

Council of the BURNT CHURCH Band of Indians at a meeting held this 30th day of August, 1976, at Burnt Church make the following by-law pursuant to Paragraph (q) of Section 81 of the Indian Act.

By-Law No. 6

To create regulations, rules and procedures for personnel on Band staff of the Burnt Church Band Council.

- 1.1 These regulations, rules, and procedures, hereinafter called "Band Staff Regulations", shall pertain to all persons employed by the Council of the Band.
- 1.2 Notwithstanding the provisions under these Band Staff Regulations, the Council of the Band shall determine the nature of any special work to be performed by a Band employee.
- 1.3 If it is found necessary to amend said Band Staff Regulations, amendments should be made with the majority consent of the Band Council members at a meeting called for this specific purpose.
- 1.4 Two weeks notice of the meeting shall be mailed to each Councillor, indicating the proposed amendments.

2. Hours of Work

2.1 Hours of work for Band Office employees shall be from 8:00 a.m. to 12:00 noon, and from 1:00 p.m. to 4:30 p.m., unless otherwise set by the Council of the Band. Maximum week shall be 37½ hours.

2.2 Hours of work governing all other employees shall be set by the Band Administrator according to the requirements of the position.

2.3 All employees of the Band who are working on the day a Band election, provincial election or federal election, or Band referendum is being held shall be given time-off with pay to vote. Time off to vote shall not exceed one full day.

2.4 Employees of a continuing nature who are employed in office duties shall report for duty each working day.

3. Holidays

3.1 Band employees shall be entitled to all statutory holidays, and one other Indian Day, as may be declared by the Band Council. Namely:

New Years Day	One Indian Day
One Day in February	Labour Day
Good Friday	Thanksgiving Day
Easter Monday	Remembrance Day
Victoria Day	Christmas Day
Dominion Day	Boxing Day

3.2 When a day designated as a holiday coincides with an employees' day of rest, the holiday shall be moved to the employees' first working day following his day of rest.

4. Conduct

4.1 All Band employees shall be responsible for specific duties as outlined by Appendix "A" of their respective contracts and shall:

- (a) report to their immediate supervisor in accordance with the policies of the administration.
- (b) report to the Band Council or its appropriate committee where there is no immediate supervisor.

- 4.2 The Band Administrator shall be the senior Band employee and will be the supervisor of all other Band employees, unless otherwise stated on job descriptions. The Band Council shall be the Supervisor of the Band Administrator.
- 4.3 In the event that the Band Administrator is absent for reasons other than illness, he (she) shall delegate an employee to act in his (her) capacity during the period of his (her) absence.
- 4.4. The Band staff shall be the support staff of the Band Council. It shall be the responsibility of the Band staff to supply the Band Council with authentic information and data and to ensure that the policy decisions of the Band Council are carried out.
- 4.5 It shall be the duty of all Band employees to at all times conduct themselves in a manner that will reflect credit upon themselves, and their employers.
- 4.6 All information acquired regarding Band business shall be confidential and shall not be released to the general public or news media unless previously cleared through the Band Council. Any employee acting contrary to this regulation may be suspended for a term fixed by the Band Council. Repeated offences may lead to dismissal.
- 4.7 Band employees shall protect and care for all Band property entrusted to them.

5. Hiring

- 5.1 Except in cases of emergency, all positions of a continuing nature shall be filled from publicly advertised competitions and selection made by the Band Council, unless this responsibility has been delegated to representatives of the Band Council. Qualifications, duties, rates of pay, etc., for persons applying for positions of a continuing nature shall be as set out on publicly advertised competition posters.

