

Osage Nation
Human Resources Policy and Procedure

Section:	Number of Pages: 12
Benefits	Issue Date: April 3, 2019
Policy Name	Approval Date: March 19, 2019
Leave	Effective Date: April 13, 2019
	Revision Date: May 19, 2019

Employees of the Osage Nation will be granted the following Leave options.

Paid Time Off

Paid Time off (PTO) can be used for vacation, illness, or personal business.

Full-time employees begin accruing PTO immediately upon hire and have access to their PTO Bank after the first pay period.

Transfers from the Osage Casino will be able to transfer tenor for years served to count towards Paid Time Off (PTO) at the Osage Nation.

Based on months of service, all full-time employees will earn PTO based on the following schedule:

<u>Years of Employment</u>	<u>PTO Hrs. Earned/Pay Period</u>	<u>Max allowed in Leave Bank</u>
< 3 years	6 hours	260 hours
3-9 years	8 hours	260 hours
10> years	10 hours	260 hours

- After reaching 260 hours in a leave bank, accruals will cease until leave bank drops below max allowed. It is the employee's responsibility to monitor leave bank.
- Upon separation of employment, employees will be paid for hours held in their Leave Banks.
- All payments for PTO are treated as taxable income.
- PTO is paid at the employee's normal rate of pay, excluding overtime. PTO must be taken in at least quarter-hour (.25 hour) increments.
- Whenever possible, employees should schedule absences with their supervisor at least ten days in advance. Requests for PTO may be denied by supervisors due to insufficient notice or a PTO conflict with other office staff.
- PTO may also be used for scheduled or unscheduled absences from work due to illness or injury. Unless on Workers Compensation, Employees do not accumulate PTO during unpaid leaves of absence including FML Leave.

Full-time employees that subsequently change to part-time status shall be paid their accrued PTO upon losing full-time status and shall cease accruing PTO on the date of status change.

Employees who have exhausted all PTO and are not in a protected status due to FMLA, Workers Compensation, or on an approved Personal Leave of Absence may be dismissed from employment for any unapproved absence.

PTO will be granted on a first-come, first-served basis. PTO requests from more than one employee in the same program or department will be granted to the senior most employees first. Exceptions may be made in emergency situations.

Administrative Leave

Administrative leave status or normal work curtailment may be granted to employees by the Principal Chief of the Osage Nation or his designee.

If employee has taken PTO and Administrative Leave is granted PTO time may be adjusted to reflect Administrative Leave.

Administrative Leave may not be “banked” or utilized at a future time unless specified upon notification of Administrative Leave.

Education Leave

Regular Full-Time Osage Nation employees are eligible to receive six hours, each week, of education leave in order to pursue continued education.

Employees seeking education leave must:

- Submit proper forms and documents (i.e. transcripts, enrollment verification) to supervisor for prior approval of Education leave through Paycom.
- Have a course of study that will benefit the Nation’s programs, departments, or special projects.
- Submit an Education Leave Form and a class schedule on school letterhead.
- Submit a copy of previous semester’s grades to the immediate supervisor (if applicable)
- Employees seeking education leave must maintain a Grade Point Average (GPA) of no less than 2.5 in order to be approved for education leave.
- Within five (5) business days, the immediate supervisor will approve or deny the request for leave.
- Once the request has been approved or denied, the immediate supervisor will forward the paperwork to Human Resources for verification.

- Human Resources, after verification will send notification back to the Supervisor. The Supervisor will meet with the employee and let them know the request has been approved or denied and will cite the reason.

Bereavement Leave

All employees are eligible for paid bereavement leave upon date of hire.

Bereavement leave will be granted to employees for leave with pay for a maximum not to exceed four (4) calendar days (32 hours) following the death in the immediate family: spouse, cohabitant, (biological, adopted, foster and step) parents, grandparents, children, grandchildren, and siblings (including in-laws).

Bereavement leave will be granted to employees for leave with pay for a maximum, not to exceed, two (2) days (16 hours) following the death of an extended family member including aunts, uncles, nieces, nephews and first cousins (including in-laws)

A half (1/2) day of unpaid leave will be allowed for attendance at funerals of friends or community members. An employee may use other earned or accrued leave if requested and approved by the employee's immediate supervisor.

