

Ta'an Kwäch'än Council

**HUMAN RESOURCES
POLICY AND PROCEDURE MANUAL**

2008

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Section 1.0

DEFINITIONS AND ABBREVIATIONS



TA'AN KWÄCH'ÄN COUNCIL HUMAN RESOURCES POLICY AND PROCEDURE

Section 1.0 DEFINITIONS AND ABBREVIATIONS

Effective Date: 20 June 2005
Last Amended:

1.1 DEFINITIONS

In this policy

“Board” means the Board established pursuant to the *Constitution of the Ta'an Kwäch'än Council*;

“contractor” means a person, other than staff, or company that enters a contract with TKC for the supply of goods or services;

“employees” means all persons who work for TKC;

“manager” means a manager who manages a program, sector or division of TKC;

“Human Resources” means the public Human Resources officer having senior responsibility for the administration of the Human Resources Policy;

“immediate family”, means immediate family pursuant to the *Government Administration and Interpretation Act* (Ta'an Kwäch'än Council); and

“staff” means all employees who are in non-management positions regardless of their employment status.

1.2 ABBREVIATIONS

In this policy

“TKC” means the Ta'an Kwäch'än Council; and

“WCB” means the Worker's Compensation Board.

Section 2.0

INTRODUCTION

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Section 2.0 INTRODUCTION

Effective Date: 23 October 2005
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2.1 SCOPE AND PURPOSE

The Human Resources Policy and Procedure manual articulates TKC's philosophy and approach to personnel related issues and serves as a guide to coordinate and execute administrative activities throughout the organization. Sound human resources policies, TKC believes, incorporate the principles by which staff can judge their actions and help focus attention and resources on high priority issues by aligning and merging efforts to achieve TKC's mandate and vision. To this end, the policy is the agreed upon framework for the consistent delivery of good practice. Policy is what TKC does operationally. Procedure is how TKC intends to carry out the policy statements.

TKC and staff agree that the policy

- forms a binding contract between TKC and staff;
- determines how TKC operates under its Constitution, statutes and regulations;
- sets out what TKC and staff can expect from each other by establishing tolerance levels, determining working conditions, and imparting administrative direction and guidance; and
- provides TKC citizens with an accountable, efficient and effective government of transparency, disclosure and redress.

2.2 AMENDMENT

TKC recognizes that policy will change, from time to time, to meet changing needs. TKC shall revise this policy as may be required to conform with changing needs. The policy however, at all times, shall comply with the laws enacted by TKC, the *Canadian Human Rights Act*, the *Canada Labour Code* and such other Laws of General Application relevant to the policy.

2.3 ENFORCEMENT

The policy applies to the staff in all TKC government branches and shall be enforced by the Executive Director, Human Resources and



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department managers. The levels of enforcement are set out in the respective policy sections.

2.4 DISPUTE RESOLUTION

The policy shall be clear and binding until revised. In cases of dispute, the Executive Director, Human Resources and department managers are the first, the Chief or designate the second, and the Board is the third level of interpreters of the policy unless a policy statement derives from a law other than a law enacted by TKC.

2.5 DISTRIBUTION AND ACCESS

The policy, and all amendments thereto, shall be distributed and shall be made available to all TKC government branches, departments and programs. It is mandatory that TKC staff are thoroughly familiar with the content, meaning and application of the policy.

2.6 SAFEKEEPING

The original and signed copy of the policy, and all amendments as approved by the Board thereto, shall be kept in the register of laws.

2.7 EMPLOYER PHILOSOPHY STATEMENT

TKC will endeavour to make working conditions and wages and benefits offered to staff competitive with those offered by other public sector agencies. Staff who have concerns about their working environment or compensation for their services are strongly encouraged to voice their concerns directly to the Executive Director, Human Resources or the department manager. TKC believes that clear and open lines of communication are an effective tool for good government.



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2.8 EXECUTIVE DIRECTOR, HUMAN RESOURCES AND DEPARTMENT MANAGER PHILOSOPHY STATEMENT

The Executive Director, Human Resources and the department managers will endeavour to achieve their objectives through the work of and by ensuring that employees have clear directions and continuing support.

The Executive Director, Human Resources and the department managers understand that employees respond to fair and just treatment, which includes that the policy is applied evenly and equally to all employees.

The Executive Director, Human Resources and the department managers will take a sincere interest in the welfare and personal lives of employees, respect their privacy, maintain a high degree of confidentiality, but discourage the interference of employees' personal affairs with day to day TKC business.

The Executive Director, Human Resources and the department managers shall act in a professional manner to provide a role model for and for the purpose of reviewing the performance and conduct of employees.

Section 3.0

RECRUITMENT AND SELECTION

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PURPOSE	<p>To establish and administer a fair and consistent recruitment process that allows each employee access to suitable employment opportunities.</p> <p>To ensure that TKC obtains a competent, qualified employee workforce with diverse skills and abilities.</p>
POLICY	<p>TKC shall ensure that all recruitment activities are conducted fairly, consistently and in accordance with policy.</p> <p>Employment opportunities shall be open to all qualified applicants based on their knowledge, skills, abilities and personal suitability that match the job requirements for the vacant position.</p> <p>There shall be no discrimination in employment because of sex, including pregnancy and pregnancy related conditions, marital or family status, ancestry, including colour or race, age, religion, sexual orientation, physical disability where disability does not interfere with job performance, mental disability, political beliefs/association/activity, national or ethnic origin, or criminal charges or a criminal record that is not relevant to the job or for which a pardon has been granted.</p> <p>Recruitment for all positions shall normally be an internal (open only to TKC employees) and, or, an external (open to all applicants) competition. Some exceptions do apply and shall be specified pursuant to the procedures in this policy.</p> <p>With all qualifications being equal between final candidates in a recruitment process, TKC citizenship shall be taken into consideration.</p> <p>Job postings shall be posted in all TKC administration buildings for five working days for internal competitions.</p> <p>Advertising using newspapers, websites or other suitable media shall be used for external competitions.</p> <p>TKC may pay for reasonable costs associated with interview expenses for candidates from outside the City of Whitehorse.</p>



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From time to time, TKC may appoint an individual to a position without a competition where the individual has satisfactorily performed the duties of the position and where other employees do not have the necessary skills to perform the duties of the position. (Refer to Procedure 2)

In the event TKC hires immediate family members of present employees in any department who are in a direct authority line relationship, the Chief or designate shall sign the time sheets, carry out performance reviews, disciplinary actions, authorization of sick leave, vacation, special leave, terminations and any other applicable authorizations.

The department manager and Chief or designate shall meet with the employee at the commencement of his or her employment to discuss the reporting structure and to ensure that the employee and his or her manager are clear about all TKC processes relevant to the position.

3.1 VACANCY APPROVAL

Recruitment of any management position (full-time, part-time or temporary) is subject to the approval of the Manager of Finance, Chief or designate and the Board.

Recruitment of any regular, temporary, casual or trainee staff positions is subject to prior approval of the department manager, Manager of Finance and the Chief or designate.

All vacancies should meet budgetary requirements and be aligned with TKC governance and human resources needs. A position may be filled on a permanent basis when the position has been confirmed as permanent through the annual budget process or when permanent funding is available from an outside agency.

Human Resources shall coordinate the recruitment process for all regular and temporary positions upon receipt and approval of a Personnel Request Form and a current job description.



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3.2 RECRUITMENT SELECTION COMMITTEE

The Recruitment Selection Committee (the "Committee") shall be established for a specific recruitment competition and may not be comprised of the same committee members for each competition.

The Committee, through a consensus process, selects candidates to interview, determines standardized interview questions for a specific competition, jointly conducts the interviews, rates and ranks candidates and reviews reference material before selecting a final candidate for the vacancy for regular full-time, regular part-time, temporary full-time (for a duration of greater than three months) and all management positions.

No member of the Committee shall discuss the competition with anyone other than the members of the committee and any breach of confidentiality shall be treated accordingly.

The Committee may be made up of a minimum of three of the following members:





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Human Resources shall be part of the Committee for all competitions and shall take the lead for coordinating the recruitment process.

A member of the Committee shall declare a conflict of interest with respect to the selection process if a member of his or her immediate family is an applicant or if there may be any other perceived or potential conflict of interest or bias during the selection process.

PROCEDURE 1. Recruitment Procedure for Vacant or New Positions

- Management
- Regular Full-Time or Part-Time Staff
- Temporary Full-Time Staff

if for greater than 3 months

INTERNAL AND/OR EXTERNAL COMPETITION

a) Approval

The appropriate department manager shall submit approval to commence recruitment by completing a Personnel Request Form and obtain the appropriate approval to recruit before commencing the recruitment procedure.

Human Resources shall coordinate the commencement of the recruitment process upon receipt and approval of a Personnel Request Form and a current job description.

b) Posting

The position shall be posted for five working days. TKC shall advertise the position by e-mail to all employees and advertise the job posting on TKC notice boards.

Interested applicants shall submit a covering letter and résumé to the Committee on or before the closing date indicated on the job posting.



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Applications shall be submitted through a confidential process to the Committee as outlined in the job posting (i.e., Human Resources e-mail address).

Job postings shall contain the job title, duties, wage, classification level, hours of work, employment status/level, education and experience requirements, submission deadline and contact information for submission.

TKC retains the right to determine if a competition may be advertised internally and externally at the same time.

c) Screening

A confidential screening process shall be carried out by the Committee to determine the applicants who have the qualifications to proceed to the interview stage.

Applicants who meet the selection criteria shall be invited to attend an interview.

For internal competitions, if only one employee applies the decision to promote or transfer shall be based on the applicant's knowledge, work performance, qualifications, attitude, personal suitability, attendance, length of employment and potential for promotion as assessed by his or her department manager. The Committee shall also interview the employee to determine his or her qualifications and suitability for the position.

d) Interview

Standardized interview questions shall be developed by the Committee. The interview questions shall represent the requirements for a candidate to successfully fulfil the position and, if of a technical nature, shall be prepared with the involvement of a person experienced and qualified in the respective occupation. If required, a qualified and experienced person shall be present during the interview as a member of the Committee.



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A standardized rating/ranking point system shall be developed by the Committee to measure the results of the interview as part of the overall assessment when selecting the suitable applicant.

An eligibility list may be maintained of the applicants who were interviewed but not offered the position.

Upon completion of the competition, all documents and records pertaining to the competition shall be retained by TKC.

e) Referencing

Human Resources or a designate from the Committee shall check the references of the applicants who have been short-listed through the interview process. Reference information gathered may include but may not be limited to confirmation of employment and duration, description of duties, reason for leaving and eligibility for rehire.

f) Offer of Employment

Once a successful applicant has been selected by the Committee, an offer of employment shall be issued by the department manager. The Letter of Offer letter shall outline the terms and conditions of the employment agreement.