- 5.2 Every new employee hired for a position of a continuing nature shall be on probation for a period of six months and shall have his/her performance assessed by the Band Council at the end of six months to determine fitness for continued employment above and beyond the training period.
- A. The Band Council shall appoint a committee which shall comprise three members, one of whom shall be the Chief of the Band, one Band member appointed by the Band Council, and the Local Government Adviser for that area. If a senior Band employee exists, said senior Band employee shall act as an adviser to the committee. The findings of such a committee shall be discussed only with the Council of the Band.
- B. Where a member of the appointed committee is the immediate relative of the employee being assessed, the member shall not sit in the committee, but shall surrender his/her place to another, appointed by the Band Council to act pro tem.
- C. Annual performance assessments of Band Employees shall be made after the first year of employment.
- 5.3 One who is employed on a continuing, full-time basis by the Band may not engage in additional employment where such employee receives remuneration, outside regular working hours without the consent of a majority of the Band Council. This regulation is intended to eliminate any conflict of interest situations.
- 5.4 No person shall be employed unless he/she is of the full age of 19 years. (This section will not apply to Summer Students.)
- 5.5 A Band staff member, in order to work effectively, must be free from internal pressured applied by any member of the Band Council.

- 5.6 It shall be the responsibility of the Band Council in consultation with the Department of Indian and Northern Affairs, to determine if an employee should be bonded and the amount of bond required.
- 5.7 In the case of a vacancy, the Council shall by resolution appoint an employee in a temporary position. The person appointed shall, while he/she fills the office have all the powers and perform all the duties of the position.

6. Leave

- 6.1 Requests for annual leave will be made to the Band Administrator.
- 6.2 All employees must notify the Band Administrator if they are not capable of performing their functions.
- 6.3 Sick Leave. A medical certificate shall be required after two consecutive days absence or more than three days in one month. Sick leave days, without medical certificate must not exceed 18 days in one year.
- 6.4 Compassionate Leave. Leave of absence on compassionate grounds, such as death in the family or marriage, will be at the discretion of the Band Administrator.
- 6.5 In the event of death within the immediate family of a Band employee, five days with pay shall be awarded as bereavement leave.
- 6.6 Educational Leave. Employees shall be granted leave for study purposes, with or without pay or reduced pay, according to the circumstances and subject to the recommendations of the Band Administrator to the Band Council.

Leave for Training. Training needs will be determined by the Band Administrator in consultation with individual employees and will make recommendations to the Band Council.

7. Suspensions and Dismissals

7.1 An employee of the Band occupying a position of a continuing nature and who is conscientiously carrying out his/her duties in the best interests of the Band shall not be removed from employment unless his/her continued employment is proven to the Band Council to be detrimental to the best interests of the Band and the Programs:

- A. Where removal of such employee is considered, the reasons shall be given at a hearing arranged by the Band Council. This hearing shall be held during a duly convened Band Council Meeting.
- B. Actual removal from a position of continuing employment with the Band can only be carried out by Resolution of the Band Council. The Band Council shall act in good faith and without bias. The public shall be excluded from this part of the Council meeting.
- C. Where such an employee is removed from duty, the Council shall fix the terms of separation but these shall not be inconsistent with any provincial or federal statutes (Department of Labor Guidelines) governing employment of this nature insofar as notice of dismissal and pay in lieu thereof is concerned.

7.2 Any Band employee who fails to observe these rules and regulations as approved by Council shall be subject to suspension and/or dismissal.

- 7.3 All dismissals must be approved by the Band Council.
- 7.4 A Band employee may be suspended by his immediate superior.
- 7.5 Notice of all suspensions of Band employees shall be reported to the Band Council within 48 hours giving justification for such action.
- 7.6 In the case of a suspension, the Band employee shall have the right of appeal to the Band Council.
- 7.7 Where an employee's appeal is upheld, the employee shall not suffer any loss of pay as a result of the suspension.
- 7.8 The Band Council in conjunction with the Regional Director or his agent shall establish, by resolution, the Appeal Board consisting of at least 3 persons, one of whom is a member of the Band Council, one Departmental staff member and the third a member of that community, but not a Council member or a Band staff member.
- 7.9 Any Band member who believes himself to be personally aggrieved, or discriminated against by the actions or policies, or lack thereof, of the Council or members of its staff in respect to a Community Program may apply to the Appeal Board for a hearing of his/her case.

8 Quitting & Firing

- 8.1 All employees shall be required to give a minimum of two (2) weeks notice of intent to quit.
- 8.2 By mutual consent of both parties, the employer and employee, the employee can be released from duty providing he/she gives written notice to the Band Council of his/her intention two (2) weeks in advance.

