

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 070-21

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 Executive Team to manage the Tribal Administration; and acknowledges this team reviews and makes recommendations to ensure proper management and efficient processes are maintained; 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 4. Pay Plan and Pay Administration of the Personnel Policies and Procedures Manual modifying change in Classification and Wage system, Removing Redundant Sections and increasing Merit Step Increases to 5% per annual evaluation; and

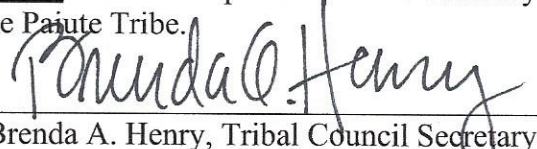
WHEREAS, the Personnel Committee reviewed the proposed revision to the Personnel Policies and Procedures Manual amending the Personnel Policies & Procedures and recommends approval of the same.

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 4. PAY PLAN AND PAY ADMINISTRATION

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 **18th** day of **June, 2021**, was adopted by the affirmative vote of **five (5)** for and **zero (0)** against and **three (3)** abstentions pursuant to the authority contained in the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.



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

SECTION 4. PAY PLAN AND PAY ADMINISTRATION

The Human Resources Department is responsible for the maintenance of a uniform and equitable pay plan that consists of minimum and maximum rates of pay and such intermediate schematic steps, subject to the approval of the Tribal Council. Upon recommendation, the Tribal Council can approve a revised wage schedule as appropriate.

Salary ranges are linked directly to the position classification plan and shall be determined with due regard to the following consideration:

- A. The level of duties and responsibilities, demands of the class, and maintenance of equitable relationships between classes.
- B. Prevailing rates of pay for similar employment in both public and private organizations.
- C. Availability in the marketplace of qualified applicants willing to work for the existing ranges of pay.
- D. Cost of living factors based on available funding. The feasibility of an annual cost of living allowance shall be determined by the Tribal revenue projections. The same cost of living allowance rates shall be provided to all regular employees.
- E. Other benefits received by employees.
- F. The economic conditions of the Tribe.

4-1. APPOINTMENT RATE

Classes Skilled/Specialized/Industrial (100), Clerical (200) and Paraprofessional (300) shall have starting salaries preferably set at Step 1 of the appropriate pay level, for a class and paid to any person, whether full-time or part-time, regular or temporary appointment to a position in the class. Appointment above the minimum rate may be made when employment conditions or exceptional qualifications of the employee would justify such appointment, but will in no case exceed the 3rd step of the appropriate salary range.

Law Enforcement, Judicial, etc. will be compensated based upon the approved GS Wage scale (Local Area only) starting wage Step 1-3 based upon qualifications and experience.

Classes Professional (400), Management (500) and Executive (600) are designated Negotiable to ensure comparable and negotiable wage, if employment conditions indicate the need or the person selected has qualifications which significantly exceed the minimum qualifications specified on the job specification, the wage will be negotiated within a reasonable range comparable for that position, provided the salary can be accommodated without fiscal impact to the budget.

4-2. REAPPOINTMENT RATE

Employees receiving reinstatement to a former position who left Tribal employment in good

standing may be paid at any step within the pay range not to exceed the step attained at the time of the separation. Reappointment rates do not apply to regular employees who resigned a previous position and later become reemployed in the same position.

4-3. REVISIONS TO THE WAGE SCHEDULE

Upon adoption of a new pay plan, the rate of pay for each employee shall be adjusted to a step in the newly assigned range corresponding to a like step in the former range. In no case will an employee's base pay be reduced. However, if the pay is higher than specified for the new pay range, the pay will be frozen until such time as an increase is justified. The wage scale consists of thirty (30) grades in each pay level increasing 7.5% per grade with 30 steps increasing 5% per step.

4-4. MERIT STEP ADVANCEMENT WITHIN ASSIGNED SALARY RANGE

There are thirty (30) merit steps in each pay level. A merit step increase of 5% may be given to the next higher step within the appropriate salary range for satisfactory completion of the 1st year of employment and annually thereafter upon a written recommendation of the supervisor based on satisfactory performance appraisal.

It is the Tribe's policy to conduct employee performance reviews on a regularly scheduled basis as a means of fostering employee development and motivating employees to reach their full potential.

Objectives of the performance review plan are to:

- Motivate and guide employees toward greater self-development and improved performance by discussing significant strengths and areas needing improvement in a positive, constructive manner.
- Identify training resource needs.
- Provide a record of employee progress.
- Provide a uniform means for the Supervisor to make salary determinations based on their assessment of employee performance in relation to performance requirements.

A. Performance Requirements (Expectations). Performance requirements represent the level of performance expected of employees in fulfilling duties and responsibilities. The Supervisor establishes the performance requirements and ensures that they are effectively communicated to the employee.

