

# *Pyramid Lake Paiute Tribal Council*

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**RESOLUTION NO.: PL 065-20**

## **RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA**

**WHEREAS**, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act and is federally recognized by the United States Government through the Secretary of the Interior for the Administration of programs and services for the residents of the Reservation; and

**WHEREAS**, the Pyramid Lake Paiute Tribal Council is the duly elected governing body of the Pyramid Lake Paiute Tribe, charged with the responsibility of establishing policy and taking action to provide administration guidelines; and

**WHEREAS**, the Pyramid Lake Paiute Tribal Council established a Tribal Personnel Committee to review the Personnel Policies and Procedures Manual, recommending revisions by resolution determined necessary for the proper management and administration of the Personnel System; and

**WHEREAS**, the Personnel Committee reviewed attached proposed revision to Section 2. Administration of the Personnel Program of the Personnel Policies and Procedures Manual recognizing the Executive Team and clarifying administrative processes; and

**WHEREAS**, the Personnel Committee reviewed the proposed revision to the Personnel Policies and Procedures Manual amending the Personnel Policies & Procedures and recommends approval of the same.

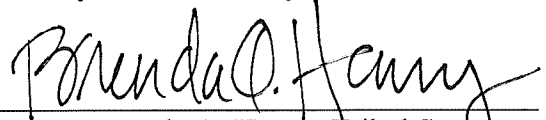
**NOW, THEREFORE BE IT RESOLVED**, that the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, hereby accepts the recommendation of the Personnel Committee and approves the attached revisions to the Tribal Personnel Policies and Procedures Manual:

### **SECTION 2. ADMINISTRATION OF THE PERSONNEL PROGRAM**

#### **CERTIFICATION**

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, the governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom ***nine (9)*** constituting a quorum were present at a meeting duly held on the ***19<sup>th</sup>*** day of ***June 2020*** was adopted by the affirmative vote of ***seven (7)*** for and ***one (1)*** against and ***zero (0)*** abstentions

pursuant to the authority contained in the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.



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Brenda A. Henry, Tribal Secretary  
Pyramid Lake Paiute Tribal Council

## **SECTION 2. ADMINISTRATION OF THE PERSONNEL PROGRAM**

### **2-1. TRIBAL COUNCIL**

The Tribal Council shall exercise control over personnel management through the adoption of program budgets, the pay plan, and the personnel policies and procedures submitted by the Personnel Committee. The Tribal Council, through resolution, must approve changes to the personnel manual.

- A. Duties. The Tribal Council is the policy-making body for personnel administration and shall not be involved in the day-to-day personnel administration matters. Oversight of the personnel program shall be exercised through:
  - 1. Review of recommendations submitted by the Personnel Committee and other actions taken at committee meetings.
  - 2. Review of minutes submitted by the Personnel Committee.
  - 3. The selection of the Executive Team or other management staff (overseen by the Executive Team, Board or Commission) from among the list of qualified eligible applicants recommended/submitted by interview panels.

### **2-2. PERSONNEL COMMITTEE**

In consultation with the Human Resources Department, the Personnel Committee will advise the Council on matters of personnel policies, procedures and problems; make determinations on employee grievances not resolved within the department.

- A. Composition: The Personnel Committee shall consist of five (5) interested community members who are chosen by the Tribal Council.
- B. Procedures: The Personnel Committee shall select a Chairperson, Vice-Chairperson and Secretary from among its members. The Committee shall meet at such time and place as needed. Meetings will be coordinated between the Chairperson and the Human Resources Department. The members may be compensated with established Tribal committee stipends as budgeted.
- C. Quorum: A quorum of the membership of the Committee will be required to conduct business by majority vote of those present.
- D. Removal: The Personnel Committee may, by majority vote, recommend to the Tribal Council for the removal of members at any time for neglect of duty or failure to carry out duties and responsibilities. Such members will first be notified in writing of the reasons for removal and an opportunity to respond by the next regularly scheduled committee meeting. Committee vacancies will be posted by the Tribal Secretary and a new appointment made by the Tribal Council if necessary.

- E. Duties: The powers and duties of the Personnel Committee:
1. Revise and make recommendations to the Tribal Council on Personnel Policies and Procedures and amendments thereto. Changes to these Personnel Policies and Procedures shall require the approval by resolution and majority vote of the Tribal Council.
  2. Recommend a pay plan to the Tribal Council in consultation with the Human Resources Department.
  3. Make effort through the Human Resources Department to provide technical assistance to Department Heads in recruitment, testing, interview and selection methods.
  4. Review requests from departments to establish, abolish, or reclassify positions in their departments. Submit recommendations to the Tribal Council for the classification of positions and ensure uniform specifications.