9. Salary

9.1 The official pay days shall be every one week commencing after approval of the Department of Indian Affairs and Northern Development and consecutively thereafter.

- A. No employee has the right to demand his/her cheque earlier than the official dates set aside as pay periods, except for extreme emergencies (conferences lasting 3 or more days, hospitalization care, etc.)
- B. Salary cheques will not be released prior to the regular pay day except in the following cases:
 - (i) when an employee who will be absent from his /her normal place of duty on the normal pay day has requested that his/her salary cheque be forwarded to him/her, the cheque may be mailed or presented to him/her on the day preceding the normal pay day;
 - (ii) when an employee authorizes his/her salary cheque to be deposited to his/her credit in a bank, etc., the cheque may be mailed or deposited in his/her on the day preceding the normal pay day;
 - (iii) when an employee is commencing a period of vacation leave, or will be on band business, he/she may be given his /her cheque after the close of the banking day on the day before the normal pay day.

- 9.2 Rates of pay for Band employees hired on a weekly, monthly, or casual basis shall be fixed by resolution of the Band Council.
- 9.3 No full time Band employee shall work for less than the minimum wage of the Province.
- 9.4 Deductions from pay of any employee of the Band may be made by voluntary authorization of the employee, or in accordance with statutes governing same, e.g. U.I.C. Otherwise, compulsory deductions may be made only where the Band operates a pensionable service for which the employee has elected to contribute to pay deduction.
- 9.5 Overpayment of wages shall constitute a lawful deduction and shall receive priority.
- 9.6 Salary cheques for employees who are pending termination are not to be released if an overpayment may be created.
- 9.7 Salary increases shall be based on the performance of the employee and it shall be at the discretion of the senior employee to recommend to the Band Council a salary increase for an employee.
- (a) All salary increases shall be subject to Band Council approval.
 - (b) Normal, satisfactory performance is expected of every employee, and does not necessarily warrant a salary increase.

10. Overtime

There shall be no creditable overtime unless authorized in writing by the Band Manager. In cases where overtime is authorized, the person having worked the overtime may be absent for an equivalent amount of time provided that person makes notice as to when he/she intend to be absent.

11. Vehicle Policy

- (a) All travel must be authorized by the Band Council or senior Band employee.
- (b) All out-of-province trips must be approved by the Council.
- (c) All convictions and parking tickets, etc., shall be the sole responsibility of the employee.
- (d) All staff using private vehicles in the performance of their duties must have a minimum of \$100,000.00 public liability and property Damage insurance coverage.

12. Travel Regulations

- (a) Travel allowances shall be provided for all authorized travel in the following manner:
 - (i) Travel by public transportation must be made in the most direct route and only economy class shall apply unless otherwise approved by the senior Band employee or the Band Council

(ii) Receipts must be submitted if public transportation is used and shall be subject to approval before payment is made.

(iii) A record of destinations, departure and arrival times, and mileage covered must be submitted by all Band staff for all vehicles used on Band business.

(iv) Where an employee has received approval from the Band Council to use his own vehicle while on Band business, vehicle rates shall be 20¢ per mile for the first 4,000 miles and 16.5¢ per mile thereafter.

(b) No mileage can be claimed for the use of Band vehicles.

(c) Any employee found responsible for causing damage through wilfull neglect to or by a Band vehicle is responsible for paying for the damages.

13. Meals and Accommodation

(a) Receipts for overnight accommodation and meals must be submitted with the report of travelling expenses.

(b) Employees may be paid a daily allowance for meals, accommodation and other costs, not to exceed \$60.00 per day.

Approved and passed at duly convened meeting of the Council of the Burnt Church Band of Indians the 30th day of August, 1976.

Frank Paul
CHIEF

Weldon Ward
(COUNCILLOR)

Larry Dedam
(COUNCILLOR)

Patrick Dedam
(COUNCILLOR)

Eldon Taylor
(COUNCILLOR)

(COUNCILLOR)