The Osage People honor their veterans. Paid funeral leave will be granted to American Legion and Auxiliary members who are asked to honor Osage veterans with military rites.

To preserve the Nation's culture, as mandated in the Osage Constitution, funeral leave for Osage Nation Member employees with traditional responsibilities may occasionally require leave from their place of employment when obligated to be a "worker" at the funeral of another member of the Osage Nation. Funeral leave will be granted to employees for leave with pay for a maximum, not to exceed, four (4) calendar days (32 hours) when requested by the family of the deceased to serve in a traditional capacity at the funeral of another Osage Nation member. Non-Osage spouses/parents are also eligible for this leave when requested by the Osage family of the deceased to participate in a traditional capacity at the funeral.

In-Lon-Schka Leave

In-Lon-Schka leave will be granted for full-time, part-time, and temporary employees who are members of the In-Lon-Schka committee as Drumkeepers, Committee Men, Advisors, Whipmen, Tail Dancers, Drum warmers, Cooks, Singers, and parents or caretakers of Waterboys. The employee must request leave at least fourteen (14) days in advance. The employee must be participating in their traditional capacity.

Administrative Leave will be granted as follows:

- Drumkeepers, Whipmen, Head Cooks: Wednesday through Friday of all districts
- Committee Cooks: Wednesday afternoon (4 hours maximum), Thursday (8 hours maximum) and Friday (8 hours maximum) of all districts

- Committeemen, Advisors, Tail Dancers and Singers: Thursday and Friday at all districts (8 hours each day maximum)
- Drum warmers and Waterboys: Thursday and Friday of their respective district (8 hours each day maximum)
- Parents, legal guardians, or caretakers of the Waterboys will be granted leave for Thursday and Friday of their district.

Committee member employees who assist the Drumkeeper in moving their camp will be granted four (4) hours of In-Lon-Schka leave on Monday morning following the In-Lon-Schka at each district.

Desired days off other than listed above will need to be approved PTO.

Part-time employees will be granted In-Lon-Schka leave only for the time missed from their regularly scheduled work hours.

You must coordinate leave with your supervisor to maintain adequate coverage in your department.

Supervisors shall comply with this policy to accommodate requests for time off. Any Violation of this policy will result in disciplinary action.

Note Any personnel listed above that are participating in their traditional capacity and scheduled to work on Saturday and/or Sunday of In-Lon-Schka will be granted administrative leave.*

Family Medical Leave

It is the policy of the Nation to provide leaves of absence to employees for compelling family and medical reasons.

Eligible Employees

An employee is eligible for FML leave if they have worked for the Osage Nation for at least one year and at least 1,250 hours during the previous twelve (12) months.

Situations Qualifying for Family Medical Leave

- Birth of a child of the employee, and or to care for such child.
- Placement of a child into the employee's family by adoption or by foster care arrangement.
- In order to care for the employee's spouse, child or parent who has a serious health condition.
- A serious health condition, which renders the employee unable to perform the functions of his or her position.

Employee's Responsibilities

An employee seeking FML should contact Human Resources. FML leave request forms will be provided by HR upon request. If an employee notifies their supervisor of the need for FML leave, the supervisor shall immediately contact HR concerning the employee's need.

Certification by a healthcare provider is required for approval of FML leave and original documents must be submitted to HR office.

If the leave is foreseeable, the employee must submit a request for leave to the Human Resources Office at least thirty (30) calendar days in advance before the FML leave commences. If the thirty (30) days advance request is not practicable, the employee must notify Human Resources as soon as possible.

The medical certification may be required to be submitted within fifteen (15) calendar days after Human Resources request.

The employee may be required to provide Human Resources with subsequent recertification of medical conditions every thirty (30) days, if family and medical leave is taken for serious health conditions. The employee will be responsible for expenses incurred for certification.

Failure of an employee to properly request FML leave, or submit recertification may result in a loss or delay of protection and/or benefits under the Act.