A copy of the Letter of Offer, signed by the hired applicant, shall be received before or on the start date of employment to document the formal acceptance of the offer and terms. The original, signed Letter of Offer shall be kept in the employee's personnel file.

g) Security Clearance

As a condition of employment, and pursuant to section 6.0, Security Clearance, every designated employee shall be required to obtain a security clearance.



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h) Orientation

The hired applicant shall be given a general orientation to TKC and his or her department or program on the first day of work. All necessary documentation shall be completed for commencement of employment, with copies provided to the employee, and an employee file activated. (Refer to Appendix A, Recruitment and Selection Procedure)

2. Recruitment Procedure for Vacant or New Positions

- **Management**
- **Regular Full-Time or Part-Time Staff**
- **Temporary Full-Time Staff**

if for greater than 3 months

WITHOUT COMPETITION

a) Approval

The department manager shall submit a written request for approval to appoint an employee to a position without the requirement for a competition. A Personnel Request Form shall be completed indicating the request and rationale for the appointment. The Board, together with the department manager and Chief or designate, shall review and approve or decline the appointment.

The criteria for the appointment include that the employee must have satisfactorily performed the duties of that or a similar position with TKC or externally and that no other TKC employee has the necessary skills to perform the job. Consideration shall also be given to the employee's knowledge, skills, ability, personal suitability, work performance, attendance record and length of service. Employees shall be advised of the appointment.



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3. Recruitment for

- Casual
- Temporary Part-Time or Full-Time Staff

if for less than 3 months

- a) Casual and temporary employees work by the hour and are not employed on a regular basis. Casual and temporary employees are hired for temporary periods and may be, but are not limited to, seasonal employment, special projects, replacement or overload relief work.

A department manager shall submit a Casual or Temporary Personnel Request Form to the Manager of Finance and Chief or designate for approval, outlining each casual or temporary staffing requirement before commencing recruitment.

The casual or temporary employment opportunity shall be posted on TKC notice boards until the vacancy is filled.

- b) Periodically, TKC may advertise for applicants interested in casual work in order to establish a casual pool of qualified, current and available applicants to draw from as required.

A casual pool of qualified, current and available applicants shall be established through a recruitment process conducted by a department manager and Human Resources. The recruitment process shall include the collection and review of résumés, screening of applicants based on relevant qualifications, interviewing qualified candidates, reference checks, offer of employment and a security clearance, if applicable.

The recruiting department manager may draw applications from the casual pool when recruiting for a casual position.

The use of casual employment shall be monitored periodically to determine ongoing requirements and appropriate employment status.



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Effective Date: 20 June 2005
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4. Recruitment of a Trainee

A trainee is an employee who fills a wage subsidized position that is made available to eligible citizens. The position has a specified duration and a specified number of hours and the trainee is not guaranteed employment with TKC beyond his or her term.

When a position is created or when a vacancy exists, the department manager shall determine if a trainee position may be considered. The department manager shall take into account the urgency of the job function, the budgetary impacts of a trainee and potential or available funding for a trainee position.

The department manager shall submit a Casual or Temporary Personnel Request Form to the Manager of Finance and Chief or designate for approval outlining the trainee requirements before commencing recruitment. An approved funding contract shall be attached to the Casual or Temporary Personnel Request Form.

The trainee employment opportunity shall be posted on TKC notice boards during the recruitment process. Only TKC applicants who meet the specified eligibility requirements indicated on the job posting may apply. Additional advertising may be required in order to target the specified eligible applicants.

The department manager and Human Resources shall then conduct a recruitment process that includes collection and review of resumes, screening of applicants based on suitability and eligibility, interviewing qualified candidates, reference checks, offer of employment and a security clearance, if applicable.

The trainee position may also be subject to a work plan and a separate review conducted by one of the outside funding agencies. All other employment terms and conditions that would normally apply to an employee would also apply to a trainee unless otherwise specified in the funding agreement.



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5. Contractors

Contractors are not employees, shall not be eligible for benefits except as may be specified in the contract and are not covered by the TKC Human Resources Policy. The relationship of the contractor to TKC shall be outlined in the contract signed by both parties.

To determine eligibility as a contractor, the following rules for an independent contractor as defined and applied by Canada Revenue Agency shall be considered:

- Control of Duties
- Ownership of Tools
- Chance of Profit/Risk of Loss
- Integration of Organization

(Refer to the *Contracts for Services Regulation* (Ta'an Kwäch'än Council))

6. Recruitment Competition Review

An employee (referred to as the internal applicant) who was unsuccessful in obtaining a position he or she applied for through the competition process can have the opportunity to discuss his or her application with the Committee.

Forms — *Personnel Request Form*

Appendix A — *Recruitment and Selection Procedure*



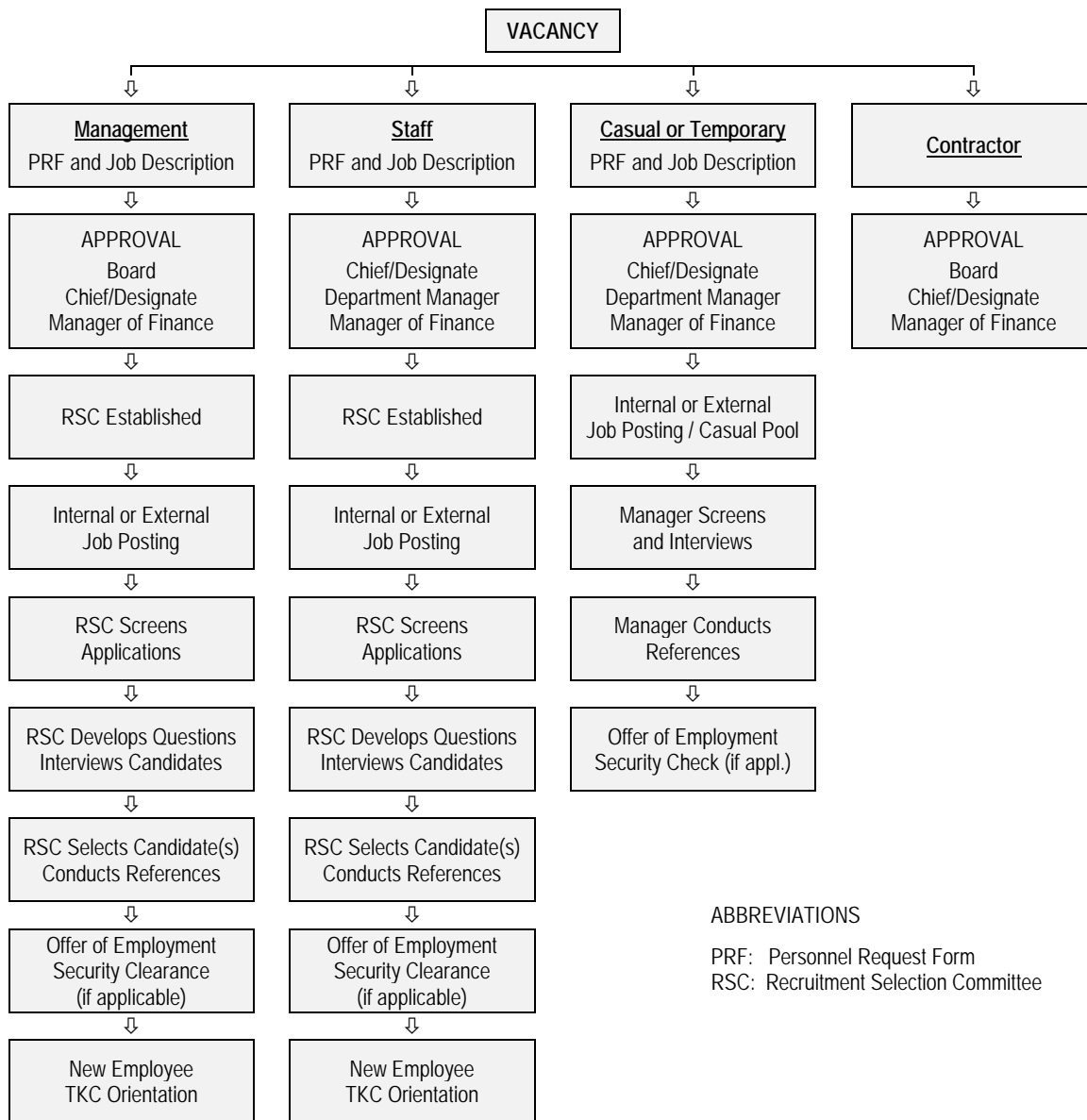
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Appendix A

FLOWCHART: RECRUITMENT AND SELECTION PROCEDURE



ABBREVIATIONS

PRF: Personnel Request Form
RSC: Recruitment Selection Committee

Section 4.0

JOB CLASSIFICATION

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Section 4.0 JOB CLASSIFICATION

Effective Date: 20 June 2005
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PURPOSE To ensure that TKC maintains an effective and appropriate job evaluation and classification system for all regular and temporary positions.

POLICY Job evaluation and job classification shall take place in accordance with the following:

4.1 JOB EVALUATION AND CLASSIFICATION SYSTEM

Job evaluation creates a job hierarchy developed by comparing job content against specified standards using a predetermined procedure.

Specified standards, pursuant to the *Human Rights Act* (Yukon) for pay equity are knowledge, skills, decision making, impact, accountability and working conditions. (Refer to section 11.0, Pay Administration)

These are the factors related to TKC's expectations from the job. These are not factors related to the competence, qualifications, length of service, workload or performance of an employee.

The job evaluation system shall reflect the process of comparing the job content and assigning a points value to the "compensable factors" for which TKC is able to pay. Compensable factors are considered to be the requirements, duties, tasks, responsibilities and authority assigned to an employee. During a job evaluation, a verification of job content may require interviews with the employee, department manager and the evaluator.

Job evaluations and classifications shall be conducted by an objective, neutral, external consulting service with specific expertise in this area.

Jobs shall be classified to a level on the wage table based on the number of factor points that result from the evaluation. The job evaluation and classification system shall be the same for management and staff as defined by Clarity Job Analysis and Evaluation Inc. Consulting and as adopted by the Board in May 2005.



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Section 4.0 JOB CLASSIFICATION

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Job evaluation and classification shall occur for new positions before recruitment. Where the position is created under a third-party funding agreement, the costs for job evaluation and classification shall be charged to the third-party funds.

4.2 RECLASSIFICATION EVALUATION

A reclassification occurs when duties, responsibilities and, or, authority are significant and added to a position, which, as a result, changes the compensation value of the position. However, although the position changes, it is still recognizable in its essence as the same position.

Management has the right to determine the duties assigned to a position, although these may be developed in consultation with the incumbent.