B. Objectivity. Appraisals should be supported with specific examples whenever possible. Supervisors must keep the following points in mind when performing reviews to keep the appraisal as objective as possible:

1. Supervisors must be careful to evaluate employees objectively on each "area" of the appraisal. There often can be a tendency to evaluate an employee with an overall good rating in every phase of their performance. Likewise, the same can happen with employees with an overall poor performance.

2. Supervisors must not allow bias or personal likes or dislikes for individuals to affect their objectivity in the appraisal process. Supervisors can tend, instinctively but unconsciously, to rate those who resemble themselves in any way, such as personality, appearance, or work habits as superior to others. Supervisors need to be careful to rate the employee on performance only and not on personal attributes of the employee.
 3. Evaluations must reflect an accurate appraisal of an employee's performance. Some Supervisors give high ratings or praise so that they won't hurt an employee's feelings. Such an approach makes the appraisal process meaningless and can actually hurt the employee in the long run by denying them constructive feedback. However, Supervisors should also avoid being unduly hard on employees through negative reviews.
- C. Appraisal Process. Supervisors are responsible for conducting thorough, impartial and timely performance reviews with employees who report directly to them. Performance reviews are a function of evaluating employees on the basis of their performance while considering the employee's length of time in the position. Performance review forms are intended to assist Supervisors and employees in communicating and recording assessments of their performance, and establishing goals/areas for improvement. The Supervisor will inform the employee of an upcoming appraisal and set a date for a meeting. The employee should complete an Employee Self-Appraisal and give it to their Supervisor prior to the scheduled appraisal meeting. The Self-Appraisal allows the employee to become more involved in the objectives of the appraisal process through assessment of their own performance, and provides the Supervisor with an insight from the employee.

The most important part of the appraisal process is the discussion of the evaluation with the employee. If the meeting with the employee is effective, it leads to a better understanding and relationship between the employee and the Supervisor, clarifies the mutual objectives of the employee and Supervisor, and gives the employee a feeling of satisfaction regarding the areas of work in which they have done well.

Upon completion of the review process, the employee should write any comments they have about the appraisal received, sign the form, and the Supervisor will route the form to Human Resources to include in the employee's personnel file.

- D. Anniversary Date. The anniversary date for regular employees shall be the date of hire. Thereafter, the end of each year of uninterrupted satisfactory service in the same position until the maximum for that salary range is reached. An employee's time on leave without pay for over thirty (30) consecutive days will not count toward service. An adjustment will be made to the anniversary date by adding the same number of days on Leave without Pay (LWOP) to the anniversary date. Adjustments reflect the one (1) year service eligibility for a merit step increase.
- E. Effective Date. The effective date for a merit step increase shall be the annual

anniversary date or adjustments thereto.

- F. Denial of a Merit Step Increase. If, during the employee's annual review period, performance indicates less than satisfactory service, the merit step increase will not be granted until the employee has, in the judgment of the Supervisor, corrected the noted deficiencies. If a Supervisor intends to deny a merit step of an employee, written notice will be submitted to the employee with copies to the Human Resources Department at least sixty (60) calendar days prior to the anniversary date. If the employee's performance does not improve within sixty (60) days after the notice to the employee and to the satisfaction of the Supervisor, the merit step increase will not be granted. In addition, the employee may be put on notice that his or her future employment with the Tribe is in jeopardy, unless improvement to a level of satisfactory or better is made and maintained thereafter without exception. Written notice of the denial of a merit step increase and the reasons, therefore, will be submitted to the employee with copies to the Human Resources Department immediately following the sixty (60) day evaluation period.
- G. Factors Which Do Not Affect Anniversary. The following factors will not affect eligibility for a merit step increase:
1. A pay adjustment resulting from a revision of the wage schedule.
 2. Uniformed Service leave without pay necessitated by a draft or reserve because of a national emergency.
 3. A period of paid leave;
 4. Reclassification of a position when there is no change in the job title and/or class code.
- H. Wage and salary increases are based on performance (merit); and how well an employee meets performance standards for his or her specific job. Merit step increases are not guaranteed. They must be earned and do not create an implied contract for future employment. To process a merit increase, the Supervisor must complete a written performance review. Merit increases that are processed late are granted as retroactive pay back to the employee's effective anniversary date.

4-5. PROMOTION

There are thirty six (36) pay levels in the salary schedule. Each successive pay level corresponds with an increase in responsibility and complexity of work, as indicated by the job specifications. Promotions are made when an employee moves from one pay level to a higher pay level. They should be made to the step that is closest to the current salary figure, which represents an increase not to exceed 10 %. All employees must have an equal opportunity to compete for high-level positions.

The effective date of any promotional raise shall be the beginning of the following pay period. A promoted employee will begin a new probationary period. The anniversary date shall be effective

on the date of promotion and annually thereafter. There will be no lapse in benefits as long as there is no break in service.

