

# **PERSONNEL POLICY NO. 10 - VACATION, SICK & BEREAVEMENT BENEFITS**

## **10.1 GENERAL PROVISIONS FOR VACATION AND SICK LEAVE**

- a. The Tribe provides paid vacation; sick and bereavement leave benefits to all regular employees. Temporary employees do not receive paid leave benefits.
- b. Regular part-time and regular hourly intermittent employees earn leave time on a pro-rata basis. For example, an employee who regularly works twenty (20) hours per week will accrue half the leave benefits accrued by a full-time employee
- c. If paid holidays listed in Personnel Policy No. 11 Holidays occur during authorized vacation or sick leave, the holiday(s) will not be charged as leave time.
- d. Sick leave and vacation benefits will not accrue while an employee is:
  - On disciplinary probation, or
  - On an unpaid leave of absence.
- e. Supervisors are provided with regular reports of leave balances for each of their employees. Employees and Supervisors are responsible for verifying leave balances prior to submitting a request for leave time off.
- f. If an employee requests more leave time than she/he has available, the Fiscal department will change the request to reflect the employee's actual available leave time, and charge the remainder to Leave without Pay. A copy of the adjusted leave request form will be provided to the employee with his/her paycheck.
- g. No employee will be permitted to take either vacation time or sick leave time in advance of earning it.

## **10.2 VACATION LEAVE**

### **10.2.1 Accrual of Vacation**

- a. Employees accrue vacation leave from the date of employment, but are not permitted to take any paid vacation time off until they have satisfactorily completed their initial trial period.
- b. Upon termination or lay-off accrued vacation will be paid.

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- c. The Tribe provides paid vacation leave benefits to regular full-time employees according to the following accrual schedule:

Length of Employment	Per Pay Period	Per Year
0-3 years	4 hours	12 days
4-10 years	6 hours	18 days
11-15 years	7 hours	21 days
16-20 years	8 hours	24 days
21 or more years	10 hours	30 days

When there are three pay periods in a month, you only accrue vacation hours for the first two pay periods. There are only two months of the year when there are three pay periods in a month.

### 10.2.2 Use of Vacation Leave

- a. All employees are encouraged to take vacations annually, using all vacation hours in the service year they are earned. If this is not possible, however, an employee will be permitted to accumulate up to a maximum of 240 hours.
- b. Annual leave maximum carryover per year is 240 hours. Accrual of annual leave will cease until annual leave balance recedes to 240 hours or less at which time the accrual will again commence.
- c. Twice a fiscal year employees may voluntarily request payout of one week (1-40 hours) of vacation hours.
- d. Employee must retain a balance of 40 vacation hours after pay out and the employee must have taken 40 hours of vacation time off in the prior six months to pay out. These vacation hours do not have to be consecutive.
- e. Employees who separate from Tribal employment will have their hours adjusted so that as of their separation date the total hours to be paid do not exceed 240 hours.

### 10.2.3 Request for Vacation Leave

While every effort will be made to accommodate employees' vacation requests, a critical factor in scheduling days off is the efficient functioning of the Tribe. To assist in vacation planning for the entire organization, and to maximize the likelihood of receiving your specific vacation request, you should submit it as far in advance as possible.

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- a. Employees who are supervised by the Executive Director are required to submit their annual vacation plan to the Executive Director and vacations cannot be scheduled at times which will cause a serious disruption to, or interference with, work programs.
- b. Except in unusual circumstances, employees will be limited to a maximum of two weeks of vacation at any one time. Exceptions to this policy must be approved in writing by the Executive Director.
- c. All requests for vacation leave of two weeks or more shall be submitted to the employee's immediate Supervisor, for approval, a minimum of thirty (30) days in advance.

### **10.3 SICK LEAVE**

#### **10.3.1 Accrual of Sick Leave**

- a. Regular full-time employees accrue sick leave at a rate of four (4) hours per pay period (13 days per year).
- b. Regular part-time and intermittent hourly employees accrue sick leave on a prorated basis. For Example, if an employee worked 4 hours per day for a full pay period, they would accrue 2 hours of sick leave.
- c. Accrued unused sick leave earned by an employee shall be carried forward to succeeding calendar years.
- d. Unused sick leave has no cash value, and therefore is not paid upon termination of employment.