### **2-3. TRIBAL CHAIRMAN**

The Tribal Chairman working with the Human Resources Department provides oversight of the personnel program and has the following duties:

- A. Oversee the performance evaluation of Tribal programs that are under his supervision; implement dismissal of such Department Heads for unsatisfactory performance or unacceptable conduct in accordance with adopted policies and procedures.
- B. Perform other related duties and responsibilities as listed in the Personnel Policies and Procedures Manual.

### **2.4. EXECUTIVE TEAM**

The Executive Team, under direct supervision of the Tribal Chairman, consists of the following employees: Tribal Executive Officer, Tribal Programs Officer, Tribal Business Officer, and Tribal Comptroller. The Executive team is responsible for the management, direction, and supervision of assigned programs to ensure delivery of quality services and assists by managing the daily Tribal government operations and provides supportive services to Tribal entities upon request.

- A. Recommend adoption or amendment of written procedures as deemed necessary and proper for the purpose of enforcement or implementation to proper Committee/Board in compliance with Administrative policies and ordinances.

### **2-5. HUMAN RESOURCES DEPARTMENT**

Human Resources is responsible for the overall personnel management which includes recruitment, employee relations, employee benefits program, salary administration, worker's compensation, grievance and appeal system, and personnel records management. Human Resources provides assistance to Department Heads and Supervisors in developing,

communicating, and implementing the Tribe's personnel policies. Other duties include:

- A. Maintain a current roster of all employees in Tribal service. Maintain centralized personnel files and keep the records up to date, handling all documents in a respectful and confidential manner.
- B. Post all job announcements for the required period of time. Maintain applications, examination material, eligibility lists and other related materials.
- C. Oversee recruitment, interviews, testing, selection, placement and orientation of new employees. Coordinate the drug and alcohol testing program and the background investigation program; and conduct background investigations for required positions.
- D. Coordinate the appraisal, transfer, layoff, recall, demotion, and termination of employees.
- E. Provide written handouts and information on the personnel program. Administer benefit plans and disclose information to employees.
- F. Assist in the computation of personnel salary and benefit costs for budgets, salary surveys and other related purposes.
- G. Oversee compliance with applicable employment laws and regulations. Plan and formulate general personnel policies, including work force planning.
- H. Evaluate personnel policies and conduct investigations as needed. Make recommendations to the Personnel Committee on personnel issues and work with the Committee to revise policies and procedures.
- I. Coordinate training, counseling, and other employee development programs.
- J. Monitor the processing of employee grievance/appeals. Keep track of the timelines at each step and coordinate the receipt of grievance decisions to appropriate parties.

## **2-6. DEPARTMENT HEADS**

Department Heads may develop and implement departmental procedures as deemed necessary for the efficient and orderly administration of their respective departments. Such procedures are subject to the approval of the Tribal Chairman and shall be on file in the Tribal Chairman's office before they become effective. Departmental procedures must be consistent with Tribal personnel policies and procedures, and a copy must be made available to the Human Resources Department and the respective department.

Department Heads shall have the authority and responsibility, subject to the provisions of the personnel manual and Tribal policy, to:

- A. In consultation with the Human Resources Department, hire, promote, discipline and separate employees in compliance with applicable laws, policies, or other guidelines.
- B. Recommend the recruitment and testing procedures to be used in hiring employees with technical assistance from the Human Resources Department.
- C. Initiate the establishment, abolishment and reclassification of positions within their departments to the Personnel Committee through the Human Resources Department.
- D. Schedule employee vacations, lunch and rest breaks. Control absenteeism and tardiness, and approve requests for time off.
- E. Verify employee time sheets and schedule overtime when necessary.
- F. Evaluate the performance of probationary and regular employees in a timely manner.
- G. Conduct departmental employee orientation, training, counseling, and development.
- H. Recommend the assignment and duty change of employees consistent with career development.
- I. Comply with applicable laws and regulations concerning employee safety.
- J. Other related duties and responsibilities as listed in this manual.

