

**RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL  
SUMMIT LAKE PAIUTE TRIBE  
OF THE  
SUMMIT LAKE PAIUTE RESERVATION, NEVADA**

**RESOLUTION NO.: SL - 04 - 2012**

**TITLE: Amending the Tribe's Personnel Manual to Clarify Employee Work Hours and Alternative Work Schedules**

**WHEREAS,** the Summit Lake Paiute Tribe is organized pursuant to Section 16 of Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, with the Articles of Association, and approved by the Secretary of the Interior on January 08, 1965, granting certain powers to the Summit Lake Paiute Council; and

**WHEREAS,** the Summit Lake Paiute Council has the responsibility to represent, develop, protect and advance the views, interests, education, resources, and general welfare of the Summit Lake Paiute Tribe; and

**WHEREAS,** the Summit Lake Paiute Council administers contracts and grants negotiated with federal and state departments, and other entities; and,

**WHEREAS,** the administration of such contracts and grants are expected to comply with federal codes, policies, and acts of Congress, and

**WHEREAS,** it is proposed to amend Chapter 13 of the Summit Lake Paiute Tribe Personnel Manual to clarify employee work hours and alternative work schedules by removing ambiguous language and obsolete conditions.

**NOW THEREFORE BE IT RESOLVED** that the Summit Lake Paiute Council hereby replaces Chapter 13 of the Personnel Manual with the following:

**CHAPTER 13  
EMPLOYEE WORK HOURS**

**Sec. 1 Overtime and Compensatory Time, Conditions for Payment**

(a) Federal Law Requirements

The Tribe shall comply with the Fair Labor Standards Act (FLSA) for wages, overtime entitlements, and administrative procedures by which work-time must be compensated. Additionally, the Tribe may adopt alternative work schedules and other policies available to Federal employees, as prescribed by the Department of Interior (DOI), to the maximum extent reasonable and practicable to achieve tribal goals and objectives.

(1) An exemption from overtime pay requirements is provided in section 13(a)(1) of the FLSA for any employee in a bona fide executive, administrative, professional or outside sales capacity. These terms are defined in 29 Code of Federal Regulations (CFR) Part 541 (see Appendix A).

(2) Tribal employees who are not exempt from the FLSA cannot be permitted to work beyond 80 hours in a pay period composed of two calendar weeks without proper compensation for overtime (overtime or, if elected by the employee, compensatory time earned).

(3) Tribal employees must request overtime in advance, to be approved by their supervisor, unless extreme circumstances exist as determined by the supervisor.

## **Sec. 2. Alternative Work Schedules Permitted**

Alternative work schedules are permitted to achieve tribal goals and objectives. If at any time organizational effectiveness, productivity, efficiency, or individual performance is negatively impacted, alternative work schedules may be restricted or terminated as necessary.

The Tribal Department Director, at his or her discretion, is authorized to approve alternative work schedules that do not exceed 80 hours in a two week pay period as prescribed by applicable Federal policies (e.g., DOI Personnel Bulletin Number 09-14, October 2009; 5 U.S.C., Chapter 61, Subchapter II – Flexible and Compressed Work Schedules; 5 CFR Part 610 Hours of Duty; Office of Personnel Management Handbook on Alternative Work Schedules, December 1996; 370 Department of Interior Manual 610 Hours of Work; Labor Management Relations Guidance Bulletin on Negotiating Flexible and Compressed Work Schedules, July 1995).

Types of alternative work schedules and associated terms and conditions prescribed by the DOI Personnel Bulletin Number 09-14 are presented in Appendix B. Appendix B should be used as guidance by the Tribal Department Director when establishing alternative work schedules for employees of the Summit Lake Paiute Tribe.

When alternative work schedules are authorized, a written agreement shall be signed by both the Tribal Department Director and employee. Such agreement shall be filed in the employee's personnel file.

## **Sec. 3. Overtime**

Overtime are hours in excess of 40 in an administrative workweek for an employee on a regular work schedule, or 80 in a pay period for an employee on an alternative work schedule, which are officially ordered or approved in advance by the Department Director.

Tribal Employees who are not exempt from the FLSA shall be paid at time and a half their regular rate of pay, or if elected by the employee, compensatory time earned.

Tribal Employees who are exempt from the FLSA and are ordered to work overtime must do so, and management must compensate them with either overtime pay or compensatory time.

#### **Sec. 4. Compensatory Time**

Compensatory time off is the paid absence from work in lieu of monetary payment for an equivalent amount of overtime worked.

FLSA-Exempt Employees who are unable to take earned compensatory time off within 26 pay periods after the pay period during which it was earned will lose all rights to compensatory time off. Additionally, FLSA-Exempt Employees who separates employment with the Tribe before compensatory time off expires shall be paid for the unused compensatory time off at the hourly rate in effect for the pay period during which the compensatory time off was earned.

FLSA-nonexempt Employees who are unable to take earned compensatory time off within 26 pay periods after the pay period during which it was earned or who separates employment with the Tribe before the earned compensatory time off expires shall be paid for the unused compensatory time off at the overtime rate in effect for the period during which the compensatory time off was earned.


**BE IT FURTHER RESOLVED** that the Summit Lake Paiute Council hereby adopts the above identified revision to Chapter 13 of the Summit Lake Paiute Tribe Personnel Manual effective March 12, 2012, and

**BE IT FINALLY RESOLVED** that the Summit Lake Paiute Council does not waive, alter, or otherwise diminish its Sovereign Immunity, whether expressed or implied, by virtue of this resolution or policy change for any and all administrative or legal action which may arise directly or indirectly from the same.

#### **C-E-R-T-I-F-I-C-A-T-I-O-N**

I, **Jerri Lynn Barlese, Secretary/Treasurer** of the Summit Lake Paiute Council, hereby certify that the above Resolution No.: **SL - 04 - 2012** was brought before the Summit Lake Paiute Council at a duly held meeting on the 10th day of **March, 2012**, with \_\_ members of the Tribal Council present, constituting a quorum, with the following votes to enact Resolution No. **SL - 04 - 2012; 4 FOR, 0 AGAINST, and 0 ABSTAIN**; with the Tribal Chairman presiding and not voting, this Resolution has not been rescinded, revoked or amended.

3/10/2012  
Date

  
Jerri Lynn Barlese, Secretary/Treasurer  
Summit Lake Tribal Council