#### **10.3.2 Use of Sick Leave**

- a. Accrued sick leave may be used for the following purposes:
  - Illness or Injury that prevents him/her from performing his/her usual duties or to care for an ill or injured immediate family member.
  - Medical, mental, dental or optical consultation by a licensed doctor, practitioner or traditional medicine man/woman for self or immediate family member.
- b. An employee requesting family or medical leave must first use all of his/her available accrued sick leave. This paid time will not extend the

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total time approved for the leave of absence. Also see Personnel Policy No. 12 - Leave of Absence.

- c. If an employee desires more than five days for bereavement leave for immediate family the employee may use accrued sick leave to cover the absence.
- d. Sick leave may not be used as vacation time or to extend vacation time.
- e. No employee shall engage in any gainful employment while on sick time off.
- f. A doctor's verification slip will be required should the period of illness exceed three (3) days or more for yourself or immediate family member
- g. Any employee who participates over three (3) days, full time, in traditional ceremonial practices can use accrued sick leave with written verification of the Headman of the fire camp(s).

### **10.3.3 Request for Sick Leave**

- a. In the case of planned medical procedures (such as surgery, doctor's appointment, etc.) the Supervisor must be notified ahead of time.
- b. An employee requesting sick leave shall notify the Supervisor at the beginning of the work day to be missed, and in no event later than 9:00 A.M., unless the employee is physically unable to make notification. In such cases, notification shall be made as soon as possible. When more than one sick leave day is to be taken, the notification shall be made each day except:
  - When ordered by a doctor to stay off work until a specific date. This shall be relayed to the immediate Supervisor, who will advise the Executive Director.
  - When hospitalized for an extended period, the employee will advise the Supervisor of this and the anticipated date of return to work. In cases where an employee has been hospitalized, off work for an extended period of time, or off work due to a disability or serious illness, a doctor's release stating the person is physically ready and able to return to normal duties will be required.
- c. The Supervisor, before approving use of sick leave, shall certify that the policies on sick leave eligibility and use are being met.

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## **10.4 BEREAVEMENT LEAVE**

- a. Regular full-time and part-time employees may be granted paid bereavement leave by the Department Director and/or Executive Director under the following conditions.
  - Absence of up to five days will be permitted for attendance at the funeral of immediate family or spouse/significant other's immediate family. For purposes of this policy, "immediate family members" is defined in Personnel Policy No. 2-General Information.
  - If an employee desires more than five days for bereavement leave, the employee may use accrued sick leave to cover the absence.
  - With prior approval of the immediate Supervisor, an employee may be permitted bereavement leave of up to one half day (4 hours) to attend the funeral of a Tribal member or staff member.
- b. Any employee requesting bereavement leave shall notify their immediate Supervisor as soon as possible of the need for leave.
- c. Appropriate documentation may be required to substantiate payment for the requested leave.

## **10.5 CATASTROPHIC LEAVE DONATION PROGRAM**

Any regular full-time or part-time employee of the Yurok Tribe who accrues sick leave hours may voluntarily donate their earned hours to any other regular full-time or part-time employee of the Yurok Tribe, if the recipient employee has exhausted all accrued sick leave hours due to a catastrophic illness or injury.

For the purpose of this policy, catastrophic illness or injury is defined as:

- a. Any severe illness or injury (such as cancer requiring chemotherapy, muscular dystrophy requiring extensive treatment, etc.) that has or is expected to incapacitate the employee for a minimum of three consecutive months, and which creates a personal financial hardship because the employee has exhausted all of her/his accumulated sick leave time.
- b. Any debilitating illness or injury (such as a child with cancer requiring chemotherapy, parents with diseases requiring extensive treatment, etc.) of a member of an employee's immediate family that results in the employee being required to take time off from work for a minimum of three consecutive months to care for the family member and which creates a financial hardship because the employee has exhausted all of her/his accumulated sick leave time.