Employees are prohibited from working for any other employer while on FML leave. Should it be determined by Human Resources that an employee is working for another employer while on FML, such employee shall be deemed to have voluntarily resigned.

Employees who are on "continuous" FML may not work from home.

Employees who fraudulently obtain or use a family or medical leave will be subject to disciplinary action as stated in the Osage Nation Conduct and Professional Standards.

Supervisor's Responsibility

If Employee does not expressly request FML leave, the supervisor must inquire regarding the possibility of FML leave qualifications.

Supervisor must direct the employee to the HR office for further instruction on FML leave.

All Osage Nation property must be turned into the Human Resources office until the employee returns to work.

Human Resources' Responsibilities

Human Resources must review and approve all requests for FML leave, and provide each employee with a notice that details the employee's rights and obligations under FML.

Medical documentation submitted with requests for Family Medical Leave forms must be strictly maintained in Human Resources.

FML Provisions

The method for determining the twelve- month period is a “rolling” (12 month) period measured backward from the date an employee uses FML leave. This method shall apply in all cases of family and medical leave.

Entitlement for FML leave for birth or placement for adoption or foster care expires at the end of the twelve-week (12) period beginning on the date of birth or placement.

The balance of any FML leave available but not taken for this purpose will be forfeited, however, each employee may use the remainder of his/her FML leave for other allowable reasons.

Spouses who both work for the Osage Nation may only take a combined total of twelve (12) weeks of FML leave during any twelve-month (12) period when leave is for the birth of a child or to care for a newborn, for the placement of a child with the employee for adoption or foster care, to care for the employee’s parent with a serious health condition.

The Osage Nation may require, at our expense, a second opinion by a health care provider designated or approved by Human Resources who is not employed by the Osage Nation on a regular basis.

Retroactive designation must be made within two (2) business days of the employee’s return to work. Unless an employee timely requests the designation, the employee may not assert FML protection for the absence. FML leave may be designated by the Human Resources office if there is sufficient information to designate the leave a FML leave. Notice of the FML designation must be provided at that time.

Intermittent or Reduced Leave Schedule

An eligible employee may take FML leave on an intermittent or reduced leave schedule basis due to a serious health condition. In the case of FML leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless the Director of Human Resources grants approval.

If planned intermittent FML is approved, it is the employee’s responsibility to work with his/her supervisor in order coordinate such planned leaves in advance. The Osage Nation reserves the right to temporarily transfer an employee who takes FML leave on an intermittent or reduced leave schedule to an alternative position (with equivalent pay and benefits) in order to better accommodate the employee’s schedule.

Employees who are approved for intermittent leave must continue to comply with the Osage Nation’s regular attendance policy to report their absences. Employees must notify

their supervisor when they are using their intermittent FML leave before the start of their shift or that absence may not be counted as FML leave.

Pay Status

FML leave is generally considered unpaid leave. However, an employee will be required to use available accrued PTO while on FML leave; such leaves must run concurrently, and no exceptions shall be made to this policy. Any period during the FML leave, after which available PTO is exhausted, will continue as unpaid periods and will apply toward the twelve-week (12) provision of the Family and Medical Leave Act. While on unpaid FML leave, the employee shall not accrue PTO.

Health Benefits

During FML leave, an employee may continue dependent health benefits under the same conditions as though the employee was not on leave. If the employee uses accrued PTO while on FML leave, the employee's contributions for dependent health benefits will be automatically deducted from the employee's paycheck. If the employee is on unpaid leave the employee must contact Human Resources to arrange to pay for benefits.

Under the current policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the 1st day of each month. If the payment is more than 30 days late, the employee's coverage may be dropped for the duration of the leave. The employer will provide fifteen (15) days' notification prior the employee's loss of coverage.

Integration with Other Leave

FML leave runs concurrently with other types of paid leave. When an employee incurs a work-related illness or injury, which qualifies as a serious medical condition, the work-related leave of absence will be applied toward the employee's family and medical leave entitlement. Because Workers' Compensation absence is paid leave, the provision for substitution of the employee's accrued PTO for unpaid family medical leave is not applicable.