## **2-7. SUPERVISORS**

It is the policy of the Tribe that the work of all employees is to be assigned, directed and reviewed by supervisory personnel. Employees ordinarily will have only one supervisor to whom they report.

The primary role of each supervisor is to provide an effective link between management and non-management employees. As such, supervisors are expected to communicate the goals and policies of management to the employees under them. At the same time, they are expected to communicate back to management the attitudes, suggestions, and complaints of their employees.

Supervisors must, in addition to mastering the technical skills needed for their work unit, be able to lead and motivate their employees to do their jobs effectively and efficiently. To this end, supervisors should be prepared to:

- A. Treat employees as individuals.
- B. Give recognition for good performance, and provide guidance when improvement

is needed.

- C. Explain in advance when and why changes are necessary.
- D. Show integrity by admitting mistakes instead of shifting the blame to others.
- E. Be impartial and inform employees of the reasons for any decisions that might be interpreted as unfair.
- F. Demonstrate a desire for good performance by setting work goals and standards for employees.
- G. Create a feeling of teamwork and belonging among employees.
- H. Ensure that work areas are maintained neat and orderly.
- I. Set good examples by holding themselves to the standards of conduct and performance that they expect of their employees.
- J. Implement corrective, disciplinary and/or disciplinary actions as necessary.

#### **2-8. ADVISORY BOARDS AND COMMITTEES**

The basic purpose of program advisory boards, committees or other advisory bodies is to: assist in providing input regarding community views and concerns to the Department Head; advise the Department Head on ways of implementing the general program direction; assist the Tribal Council in monitoring the effectiveness of the program or project in meeting its objectives; assist in screening applicants for Department Head positions and submit recommendations to the Tribal Council through the Human Resources Department for selection and appointment.

The day-to-day administration of the program, project or department shall be the responsibility of the Department Head who is held accountable to the Tribal Council for effective administration.

Advisory boards or committees may submit to Department Heads suggestions for administrative procedures, but the final decision for administrative and personnel actions will be that of the Department Head.

#### **2-9. PERSONNEL SYSTEM COVERAGE**

These Personnel Policies shall apply to all Tribal employees except the following:

- A. Tribal Council members elected by popular vote, unless they are also employees of the Tribe in other positions.
  - 1. Tribal Council members who are also employees of the Tribe shall be considered Tribal employees during work hours and when attending to various functions and activities as a part of their job. Tribal Council members are required to gain prior approval from their supervisor's if Tribal

Council business is required during working hours. There will be no preference, priority or special consideration given to these employees other than the normal consideration, respect and cooperation afforded all employees. All Tribal employees are subject to the provisions of the Personnel Policies and Procedures including, but not limited to, disciplinary action and termination, leave and attendance policies, organizational chain of command, and any other requirements which may be imposed as a condition of employment

- B. Members of advisory boards or committees appointed by the Tribal Council, unless they are also employees of the Tribe in other positions;
- C. Consultants employed on a project basis;
  - 1. Whether a worker is an “Employee” or an “Independent Contractor” is critical when it comes to such important issues as pension eligibility, workers’ compensation coverage, wage and hour law, and many other matters. Independent Contractor means a self-employed person who agrees with a client to do work for the client, for a certain fee, according to the means or methods of the self-employed person, and not subject to the supervision or control of the client except as to the result of the work.
  - 2. Department Heads wishing to hire an individual or contract for services need to be aware that compliance with the Internal Revenue Code and with IRS regulations often involves considerable paperwork and advance planning. When deciding whether an individual worker is an Employee or Independent Contractor for wage withholding purpose, the IRS typically applies the common law test of control. Under this test, if the payer has the right to control and direct what a worker does and how he/she does it – whether or not exercised – an employer-employee relationship exists. Without such control, a worker may be classified as an Independent Contractor. Upon execution of a contract, the hiring officials must ensure that a W-9 and Debarment and Suspension form are signed.
- D. Legal counsel; and
- E. Bona fide volunteers.

#### **2-10. IRS/CONTRACTOR TEST**

There are 20 factors that determine classification as a Tribal Employee, including: works substantially for the tribe; complies with instructions about where, when and how the work is performed; receives training from or at the direction of the tribe; provides services that are integrated into regular activities; personally renders services; does not hire, supervise or pay assistants; has a continuing relationship with the tribe; follows set hours of work; performs work on tribal premises; does work in a set sequence; submits regular reports to the tribe; receives payments of regular amounts at set intervals; receives payment for business and/or traveling



expenses; relies on the tribe to furnish tools and materials; lacks investment in facilities used to perform the service; cannot make a profit or suffer a loss from their service; works for one employer at a time; does not offer their services to the general public on a regular and continuing basis; can be terminated by the Tribe; may quit work any time without incurring liability for nonperformance.

