parties. All sexual harassment records are kept confidential and will not be divulged to any person that does not possess the legal or operational right to know.

Retaliation

What is retaliation? According to the Webster Dictionary it would be to "repay in kind," to "get revenge." There is no tolerance for retaliation against anyone reporting harassment, helping someone else report or for providing information regarding an incident. What happens if someone feels they have been retaliated against? How do you determine if there has been retaliation toward an employee? What are examples of retaliation? What are the consequences for retaliation?

What would an example of retaliation be?
Retaliation can include, but not be limited to:

- Verbal, physical or written threats.
- Intimidation.
- Reprisals.
- Adverse actions related to employment.

Retaliation could take the form of:

- Negative performance evaluation or reference.
- Denial of professional development.

- Research or internship opportunity.
- Undesirable work schedule.
- Increased level of supervision or criticism.
- Involuntary transfer.
- Termination.

How is retaliation reported?
The person who believes he/she has been retaliated against must complete an "Incident Report" form *(see forms section)* and submit it to his/her supervisor. If the immediate supervisor has committed the retaliation, follow the chain of command when submitting the "Incident Report" form *(see forms section)*. Once you have the report, speak to the other person who supposedly has committed the retaliation. If you are not sure how to conduct this discussion, contact the Department of Personnel for help and suggestions. If the retaliation was physical or included property damage, you can contact Surveillance for their assistance to see if there were any witnesses.

If you feel that you have witnessed retaliation, as an employee of the Nation, it is your responsibility to complete an "Incident Report" form *(see forms section)* and submit it to your General Manager or Executive Director.

Supervisor Tip

You always have the option to ask the Department of Personnel if you need any assistance with harassment issues.

Retaliation consequences
After you have reviewed the facts, you will need to decide if this was retaliation. Once again, if you have questions and need assistance in coming to a conclusion, contact the Department of Personnel. If you come to the conclusion this was retaliation, the consequences can include, but are not limited to, suspension and/or termination. Once you have reached your conclusion, follow-up with the employee who filed the complaint as to what the outcome of that complaint was. If this was not retaliation, you may want to consider counseling reports for those involved.

Failure to Respond
As a supervisor, if you fail to adequately respond to a sexual harassment matter or fail to discipline an employee for violations, it will result in:

- Referral to EAP counseling.
- 3-day Suspension and further disciplinary action.

Prohibited Personnel Practices

If an employee makes a disclosure, he/she is not to be subjected to any adverse personnel action by any employee/supervisor who has the authority to take, direct others to take, command, or approve any personnel action related to that disclosure. Supervisors are prohibited from taking or threatening to take or failing to take a personnel action with respect to any employee for employment because of a disclosure. Violations or abuses of such prohibited practices shall subject that employee to disciplinary action.

Your Notes

Hiring Process

Posting

All vacant positions shall be posted to the general public.

A "Request to Post" form *(see forms section)* must be completed for all regular positions and submitted to the Department of Personnel.

> **Supervisor Tip**
>
> To post in any newspaper(s), please list the newspaper(s) by name and remember to include line item number so the disbursement voucher can be completed when the invoice arrives.

Who contacts the newspapers?
This process is handled by either Department of Personnel or the business facilities. If the position is government or non-gaming, the Department of Personnel would handle advertising. If the position is hotel, casino, or bingo, the advertising is handled by the facility. When the quote(s) and proof(s) arrive from the newspaper(s), the department requesting the job posting must approve the quote(s). This approval must be done in writing. The cost to advertise in the newspapers is charged to the department requesting the advertisement; this is where the line item number is used. You may need to contact your immediate supervisor to acquire this number.

How does someone find out about job openings?
The Ho-Chunk Nation's Job Posting is distributed to all of the Executive Departments and the individual enterprises via interoffice mail or email. A copy of the job posting may be mailed to an enrolled Ho-Chunk member who is not currently employed by the Ho-Chunk Nation if the Department of Personnel receives a written request from the member. Job postings are also found on the Nation's website.

> **Supervisor Tip**
>
> If an application is given to a supervisor by an applicant, it must be forwarded to either the Department of Personnel/Human Resource office prior to the deadline date and time. If a supervisor fails to submit the application it will not be included for interview consideration.

How does someone apply for a posting?
If a current employee or a LTE is interested in a posted position, he/she must complete an application and submit it to the Department of Personnel/Human Resource office prior to the deadline date and time to be considered for the position. Each job posting has a location and address listed where the application should be sent. If an application is given directly to a supervisor, that supervisor must submit the application to either the Department of

Personnel/Human Resource office prior to the deadline date and time for the applicant to be considered for an interview.

