

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

RESOLUTION NO.: SL - 31 - 2008

TITLE: Amending the Summit Lake Paiute Tribe Personnel Manual

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.); and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name "Summit Lake Paiute Tribe" with a tribal constitution titled "Articles of Association," the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, over time the members of the Summit Lake Paiute Tribe have regained a small fraction of their historic land base, including the Tribe's reserved lands (Reservation), and the Indian allotments outside the Reservation boundaries; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to seek funding from federal agencies like the Bureau of Indian Affairs and the U.S. Environmental Protection Agency (EPA) to improve the welfare and education of tribal members (see Article II, Section 1 (b), (k)); and,

WHEREAS, there are a number of changes to the Personnel Manual that have to be made; and

WHEREAS, the formula for calculating Annual and Sick Leave for full-time and part-time employees was ambiguous and confusing and the changes made to Chapter 16, Section 2(b) and 3(b) have resolved the ambiguity; and,

WHEREAS, the tribe never had a mechanism for depositing annual leave into a separate account as required by Section 2(d) thus this Section is reserved; and,

WHEREAS, there was no reason that employees should not be granted sick leave every two weeks by a formula that achieves the same results as the original provision in Section 3(b); and,

WHEREAS, the conflicting claims that in Section 3(a) all employees accrue sick leave was at odds with Section 3(b) restricting sick leave accrue to only "regular employees" was wrong.

NOW THEREFORE, BE IT RESOLVED that the Summit Lake Paiute Tribal Council has reviewed and been briefed on all the changes being proposed for the Personnel Manual and,

BE IT FURTHER RESOLVED that the Summit Lake Paiute Council hereby amends the Personnel Manual as set forth in the attachment (note Policy History dates to see what changes made by this Resolution).

#### CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution was brought before the Summit Lake Paiute Council at a duly held meeting on the 21st day of June, 2008, with a quorum present, with the following votes to adopt the Resolution: 3 FOR, 0 AGAINST; and 0 ABSTAINING, with the Tribal Chairman presiding and not voting, and that this Resolution has not been rescinded, revoked or further amended.

June 21 2008  
Date

Jerrilyn Barlese  
Jerrilyn Barlese  
Secretary/Treasurer  
Summit Lake Tribal Council

CHAPTER 16  
LEAVE POLICY

Sec. 1. Authorized Forms of Leave

The Summit Lake Paiute Tribe authorizes the following types of employee leave: annual, sick, bereavement, jury duty, maternity, educational and without pay.

Sec. 2. Annual Leave

(a) Who is Eligible to Accrue: All regular employees of the Summit Lake Paiute Tribe can accrue annual leave. Probationary employees do not accrue annual leave.

(b) How Accrued: All regular employees shall accrue annual leave at the rate of four hours per pay period when they have worked a minimum of 80 hours. All part-time regular employees accrue annual leave depending on the percentage of time they work, e.g., a 75% part-time regular employee accrues 75% of four (4) hours per pay period where a minimum of 60 hours were worked in a pay period, a 50% part-time regular employee accrues 50%, etc.

POLICY HISTORY

On June 21, 2008, the Summit Lake Paiute Council changed this subsection by removing the word "eligible" from between "part-time" and "employee" and replacing it with "regular". See Resolution No. SL -31- 2008.

(c) Method of Use. Every employee must give at least five (5) days advanced notice, two weeks preferred except in the case of an emergency, to the Acting or Chief Administrative Employee (CAE), through their supervisor, of their request to use annual leave. The request must be approved by the supervisor, in consideration of operational needs, prior to submission to the CAE.

(d) Payment of Annual Leave. Reserved.

POLICY HISTORY

On June 21, 2008, the Summit Lake Paiute Council changed this subsection by reserving the subsection. The tribe never drew down funds or otherwise transferred annual leave dollars to a separate account and paid employees there from. See Resolution No. SL -31 - 2008.

(e) Transfer. An employee who transfers from one position within the Tribe to another position within the Tribe shall be eligible to carry over probationary time served, accrued annual leave, and accrued sick leave.

Sec. 3. Sick Leave

(a) Who is Granted. All employees of the Summit Lake Paiute tribe are granted sick leave. Employees shall accrue sick leave from the day they start employment with the Tribe but they may only use the sick leave after 30 days of employment.

POLICY HISTORY

On June 21, 2008, the Summit Lake Paiute Council changed this subsection by removing ambiguous words while retaining the original intent. See Resolution No. SL -31- 2008.

(b) How Accrued. All employees accrue sick leave. Full-time and part-time employees, irrespective of whether they are regular or probationary, accrue sick leave based on the same formula as used in Annual Leave. See Section 2(b) (above).

