

PERSONNEL POLICY NO. 5 – COMPENSATION

5.1 SALARIES

The Tribe strives to establish and maintain rates of pay that fairly compensate employees for performing their duties. Compensation is based on rates paid for comparable positions in public and private nonprofit agencies in the community. All salary rates and salary increases are subject to funding availability and budget constraints.

5.1.1 General Rules

All job classifications have a ten-step salary range, with each step equaling a 3% increase over the previous step. This ten-step range provides a potential 30% increase, over time, as employees gain more experience and thus become more valuable to the Tribe.

Grade step increases are based on an acceptable level of performance and longevity (waiting periods of 1 year at steps 1-3, 2 years at steps 4-6 and 3 years at steps 7-9). It normally takes 18 years to advance from step 1 to step 10 within a single grade if an employee remains in that single grade.

Employees will normally be hired at the minimum step of the salary range for their position. However, in special circumstances, Executive Committee may approve a higher step rate based on a special need of the Tribe or superior qualifications. Department Directors may approve up to step 3 without Executive Committee approval. All negotiations for salary and benefits will be approved by the Executive Committee and Department Director. All agreed upon negotiations must be included in letter of offer. All offers must align with current annual accrual rates/schedule.

5.1.2 Special Duties

- a. Additional Duties: Specific duties, which warrant additional pay, shall be based upon the performance of the specified duties. At no time will the additional pay for special duties change the basic salary range of the position. The amount of the additional pay will be added to the employee's current salary rate. If the employee is subsequently granted a pay increase, the increase would be based upon the employee's basic salary rate, not including the additional pay. After the salary increase, and provided the employee is still performing the duties, the additional pay for special duties will be applied to the employee's new salary.
- b. When the employee completes the special assignment, the employee's salary will revert back to the basic salary rate.
- c. Temporary Service (Acting Capacity): Whenever an employee is designated by the Tribe to fill a higher position on a temporary basis, the employee is eligible to receive a temporary salary adjustment to the higher position's salary level during such

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temporary service after completing fifteen (15) consecutive working days in the higher position.

- d. Salary in the acting capacity will be subject to the same rules as would apply if the person were appointed to perform the duties on a regular basis.

5.1.3 Salary upon Movement to another Position:

- a. Upon movement to a position with substantially more responsible duties employees will normally be hired at the minimum step of the salary range for the new position. With justification provided by the hiring individual, and approval by the Executive Committee, an employee may be hired at any salary rate within the salary range.
- b. Upon movement to a position with the same duties, there would be no change in salary.
- c. Upon movement to a position with substantially less responsibilities one of the following shall apply:
 1. If the employee's previous salary rate does not exceed the maximum salary for the new position; s/he shall retain the same salary.
 2. If the employee's previous salary is above the maximum salary for the new position the salary rate shall be adjusted to the maximum salary rate for the new position.
 3. If the employee's previous salary is below the minimum salary for the new classification position they are; the salary shall be adjusted to the minimum salary rate for the new classification.

5.2 SALARY ADJUSTMENTS

5.2.1 Merit Salary Adjustments

At regular intervals, which will generally coincide with the annual performance evaluation, employees may be granted an annual Merit Salary Adjustment equal to a one-step (3%) increase. Grade step increases are based on an acceptable level of performance and longevity (waiting periods of 1 year at steps 1-3, 2 years at steps 4-6 and 3 years at steps 7-9). Such increase shall be subject to adequate job performance, funding availability and approval by the Department Director.

5.2.2 Cost of Living Adjustments

From time to time, the Council may provide Cost of Living Adjustments for employees. The Cost of Living Adjustment shall be a percentage amount applied across the board to all job classifications. Employees shall be moved to their corresponding step in the new range.

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Except cost of Living increases for Head Start employees will be implemented as mandated by Head Start Regulations.