What can I do until a posting closes and interviews are held?
While a position is posted and until it can be filled by a regular employee, a LTE can be used to temporarily fill the position.

What do I need to hire a LTE?
The following forms *(see forms section)* need to be completed and approved before the LTE can be hired.

- LTE Applicant Approval Request
- LTE Agreement
- Medical Prescreen

Once the above have been approved, a status change will need to be submitted.

Do I have any other options on how to fill a position?
If a vacancy occurs within three (3) months of the same position posted, applicants or interview results may be considered instead of reposting. It will be up to the department hiring to determine whether it wants to re-interview candidates or select someone who was interviewed from the previous posting. If the department is not interested in any of the candidates from the previous posting, the position will need to be reposted and a new "Request to Post" form *(see forms section)* must be completed.

How long do the postings stay open?
The position remains open for two (2) weeks from the date it is placed in the posting. The department may opt to leave this position "Open until Filled" by indicating this on the request but it must be posted for a minimum of two (2) weeks. If the closing date falls on a holiday, it will be extended one day.

When should the position be re-posted?
If there were no qualified applicants, the department may repost the position by completing a new "Request to Post" form *(see forms section)*. This form is due in the Department of Personnel before the deadline date and time. Please refer to the Deadline List.

What about the Recall List?
All "Request to Post" forms *(see forms section)* are reviewed against the recall list. If the position title appears on the recall list, please refer to the procedures found in the recall section of this manual. If the position is not filled from the recall list, the position will be posted in the tribal wide postings.

Prior to posting for any position, departments can contact the Department of Personnel to see if there are any employees on the recall list that have the qualifications for that job. If there is someone, the Department of Personnel can contact the employee on behalf of the department and make them an offer of employment. If they accept, a status change needs to be generated, medical prescreen completed and approved, and submitted to the Department of Personnel/Human Resource office. Orientation will then be set up for the individual by the Department of Personnel/Human Resource office.

What happens after the posting closes?
Once the posting has closed, the Department of Personnel will send a list of all applicants to the Drug Enforcement Unit of Compliance for clearance.

Once the list is returned from Compliance, the Department of Personnel will send out the "Application Review" form, "Preference Monitoring" form and applications for those applicants who have been cleared to the supervisor who requested the posting by one of three (3) ways;

- The Nation's email system, if available.
- The interoffice mail system.
- Mailed to his/her location if they are not in a location where there is interoffice mail available.

It is the supervisor's responsibility to review and determine who they will/will not interview. The forms are to be returned to the Department of Personnel within five (5) working days of the supervisor receiving the applications. If an interview will be scheduled, complete the "Application Review" form and return it to the Department of Personnel.

- Indicate where the interview will be held including street address, city and zip code.
- Indicate date and start time of interviews
- Decide how much time do you want for each interview? Do you want a lunch break scheduled?
- Specify who the applicants should contact if they can't make the interview scheduled? At what number can they contact that person?
- Specify who will pick up the interview packet and sign for it?
    - If someone other than the designated person will be picking up the packet, preauthorization must be received from the supervisor.

Supervisor Tip

The supervisor must return the application review and preference monitoring forms to the Department of Personnel within (five) 5 working days of receipt to insure a timely response to the applicants.

Preference Monitoring Form

If an enrolled Ho-Chunk member is not being selected for an interview, a written explanation must be stated on the "Preference Monitoring" form and returned to the Department of Personnel with the "Application Review" form. This form is placed in the interview packet to be completed after the interviews are done.

What is the purpose of this form?

The purpose of this form is to ensure the supervisor/department complies with Ho-Chunk preference. The Department of Personnel/Human Resource office does not approve this form. They only maintain it for future reference, should a complaint/grievance be filed.

Interview

When the "Application Review" form is returned to the Department of Personnel and interviews are to be scheduled, an interview packet is prepared and placed in the job folder. This packet must be signed for and picked up prior to the date of the interview.

Hiring qualified employees is crucial to the Nation's success. This means hiring the best qualified person with excellent work habits and a great attitude. But, as a supervisor, you know that this is not easy to accomplish. The goal is to find the right candidate, but during the hiring process you must navigate numerous laws and government regulations that deal with hiring. You don't want to be the one putting the Nation at legal risk for not following proper hiring practices.