## **2-11. PERSONNEL RECORDS**

It is the policy of the Tribe to maintain tangible and electronic personnel records for applicants, employees, and former employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.

- A. The Tribe strives to balance its need to obtain, use, and retain employment information with each individual's right to privacy. To this end, it attempts to restrict the personnel information maintained to that which is necessary for business reason or which is required by applicable federal, state, or local law.
- B. The Human Resources Department is responsible for overseeing the record keeping of all personnel information and will specify what information should be collected and how it should be stored and secured.
- C. The Human Resources Department shall maintain centralized personnel information for all Tribal employees and prepare personnel rosters from such records. Personnel information shall contain the name, address, department, job title, pay rate and other pertinent current information on each employee.
- D. The Human Resources Department shall also maintain other general personnel records and materials as appropriate. Such material may include class specifications, job announcements, evaluation procedures, lists, and other material.
- E. Maintenance of Personnel Records. The Human Resources Department shall maintain an individual personnel file for each employee. Personnel files shall include, but not be limited to, the following:
  - Application for employment and related materials such as resume, official college transcripts, recommendation letters, certificates, and copies of employment correspondence
  - Employee Action Notices
  - Job Description(s)
  - Disciplinary Action Notices
  - Performance Appraisal Forms
  - Authorized Payroll Deduction Forms
  - Drug-Free Workplace Statement
  - Withholding Tax Certificate, W-4
  - Training Records
  - Records of physical examination(s) and test results

- Other related documents require separate files, such as medical information.

Records shall be kept on all personnel actions including, but not limited to: hiring, promotions, dismissals, reprimands and resignations of both full-time and part-time employees.

- F. Employees have a responsibility to make sure their personnel records are up to date and should notify the Human Resources Department in writing of any changes in at least the following: name; address; telephone number; marital status (for benefits/tax withholding purposes); number of dependents; addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes); beneficiary designations for insurance plans; and persons to be notified in case of emergency.
- G. Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Such an inspection must be requested in writing to the Human Resources Manager and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of Human Resources staff. A reasonable charge, not to exceed the actual cost to the Tribe, will be made for any copies of records made by the employee. Any employee caught tampering or attempting to insert, remove or amend a personnel file will be subject to disciplinary action including, but not limited to, termination of employment.
- H. Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. Such an inspection must be approved by the Human Resources Manager and should be recorded in the file inspected. Documents submitted to the personnel file must show acknowledgement by the employee.
- I. Employees are to refer all requests from outside the Tribe for personnel information concerning applicants, employees, and former employees to the Human Resources Department. The Human Resources staff normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who have a need to know specific employee information. In addition, exceptions may be made to release limited general information, such as employment dates; position held, and location of job site.
- J. The Immigration Reform and Control Act of 1986 (IRCA) requires that any employee, including citizens as well as non-citizens, hired after November 6, 1986, certify his or her citizenship status within three (3) business days after hiring.

## **2-12. FILE RETENTION**

Employee files are depository of many different documents, each with specific information and with different retention periods.

A.	Job applications, resumes	1 calendar year
B.	Medical Information/Accommodations	1 year
C.	Medical Information/Injury reports	Duration of employment + 30 years
D.	Family and Medical Leave	3 years
E.	1-9 Forms	3 years after hire or 1 year after term.
F.	W-4's	4 years
G.	Health and welfare plan documents	6 years
H.	Employee Personnel Records	6 years
I.	Verifications (Job/PLHA, Welfare)	1 calendar year (file maintenance)

**2-13. CHAIN OF COMMAND**

Throughout these Personnel Policies and Procedures, reference to the Tribal Chairman is made with the understanding that in the Tribal Chairman's absence, the administrative duties, responsibilities and authority identified in this manual shall rest with the Tribal Executive Team. In the absence of the Tribal Chairman, the duties, administrative responsibilities and authority shall rest with a member of the Executive Team. In the absence of the preceding authorities, the Tribal Secretary shall be delegated to carry out the duties and responsibilities and confer all authority pertaining to personnel management, which is normally assumed by the Tribal Chairman.