When Leave Ends

Employees must bring a work release form from their doctor to the Human Resources office before they can return to work.

An eligible employee returning to work from FML leave has the right to return to the same or equivalent job on the same shift and at the same or geographically proximate work site.

If the employee cannot perform an essential function of his or her job because of a physical or mental condition (including the continuation of a serious health condition),

the employee is deemed inactive and entitlement to job restoration and continued leave ceases.

If the employee on FML leave is subject to layoff or a reduction in force, the employee's right to reinstatement shall be subject to the Human Resources Policies and Procedures. If an employee is under any type of disciplinary track upon taking leave, the length of that employee's disciplinary track time will be tolled during the leave, and the time will begin to run upon the employee's return to work after the leave.

Failure to Return to Work

If the employee advised the Human Resources Department that he or she does not intend to return to work, the employment relationship is deemed terminated, and the employee's entitlement to restoration, continued leave, and benefits cease.

If an employee fails to return to work after the twelve (12) weeks of family medical leave is exhausted, the employee is deemed to have voluntarily resigned.

Employee Entitlement to Service Member Leave

Service member FML provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and /or

To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member unfit to perform duties of the member's office, grade, rank, or rating, or who is undergoing medical treatment, recuperation, or therapy for serious injury or illness that occurred while on active duty any time during the five (5) years preceding the date of treatment.

Duration of Service member FML

When Leave is due to a Qualifying Exigency, an eligible employee may take up to 12 work weeks of leave during any 12-month period.

When Leave is to care for an injured or ill service member an eligible employee may take up to 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FML-qualifying leave, may not exceed 26 weeks in a single twelve (12) month period.

Service member FML runs concurrently with other leave entitlements provided under tribal or other applicable law.

Employee Wellness

In order to improve the well-being of Osage Nation employees, leading to enhanced productivity, lower absenteeism and a happier, healthier workforce, employees may participate in various health initiatives offered throughout the Osage Nation, including but not limited to; health assessments and screenings, incentives for exercise, smoking cessation classes and education regarding healthy lifestyles and choices. Employees are required to utilize PTO to participate in wellness programs.

Physical Fitness Leave

Physical Fitness leave consists of no more than forty-Five (45) minutes, per day, five (5) times per week for individual physical fitness. Physical Fitness leave may be used to walk/jog/run on campus (or designated area) or to workout at an Osage Nation Fitness Center. Employees must receive pre-approval from their supervisor prior to taking physical fitness leave. Physical fitness leave must be requested and approved in Paycom. Directors and supervisors are encouraged to allow employees to utilize physical fitness leave. Approval for physical fitness leave will be based on the needs of the department. Physical fitness leave does not have a cash value and cannot be banked or used with another form of leave.

Holiday Leave

Holiday pay will be granted based on an 8-hour workday for all Osage Nation employees. The following days are recognized as Holidays:

1. New Year's Eve- at noon if the day falls on a Monday-Friday
2. New Year's Day- (preceding Friday if New Year's Day falls on a Saturday or following Monday if the day falls on a Sunday)
3. Martin Luther King Day- Third Monday in January
4. Presidents Day – Third Monday in February
5. Osage Nation Sovereignty Day –
6. Good Friday- Two Days before Easter
7. Memorial Day- Last Monday in May
8. Independence Day if the day falls on Monday-Friday
9. Labor Day- First Monday in September
10. Osage Day – Second Monday in October
11. Veteran's Day- November 11th
12. Thanksgiving Day- Fourth Thursday in November
13. The day after Thanksgiving

14. Christmas Eve at noon if the day falls on a Monday – Friday

15. Christmas Day – (preceding Friday if Christmas Day falls on a Saturday or following Monday if the day falls on a Sunday)

Maternity/Paternity Leave

Medical documentation may be requested by the Human Resources office.

Maternity

One Hundred Sixty (160) hours of paid Maternity Leave shall be provided to the maternal birthing parent.