How can you make the interview process successful?
Depending on the Nation's hiring process, as a supervisor you probably have some role in interviewing. You may even have the primary role. Either way, it is important that you understand interviewing concepts to avoid legal problems.

At the start of the interview, try to put the candidate at ease. Treat the applicant in the way you would want to be treated in an interview. It is more likely that a person treated in a warm friendly manner will respond in an open and honest manner. The goal of the interview is to find out as much as possible about the applicant's work background, habits, and skills.

During the interview, thoroughly describe your department and the position. Part of your job is to encourage the best candidates to work for the Nation. Stress the good points, but do not mislead. Always explain any aspects of the position that may have presented problems in the past. It costs the Nation time and money to hire and train people who later discover that this is not the right position for them.

Let the applicant do most of the talking. Follow the 80/20 rule. The candidate should do 80% of the talking and you should do 20%. Don't feel that you have to ask a question every time the candidate pauses. Silence will often encourage the candidate to offer more explanation.

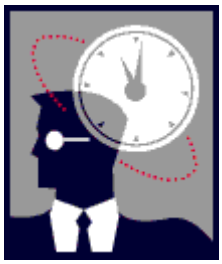
During the interview, verify the information that was provided on the application or résumé. Make sure applicants explain any gaps in their employment history.

As you begin the interview, here are some guidelines to keep in mind:

- For each interview, use a pre-planned list of questions designed to help you judge the applicant's qualifications, skill levels, and overall competence.
- To avoid discrimination issues, ask the same questions for the same job. But, prepare specific questions for individuals that will explore their work history and education.
- Use follow-up questions, such as "Why did you do that?" to get a better picture.

Other guidelines to follow are:

- Encourage applicants to ask questions.
- Consider using coworkers in the interview process. They may have insights you haven't considered. Choose coworkers who understand the job, are good at it, and have good communication and skills.
- Take careful notes after each interview so you can remember who said what. But, be careful what you write to avoid discrimination charges.



How much time should be allowed for each interview?
This is a very good question and it will differ depending on what type of position you are interviewing for. If there is any type of test the applicants will need to complete, or if the interview panel has chosen to ask additional questions that directly effect the position, you may want more time.

- Entry level position, usually 15 to 30 minutes, is a good rule of thumb.
- Supervisor or manager positions should be allowed 45 to 60 minutes.
- Upper management should be allowed 60 to 90 minutes.

How is the interview panel chosen?
Usually the interview panel should consist of, but is not limited to, three (3) individuals who may or may not be directly involved with the department.

- Panel must consist of 2/3 Ho-Chunk i.e. if your panel consists of three (3) people, two (2) out of the three (3) on the panel must be enrolled Ho-Chunk; four (4) people on the panel, three (3) must be enrolled Ho-Chunk, etc.
- Panel should have some knowledge of the position.
- If you are related to an interviewee or a conflict of interest exists you can not sit on the interview panel. For the purpose of the interview panel relatives are defined as parent, grandparent, sibling, child, step relative, spouse, or cohabitant.
- Use the same interview panel for all the interviews scheduled. A new interview panel can be used for a second round of interviews.
- An individual who is in a LTE position or in a probationary period should not be asked to participate on the panel.
- The individual who will be the new employee's direct supervisor should try to be on the interview panel.
- Make sure the interview panel has been selected and that everyone is available for the same date(s) and time(s) before interviews are actually scheduled.
- Interviews can be scheduled for more than one date.

Questionnaire
Now let's discuss some of the general interview questions needed to get the information necessary to help choose the best candidate. In addition to these questions, you will need to develop questions that are specific to the job and the candidate. We will cover both "good" questions and "bad" questions. As you will note, the "good" questions will deal with various aspects of employment, while the "bad" questions get into the personal areas and are more likely to create legal trouble.

Good questions
Some examples of the "good" questions are:

- What kind of experience do you have?
- What aspects of your current job do you consider most crucial?
- Of all of the work you've done, what was your biggest success?
- What do you think are the broad responsibilities for this job?
- What are the major qualities of your current job?
- Describe how your current job relates to the overall goals of your department and company.
- What would you change about your current job?
- What aspects of your current job do you like best?
- What are you looking for in your next job?

- Where do you see yourself five years from now?
- Can you meet the requirements of work hours, overtime work and attendance policies?
- Do you have the necessary licenses, diplomas, training, certificates or other qualifications required?