5.2.3 Salary Range Adjustments

From time to time, the Council may provide an adjustment to an entire job classification. Such adjustments are usually due to change of duties for the entire classification, or due to inequity of pay for level of responsibilities. Appropriate justification and documentation that clearly establishes that the position is incorrectly classified as to grade or step on the adopted wage schedule must be presented to the Personnel Committee prior to Council approval.

The adjustment shall be a percentage amount applied to the specific job classification. Employees in the adjusted job classification will generally be moved to their corresponding step in the new range. If budgetary constraints exist, however, employee's salaries may be increased to reflect any salary in the new range up to and including their corresponding step in the new range.

5.2.4 Salary Reductions

Just as an employee's salary may be increased for good job performance, an employee's salary may be decreased for poor job performance. Likewise, budgetary limitations may dictate certain cost-cutting measures, such as salary reductions.

5.3 OVERTIME

For purposes of overtime, employees fall into one of the following categories, based upon their job duties:

- **Exempt:** These employees are exempt from certain provisions of the U.S. Department of Labor's (DOL) Fair Labor Standards Act (FLSA) because they fall under the definitions of Executive, Administrative or Professional employees. These exempt employees may be required to work in excess of 40 hours in a workweek when necessary to complete tasks associated with their job and are not covered by the DOL overtime provisions and do not receive overtime pay.
 - **Non-exempt:** Employees who do not fit a definition in the Executive, Administrative or Professional categories are covered by the FLSA.
- a. Overtime is allowed only when authorized in advance by the employee's immediate Supervisor. Any time worked in excess of the normal shift that has not been previously authorized for overtime payment must be taken within the same workweek as it was earned, at a time acceptable to the employee's Supervisor. This

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time will be taken on a straight hour off for an hour worked basis, since it cannot become overtime until 40 hours have been exceeded.

- b. Time worked in excess of 8 hours in a day does not become overtime until the employee has exceeded 40 hours in the workweek. The workweek begins at 12:01 a.m. Sunday and ends at 12:00 midnight Saturday night.
- c. Non-exempt employees earn one and one-half hours of pay for each hour of time worked in excess of 40 hours in the week.
- d. Non-exempt employee required to work on any listed holiday; s/he shall be entitled to over time at two (2) hours for every hour worked.

5.4 SALARY DEDUCTIONS/OTHER

5.4.1 Deductions

- a. Required Deductions: All salaries will be paid in full, less the required deductions. Applicable law requires the Tribe to withhold the following from the paychecks of each employee.
 - Federal Income Tax
 - Social Security - FICA
 - California State Income Tax
- b. Other Deduction: The Tribe has chosen to participate in the California State Disability Insurance and will therefore deduct this from each employee's paycheck.
- c. Exceptions:
 - Employees who work for the Tribe and reside within the exterior boundaries of the reservation may be exempted from paying California State Income Tax. In this case, appropriate exemption forms must be completed and be on file with the Tribe.
 - Tribal members who directly work in the Fisheries Program of the Natural Resources Department are exempt from Federal Income Tax and FICA under Code 7873.

5.4.2 Garnishment of Wages

Employees are responsible for their own debt. The Tribe strongly encourages employees to work out financial problems to avoid garnishment situations.

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The only garnishment the Tribe will honor is from Federal Agencies and the I.R.S. A \$10.00 (ten dollar) monthly processing fee will be charged for taking I.R.S. garnishments from an employee's paycheck.

The Yurok Tribe will not honor any other garnishments.

5.4.3 Recovering Overpayments

Should an employee receive compensation for which she/he did not qualify, such overpayment shall be deducted from his/her check the following pay period.

5.4.4 Recovering Other Amounts Due

Employees who are issued equipment for use during their employment are expected to adequately and properly care for the equipment. Employees will be charged reasonable replacement costs for equipment which is lost, stolen, damaged or in other ways not properly taken care of, or which is not returned to the Tribe in proper condition upon completion of the assignment or termination from employment.