4-6. DEMOTION

When an employee is demoted, the rate of pay shall be determined as follows: If the salary received in the higher pay range falls within the range for the class to which demoted, the rate of pay shall be reduced approximately 10% but not lower than the minimum rate of the appropriate grade level. Supervisors shall notify the demoted employee at least five (5) working days before the effective date of an action to demote.

4-7. TRANSFER

When an employee transfers within class, the rate of pay shall remain unchanged.

4-8. REALLOCATION OF POSITION

- A. To a Class of a Higher Pay Range. When a position is reallocated to a class of a higher pay range, the provisions governing rate of pay for promotion shall be used to set the salary of the incumbent.
- B. To a Class of the Same Pay Range. When a position is reallocated to another class of the same pay range, the salary of the incumbent shall remain unchanged.

4-9. OVERTIME

The Tribe abides by the regulations outlined in the Fair Labor Standards Act (FLSA) concerning minimum wage, overtime compensation, record keeping and child labor standards.

Non-exempt (hourly) employees who work approved overtime hours in excess of forty (40) hours in a single workweek shall be paid at one and one-half (1½) times the approved hourly rate of pay. A Supervisor may direct overtime be worked when, in the Supervisor's judgment, overtime work is necessary to meet program goals or in emergency situations.

4-10. NON-EXEMPT (HOURLY) POSITIONS

Although "non-exempt" is the legal classification, positions hired to full-time or part-time classifications that are paid for services rendered on an hourly basis are referred to as "hourly."

4-11. EXEMPT MANAGEMENT (SALARIED) POSITIONS

Employees defined as being exempt/salaried under provisions of the Fair Labor Standards Act (FLSA) are those classified as Executive, Administrative or Professional positions and are paid to perform the duties of their positions regardless of time requirements. Although "exempt" is the legal classification, such employees are referred to as "salaried." Validated complaints against exempt staff regarding non-performance or service may be cause for disciplinary action or termination. The list of exempt classifications is updated continually.

The exemptions from the Fair Labor Standards Act, as amended, are based on the following:

- A. Executive. Primary duties include the management of the enterprise or of a customarily recognized department or subdivision; customarily and regularly directs the work of two (2) or more other employees; authority to hire and fire other

employees or effectively recommend as to the hiring, firing, advancement promotion or other change of status of other employees given particular weight.

- B. Administrative. Primary duties include the performance of office or non-manual work directly related to management or general business operations of the employer or the employer's customers; the consistent exercise of discretion and independent judgment in matters of significance.
- C. Professional. Primary duties include the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; work requiring invention, imagination, originality or talent in a recognized field of artistic endeavor.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit Supervisors from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that the Tribe does not allow deductions that violate FLSA. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deductions made.

Permitted salary deductions are allowed for certain situations. Exceptions to the "no pay-docking": rule include the following: 1) Absence from work for one or more full days for personal reasons, other than sickness or disability. 2) Absence from work for one or more full days due to sickness or disability if deduction made under a bona fide plan, policy, or practice of providing wage replacement benefits for these types of absences. 3) To offset any amounts received as payment for jury fees, witness fees, or military fees. 4) Penalties imposed in good faith for violating safety rules of "major significance." 5) Unpaid disciplinary suspension of one or more full days imposed in good faith for violations of written workplace conduct rules. 6) Proportionate part of an employee's full salary may be paid for time actually worked in the first and last week of employment. 7) Unpaid leave taken pursuant to the Family and Medical Leave Act.

4-12. PROFESSIONAL ALLOWANCES

If an employee is required to attend conferences and training sessions related to their job, the employee will be reimbursed for expenses incurred, including travel costs, registration, materials, and reasonable room and board costs, provided the employee received prior approval of the Department Head and the budget has sufficient funds to incur costs.

4-13. TOTAL PAY

Any pay rate established for an employee shall be the total remuneration, not including reimbursement for official expenses. No employee shall receive pay from the Tribe in addition to the authorized payment provided in the pay plan, or services rendered either in the discharge of ordinary duties, or any additional duties which may be imposed upon the employee or which the employee may undertake to perform.

During regular working hours, employees may not receive double compensation while on the

Tribal payroll. If meetings take place during regular working hours, employees on special boards or committees or the Tribal Council who also receive compensation for meeting attendance in addition to their Tribal employment compensation must either choose a Tribal stipend and take leave without pay or be paid the regular salary, whichever they prefer.

In order to preserve integrity and to avoid conflicts of interest, in either case, employees shall apply for appropriate leave to attend to Tribal Council, Board or Committee business when such attendance is not a requirement of their job and when such meetings are conducted during working hours.