- Employee(s) must meet eligibility requirements for FML (must be employed at Osage Nation for 12 months)

The maternal birthing parent who has worked for the Osage Nation for less than one year or 12 months, or does not meet FML requirements due to employment status will receive 2 weeks of paid maternity leave and 4 weeks of unpaid leave. Maternity leave for employees who do not meet eligibility requirements for FML will be paid at the average hours worked 90 days prior to leave.

Paternity

Eighty (80) hours of paid Paternity Leave for the paternal parent shall be provided.

- Employee(s) must meet eligibility requirements for FML.

Military Leave

An employee who enters active duty in a branch of the U.S. Armed Forces or is a member of the Reserve Components of the U.S. Armed Forces who attends annual training, active duty for training, or is called to active duty will be granted military leave.

To be entitled to military leave an employee must present official orders requiring attendance for a period of training or other active duty as a member of the Armed Forces.

An employee may opt not to use military leave and instead use accrued personal time off.

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

Employees on any type of Military leave will not accrue PTO during leave.

Paid supplemental military leave is defined as:

- The amount of pay necessary, when added to the military pay received for that day, to bring the employee to his/her full wage/salary for that day.
- Fifteen (15) days of paid supplemental military leave will be granted annually to an employee who is a member of a Reserve Component or who enlists for active service.

- For Reserve Component members this leave may be used for Annual Training, Active Duty for Training and other active duty (called to active duty or mobilized) verified by published military orders.
- Inactive Duty Training (weekend training) as a member of the National Guard or Reserve does not qualify for paid supplemental military leave.
- A day of paid supplemental military leave may only be used for a regular scheduled work day.
- The use of the fifteen (15) days is not limited to a single period, but may be used incrementally as long as the employee presents official military orders.
- Paid supplemental military leave will be paid once the employee has presented documentation of military pay to the payroll department.
- Supervisor is responsible for entering employee military leave into Paycom.
- Employee will not accrue PTO during Paid supplemental military leave.

Unpaid military leave

- Applies only to those employees who are eligible for paid supplemental military leave and decline to take either personal time off or paid supplemental military leave.
- It may only be used for 15 days or less.

This leave would apply to an employee whose military pay exceeds his/her wage/salary.

- Supervisor is responsible for entering employee's Unpaid military leave into Paycom.
- Employee will not accrue PTO during Unpaid military leave.

Unpaid military leave of absence

Will be granted to an employee for extended periods (beyond 15 days) of active duty supported by published official military orders. The following periods of active duty qualify for unpaid military leave of absence:

- An employee who is inducted into or enlists in an Active Component of the Armed Forces of the United States.
- An employee who is a member of the Reserve Components attending any of the following duty:
 - Initial entry training
 - Active Duty for Training
 - Called to federal active duty by the President of the United States during a national emergency
 - Called to active duty by the Governor during a state emergency
- Supervisors are responsible for entering employee's unpaid military Leave of Absence in Paycom.
- Employee will not accrue PTO during Unpaid military leave of absence.
- Employees returning to work are entitled to the same seniority, status, and pay they would have received had they not entered military service.
- Employees returning from military service may not be terminated from re-employment except for cause during their first year of re-employment.

Osage Nation Training

Osage Nation offers various opportunities for ongoing training to employees. Any internal training opportunities that benefit both employee and the Osage Nation will be entered as Osage Nation Training leave.

- Employee must be granted approval to attend the training from supervisor.
- Employee must attend all sessions of the course to receive credit and approved leave

Any violation of this policy will result in disciplinary action.

Jury or Witness Duty Leave

All Employees who are called to Jury or Witness Duty are eligible for Jury or Witness Duty Leave

- Employees are to notify their supervisors promptly upon receipt of a jury summons and subsequent notice of selection to serve as a juror.
- An employee selected to provide this community service will receive his/her regular rate of pay for normal hours worked, up to a maximum of 10 workdays, provided the employee submits evidence of the summons and selection notice.
- Employees will be allowed to retain any mileage and other compensation paid by the court.
- Employees will receive paid leave for the time required to provide testimony in work related litigation or court proceedings.
- Employees are to notify their supervisor immediately upon receipt of a job related subpoena.