A job evaluation review may be initiated by the incumbent, at which time he or she shall arrange a joint discussion with his or her department manager and Human Resources if the job content has changed or is being changed sufficiently to warrant a review. If warranted, as determined by the department manager and the Human Resources Officer from the joint review, TKC shall submit the justification to the external consulting service for review within six months of the initiation of the reclassification request.

Wages upon reclassification for all employees shall be pursuant to section 11.0, Pay Administration. Retroactivity of any wage change due to a reclassification shall be paid. Retroactivity shall only be paid back to the date when the initiation reclassification request was made but shall, at no time, exceed a period greater than six months.

PROCEDURE

The following outlines the procedure for job evaluation, classification and reclassification:

- 1) When a new regular or new temporary position is created, the department manager shall submit a job description in the standard format to Human Resources who, in turn, shall forward the job description to the external job evaluation consulting service for review.



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Effective Date: 20 June 2005
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- 2) An employee shall submit his or her request and justification for reclassification in writing to his or her department manager. The justification provided must detail his or her rationale for a reclassification and address changes to his or her job duties that relate to the specified standards as outlined under subsection 4.1— i.e., knowledge, skills, decision making, impact, accountability and working conditions. All stages of the reclassification review and submission shall be signed and dated by the parties involved.

When an incumbent, the department manager and Human Resources consider a job to have changed significantly to warrant an external job review, TKC shall submit the justification to the external job evaluation consulting service in the format of an updated TKC job description. The updated job description shall be signed by all parties acknowledging the request for review before submitting it to the external consulting service. The updated job description shall be submitted for reclassification review within six months from the initiation of the reclassification request.

- 3) Human Resources shall have the authorization to contract an external consulting service to conduct all evaluation reviews. Such authorization shall be within the parameters of the *Contracts for Services Regulation* (Ta'an Kwäch'än Council).
- 4) Human Resources shall advise the department manager, the incumbent and the Department of Finance of the results of the evaluation and any pay adjustment that results from the reclassification.

Form — *Job Description Template*
Form — *Guidelines to Creating a Job Description*

Section 5.0

EMPLOYMENT STATUS AND PROBATION

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Section 5.0 EMPLOYMENT STATUS AND PROBATION

Effective Date: 20 June 2005
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PURPOSE To define the employment status for TKC employees.

POLICY Employees shall be employed in one of the categories and employment levels described in this section.

5.1 EMPLOYMENT STATUS

a) Regular Full-Time

Regular full-time employees shall work the customary number of hours weekly, or at least 35 hours, and maintain continuous, regular employment. (Refer to section 12.0, Hours of Work and Pay)

All regular full-time employees shall be eligible for all employment benefits, including paid vacations, statutory holidays, sick leave, special leave and group insurance. (Refer to section 18.0, Benefits)

Under special conditions, a regular full-time employee may work less than 35 hours weekly for a short term, or three months maximum to a minimum allowable of 20 hours per week, without losing full-time employment benefits, including benefits under the Group Benefit Plan and section 13.0, Leave. The exception to this arrangement are maternity, adoption or parental leave.

b) Regular Part-Time

Regular part-time employees work less than 35 hours weekly, but not less than 14 hours, and on a continuous basis.

All regular part-time employees who qualify for employment benefits shall be eligible for paid vacations, statutory holidays (pursuant to the *Canada Labour Code* and as outlined in section 12. i), Designated Paid Holidays), sick leave, special leave and group benefits in proportion to the average hours worked by a full-time employee. (Refer to section 18.0, Benefits)



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c) Temporary Full-Time

Temporary full-time employees are hired for a specified work term of 35 hours per week but are not hired as a contractor.

All temporary full-time employees shall be eligible for all employment benefits, including paid vacations, statutory holidays, sick leave, special leave and group insurance provided they meet benefit eligibility. (Refer to section 18.0, Benefits)

In some cases, the term duration may be set by a funding agency in which case the payment and benefits specified in the funding agreement shall apply.

d) Temporary Part-Time

Temporary part-time employees, including seasonal employees, are hired by the hour for a specified work term such as during summer months, but who work less than 35 hours per week. A temporary part-time employee shall be defined as an employee who is hired for a period greater than 30 days.

All temporary part-time employees are eligible for employment benefits, including paid vacations, statutory holidays (pursuant to the *Canada Labour Code* and as outlined in section 12 i), Designated Paid Holidays), sick leave, special leave and group benefits in proportion to the average hours worked by a full-time employee. (Refer to section 18.0, Benefits)

e) Casual

Casual employees work by the hour and are not employed on a regular basis. Casual employees shall be paid for statutory holidays if employment has exceeded 30 days and shall not be eligible for benefits under the Group Benefit Plan. Vacation pay is a percentage of gross salary earned and shall be paid bi-weekly.



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Section 5.0 EMPLOYMENT STATUS AND PROBATION

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5.2 EMPLOYMENT LEVEL

a) Management

Employees in management positions are accountable and responsible for the entire operation of a department which may include but is not limited to financial, administrative and supervisory responsibilities. It is understood that management employees work the required hours to do their job.

b) Staff

Staff refers to all employees who are in non-management positions regardless of employment status.

c) Trainee

A trainee is an employee who fills a wage subsidized position that is made available to eligible TKC citizens. The position has a specified duration and a specified number of hours. The trainee is not guaranteed employment beyond his or her term. The program offers the trainee the opportunity to obtain further training and skill enhancement. Benefits entitlement for a trainee shall be dependent upon the employment status as outlined above.

5.3 PROBATIONARY PERIOD

PURPOSE

To provide TKC with a period of time to assess personal, job, organizational suitability and work performance.

To provide the employee with the opportunity to meet the expected job requirements job for the term of the probationary period.

A probationary period applies to all employees regardless of employment status.



TA'AN KWÄCH'ÄN COUNCIL HUMAN RESOURCES POLICY AND PROCEDURE

Section 5.0 EMPLOYMENT STATUS AND PROBATION

Effective Date: 20 June 2005
Last Amended:

POLICY

a) Staff and Management

Staff and management, upon recruitment, shall serve a probationary period of six continuous months, which shall be outlined in the Letter of Offer.

b) Unsuccessful Completion Within Six Months

If, during the initial six-month probationary period, the employee's job performance is not satisfactory as supported by a written performance evaluation, or if disciplinary action is taken, the employee shall not successfully complete his or her probationary period and his or her employment shall be discontinued. (Refer to section 17.0, Discontinuance of Employment)

The following categories are driven by the requirement of the *Canada Labour Code*:

c) Unsuccessful Completion Within the First Three Months

If, during the first three months of a six-month probationary period, the employee's job performance is not satisfactory as supported by a written performance evaluation, or if disciplinary action is taken, he or she shall be dismissed without notice or pay in lieu of notice or recourse of an employment grievance.

d) Unsuccessful Completion Within the Last Three Months

If, during the last three months of a six-month probationary period, the employee's job performance is not satisfactory as supported by a written performance evaluation, or if disciplinary action is taken that does not constitute just cause, he or she shall only be entitled to a two-week notice or pay in lieu of notice pursuant to the *Canada Labour Code*. In this circumstance, he or she shall not have any recourse of employment grievance.



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e) Unsuccessful Completion for Just Cause

If an employee is dismissed for just cause at any time during his or her probationary period, he or she shall be dismissed without notice or pay in lieu of notice or recourse of employment grievance. (Refer to section 17, Discontinuance of Employment)

The trainee probationary period is the same as the staff and management probationary period unless otherwise specified in his or her work plan or agreement set by the funding agency.

f) Part-Time Probationary Period

If, at the end of a three months probationary period, the employee's job performance is not satisfactory as supported by a written performance evaluation, or if disciplinary action is taken that does not constitute just cause, he or she shall only be entitled to a prorated, two-week pay in lieu.

g) Promotion or Transfer to a New Position

In the case where an employee is offered a new position through the recruitment process pursuant to section 3.0, Recruitment and Selection, the employee shall serve a probationary period of one calendar month. If unable to perform the required work, as supported by a performance evaluation or through a voluntary request to return to his or her former position, he or she shall be given the first opportunity to return to his or her former position, or shall be given the chance to apply for another opening for which he or she may be qualified. If, after the one calendar month probationary period, an employee successfully performs the required work as supported by a performance evaluation, he or she shall have fulfilled the probationary requirements of his or her new position.

- PROCEDURE**
- 1) The employment category and employment level shall be identified at the time the job vacancy is approved and identified in the job posting.



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- 2) All staff shall be advised of their employment category in writing at the time of hire in their offer letter.
- 3) The monitoring of a probationary period is the responsibility of the department manager. An interim performance evaluation shall be conducted halfway through the probationary period. If an employee successfully completes his or her probationary period, a final written performance evaluation shall be done on or before the completion of his or her probationary period. (Refer to section 7.0, Performance Evaluations)

If an employee is unsuccessful in completing his or her probationary period, such notification shall occur in writing on or before the completion of his or her probationary period.

Section 6.0

SECURITY CLEARANCE

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6.0 SECURITY CLEARANCE

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Section 6.0 SECURITY CLEARANCE

Effective Date: 20 June 2005
Last Amended: 29 March 2007

PURPOSE The purpose of requiring a security clearance for designated positions is to minimize the likelihood of risk, damage and injury to the public interest in general and specifically to the clients TKC serves.

POLICY The applicable department shall be responsible for identifying and designating positions requiring security clearances as outlined in this policy.

6.1 DEFINITIONS

“children” means persons who are less than 18 years of age, pursuant to subsection 6.3(1) of the *Criminal Records Act* (Canada);

“client” means a person to whom TKC delivers programs and services;

“designated position” means a position, as designated by TKC, pursuant to section 6.2, Applicability;

“further information” means any additional information required by the RCMP to complete a security clearance;

“public property” means, for the purposes of this policy, all property, including public monies, belonging to TKC;

“security clearance” means a police records check that may include disclosure of pardoned sexual offences, pursuant to section 6.2 Applicability, and pursuant to the *Criminal Records Act* (Canada); and

“vulnerable person” pursuant to subsection 6.3(1) of the *Criminal Records Act* (Canada), means a person who, because of his or her age, a disability or other circumstances, whether temporary or permanent, is

- i) in a position of dependence on others, or
- ii) otherwise at a greater risk than the general population of being harmed by persons in a position of authority or trust relative to him or her.



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6.2 APPLICABILITY

a) Condition of Employment

As a condition of employment with TKC, security clearances shall be required when an individual is offered a designated position or when an employee has been in a designated position for a period of time. The requirement for a security clearance shall apply even if a person is temporarily filling in for or is acting in a designated position. No position shall be designated where there is no direct relevance to the position for a satisfactory security clearance.

TKC shall be responsible for maintaining the confidentiality of the information obtained from a security clearance.