Bad questions

There are some questions that you want to avoid asking so you don't violate EEO laws. Unless there is a legitimate business necessity, avoid the following questions:

- Are you married? What is your maiden name? Do you wish to be addressed as Mrs., Ms., or Miss? However, you may ask if the applicant has ever worked under a different name for the purpose of reference checking.
- Do you have children?
- Are you pregnant?
- Are you dating anyone right now?
- How old are you? However, you may ask if applicants have diplomas or degrees and if they are 18 years or older.
- What is your nationality or race?
- Are you a citizen? You can, and must, ask if the applicant can legally work in this country.
- Have your wages ever been garnished or have you ever declared bankruptcy?
- Do you own your home?
- What type of discharge did you receive from the military? However, you may ask what type of education, training, and work experience the applicant received while in the military.
- Do you have a disability? You can ask whether an employee can perform the essential job functions of the job and meet attendance requirements with or without reasonable accommodations. Do not ask if he/she needs some form of reasonable accommodations until after hiring.
- Have you ever undergone a psychiatric evaluation?
- How often do you drink alcoholic beverages or take illegal drugs?
- How much do you weigh?
- Have you ever filed a workers' compensation claim?
- What is your religion?

Supervisor Tip

The best way to stay out of trouble with employment questions is to make sure each question is job related. If it isn't, don't ask! Candidates must be asked the same questions.

Interviewing pitfalls

Interviewing is one of the most telling parts of the recruiting process. However, there are some potential pitfalls, avoid the following:

- Viewing a candidate too strongly because he/she followed a weak candidate.

- Picking a candidate because he/she are similar to you, not because he/she are suited for the job.
- Allowing nonverbal items to influence you (hair, color, dress, mannerisms).
- Asking drastically different questions to different candidates.
- Fixating on one decisive factor (for example, aggressiveness).

These factors may not give you the best candidate, because your judgment could be clouded by prejudices or other factors.

Selection

Does the highest scoring candidate have to be chosen to fill the position?
No. If the panel does not feel that the highest scoring candidate is the best person to fill the position, you are not required to offer it to that person. But be prepared to justify your decision. If the highest scoring person is an enrolled Ho-Chunk you will be required to do a written justification and submit it along with the "Preference Monitoring" form to your department's Executive Director for approval. Keep in mind that your decision can be overturned by the Executive Director of Personnel.

What if the applicant does not meet the minimum qualifications for the position?
If the supervisor decides an applicant does not meet the minimum qualifications, he/she should not be considered for an interview. Generally, it is best to complete an interview even if it is discovered during the interview that he/she does not meet the minimum qualifications.

What are Preference Points and how are they awarded?
An enrolled Ho-Chunk member, the spouse or parent of an enrolled Ho-Chunk member, a Native American and/or a Veteran can receive additional points during the interview process.

- The Department of Personnel/Human Resource will attach an "Authentification" form to the application indicating whether he/she supplied proper preference documentation.
- Preference Points can only be given once for ethnic origin.
- To be eligible for Veteran preference points, the veteran must have proof of an honorable or general discharge.

Post-interview
Once the interviews have been completed and you have made your selection, send the interview packet to the Department of Personnel/Human Resource office with all necessary completed forms. They will check for the following:

- Written justification for those who were interviewed
- Completed medical pre-screen completed by potential candidate

The Department of Personnel will send out the appropriate letters to the applicants not selected. This process may be different for the business facilities. Please contact the facility's Human Resource office for more information.

What needs to be returned after the interviews?
The completed interview packet, which includes;

- The questionnaires from the interview along with any additional questions asked or tests required.
- The Preference Monitoring form.
- A written justification needs to be submitted for the following:
    - Those who were not selected for an interview
    - Those who were interviewed but not selected
    - The individual who was interviewed and selected

Supervisor tip

A written justification explains how the qualifications of the candidate chosen were better than any of the other applicants. The more detailed the explanation the better.

Offer of Employment
Steps to making an offer:

- Supervisor selects candidate.
- Makes preliminary offer contingent on medical prescreen results.
- Medical prescreen completed and submitted to medical provider.
- Results of medical prescreen given to supervisor.
- Final offer made to candidate.
- Denial of employment due to medical prescreen results.
- Move on to the next candidate.