POLICY HISTORY

On June 21, 2008, the Summit Lake Paiute Council changed this subsection by removing the removing ambiguous words which suggested probationary employees did not accrue sick leave despite the clear language that all employees accrue sick leave. See Resolution No. SL -31- 2008.

(c) Method of Use.

(l) Sick leave is to be used for "illness" as defined in Section 10(d) of this Chapter only and not for "sick" as defined in Chapter 1, Section 10, of this Manual.

(2) Sick leave may also be allowed for preventive or corrective health measures (doctor's appointment for glasses, braces, dental work or physical exams, etc.) for the employee and members of his/her immediate family.

(d) Verification Required for Illness Lasting More Than Two (2) Consecutive Days.

(e) Conduct of Supervising Employees and Department Directors When Verifying Illness at the Lake. No department director or supervising employee shall physically inspect or otherwise conduct a physical examination of an employee on the Reservation or in the primary administrative office. If an employee on the Reservation requests medical attention all employees should assist the employee obtain it.

#### POLICY HISTORY

On June 21, 2008, the Summit Lake Reservation is remote and primitive. It may take some time for medically trained persons can get to the Reservation. See Resolution No. SL -31- 2008.

(f) Carry Over of Sick Leave. All employees not terminated, dismissed or who resign, shall be allowed to carry over a maximum of two (2) weeks (10 working days) of sick leave from one fiscal year to the next.

(g) No Carry Over of Sick Leave. If an employee is terminated, dismissed, or the employee resigns, sick leave hours will not be paid.

#### Sec. 4. Bereavement Leave

After giving notice to their supervisor or the Chief Administrative Employee (CAE) of Acting CAE, regular full-time employees may use sick leave or leave without pay to plan and or attend the funeral of an immediate family member. Before Time Reports are required to be submitted at the end of a pay period, a Request for Leave form shall be submitted by the employee.

#### POLICY HISTORY

On May 17, 2008, the Summit Lake Paiute Council changed this subsection. See Resolution No. SL -25- 2008.

#### Sec. 5. Jury Duty

Each tribal employee summoned to appear for jury duty may elect one of the following:

- (a) Their normal pay rate or
- (b) Their pay rate minus the jury duty payment.

Each employee shall submit to the Acting CAE or CASE the form used by the court to which they were summoned for jury duty indicating the total amount of jury duty fees paid.

#### Sec. 6. Leave Without Pay

Each employee's supervisor is authorized to grant an employee leave without pay to such extent where the goals and objectives of the program, contract, grant or Tribe are not hindered or prevented from being accomplished in a timely manner.

#### Sec. 7. Absence Without Leave

(a) All unauthorized absences shall be considered absent without leave and shall be without pay and subject to applicable disciplinary action.

(b) Absent without leave for three (3) consecutive working days shall be considered an automatic resignation from service.

## Sec. 8. Maternity Leave

If an employee has exhausted all other forms of leave, and they are hospitalized for child birth or complications related to child birth they may take no more than five (5) working days off with pay.

### POLICY HISTORY

On June 21, 2008, the Summit Lake Paiute Council changed this subsection to require that all other forms of leave be used first before being granted maternity leave. See Resolution No. SL -31- 2008.

## Sec. 9. Educational Leave

The Summit Lake Paiute Council may approve leave with pay, not to exceed six (6) hours of work per week, for an employee to attend an approved educational institution when such training will benefit the Tribe and when the employee can be spared.

### POLICY HISTORY

On June 21, 2008, the Summit Lake Paiute Council changed this subsection by removing ambiguous works and consolidating two paragraphs into one. See Resolution No. SL -31- 2008.

## Sec. 10. Definitions

(a) Planning. As used in Section 4 of this Chapter, “planning” means actual involvement in the funeral plans and not merely attendance at the funeral.

(b) Immediate family member. As used in this Chapter, “immediate family member” means grandmother, grandfather, mother, father, wife, husband, brother, sister, son or daughter.

### POLICY HISTORY

On June 21, 2008, the Summit Lake Paiute Council changed this subsection by removing the language that only allowed an employee to use sick leave for a son or daughter “by blood or by order of the court, e.g., adoption.”. See Resolution No. SL -31- 2008.

(c) Thirty working days. As used in this Chapter (section 3a), “thirty working days” means thirty (30) continuous days or work for the Tribe and shall not be interpreted to mean a single, calendar month.

(d) Illness. As used in this Chapter (section 3c), “illness” means illness of the employee or immediate family member.

(e) Accrue. As used in this Chapter (Section 2), “accrue” means “to come into existence as a legally enforceable claim.”

(f) Grant. As used in this Chapter (Section 3), “grant” means “to accommodate or have due after a period of time, not a right to which compensation is due; grant does not mean accrue.