TKC requires a satisfactory security clearance, which may include disclosure of pardoned sexual offences, as a condition of employment where the position

- i) is one of authority or trust relative to children or vulnerable persons;
- ii) requires a degree of trust in the delivery of client services and where the duties require
 - A. primary responsibility for the personal care and, or, custody of clients, or
 - B. unsupervised access to private residences;
- iii) requires or has access to the use of firearms to perform part or all of his or her job responsibilities with TKC;
- iv) involves custodial, maintenance responsibilities or property security for TKC; or
- v) has financial authorization and, or, may be responsible for the security of public property of TKC, which may include
 - A. significant control over the financial welfare of clients,



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- B. investing of public funds,
- C. handling of convertible currency (cash, cheques, etc.) in excess of \$5,000, or
- D. providing loans or funding to the public and, or, TKC citizens for specific programs.

The nature of financial controls already in place shall be considered when designating a position based on these criteria.

A satisfactory security clearance check may include disclosure of pardoned sexual offences only where a position is one of authority or trust relative to children or vulnerable persons pursuant to i) above.

b) Failure to Consent to a Security Clearance

If a new hire does not consent to a security clearance, the offer of employment shall be rescinded.

c) Transfer of a Security Clearance between Positions

A security clearance is valid only for similar positions. Where the positions are not similar, a new security clearance may be required.

d) Renewal of Security Clearance

A security clearance shall be valid for up to 24 months from the date of the last security check on file. Those employees employed in designated positions shall be required to obtain an updated security clearance before the completion of the 24-month period.



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PROCEDURE 1. Responsibilities of the Department, Human Resources and the Successful Applicant

- a) The department recruiting for a designated position shall ensure that the requirement for a security clearance is listed as a mandatory condition of employment on job descriptions and job postings.
- b) Human Resources or a designated representative from the Recruitment Selection Committee, pursuant to section 3.0, Recruitment and Selection, shall be responsible to reaffirm the requirement for a security clearance for a designated position during the interview process.
- c) The individual, employee or person referred to in section 6.2 a), Condition of Employment, is responsible to obtain a criminal record check from the RCMP, in accordance with the Criminal Record Check Application Process (Appendix A), and deliver it to Human Resources.
- d) In the event that a successful applicant begins work before the completion of the security clearance process, the department shall make efforts to assign responsibilities to the successful applicant that do not require unsupervised responsibilities for the duties requiring the security designation until the security clearance has been completed and the conditional job offer has been confirmed.
- e) Based on the findings of the security clearance, Human Resources shall
 - i) confirm the job offer where the security clearance is deemed satisfactory; or
 - ii) advise the successful applicant that further information is required in order to complete the security clearance, in which case the successful applicant shall be required to have fingerprints taken for a criminal record verification.



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- f) The successful applicant shall provide Human Resources with the fingerprint document obtained from the RCMP. Human Resources shall submit the fingerprint document and a Third Party Consent Letter of Criminal Record Information along with payment and a covering letter on TKC letterhead to the RCMP, Civil Fingerprint Screening Services, Ottawa.
- g) Human Resources shall retain a confidential record of all security clearances on behalf of all departments.
- h) Human Resources shall advise the Chief or designate when a criminal record exists. Human Resources may be required to provide advice to the Chief or designate to allow him or her decide if the criminal record will prevent the successful applicant from being offered the job.

Whomever the Chief or designate assigns for the review as per i) above shall have authority under procedures i) and 2. a) but shall be assigned security clearance review responsibilities only by the Chief or designate.

2. Responsibilities of the Chief or Designate

- a) The Chief or designate shall review the results of an unsatisfactory security clearance on a case by case basis and may involve Human Resources in this process.
- b) The review under a) above shall assess the relevance of the offence(s) to the duties and responsibilities of the position and the potential risk to TKC if the applicant is hired.
- c) If the results of the security clearance review are not acceptable as determined by the authority identified under a) above, the applicant may have the opportunity to meet the Chief or designate to review and discuss the findings of the security clearance relative to the Chief or designate who reviewed the security clearance shall make the final staffing decision.



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- e) If the final decision is that the clearance is satisfactory and does meet the condition of employment, the Chief or designate who reviewed the security clearance shall verbally advise Human Resources who shall confirm the job offer with the successful applicant and the department manager.
- f) If the final decision is that the clearance does not meet the condition of employment, the offer of employment shall be rescinded and such notification provided in writing to the applicant directly from the Chief or designate, depending on who made the decision. Human Resources and the department manager shall be informed of the decision.

All information obtained during the security clearance process shall remain and all records shall be kept in a confidential manner.

Form — *Third Party Consent Letter of Criminal Record Information*

Appendix A — *Criminal Record Check Application Process*



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Appendix A CRIMINAL RECORD CHECK APPLICATION PROCESS

Source: http://www.rcmp-grc.gc.ca/yk/securitycheck_e.htm

Yukon Territory – M Division

Criminal Record Check Application Process

Step 1:

Applicants must print and complete form 3584: Consent for Disclosure of Criminal Record Information. Whether you are applying as a volunteer or for work, your organization will advise if you require a level 1, 2, 3 or 4 check.

Please note: The 3584 form is in Adobe Acrobat format. To view and print the form, you need Adobe Acrobat Reader. You can download and install the free software from Adobe Systems Incorporated.

If an applicant requires a level 4 check, please also complete form 3923: Consent for a Criminal Record Check for a Sexual Offence for Which a Pardon has been Granted. Please note: The 3923 form is in Internet Commerce System (ICS) format.

Step 2:

Please complete the entire forms. Incomplete forms will not be processed and will delay your application. Remember to sign the form.

Step 3:

Applicants **must submit the forms in person** at a local RCMP detachment. Applicants will be required to produce two pieces of identification. One piece of identification must have a photograph.

The RCMP charges a \$10.70 CAN processing fee per Criminal Record Check. **CASH ONLY** is accepted at Yukon RCMP detachments. Please bring the exact amount when submitting the application.



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The fee is waived for applicants who require a Criminal Record Check to volunteer with a bona fide volunteer agency. Please clearly indicate the volunteer organization's name on the form.

It can take anywhere from 5 days to three weeks to process and complete a Criminal Record Check.

Step 4:

The results of the Criminal Record Check are returned directly to the individual who submitted the application either in person or by mail. The RCMP will not release results to a third party.

The applicant is responsible for deciding to provide the results of the Criminal Record Check to a third party (potential employer or volunteer organization).

If a criminal record may or may not exist:

If the Criminal Record Check results are: "A record may or may not exist", the RCMP will need to verify the Criminal Record with fingerprints.

The applicant is asked to attend the local RCMP Detachment to have their fingerprints taken.

An administrative fee of \$26.75 **CASH ONLY** is payable at the time your fingerprints are taken. The RCMP in the Yukon will verify convictions resulting from local charges only. The applicant then mails the fingerprints and application to the RCMP in Ottawa with an additional fee of \$25.00 paid by money order. RCMP in Ottawa will conduct a search of any charges from outside the territory or by other law enforcement agencies.

It can take three to six months to obtain results for fingerprint verification of an existing criminal.

Section 7.0

PERFORMANCE EVALUATIONS

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Section 8.0

VALUES AND ETHIC CODE AND OATHS OF SECRECY FOR EMPLOYEES

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8.1 INTRODUCTION

It is important for employees to be aware of their rights and responsibilities when dealing, externally, with elected or appointed Ta'an Kwäch'än Council officials and their delegates, government branches, Ta'an Kwäch'än citizens, agents, the general public, other governments and organizations, and, internally, with fellow employees.

At the time of signing their letter of offer, employees acknowledge that this Code forms part of the terms and conditions of employment with the Ta'an Kwäch'än Council. This means that all employees are responsible for ensuring that they strictly comply with this Value and Ethics Code (the "Code") and Oath of Secrecy (the "Oath") and that they exemplify, in all their actions and behaviour, the standards, contained in this Code and Oath, of the Ta'an Kwäch'än Council.

When faced with an ethical problem, employees are encouraged to use the opportunities and mechanisms established by the Ta'an Kwäch'än Council to raise, discuss and resolve issues of concern related to this Code and Oath.

Employees who feel they are being asked to act in a manner that is inconsistent with the provisions set out in this Code and Oath should first attempt to report the matter in confidence, and without fear of reprisal, to their department manager or supervisor.

This Code and Oath are a policy of the Ta'an Kwäch'än Council. Employees should be aware that a failure to comply with this Code and Oath may constitute misconduct and may result in disciplinary action brought against an employee by the Ta'an Kwäch'än Council.

The provisions contained in this Code and Oath are also a factor in the recruitment, evaluation and promotion of employees.

The main principles of this Code and Oath require that employees shall

a) be responsive to the Ta'an Kwäch'än Council government;



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- b) give honest and impartial advice and make all information relevant to a decision available to the department manager, the Chief or the Board, as the case may be;
- c) use best efforts to ensure the proper, effective and efficient use of public money and property;
- d) act at all times in a manner that will bear public scrutiny;
- e) focus closely on results;
- f) maintain the highest standards of honesty, integrity and conduct;
- g) uphold a strong commitment to accountability; and
- h) endeavour to ensure continuous improvement through teams and individuals.

8.2 THE ROLE OF EMPLOYEES

The employees that make up the administration are an important part to the operations of the Ta'an Kwäch'än Council. They provide the essential internal and external support that enables the Ta'an Kwäch'än Council to deliver programs and services and assists the Ta'an Kwäch'än Council to occupy the jurisdictions and maximize the rights and benefits under its final and self-government agreements for and on behalf of Ta'an Kwäch'än citizens.

8.3 OVERALL RESPONSIBILITIES AND RIGHTS OF EMPLOYEES

In addition to the provisions outlined in this Code and Oath, employees are expected to observe any specific conduct requirements contained in the regulatory measures pertinent to their particular department, program or service and to observe the relevant provisions of more general applications, including but not limited to the following:

- a) *Constitution of the Ta'an Kwäch'än Council*
- b) *Government Administration and Interpretation Act (Ta'an Kwäch'än Council)*
- c) *Finance Administration Act (Ta'an Kwäch'än Council)*



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- d) *Elections Act (Ta'an Kwäch'än Council)*
- e) *Human Resource Policy and Procedure*
- f) *Financial Policy and Procedure*

8.4 WORKING PROFESSIONALLY

Employees are required to comply with lawful and reasonable directions and perform their duties in keeping with all official guidelines. Employees are entitled to question specific directions if they believe a direction is unreasonable or unsafe. Employees are also entitled to question the way in which duties are to be performed, particularly if they believe that there are more effective or efficient ways of doing their work. Ultimately, however, if a department manager or supervisor's direction is legal and no reasons of conscience prevent employees from carrying it out, the direction must be followed.

Employees shall, at all times, on and off the job, express and conduct themselves in a manner that maintains or enhances the reputation of the Ta'an Kwäch'än Council and, at all times, observe the laws and policies of the Ta'an Kwäch'än Council.