The following forms will need to be completed:

- A “Status Change Notice” form *(see forms section).*
- A “Transfer Request” form *(see forms section)* if the person selected currently works for the Nation.
- An “Intent to Hire” form *(see forms section)* is required under the following circumstances:
    - Transferring to Hard or Soft Count Team
    - To the Surveillance Department
    - Any transfer involving a change from one Class of gaming license (Class II and/or III) to another Class of gaming license (Class II and/or III)
    - Any transfer from one Gaming Operation to another Gaming Operation
    - Any transfer to a "Key Employee" or "Primary Management Official" position within the Executive offices.
    - If a person does not currently have a gaming license and is being hired for a gaming position.

A hire letter will be sent to the applicant once the status and any other required forms are received. This individual will be called by the Department of Personnel to schedule an orientation. Once the orientation has been scheduled the Department of Personnel will contact the supervisor and confirm the time and date of the orientation. This process may be different for the business facilities. Please contact the facility’s Human Resource office for more information.

All employees will start at the beginning of a pay period, Sunday or Monday, depending on assigned work schedule. An employee must not, under any circumstances, be allowed to begin his/her job responsibilities until they have completed the proper hire paperwork. All newly hired employees must receive the orientations provided by the Department of Personnel or the facility's training department. These practices will help to ensure that the employees are paid in a timely manner. Supervisors will be held accountable and may be disciplined for not following this procedure when it results in an employee not getting paid in a timely manner.

How long should you give someone to accept the employment offer?
This is a difficult question to answer but in the end it is up to you. What are your needs? How soon do you need to place someone in the position? Once you have answered these two (2) questions it should be easier to decide how long you can actually wait. Keep in mind that if he/she accepts, you may still be looking at a few weeks before he/she begins.

How many people can I hire from one job posting and interview?
If your employment needs change from the time you submitted your "Request to Post" form *(see forms section)* and you hold your interviews, you can use these interviews to fill the open positions. Make sure you have spoken to your immediate supervisor to get his/her approval before you offer employment to more people than you originally posted for.

What is a Medical Prescreen?
This is a form completed by the candidate and submitted to the medical provider to determine if the candidate can perform the necessary physical aspects of the job. The medical provider will send the results of the prescreen back to the Department of Personnel/Human Resource office indicating the candidate has been approved or a physical will be required. If a physical is required, the medical provider will contact the candidate and schedule a date and time for the physical. Department of Personnel/Human Resource office will notify the supervisor once we have the results from the physical.

- A prescreen is required for all employees. However, if the applicant chosen is currently working for the Ho-Chunk Nation, check with the Department of Personnel to see if a prescreen will be required.

What is the supervisor's responsibility involving the medical prescreen?
The supervisor must contact the Department of Personnel/Human Resource to find out if the potential employee is required to have a medical prescreen. If a medical prescreen is required, it must be approved prior to the individual starting in the department.

What is the potential candidate's responsibility involving the medical prescreening?
He/she must complete this form as soon as possible and get it to the medical provider in one of three (3) ways:

- Allow the Department of Personnel/Human Resource office to fax to medical provider.
- Mail to medical provider.
- Personally deliver it to the medical provider.

What is the Department of Personnel's responsibility involving the medical prescreening?
Once results are received from the medical provider, they are given to the department.

Your Notes

Orientation

General

New hire orientations are held every week in the Department of Personnel for government and non-gaming employees. Orientations for enterprise employees are conducted by the facility for that enterprise. Please refer to the "Deadline List" as to when all the necessary paperwork must be in to the Department of Personnel/Human Resource office prior to orientation.

New employee orientation

Hiring a good employee is only half the battle. For the employment relationship to truly succeed, employers must provide the proper learning and orientation. Some of the information employees will need: i.e. benefits information is usually handled by the Department of Personnel/Human Resource office. New employees need to attend the insurance orientation. However, much of the information employees need to actually begin work must come from you.

What new employees need to know?

It is the supervisor's responsibility to let new employees know when they are expected to work. The Nation's policies on tardiness, excused and unexcused absences and work hours need to be explained to employees. Employees also need to know what the Nation's requirements are for recording work hours, lunch and breaks. Let the employee know which method they are to use to record his/her time: i.e. time clocks, time sheets or some other form.

All new employees are to be given a copy of the Nation's current policies and procedures.

It is usually a nice touch to give the employee a tour of the facility, as well as introduce them around the department.

Safety and security information

Detailed safety training should be given to all new employees. Explain the basics of safety, such as:

- Employer's requirements to provide a safe and healthful workplace,
- How the Nation's safety committee is organized, and
- Necessary authorizations and training requirements before an employee can perform certain jobs.

