

By-LAW No. 3
RED BANK BAND STAFF REGULATIONS

The Council of the Red Bank Band of Indians at a meeting held this 16 day of January, 1975, at Red Bank make the following by-law pursuant to Paragraph (q) of Section 81 of the Indian Act.

To create regulations, rules and procedures for personnel on Band Staff of the Red Bank Band Council.

1. These regulations, rules, and procedures, hereinafter called "Band Staff Regulations", shall apply to all persons employed by the Council of the Band.

1.B 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.C 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.D Two weeks notice of the meeting shall be mailed to each Councillor, indicating the proposed amendments.

2. Hours of Work

2.A Hours of work for Band Office employees shall be from 9 a.m. to 12:00 noon, and from 1 p.m. to 5 p.m., unless otherwise set by the Council of the Band. Maximum week shall be 40 hours.

2.B Hours of work governing all other employees shall be set by the Band Administrator or Chief according to the requirements of the position.

2.C 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 two hours.

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

3. Holidays

3.A 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.B 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.A.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.

"Appendix"A" IN any case is a job description outlining any Band Staff employees Duties.

4.B The Band Administrator or Band Manager 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 or Band Manager.

4.C In the event that the Band Administrator or Band Manager is absent for reasons other than illness, the Band Council then shall delegate an employee to act in his (her) capacity during the period of his (her) absence.

4.D 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.E 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, the Band Council.

4.F 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.G Band employees shall protect and care for all Band property entrusted to them, including all vehicles.

5. Hiring

5.A 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.B 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.

B 1 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 Advisor for that area or District Superintendent of D.I.A.N.D.. 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 2. Where a member of the appointed committee above 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.

B 3. Annual performance assessments of Band employees shall be made after the first year of employment at the General Staff Meeting.

5.C 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.D A Band Staff member, in order to work effectively, must be free from internal pressures applied by any member of the Band Council, and he/she has a right to bring this up at any Band Council or Band Staff meeting providing this is arranged ahead of reasonable time to the Chairman of such meeting.

5.E. Accident compensation for Band employees hurt while on duty shall be dealt with under the Workmen's Compensation Act, if the majority of Band Employees with this to be paid from salaries.

5.F In the case of a vacancy, the Council shall by resolution appoint an employee in a temporary position. The person appointed shall, while he fills the office have all the powers and perform all the duties of the position.

6. Leave

6.A Requests for annual leave will be made to the Band Administrator or Band Manager, or Band Council.

6.B All employees must notify the Band Administrator or Band Council of they are not capable of performing their functions.

6.C 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 8 days in one year.

6.D 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 or Band Council.

6.E In the event of death within the immediate family of a Band Employee, five days with pay shall be awarded as bereavement leave.

6.F Education 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.

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

7. Suspensions and Dismissals

7.A 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.1 Where removal of such an 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.

A.2 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.

A.3 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.B Any Band employee who fails to observe these rules and regulations as approved by Council shall be subject to suspension and/or dismissal.

7.C All dismissals must be approved by the Band Council.

7.D A band employee may be suspended by his immediate superior.

7.E Notice of all suspensions of Band employees shall be reported to the Band Council within 48 hours giving justification for such action.

7.F In the case of a suspension, the Band employee shall have the right of appeal to the Band Council.

7.G Where an employee's appeal is upheld, the employee shall not suffer any loss of pay as a result of the suspension.

7.H The Band Council in conjunction with the Regional Director or his agent shall establish, by resolution, an 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.I 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 and Firing.

8.1 All employees shall be required to give a minimum of two (2) weeks notice of intent to quit in writing or verbal to Band Council or Band Manager.

8.2 Failure to comply with the above policy may result in a fine as determined by the Band Council. The fine shall be loss of any separation or severance pay due to that employee.

8.3 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 2 weeks in advance.

9. Salary

9.1 The official pay days shall be every 1 week(s) commencing January 16, 1975 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) account 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. Travel

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

10.2 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.

10.3 Where an employee has received approval from the Band Council to use his own vehicle while on Band business, vehicle rates shall be 15¢ per mile.

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

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

11. 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 \$10.00 per day

Breakfast	\$2.00
Lunch	3.00
Dinner	5.00

12. Staff Meetings.

12.1 These meetings will be held once a month for all Band employees. Failure to attend these meetings without due cause will result in losing the wages normally due to that employee for that day. These also applies to Band Council members.



BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

File #

271/3-1-15

NOTE: The words "From our Band Funds" "Capital" or "Revenue", which ever is the case, must appear in all resolutions requesting expenditures from Band Funds
 NOTA: Les mots "des fonds de notre bande "Capital" ou revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

THE COUNCIL OF THE LE CONSEIL DE LA BANDE INDIENNE	Red Bank Indian Band	Current Capital Balance Solde de capital	\$ _____
AGENCY		Committed - Engagé	\$ _____
DISTRICT	N.B. District	Current Revenue balance Solde de revenu	\$ _____
PROVINCE	N.B.	Committed - Engagé	\$ _____
PLACE NOM DE L'ENDROIT	Red Bank Indian Reserve		
DATE	20 DAY - JOUR 01 MONTH - MOIS AD 19 75 YEAR - ANNÉE		

DO HEREBY RESOLVE:
 DÉCIDE, PAR LES PRÉSENTES:

The Council of the Red Bank Band of Indians at a meeting held this 16 day of January, 1975, at Red Bank make the following by-law pursuant to Paragraph (q) of Section 81 of the Indian Act.

To create regulations, rules, and procedures for personnel on Band Staff of the Red Bankk Band Council.

1. These regulations, rules, and procedures, hereinafter called "Band" Staff Regulations", shall apply to all persons employed by the Council of the Band.

1.B 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.C 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.D Two weeks notice of the meeting shall be mailed to each Councillor, indicating the proposed amendments.

A quorum for this Band
 Pour cette bande le quorum est

consists of
 fixé à

Council Members
 Membres du Conseil

Donald Ward
 (Chief - Chef)

Roy Ward
 (Councillor - conseiller)

Anthony Ward
 (Councillor - conseiller)

(Councillor - conseiller)


(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

(Councillor - conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVÉ AU MINISTÈRE					
1. Band Fund Code Code du compte de bande	2. COMPUTER BALANCES - SOLDES D'ORDINATEUR		3. Expenditure Dépenses	4. Authority - Autorité Indian Act Sec Art. de la Loi sur les Indiens	5. Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
	A. Capital	B. Revenue - Revenu			
	\$	\$	\$		
6. Recommended - Recommandable			Approved - Approuvable		
					
Date	Recommending Officer - Recommandé par		Date	Approving Officer - Approuvé par	