Employees shall be scrupulous in their use and are required to avoid waste or extravagance in their use of public money, property, goods and services of the Ta'an Kwäch'än Council.

Employees shall perform their duties and arrange their private affairs so that public confidence and trust in the integrity, objectivity and political neutrality of the Ta'an Kwäch'än Council administration are conserved and enhanced.

8.5 RESPONSIVENESS AND IMPARTIALITY

Employees are accountable to their department managers or supervisors and, ultimately, to the Chief, for the proper and competent execution of their duties.



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Employees who are asked to report to a Ta'an Kwäch'än Council governing or administrative body, or to a citizen, with regard to department, program or service activities shall use discretion and restrict their accounts to factual information pertaining to the respective department, program or service. For greater certainty, matters of policy and political controversy are reserved, more or less, exclusively for the Chief or the Board who decide regulatory measures, including policy, and must defend it before the citizens.

8.6 PUBLIC COMMENT ON GOVERNMENT ISSUES

Employees shall not comment publicly, including media interviews, letters to the press, notices or where otherwise it is reasonably foreseeable that the comments will flow to the public at large, where such comments appear defamatory, or could amount to taking improper advantage of official information, represent a breach of privacy, or where such comments may leave the erroneous impression that an employee is speaking on behalf of a department, program or service of the Ta'an Kwäch'än Council, or on behalf of the Ta'an Kwäch'än Council as a whole.

Employees who act as a Ta'an Kwäch'än Council delegate or citizen before a Ta'an Kwäch'än Council governing or administrative body, or who attend other public functions as part of their employment, shall not discredit, by any way of comments or behaviour, his or her fellow employees, people holding Ta'an Kwäch'än Council office, discredit the integrity and reputation of the Ta'an Kwäch'än Council and, placed in conflict of interest with their duties as employees, abide by section 8.9, Conflict of Interest, of this Code.

8.7 PARTICIPATING IN POLITICAL ACTIVITIES

Where an employee plays a part in a political campaign related to the appointments or elections by and to the branches of government of the Ta'an Kwäch'än Council, there is potential for a conflict of interest between issues that are raised as part of the campaign and the employee's official duties. This may, as a result, cast doubt on or



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compromise the employee's ability to perform his or her duties in a completely objective manner.

In these circumstances, employees shall be sensitive to the distinction between their service to the Ta'an Kwäch'än Council and political activity of a partisan kind and shall not communicate or otherwise propagate their political views or convictions at or from their workplace.

If there is a real, potential or apparent conflict of interest, the employee should discuss the conflict with his or her department manager or supervisor.

8.8 MANAGING OFFICIAL AND PROTECTING THE PRIVACY OF PERSONAL INFORMATION

The Ta'an Kwäch'än Council collects and holds substantial amounts of information, including personal information of citizens, which is confidential and may be highly sensitive.

The fundamental rule with regard to official information is that it is collected for a specific purpose and that it must be used for that purpose only. Employees shall not disclose any official information to any person unless to perform his or her job duties, and where such information is restricted for statistical purposes, or for lawful purposes such as may be required under respective statutes of the Ta'an Kwäch'än Council or in a court of law, including the Ta'an Kwäch'än Judicial Council.

If an employee's duties involves collecting or accessing personal information, he or she should familiarize him or herself with all relevant legislation and policies of the Ta'an Kwäch'än Council with regard to access to and the safeguarding of the privacy of this information.

It is important that employees do not misuse information gained in their official capacity. An example of misuse includes taking advantage of another person on the basis of information held about the person in official records.



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Employees shall ensure confidential and sensitive information is treated with utmost discretion and responsibility to protect the privacy and security of citizens and the efficiency of the Ta'an Kwäch'än Council. Specifically, employees shall be bound by the Oath.

8.9 CONFLICT OF INTEREST

Employees who have an interest, financial or otherwise, that could conflict with the proper performance of their duties shall, as soon as possible after the relevant facts have come to their notice, disclose that interest to their department manager or supervisor and take whatever action necessary to avoid that conflict.

Employees shall not take or seek to take improper advantage in the interests, financial or otherwise, of the employee, any other person or group, or of any official information acquired, or any document to which they have access as a consequence of their employment.

Employees who act as a delegate or citizen before a Ta'an Kwäch'än Council governing or administrative body shall avoid or withdraw from any activities or situations on that body that would place them in a real, potential or apparent conflict of interest with their duties as employees.

Form — *Oath Of Secrecy of Employees*

Form — *Oath Of Secrecy For Walk-In Safe Combination*



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OATH OF SECRECY OF EMPLOYEES

In recognition of the employee/employer relationship and any other rights and benefits provided to me as an employee of the Ta'an Kwäch'än Council,

I HEREBY SOLEMLY DECLARE that I shall preserve and maintain the confidentiality and secrecy of all business dealings, affairs, records, reports and information available or otherwise known to me in the course of my past, present and future work with the Ta'an Kwäch'än Council.

SPECIFICALLY, I shall not, at any time or in any circumstances or in any manner, make known to any non-eligible person, persons, organizations, the information and transactions of the Ta'an Kwäch'än Council relating to my work, or otherwise known to me, except where authorized by the Chief or the Board, or by due motion by the Board.

FURTHERMORE, I shall adhere to this Oath, both while employed with the Ta'an Kwäch'än Council and after conclusion of my employment with the Ta'an Kwäch'än Council.

I acknowledge that I have read and pledge to adhere to this Code and Oath

on this _____ day of _____ 200 ____

Signature of the Employee

Employee Position

Signature of the Manager / Supervisor

Department / Program



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OATH OF SECRECY FOR WALK-IN SAFE COMBINATION

(This Oath is only taken by employees who are given access to the walk-in safe)

I HEREBY SOLEMNLY SWEAR that I will not under any circumstances reveal the combination of the walk-in safe to any person, or cause through my actions to have the combination made known to any person.

FURTHERMORE, I AGREE that I will only disclose the combination to another designated individual if such a request is made to me in writing by the Executive Director. In such a case, I will follow the guidelines for such a request.

FINALLY, I AGREE that I will only change the combination if I am requested to do so by the Executive Director, and I will do so only in accordance with the guidelines provided to me by the Executive Director.

I acknowledge that I have read and pledge to adhere to this Oath

on this _____ day of _____ 200__

Employee

Printed Name

Witness

Printed Name

Section 9.0

EMPLOYEE RESPECT

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Effective Date: 20 June 2005
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PURPOSE To ensure that TKC provides appropriate compensation for work performed by its employees. TKC employees shall receive compensation according to their wage scale and as specified for the classification of their respective position.

POLICY TKC's job evaluation and classification system is a valid pay equity based system. Pay equity is equal pay for work of equal or comparable value. The value of a job, not an individual employee's performance, is the basis of the comparison.

Pay equity is a gender-neutral job comparison system and the criteria shall not, intentionally or unintentionally, favour one gender over another.

For pay equity to be achieved, there shall be a correlation between the job evaluation and classification system and the pay line.

The key factors, pursuant to the *Human Rights Act* (Yukon), for pay equity are knowledge, skills, decision making, impact, accountability and working conditions.

11.1 APPROVAL OF PAY EQUITY

Pursuant to Board Resolution 2005-21, TKC has adopted pay equity aligned with a job evaluation and classification system. TKC, at any time, reserves the right to review and modify the provisions of this policy for the purpose of meeting its operational requirements.

11.2 IMPLEMENTATION OF THE WAGE TABLE

Effective as of 05 June 2005, TKC has approved a wage table for classified positions (Appendix A).

For the purpose of determining wages, employees are placed on the wage table at their applicable classification level and, at that level, at the step that is the next highest wage to their respective wage received before that date.



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For the purpose of implementing the wage table, employees whose next highest wage, pursuant to the above, yielded a 2 per cent or less wage increase, were placed, at their classification level, at an additional step to their next highest wage.

Based on the foregoing, employees shall be eligible to receive their annual increase in June of each year, pending the outcome of a satisfactory performance review.

11.3 INCREMENTS WITHIN THE WAGE TABLE

The following outlines the various circumstances for pay increments on the wage table.

a) Annual, Anniversary, Position Anniversary Date

Annual: specified month in a year for general wage increases.

Anniversary: date of employee's hire.

Position Anniversary: date of employee's move to a new position.

Regardless of when an employee becomes eligible to receive a wage increase, all wage increases shall be processed at the start of the next pay period after which the employee's annual, anniversary or position anniversary date increase occurred.

b) Employees on Probation

Any employee, in his or her probation period on 05 June 2005, shall become eligible for future wage increases on his or her anniversary date pending the outcome of a satisfactory performance review.

c) Promotion or Transfer to a New Position

i) Promotion

Where an employee is promoted to a position of a higher classification than his or her former position, he or she shall be



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placed at the new classification level at the step on the wage table that is next highest to his or her former wage providing the new wage exceeds 4 per cent of his or her former wage. If the next highest wage and the new classification level is below 4 per cent of his or her former wage, he or she shall be placed at the next step at the classification level that exceeds 4 per cent of his or her former wage.

ii) Transfer

Where an employee is transferred to a position at the same classification level as his or her former position, his or her wage shall remain unchanged.

Where an employee voluntarily transfers into a position at a lower classification level than his or her former position, his or her wage at the new classification level shall be nearest to the wage he or she received in his or her former position.

If promotion or transfer results in a wage increase, a new position anniversary date for determining future wage increases shall be established. The employee shall become eligible for future wage increases, annually, on his or her new position anniversary date pending the outcome of a satisfactory performance review.

If a transfer results in a wage reduction, a new position anniversary date for determining any future wage increases shall be established. If applicable, the employee shall become eligible for future wage increases, annually, on his or her new position anniversary date pending the outcome of a satisfactory performance review.

d) Reclassification

Where an employee occupies a position that is reclassified through the reclassification process pursuant to subsection 4.2, Reclassification Evaluation, and is reclassified upwards, he or she



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shall be placed at the new classification level at the step on the wage table that is next highest to his or her former wage providing the new wage exceeds 4 per cent of his or her former wage. If the next highest wage in the new classification level is below 4 per cent of his or her former wage, he or she shall be placed at the next step at the classification level that exceeds 4 per cent of his or her former wage.

A new position anniversary date for determining future wage increases shall be established. The employee shall become eligible for future wage increases, annually, on his or her new position anniversary date pending the outcome of a satisfactory performance review.

Where an employee occupies a position that is reclassified through the reclassification process pursuant to subsection 4.2, Reclassification Evaluation, and is reclassified downwards resulting in a lower wage, the employee shall be granted wage protection. In such circumstances, the employee, for as long as he or she continues to occupy the reclassified position, shall continue to receive any wage increase that he or she would have received in his or her former position if the reclassification had not occurred. Should the position become vacant, the new incumbent shall be paid the applicable wage for that classification level.