Other safety basics include:

- How to report emergency situations,
- How to follow the facility's evacuation procedures, and
- How to report work-related injuries and illnesses and where to locate the necessary forms.

New employees need to understand the security measures the Nation has put into place. This is especially important if the workplace has restricted areas or if the employees need to use I.D. badges or entry passes.

Your Notes

Separation

Conversion of Sick Leave to Extend Insurance

Upon an employee's separation from the Ho-Chunk Nation, qualified employees may use accrued sick leave to extend health, dental, vision and prescription insurance beyond their last date of employment. The employee's remaining sick leave hours, multiplied by the employee base rate of pay, equals the "dollars" that an employee may use to extend his or her coverage.

What are the qualifications?

- An employee resigning in good standing by providing a written two week notice qualifies if; he/she is covered under insurance on the last day of employment, and has enough "dollars" to pay for a minimum of one (1) full month of employer and employee premium costs.
- An employee permanently laid off qualifies if; he/she is covered under insurance on the last day of employment and has enough "dollars" to pay a minimum of one full month of employer and employee costs.
- Spouses and dependents of a deceased employee may qualify if the deceased employee was employed by the Nation, had family coverage in effect, and has enough "dollars" to pay for a minimum of one (1) full month of employer and employee costs.

What happens if I qualify?

The Insurance Department will mail a letter to the employee's last known address stating how many sick hours the employee had remaining and the end date of the extended medical benefits. At the end of these extended medical benefits you will receive a letter in the mail from the Insurance Department for COBRA.

Exit Interview Questionnaire

An "Exit Interview Questionnaire" form *(see forms section)* should be given to employees leaving the employment of the Ho-Chunk Nation or transferring. It is their choice to complete and forward it to the Department of Personnel.

Layoff

An employee may be subject to layoff for reasons including, but not limited to:

- Lack of funds or work.
- Elimination of a position.
- Reorganization of a department.

Layoffs can be temporary with an anticipated recall date or permanent with no intention of recall.

- The supervisor will prepare a layoff plan. The plan will identify the number of positions by classification and incumbents to be laid off through consideration of both ability and/or seniority in the position.
- The Executive Director of the department where the layoff is taking place must approve the layoff plan.
- The director shall notify the Executive Director of Personnel of the intended action by providing the entire layoff packet to the Department of Personnel at least 15 calendar days prior to the effective date.

- Once the layoff plan is approved and the department director is notified, the original layoff letters can be given to the affected employee(s) at least ten (10) days before the effective date.
- The affected employee's names will be placed on the recall list for a period of six months from the effective date of the layoff.

Transfer in Lieu of Layoff (Any position to a Non-Gaming position)
Instead of doing a layoff, the employee can be "transferred in lieu of layoff." This is recommended as it keeps the employee employed with the Nation and saves the Nation money in employment costs. The transfer can only be done if the employee holds the qualifications of the job and both departments are in agreement on the transfer. Interviews for this type of transfer are not required. If transferring the employee, the following needs to be done:

- Complete a layoff plan for all employees that are being displaced.
- Provide a written justification as to why these employees are being displaced.
- A medical pre-screen need to be completed and results back from medical provider.
- Complete a "Status Change Notice" form *(see forms section)* showing the employee's current information and the new information of where the employee is being displaced to.
- A "Transfer Request" form *(see forms section)* is needed.

Transfer in Lieu of Layoff (Non-Gaming position to a Gaming position)
The process is lengthier if a non-gaming employee is transferring to a gaming position. In addition to the above bullets, the employee needs to complete a gaming packet which can be obtained at and returned to any Compliance office. If the employee is returning the packet to a Compliance office at a casino, it is requested that the employee set up an appointment when returning the packet.

An "Intent of Hire" form *(see forms section)* must be completed by the department that the employee is getting displaced to and turned in to Compliance. The Compliance Department needs to sign off on the "Intent to Hire" form *(see forms section)* before the employee can start the position.

Resignation

An employee voluntarily wishing to leave employment with the Ho-Chunk Nation in good standing, must file a written resignation with the immediate supervisor at least two (2) weeks prior to the effective date. The resignation notice, an "Employee Assignment of Equipment" and a "Status Change Notice" form *(see forms section)* are forwarded to the Department of Personnel.

If an employee resigns while on Temporary Layoff, FML or Unpaid Leave of Absence, the resignation will be effective immediately. The employee will be considered as leaving in good standing.