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- c. An employee's job related illness or injury subject to worker's compensation coverage will not qualify for this catastrophic leave provision.

Because the Yurok Tribe fosters an environment characterized by a spirit of community, this policy supports this program of employees assisting fellow employees in a time of need. The following provisions will apply:

- a. An employee, her/his authorized representative, or the employee's legal family member must request the employee's participation, and provide appropriate verification of illness or injury as determined by the Human Resource Director. The Human Resource Director will determine the employee's eligibility to qualify for this program.
- b. An incapacitated employee cannot elect to request to participate during a period of worker's compensation eligibility.
- c. The donated leave hours will normally not exceed an amount necessary to continue the employee's pay for three (3) calendar months calculated from the first recorded date of catastrophic leave. The Executive Director may approve an additional one-month period in exceptional cases. The leave should not be deemed donated until actually transferred by the Payroll Bookkeeper to the record of the employee receiving leave hours.
- d. Only sick leave hours may be donated.
- e. The employee must have exhausted all of her/his accrued sick leave hours to care for immediate family in accordance with the Family Medical Leave Act. Only donated sick leave hours may be used for such family care catastrophic leave. For the purpose of this policy "immediate family members" is defined in Personnel Policy No. 2-General Information.
- f. Sick leave hours transferred under such arrangement will not be considered wages for the employee who surrenders the sick leave hours and will not be included in gross income or be subject to withholding taxes. Hours donated cannot be claimed as a donation on the employee's personal income tax return.
- g. An employee may not transfer sick leave hours which would reduce her/his total accrued sick leave hours to less than forty (40) hours.
- h. Transferred paid leave hours will be changed to cash value, and credited to the catastrophic leave program. The recipient will be paid at their regular hourly rate and will be subject to required withholding taxes.

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- i. The affected employee will provide verification of her/his (or immediate family member) illness or injury by submitting a written statement by the attending physician.
- j. Only employees who accrue sick leave are eligible to receive donated paid leave time.
- k. This program is voluntary and no employee should feel that they are required to donate the hours that they have accrued to this program.
- l. The program is completely funded by employee donations and may not always have funds available when needed by an employee.

### **10.6 EMERGENCY SICK LEAVE POLICY**

This Emergency Sick Leave Policy will apply in the case of any situation whereby an official epidemic or pandemic is declared at the Tribal level by the Tribal Council or the Executive Director.

All personnel Policies in the official Handbook apply except as may be in conflict with the following provisions:

- a. Employees shall present themselves to work in a state free of serious communicable disease or illness, including but not limited to the flu.
- b. If a Supervisor has concerns about the employee's state of wellness pursuant to Section 1, they shall require the employee to leave the work site.
- c. Except as provided in Section 4 below, an employee who is not allowed to continue working by the Supervisor pursuant to Section 2 above will be required to either use available sick and/or vacation time to take the time off without pay (LWOP).
- d. The Supervisor may request approval of the Executive Director for the employee to be sent home under Section 2 to continue to be paid for time worked, pursuant to Personnel Policy No. 2, 2.2.4, Work At Home.
- e. The Employee will return to work in a "well state" as defined in the most current for Center for Disease Control (CDC) guidelines. An employee who has missed three or more days of work due to contracting a serious communicable disease or illness that is covered by the officially declared epidemic or pandemic, or otherwise sent home pursuant to Section 2, shall not be required to provide a physician's release to return to work unless the Supervisor has reasonable concerns about the employee's

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fitness for duty at the time, in which case the Supervisor may require the employee to provide a physician's statement that the employee has been examined by the physician and is fit for duty without the risk of spreading a known serious communicable disease or illness.

- f. If the employee cannot leave the work site immediately once the Supervisor invokes the provisions of Section 2 above, the following steps shall be taken until arrangements are made for the employee to leave:
  - The employee is to be isolated from the rest of the tribal work force, and
  - The employee may be required to wear a face mask.