If the outcome of a reclassification evaluation results in no change to the classification level, there shall be no change to the employee's current wage.

11.4 NEW EMPLOYEES

All new employees hired after 05 June 2005 shall be eligible for future wage increases on his or her anniversary date pending the outcome of a satisfactory performance review.

All new hires shall commence at Step 1 of his or her classification level on the wage table. However, TKC may find it necessary to hire a new employee at a step other than Step 1 at his or her classification level on



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the wage table because of qualifications and, or, experience and, or, market or demographic reasons. Should this be necessary, the department manager shall consult with Human Resources and the Manager of Finance providing adequate justification. Final approval to pay a wage beyond Step 1 of the classification level shall be granted by the Chief or designate before issuing an offer of employment.

11.5 CASUAL EMPLOYEES

Pursuant to paragraph 5.1 e), Employment Status and Probation, Employment Status—Casual, TKC has approved a casual wage pay line, independent of the wage table in effect for all other employees, for casual employment (Appendix B). Each pay line is represented with a minimum, midpoint and maximum hourly wage. TKC shall pay an hourly wage for casual employment at a rate between minimum and midpoint on the applicable pay line. Experience and, or, market or demographic requirements shall be the criteria for any wage paid between the middle and maximum on that pay line. All other statutory entitlements, pursuant to subsection 13.1, Vacation Leave, shall apply.

11.6 FUNDING AGREEMENTS

Wages and hours of work for positions under funding agreements shall be established in accordance with the parameters of the respective agreement.

11.7 TKC REVIEW OF WAGE TABLE

During the annual budgeting process, TKC is committed to review the wage table to determine if an economic adjustment shall be applied to the table.

PROCEDURE

- 1) Human Resources and the Finance Department shall implement the new wage rates and applicable increases shall be processed effective as of 05 June 2005. For reference of future wage increases and performance reviews, the Finance Department shall implement a records system so the applicable wages rate increases will be processed on schedule.



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- 2) Performance reviews shall be completed pursuant to section 7.0, Performance Evaluations.
- 3) Written documentation shall be available supporting the justification or process for which an employee transferred voluntarily to a position at a lower classification level.
- 4) Casual employees shall be selected pursuant to section 3.0, Recruitment and Selection, Procedure 3, with the wage rate established before hiring the casual employee. Department managers shall consult Human Resources for guidance if required.

Appendix A — *Wage Table*
Appendix B — *Casual Wage Pay Line*



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Section 11.0 PAY ADMINISTRATION

Effective Date: 20 June 2005
Last Amended:

**Appendix A
WAGE TABLE — EFFECTIVE DATE: 05 JUNE 2005**

Classification Level	Step 1	Step 2	Step 3	Step 4	Step 5
Level 1	\$ 15.10	\$ 15.86	\$ 16.62	\$17.37	\$ 18.12
Level 2	\$ 16.43	\$ 17.25	\$ 18.07	\$ 18.89	\$ 19.71
Level 3	\$ 17.98	\$ 18.88	\$ 19.78	\$ 20.68	\$ 21.57
Level 4	\$ 19.79	\$ 20.78	\$ 21.77	\$ 22.76	\$ 23.75
Level 5	\$ 21.96	\$ 23.06	\$ 24.16	\$ 25.26	\$ 26.35
Level 6	\$ 24.48	\$ 25.70	\$ 26.92	\$ 28.14	\$ 29.37
Level 7	\$ 27.45	\$ 28.82	\$ 30.19	\$ 31.56	\$ 32.94
Level 8	\$ 30.25	\$ 32.14	\$ 34.03	\$ 35.92	\$ 37.82
Level 9	\$ 34.27	\$ 36.41	\$ 38.55	\$ 40.69	\$ 42.84
Level 10	\$ 37.75	\$ 40.11	\$ 42.47	\$ 44.83	\$ 47.18



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Section 11.0 PAY ADMINISTRATION

Effective Date: 20 June 2005
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Appendix B

CASUAL WAGE PAY LINE — EFFECTIVE DATE: 05 JUNE 2005

Casual Employment Pay Line per Hour	Minimum	Midpoint	Maximum
Pay Line 1	\$9.00	\$11.00	\$13.00
Pay Line 2	\$10.00	\$12.50	\$15.00
Pay Line 3	\$16.00	\$22.50	\$30.00

The following guideline suggests the pay line that applies to the type of casual employment being performed but is not limited to only those as listed below:

Pay Line 1: First Time Work Experience Students, Students

Pay Line 2: General Labourer, General Clerical Relief, Cooks Helper, Certified Childcare Worker

Pay Line 3: Cook, Workshop Facilitators/Instructors, Skilled Administrative, Skilled Labourer (i.e., Carpenter, Electrician)



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Effective Date: 20 June 2005
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**Appendix A
WAGE TABLE — EFFECTIVE DATE: 01 JUNE 2008**

Classification Level	Step 1	Step 2	Step 3	Step 4	Step 5
Level 1	\$ 16.01	\$ 15.86	\$ 16.62	\$17.37	\$ 18.12
Level 2	\$ 17.43	\$ 17.25	\$ 18.07	\$ 18.89	\$ 19.71
Level 3	\$ 19.07	\$ 18.88	\$ 19.78	\$ 20.68	\$ 21.57
Level 4	\$ 20.99	\$ 20.78	\$ 21.77	\$ 22.76	\$ 23.75
Level 5	\$ 23.30	\$ 23.06	\$ 24.16	\$ 25.26	\$ 26.35
Level 6	\$ 25.97	\$ 25.70	\$ 26.92	\$ 28.14	\$ 29.37
Level 7	\$ 29.12	\$ 28.82	\$ 30.19	\$ 31.56	\$ 32.94
Level 8	\$ 32.09	\$ 32.14	\$ 34.03	\$ 35.92	\$ 37.82
Level 9	\$ 36.35	\$ 36.41	\$ 38.55	\$ 40.69	\$ 42.84
Level 10	\$ 40.05	\$ 40.11	\$ 42.47	\$ 44.83	\$ 47.18



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Effective Date: 20 June 2005
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Appendix B

CASUAL WAGE PAY LINE — EFFECTIVE DATE: 01 JUNE 2008

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Pay Line 2	\$10.00	\$12.50	\$15.00
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The following guideline suggests the pay line that applies to the type of casual employment being performed but is not limited to only those as listed below:

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Section 12.0

HOURS OF WORK AND PAY

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Section 12.0 HOURS OF WORK AND PAY

Effective Date: 20 June 2005
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PURPOSE To identify standard hours of work for employees. To ensure that operational requirements are met, TKC requires all employees to attend work regularly and perform assigned duties during scheduled hours.

POLICY Hours of work and pay for employees shall be in accordance with the following:

12.1 HOURS OF WORK

a) Hours of Work and Meal Breaks

All full-time staff and full-time management shall normally work a seven hour day, Monday through Friday, for a total work week of 35 hours. Core work hours are from 8:30 a.m. to 12:00 noon and from 1:00 p.m. to 4:30 p.m.

TKC shall schedule meal breaks during an employee's shift. An unpaid meal break shall be a minimum of one-half hour. The duration of a meal break shall be mutually agreed upon between TKC and the employee and shall accommodate operating requirements.

All part-time and casual employees are scheduled hours of work and shall be paid for services in accordance with TKC's needs and as outlined in the employee's employment offer letter.

TKC may provide an unpaid meal break for a part-time or casual employee who is working between a three and seven hour shift. The duration of the break shall be mutually agreed upon between TKC and the casual or part-time employee but shall not be less than one-half hour in duration.

All employees shall comply with the standard hours of work unless authorized alternative arrangements are made.

Employees may work flexible hours with approval from their manager where such practice enhances productivity and, or, meets operational requirements.



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Effective Date: 20 June 2005
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TKC encourages employees to tend to their personal or family business outside of regular work hours.

b) Timekeeping of Hours of Work

To ensure accurate and adequate pay, employees shall record their daily attendance by using the time clock and, biweekly, by completing a Payroll Timesheet. The department manager and Chief or designate shall authorize the time sheets.

Improper recording of attendance records could result in a delay of payment. TKC encourages all employees to ensure that they understand the attendance recording process to avoid delays or incorrect pay calculations.

c) Absence or Lateness

TKC recognizes that there are occasions where attendance is not possible and is beyond the control of the employee. An employee shall report an absence or lateness before the commencement of a scheduled shift but no later than one hour after the start of the shift. Pay will be adjusted accordingly for the absence.

d) Days of Rest

TKC shall provide employees with two days of rest of which one, where practicable, shall be Sunday.

e) Daylight Savings Time

When the daylight savings time conversion occurs in the spring and fall, no employee shall receive any additional pay or be reduced any pay for hours worked or not worked resulting from this time conversion.



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f) Overtime

Overtime hours, which are to be authorized in advance, are defined as hours worked in excess of the standard hours (see definition of standard hours below). Periodically, employees will be required to work overtime in order to meet operational requirements. Where and when possible, TKC shall endeavour to allocate overtime equitably and with as much advance notice as possible. In the case of an emergency situation an employee may receive shorter notice.

All overtime shall be pre-authorized by the department manager but there may be circumstances when pre-authorization cannot be obtained in advance, in which case the employee shall report it to his or her department manager on his or her next scheduled shift. Management authorization of an employee's Payroll Timesheet shall be deemed appropriate written authorization for overtime hours.

Standard hours are eight hours per day or 40 hours per week.

All employees shall be eligible for overtime payments for any hours worked in excess of eight hours per day or 40 hours per week pursuant to the *Canada Labour Code*.

The above criteria apply unless otherwise stated in a contractual or contribution agreement.

g) Overtime Entitlement

TKC staff are entitled to overtime compensation at the rate of one and one-half times their normal wages for all hours worked in excess of the standard hours. Overtime shall be paid or may be banked as comp time and taken at a later date mutually agreed upon between the employee and TKC. No carry over of the previous fiscal year's banked time shall be permitted beyond 30 September of the next fiscal year.



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TKC management may be required to work longer periods of time, which may be inclusive of some evenings and weekends. The overtime provisions in this section, however, do not apply to management employees. In lieu, each manager shall receive 70 hours of annual personal leave, to be accrued on a pro-rated basis, that shall be taken off in time or paid out. Such leave may be accumulative for a maximum of two fiscal years.

h) Travel Overtime

Applicable to staff and managers.

When an employee is required to travel to areas either in or outside the Yukon to perform the duties of his or her position, he or she shall be compensated for travelling time as follows:

- i) If an employee is required to travel on a regular day of work but does not work, he or she shall receive his or her regular rate of pay for that day.
- ii) If an employee must travel on a day of rest, he or she shall be entitled to overtime compensation to a maximum of his or her regular daily hours.
- iii) If an employee travels and works on a regular day of work, he or she shall receive his or her regular rate of pay. In the event the travel and the requirement to work exceed the standard daily hours, he or she shall be entitled to overtime compensation for all excess hours.