Termination

A termination is the employee's involuntary separation from employment. Please refer to the termination procedures as stated in this manual. Health care benefits will terminate at midnight of the last day of employment. A status change must be completed and submitted to the Department of Personnel in a timely manner. If this is not done, the Nation can receive costly COBRA compliance fines.

Your Notes

Wages and Hours

General

Managing employees' wages and hours worked is the foundation of employment. It is also an area where you have a great deal of involvement.

The Fair Labor Standards Act (FLSA) requires employers to pay non-exempt employees at least the minimum wage, and to pay them overtime at 1½ times their regular pay for more than 40 hours of work per week. There are specific criteria that must be used to determine exempt/non-exempt status.

Supervisor Tip

Report to the Department of Personnel/Human Resource office immediately if any employee claims his/her wages are not adequate, improper deductions have been made, etc. Even if it seems minor, let the Department of Personnel/Human Resource office know. Penalties and back pay can be severe!

Breaks

Lunch and Work

The Nation allows paid rest periods of 15 minutes for every four (4) hours worked. These promote the efficiency of the employee. Unauthorized extensions of authorized work breaks are not counted as hours worked when the employer has expressly and clearly communicated to the employee that the authorized break may only last for a specific length of time. Any extension of the break is contrary to the Nation's rules, and may be punished. Lunch breaks, typically 30 minutes or more are not compensated as work time. The employee must be completely relieved from duty for the purpose of eating regular meals.

Do lunch breaks have to be allowed?

No. The FLSA does not require employers to give his/her employees a lunch break. This is a privilege that the Ho-Chunk Nation has decided to allow its employees.

Supervisor Tip

Shift work and long work hours may be associated with concentration problems and accidents. Keep an eye on these workers and ensure you provide adequate work breaks.

Who decides when lunch breaks are taken?

It is up to the supervisor/department when lunch breaks can be taken. Some departments have indicated specific times when meals can be taken. Others have left that up to the employees as long as the department is staffed.

Can lunch and 15 minute breaks be combined?
No. However, under extreme circumstances a supervisor may use his/her discretion but do not let this become a habit or abused.

Child Labor

There are specific laws governing working youths under 18 years of age. For instance, it is prohibited for these workers to operate hazardous equipment. There are even further restrictions for 14 and 15 year old workers for example; they cannot work in warehousing or storage areas.

There are specific laws regarding the hours (how many, when) young workers (under 16 years of age) may work.

Supervisor Tip

If you supervise youth workers, know the laws.

What is a work permit & how should it be completed?
A work permit is required for anyone under the age of 18. The employer must always be listed as the Ho-Chunk Nation. No specific department should be listed. If a specific department is listed, that is the only department that person can work for. If he/she were to be transferred to a different department, a new permit would be required. Never accept a work permit that does not list the employer as the Ho-Chunk Nation.

If you supervise workers under age 18, make sure you check with the Department of Personnel/Human Resource office about the tasks you would like them to perform and the hours they can work. It is always beneficial to be familiar with all requirements.

Unlimited work day/week

The FLSA does not limit the number of hours per day or per week that employees aged 16 years and older can be required to work.

Compensatory "Comp" Time

Compensatory time is when an employee works more than his/her 40 hours in one week and carries these hours over to the next week instead of getting paid overtime.

Is compensatory time allowed?
No. Per the FLSA no employee should be allowed to use or be encouraged to use compensation time. This could actually be considered illegal.

What happens if a supervisor allows it?
Work not requested but permitted to be performed is work time that must be paid for by the employer. For example, an employee may voluntarily continue to work at the end of normal work hours to finish an assigned task or to correct errors. The hours are work time and are compensable.

Exempt/Non-Exempt Status

What is an Exempt employee?
An exempt employee is paid a weekly salary and is not eligible for overtime pay when hours are worked in excess of 40. Usually these employees are executive, administrative, professional positions, appointed, or elected officials.

What is a Non-Exempt employee?
A non-exempt employee is paid an hourly rate and is eligible for overtime pay when hours are worked in excess of 40.

How do I know if an employee is exempt or non-exempt?
The bottom of each job description indicates the classification of the position (i.e. exempt or nonexempt; flex or no flex).

Flex/No Flex Status

The bottom of each job description indicates the classification of the position. Refer to the chapter entitled "Compensation" of this manual for more details.