4-14. WAGE GARNISHMENTS OR ATTACHMENTS

The Finance Department is authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Finance Department is to notify the affected employee immediately and then deduct the required amount from the employee's earnings after receiving an authorized payroll deduction form. The amount deducted, however, should not exceed that permitted by law.

The maximum amount that may be garnished from each paycheck is twenty five percent (25%) of the employee's net earnings, or the amount by which net earnings exceed thirty (30) times the federal minimum wage, whichever is less. Without a voluntary payroll deduction form, an agency can pursue garnishments through the Pyramid Lake Tribal Court.

4-15. PAY PROCEDURES

It is the policy of the Tribe to pay employees by check or direct deposit on a regular basis and in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

- A. Employees normally will be paid on a biweekly basis. A payroll schedule will be issued to employees at the beginning of a calendar year, upon employment, or upon request.
- B. Distribution of Paychecks. Paychecks will be ready for pick up at 10:00 a.m. on the designated payday. Paychecks will be distributed to employees by their immediate Supervisor or Department Head.
- C. Paycheck Security. To ensure the security of paychecks, they will be issued only to each employee personally, unless the employee has provided written authorization for the check to be released to another person. Employees who wish to have someone else pick up their paycheck must complete an authorization form, which may be obtained from the Finance Department. This is to ensure that paychecks are properly distributed in an employee's absence.
- D. Paydays Falling on Holidays. If a payday falls on a holiday, employees will be paid on the workday closest to the holiday.

- E. Employees on each payday will receive, in addition to their check or deposit advice, a statement showing gross pay, deductions, and net pay. Federal and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional voluntary payroll deductions, if authorized in writing, for Tribally provided services, such as Child Care, Public Utilities, and/or Housing Authority payments, whether mandatory or not.
- F. Employees are expected to review each paycheck carefully and report suspected errors immediately. It will be presumed that if an employee does not report an error, that his or her paycheck is correct. Errors should be reported in writing and include the date of the paycheck and details of the suspected error. A copy of the relevant pay stub and timesheet should be attached. Underpayment of less than \$50.00 will be included in the paycheck immediately following discovery of the error. Underpayment of more than \$50.00 will be paid within three (3) working days by supplemental check.

If, within ninety (90) days, it is discovered that an employee has been overpaid, the Tribe reserves the right to make appropriate payroll deductions for repayment of the overage. Amounts of less than \$50.00 will be deducted from the paycheck immediately following discovery of the overpayment. Amounts of over \$50.00 will be repaid through multiple payroll deductions based on a mutually agreeable written schedule. Overpayments discovered after ninety (90) days will be absorbed by the Tribe and no repayment will be required.

In the case of loss or theft, the Finance Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the Tribe cannot be responsible for the loss or theft of a check if it cannot stop payment on the check.

- G. Employees are expected to manage their personal finances to meet and discharge their financial obligations in a timely manner, so that they do not adversely impact job performance or the Tribe's public image. The failure of employees to meet financial obligations may impose an administrative and financial burden on the Tribe in terms of extra bookkeeping. As such, advance payment of earned wages and salaries shall be limited to three (3) per year for true emergency situations, which are unpredictable in nature.

Emergencies include hospitalizations, death in family, or other urgent needs. Paying routine bills is considered predictable and should be planned accordingly. Requests for advance payment of earned wages must be approved by the Department Head and the Tribal Chairman or designee.

- H. Employees are expected to cash paychecks on their personal time.
- I. Final Paycheck for Dismissed Employees. Whenever possible, a final paycheck

should be issued to a dismissed employee at the time of dismissal, and no later than seventy-two (72) hours from the effective date of separation. However, a final check may be held until all issued equipment, keys and other items are returned.

- J. Final Paycheck for Voluntarily Resigning Employees. The final paycheck for a voluntarily resigning employee will be made available on a regular payday or within seven (7) days after separation, whichever is earlier. However, a final check may be held until all issued equipment, keys and other items are returned.
- K. Non-exempt (hourly) employees will be paid overtime compensation at the rate of one and one-half their regular hourly rate for approved work in excess of forty (40) working hours during a single week. Non-exempt employees are required to submit biweekly time sheets approved by their supervisor.
- L. The Tribe may make the following permissible deductions from salaries of Exempt Executive, Administrative, or Professional employees: deductions may be made for full day absences for personal reasons, sickness, or disability. The employer need not pay the employee for days of absence before the employee has qualified for compensation under leave plans, policy or practice, or after he/she has exhausted leave allowances. Deductions from salary may be made as penalties imposed in good faith for violation of safety rules, but the rules must be of major significance, relating to the prevention of serious danger to facilities or fellow employees.
- M. Salaried employees who perform a second job will be compensated at the hourly rate for duties outside of their regular working hours. Overtime will not be incurred, nor will an employee be double compensated for any overlap of time while working more than one position. In the event of such overlap of duties, a Supervisor will determine which rate of pay will apply.