An employee may elect to receive payment for overtime travel or may bank the time.

An employee is considered to be travelling one hour before the departure time in the case of air travel and when he or she leaves his or her residence or place of work for all means of travel by ground.



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Section 12.0 HOURS OF WORK AND PAY

Effective Date: 20 June 2005
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12.2 PAY

a) Pay Schedule

All **regular** employees are paid biweekly, on every other Friday and five days in arrears. Each pay shall include earnings for all work performed through from the end of the previous pay period. The pay period is defined as Sunday 12:01 a.m. to Saturday 11:59 p.m. All casual employees are paid in accordance with the casual employee pay schedule.

b) Direct Deposit

All employees shall have their pay deposited directly into their bank account at a financial institution of choice. Each employee shall receive a Statement of Earnings on each pay day detailing the pay period, number of hours worked, the rate of pay, the details of all deductions, the net pay received by the employee and all other accruals, pursuant to the *Canada Labour Code*.

c) Pay Adjustment

If an employee misses or improperly submits time on his or her time sheet and then requires payment for the time missed after the pay period cutoff, the employee shall receive payment for the adjustment on his or her next pay.

If a pay adjustment is required due to TKC payroll processing, TKC shall rectify the situation as reasonably and practicable as possible.

d) Pay Deductions

Deductions made from an employee's wages are those required under law and those authorized by the employee pursuant to the *Canada Labor Code*.



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Statutory deductions include Canada Pension Plan, Employment Insurance and Income Tax (Federal and Provincial/Territorial).

Employee authorized deductions, as a condition of employment, may include pension and benefit plan contributions or overpayment of wages. Other voluntary deductions may include but not be limited to Canada Savings Bonds, additional income tax or charitable donations.

Deductions required by federal or territorial law or court order shall be deducted from employees' wages (i.e., garnishments and family support orders). When TKC receives a garnishee order, the employee shall be advised of the amount of money to be deducted from his or her pay.

e) Pay Advances

Pay advances shall only be issued to employees in cases of pressing emergencies. Only regular full-time, regular part-time and temporary full-time employees shall be eligible for pay advances and only upon authorization and in accordance with the Pay Advance Approval process outlined under the procedures. Pay advances shall be paid by manual cheque and shall not exceed the employee's maximum weekly gross earnings.

Employees shall not be eligible for an advance if they have any outstanding advances.

"Pressing emergency" means an unforeseeable circumstance that will cause hardship unless immediate financial assistance is obtained.

Employees shall be required to sign an Advance Pay/Promissory Note form verifying their agreement to repayment of the advance over a specified period of time.



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f) Minimum Hours Pay

i) Call-In

When an employee is called to work on a scheduled day of rest or on a designated holiday, he or she shall be entitled to pay at time and one-half and be guaranteed a minimum equivalent of three hours regular pay.

When an employee is called back to work after completing his or her scheduled shift and leaving his or her place of work for the day, he or she shall be entitled to pay at time and one-half and be guaranteed a minimum equivalent of three hours regular pay.

If staff are called to work while he or she is on scheduled vacation, he or she shall be entitled to pay at time and one-half and be guaranteed a minimum equivalent of three hours regular pay. In addition, the equivalent amount of time worked for the call-in shall be credited back to the employee's vacation bank at straight time.

ii) Report to Work

When an employee reports to work and his or her regularly scheduled shift is cancelled or reduced, he or she shall be paid a minimum of three hours pay unless authorized otherwise but shall, at no time, receive less than three hours regular pay.

When an employee is required to work on a day of rest or on a designated paid holiday and there is no work or insufficient work available, he or she shall be paid a minimum of three hours pay at the applicable overtime rates.

TKC reserves the right to assign employees work to perform during the three hour period for which they are receiving payment.



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g) Acting Pay

When an employee is required to perform the duties of a position with a higher rate of pay, the undertaking of such duties shall be authorized, in writing on an Acting Pay Form, to Payroll by the reporting manager and Chief or designate and the duties shall be performed for a period of five working days or greater. The employee shall return to his or her regular rate of pay immediately upon completion of the acting assignment.

The employee performing the acting assignment shall receive a wage of 8 per cent higher than his or her current hourly wage for the duration of the acting assignment. The acting wage, however, shall not exceed the wage of the employee he or she is acting for.

The maximum period of acting shall be three months unless otherwise authorized. Acting pay is only paid for actual hours worked and is not applicable to a period of leave (i.e., vacation, sick and special leave).

Where an acting assignment is shared by more than one employee, the acting pay shall be pro-rated between the employees according to the division of the acting assignment. The total number of days for the acting assignment shall still be five working days or greater.

h) Honouraria

Employees who attend a meeting of another organization as a requirement of their job or as a representative of TKC and who receive monies in the form of an honouraria or any other type of compensation for attending such meeting, shall comply with subsection 4(4) and section 5 of the *Honouraria Regulation* (Ta'an Kwäch'än Council).



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i) Designated Paid Holidays

TKC shall observe the following designated paid holidays:

1. New Year's Day	1 January
2. Heritage Day	3rd or 4th Friday in February
3. Good Friday	Friday before Easter
4. Easter Monday	Monday after Easter
5. Victoria Day	Monday closest to 24 May
6. National Aboriginal Day	21 June
7. Canada Day	1 July
8. Discovery Day	Monday closest to 17 August
9. Labour Day	First Monday in September
10. Thanksgiving Day	Second Monday in October
11. Remembrance Day	11 November
12. Christmas Day	25 December
13. Boxing Day	26 December

In addition to the identified designated paid holidays, traditional Yukon or national First Nations ceremonial days may be observed at the discretion of the Board.

TKC shall recognize other designated paid holidays if they are proclaimed by Canada as a national holiday.

j) Guidelines for Payment of Designated Holidays

i) Eligibility for Payment of a Designated Holiday

To be entitled for pay for a designated holiday, employees shall be employed for thirty 30 calendar days before the holiday occurs and shall have worked at least fifteen 15 days during the



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30 days preceding the holiday, pursuant to the *Canada Labour Code*.

When calculating holiday pay, an employee shall receive his or her regular rate of pay for his or her normal hours of work.

Where the pay may vary for part-time employees, the regular daily earnings shall be averaged over the 30 calendar day period preceding the designated holiday to arrive at an average daily rate.

ii) Payment for a Designated Holiday that Falls on a Regular Day of Work

Employees are entitled to the day off with pay providing they meet the criteria under i) above.

iii) Payment for a Designated Holiday that Falls on a Day of Rest

Employees shall take a holiday with pay, preferably on a working day close to the holiday or on another day and as mutually agreed upon with TKC.

iv) Payment for a Designated Holiday During an Employee's Vacation

Employees shall be provided with an additional day of vacation to be taken at another time or the employee may extend his or her vacation by an additional day. In the case where there is more than one designated holiday during an employee's vacation, the above applies but shall be applicable to the actual number of designated holidays that occur during the vacation period (e.g., Christmas, Boxing Day, New Years Day, or Good Friday and Easter Monday).



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v) Pay for Work on a Designated Holiday

Employees required to work on a designated holiday shall receive

- A. regular pay plus time and one-half regular rate, or
- B. another day off with pay added to his or her next annual vacation or granted at a time convenient to the employee and TKC.

PROCEDURE

- 1) Management shall determine assigned work schedules, weekly and daily, and regular or overtime hours for employees. Employees shall submit a written request to their department manager for consideration of working flexible hours.
- 2) The Payroll Timesheet shall be reconciled with the time clock at the end of each pay period. The Executive Director and Human Resources Officer shall review and authorize the Payroll Timesheet for payment for all regular and overtime hours. All completed time sheets shall be forwarded to Payroll.
- 3) A request for personal leave or overtime bank payout shall be made in writing on the Bank Payout Request Form authorized by the department manager and submitted to Payroll no later than noon on Monday before the next pay day. Any personal leave or overtime payouts shall only be paid on the regular pay day along with regular earnings. No requests for overtime pay shall be processed between pay days unless due to extenuating circumstances.
- 4) When an employee receives approval to travel on TKC business, he or she shall review his or her travel itinerary with the department manager in order to receive approval, in writing, for any applicable overtime that may result from the business trip pursuant to paragraph 12.1 h).
- 5) An employee shall report an absence or lateness to the department manager before the commencement of a scheduled shift but no later



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than one hour after the start of his or her shift. If an employee calls in to report his or her absence or lateness before the commencement of TKC business hours, he or she shall leave a message on TKC voice mail indicating his or her name, time of call, who the message is for and the particulars. The message shall then be relayed to the appropriate department manager upon commencement of TKC business hours. Pay shall be adjusted accordingly for the absence. TKC may consider alternative arrangements to make up for the time absent or late. Upon arrival at work, an employee shall complete an Application for Leave form for payment for the applicable absence, authorized by the manager, which shall be submitted to Payroll for processing before the completion of the pay period.

- 6) It is mandatory for all employees to complete a Payroll Direct Deposit Authorization form at the commencement of employment to authorize TKC to direct deposit pay into their bank accounts. A Payroll Direct Deposit Authorization form shall be completed any time an employee's banking information changes.
- 7) An employee, excluding casual employees, shall complete a Pay Advance/ Promissory Note form requesting a pay advance, whenever possible, 24 hours before the time the employee needs the advanced funds. The advance requested shall not be less than the equivalent of two days gross earnings nor greater than one week's gross earnings for the employee who is requesting the advance. The employee shall submit the request to his or her department manager for review. The manager must confirm the following with Payroll before authorization can be granted:
 - Reason for advance
 - Any current outstanding advances
 - Number of advances in the past 12 months
 - Repayment process
 - Employment status

Authorization for an advance shall come from the department manager and the Manager of Finance.



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If an employee is not granted an advance, he or she shall be advised as soon as possible.

If a pay advance is authorized, the Pay Advance/Promissory Note form shall be forwarded to Payroll for processing. A manual cheque shall be issued as soon as reasonably possible.

- 8) When an employee is eligible for acting pay, the department manager shall submit an Acting Pay form to Payroll authorizing acting pay for the employee that includes the following:
- Names of the acting employee and who he or she is acting for
 - Time period (five continuous working days or more)
 - Acting position
 - Acting amount

Acting pay shall be authorized jointly by the department manager and the Chief or designate.

Form — *Payroll Direct Deposit Authorization*
Form — *Application for Leave*
Form — *Pay Advance/Promissory Note*
Form — *Acting Pay*
Form — *Payroll Timesheet*
Form — *Bank Payout Request Form*

Section 13.0

LEAVE

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PURPOSE To define and outline the specific types of leave available to eligible employees.