Flex Time

Flex time is when an employee is allowed to change his/her scheduled work hours for the current work week. For example (i.e. instead of working his/her regular eight (8) hours one day, he/she works six (6) hours and makes up the other two (2) hours in that week on a different day).

How is flex time approved?
The employee must complete and submit the "Request to Work Unscheduled Hours" form *(see forms section)* prior to working the unscheduled hours.

As a supervisor do I have to allow flex time?
It is up to each individual department to determine if they will allow their employees to use flex time.

Overtime

All overtime must be pre-approved. Overtime is available to all nonexempt employees. Overtime should be offered based on employee seniority.

Overtime will not be paid for any given period if the employee has any paid or unpaid leave during a pay period. The employee must physically work 40 hours to get paid overtime; this includes a holiday week.

Examples:

	30	Regular Hours Worked
+	16	Holiday Hours
	46	Total Hours Paid

	24	Regular Hours Worked
+	24	Annual Leave Hours
	24	Regular Hours Paid
+	16	Annual Hours Paid
	40	Total Hours Paid

The Nation prohibits unauthorized overtime. Employees must receive prior approval before working overtime in a manner determined by management.

Time Cards

Non-exempt employees will use a time clock if available. All other non-exempt employees are required to complete and submit a "Time Report" *(see forms section)* which is completed and signed. The supervisor then completes and submits an "Expense Center Report" with attached "Time Reports" *(see forms section)* to the Payroll Department. Exempt employees do not complete a "Time Report" *(see forms section)* unless they are using leave time during the week.

Supervisor Tip

If you are responsible for gathering or turning in employee time reports, ensure you do it on time.

Travel Time

If travel has been approved, the time required to travel will be considered compensable hours, less usual meal.

- Normal driving to and from the work place would not be work time.
- Driving to and from a location other than the normal work place is considered work time and must be paid for.
- If the employee's job requires him/her to travel from job site to job site this would be considered work time and must be paid.
- If the employee is required to travel one day out of town as part of the day's work activities, these hours would be compensable. This would exclude the usual meal period and normal travel time to and from the employee's residence and work location, where the day's travel starts and/or ends at the employee's residence.
- If the employee is required to travel overnight, out of town, he/she will be paid eight (8) hours for each twenty-four (24) hours in travel status. If a non-exempt employee physically works more than eight (8) hours during the day, he/she will be paid the actual hours worked in excess of eight.
- If the employee who is already on the overnight out of town travel is required to travel other than on a normally scheduled workday, those hours would be counted as work hours.

Waiting Time

If the employee has no work to do but the supervisor requires him/her to stay, he/she must be paid for these hours.

Supervisor Tip

Supervisors can not "ask" employees to work without having them on the clock (he/she must be paid for all hours worked). Anything over 40 hours is considered overtime. Otherwise, wage and hour violations will occur, leading to possible fines and back pay.

Work Time

This refers to the actual hours an employee should be paid for.

Additional resources

Wage and Hour Division (Department of Labor)
Phone: (866) 487-9243
TTY: (877) 889-5627
www.dol.gov/esa/whd/

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210
Phone: (866) 4-USA-DOL
www.dol.gov

Your Notes

Deadlines

Please Note: Deadlines are subject to change during shortened work weeks due to circumstances such as a holiday.

Grievance

Grievance	Five (5) business days from the date of incident
Grievance Hearing Evidence and Witness List	Ten (10) business days prior to the hearing date
Additional Evidence and Witness List for Grievance	Five (5) business days after receiving the other party's list of witnesses and evidence
Grievance Appeal	Within 30 calendar days of when the GRB's decision is served by mail

Insurance

Medical Insurance forms (Add/Change)	31 days from the event to make the necessary changes to insurance coverage
Workman's Compensation	Same day as incident (before the end of shift)

Job Description Revisions

Job Description Packet	2nd Friday of the month (to appear on the following month's meeting)

Job Post, Interview and Selection

Request to Post	Friday, 4:00 p.m. (to appear on following week's job posting)
Applications	Wednesday, 4:00 p.m. on closing date
Orientation Paperwork	Thursday, 4:00 p.m. (to be orientated the following week)
Application Review Form	Return within five (5) working days from date received
Interview Packet	Return within five (5) working days from interview date

Layoff

Layoff Plan	15 calendar days before the effective layoff date

Status Change Notice

Status Change Notice	Wednesday, 12:00 p.m.

Transfer of Annual/Sick Leave Hours

Transfer of Annual/Sick	Friday, 12:00 p.m. (to appear on following week's payroll check)