POLICY **13.1 VACATION LEAVE**

Vacation is intended to provide employees with the opportunity for rest, relaxation and personal pursuits. Employees are encouraged to take vacation leave on an annual basis as this is considered necessary for continued good health and job performance.

a) Vacation Entitlement

The following outlines annual vacation leave entitlements and accrual rates:

<u>Years of Continuous Service</u>	<u>Bi-Weekly Accrual Rate</u>
In the first and subsequent years	4.85 hours
In the sixth and subsequent years	6.46 hours

i) Regular Full-Time and Temporary Full-Time Employees

Regular full-time and temporary full-time employees shall be eligible for vacation entitlement with pay by accruing vacation hours based on a 70 hour pay period. Vacation hours shall begin to accrue at the commencement of employment.

ii) Regular Part-Time Employees

Regular part-time employees shall be eligible for pro-rated vacation entitlement with pay by accruing vacation hours relative to a 70 hour pay period. Vacation hours shall begin to accrue at the commencement of employment.



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iii) Casual and Temporary Part-Time Employees

Casual and temporary part-time employees shall be entitled to vacation pay at the rate of 4 per cent of actual earnings and shall be paid on each applicable bi-weekly pay in accordance with the *Canada Labour Code*. (Refer to Procedures 12.0, Hours of Work and Pay, and 5.0, Employment Status and Probation)

b) Vacation Year

The vacation year shall run from 1 April to 31 March of the following year.

c) Anniversary Date

For the purpose of determining vacation entitlement, the employee's anniversary date shall be used to establish the length of continuous service.

(For example, for employees whose sixth year of continuous employment falls on 12 August 2005, that will be the month in which he or she shall begin accruing the applicable vacation entitlement.)

d) Vacation Leave Approval

Vacation leave may be taken only when authorized in advance by an employee's department manager or designate and such requests shall be made as far in advance as possible in writing on an Application for Leave Form.

Provided work and operational requirements permit, vacation shall be granted for the time requested by each employee. TKC, however, reserves the ultimate right to schedule and control vacations. When more than one employee from the same department is requesting the same vacation period and such request cannot operationally be accommodated, the deciding factor for who shall be granted the time off shall be based on a first come first served basis.



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e) Annual Vacation Usage

Annual vacation entitlement shall normally be taken during the applicable vacation year.

Eligible employees may use their vacation as they earn it but shall not borrow any vacation in advance. When an employee takes vacation, only the accrued vacation hours available in that pay period can be applied towards his or her vacation days.

Employees who qualify for vacation entitlement with pay shall be paid vacation entitlement on the regular pay day during or immediately following the vacation. Alternatively, an employee may request to receive his or her vacation pay in advance of the commencement of his or her scheduled vacation in which case TKC shall pay the vacation pay on the pay day before the vacation commences. The amount paid shall be no greater than the equivalent to the amount of time being taken off.

f) Vacation Carry-Over

Employees may carry forward a maximum of eight days of unused vacation from one vacation year into the next (14 days for those employees in their sixth and subsequent years), which shall be taken in time off before the end of that next vacation year. TKC reserves the right to direct an employee to take any unused vacation carry-over days that are outstanding as of 1 January.

There may be exceptions to the above provision, such as operational issues, that prevent an employee from taking time off in a vacation year therefore requiring him or her to carry over more than eight vacation days and as approved, in writing, by the Chief or designate.



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g) Vacation Pay-Out

Circumstances in which an employee would receive a payout for his or her vacation entitlement are as follows:

i) Unused Carry-Over Vacation

Any unused carry over of vacation, pursuant to paragraph f) above, not taken by 31 March of the next vacation year shall be paid out in cash the pay day immediately following 31 March of that year.

ii) Discontinuance of Employment

Upon discontinuance of employment, TKC shall pay the eligible employee or his or her estate

- A) vacation pay for any vacation entitlement the employee earned in a previous year of employment that was carried over pursuant to this policy; and
- B) that portion of the current year of employment that the employee has worked but not taken any vacation in.

h) Vacation Time in lieu of Sick Leave or Special Leave

Eligible employees shall not use their vacation entitlement in lieu of payment for absences that would otherwise qualify under sick leave or special leave unless he or she has exhausted his or her sick leave or special leave hours and receives authorization from his or her department manager.

i) Reinstatement of Vacation

In the event an employee becomes ill or injured while on vacation in excess of three or more days after having commenced his or her vacation, and to the extent that he or she qualifies for disability coverage, he or she may request to postpone his or her remaining



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days of vacation in order to enrol in the disability plan. Upon approval of the disability claim, TKC shall reinstate the initial three days of vacation.

13.2 SICK LEAVE

Sick leave is intended to provide employees, who are unable to perform their duties because of illness or injury, pay up to the maximum accumulated unused sick leave hours.

a) Sick Leave Hours

i) Temporary Full-Time

All regular or temporary full-time employees shall earn sick leave hours at an accrual rate of 4.038 hours bi-weekly based on a 70 hour pay period.

ii) Regular Part-Time

All regular part-time employees shall earn pro-rated sick leave hours at an accrual rate of 4.038 hours bi-weekly relative to a 70 hour pay period.

Sick leave shall be granted only to the extent of sick leave hours earned.

Employees may not borrow any sick leave in advance. When an employee is absent for reasons that would otherwise qualify under sick leave, only the accrued sick leave hours available in that pay period shall be applied towards those days absent.

Sick leave hours earned but not used shall be carried forward into subsequent years of employment up to a maximum of 315 hours (45 days).



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b) Granting of Sick Leave

An employee who is unable to work because of illness or injury may be granted sick leave with pay by using accumulated sick leave hours provided he or she has the sick leave hours available. TKC may request satisfactory evidence of illness. However, TKC group benefit disability coverage is the primary source of disability coverage for applicable illnesses or injuries and therefore an employee shall complete and submit an Application for Short Term Disability Benefits Form, pursuant to Procedure 3, within the required timeframe. (Refer to the Group Benefits brochure available from Human Resources)

Applicable illnesses or injuries are defined in accordance with the TKC insurance policy: 1st day payment for accident and 4th day payment for illness.

i) Sick Leave for Illness or Medical Appointments

Sick leave hours may be used when an employee is

- A) ill or injured and unable to attend work;
- B) required to care for an ill or injured dependent or member of his or her immediate family who resides in the same household;
- C) required to attend a medical appointment in or outside the Yukon (i.e., doctor, specialist, dental, optometrist, chiropractor, counselling); or
- D) required to accompany a dependent or member of his or her immediate family who resides in the same household to a medical appointment in or outside the Yukon.

TKC encourages employees to make appointments outside of regular work hours when and where possible.



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c) Medical Certificate

A department manager or designate reserves the right to request a medical certificate from an employee. The medical certificate shall be signed by the attending physician and shall confirm that the employee is incapable of performing his or her duties due to illness or injury. The employee shall produce the medical certificate no later than 15 days upon his or her return to work.

There may be instances where an employee appears to have a serious medical concern to the extent that continuing or returning to work could do harm to the employee and, or, to others. A department manager or designate such as the Chief may request a medical certificate to confirm an employee's capability to perform the work safely. The cost of obtaining such medical certificate shall be paid by TKC.

13.3 SPECIAL LEAVE

a) Special Leave Hours

i) Regular or Temporary Full-Time

All regular or temporary full-time employees shall earn special leave hours at an accrual rate of 1.62 hours bi-weekly based on a 70 hour pay period.

ii) Regular Part-Time

All regular part-time employees shall earn pro-rated special leave hours at an accrual rate of 1.62 hours bi-weekly relative to a 70 hour pay period.

Special leave shall be granted only to the extent of special leave credits earned.

Employees may not borrow any special leave in advance. When an employee is absent for reasons that would otherwise qualify under



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special leave, only the accrued special leave credits available in that pay period shall be applied towards those days absent.

Special leave credits earned but not used shall be carried forward into subsequent years of employment up to a maximum of 126 hours (18 days).

b) Granting of Special Leave

i) Illness or Medical Appointments

Special leave may be used when an employee is

- A) required to care for an ill or injured member of his or her immediate family who does not reside in the same household; or
- B) required to accompany a member of his or her immediate family who does not reside in the same household to a medical appointment in or outside the Yukon.

An employee may be granted up to a maximum of his or her leave hours available for subparagraphs A) and, or, B) above.

ii) Special Leave in Conjunction with Bereavement Leave

TKC may grant an employee up to a maximum of 28 scheduled hours (four working days) of accrued special leave hours to be used in conjunction with subsection 8.4, Bereavement Leave.

iii) Marriage

After the completion of one year of continuous service, an employee may be granted up to a maximum of 35 hours (five days) accrued special leave for the marriage of an employee. In order to qualify for such leave, the employee shall apply for this leave a minimum of five days before the commencement of such leave.



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iv) Arrival of a Child at Birth, Adoption or Parental Leave

After the completion of six months of continuous service, an employee may be granted up to a maximum of 35 hours (five days) accrued special leave upon the arrival of a child at birth, adoption or parental leave. This provision is applicable where the employee is not accessing maternity or parental leave at the same time.

v) Potlatch, Funeral, Memorial Service

An employee may be granted up to a maximum of seven hours (one day) accrued special leave to work at or attend a potlatch, funeral or memorial service. In addition, an employee may be granted up to three days of accrued special leave to attend a potlatch of an immediate family member.

vi) Leave Without Pay for Traditional Pursuits

An employee may be eligible for up to five days without pay per fiscal year for traditional pursuits.

vii) Other Circumstances

The Executive Director may grant a request for special leave for up to 14 hours.

13.4 BEREAVEMENT LEAVE

TKC shall grant an employee leave with pay for a period of up to 35 scheduled hours (five working days) in the case of a death in the immediate family and any relative permanently residing in the employee's household or with whom the employee resides.

13.5 CHRISTMAS BREAK

All employees, with the exception of casual employees, employed at the commencement of the Christmas break shall not be required to report to



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work during the Christmas break period. This break is comprised of normal working days that fall between 26 December and 1 January. This period of leave shall not be deducted from the employee's vacation leave hours. Notwithstanding the foregoing, there may be the requirement to have some employees report to work in order to meet operational needs. Employees so scheduled shall be compensated for time off in lieu of working on these days.

Pay shall be pro-rated accordingly for part-time employees.

The Board reserves the right to review the Christmas break provision at any time. Should there be any changes made to this provision, the Board shall provide a minimum of three months notice of such change to employees before the following Christmas break.

13.6 OTHER LEAVES

a) Voting During an Election

TKC recognizes the *Canada Elections Act* for providing time off for employees who qualify as electors to vote in a federal election. Employees shall be entitled to four consecutive hours, while the polls are open, during which they may vote.

In the event of a provincial, territorial or municipal election, employees who qualify as electors shall be entitled to three consecutive hours, while the polls are open, during which time they may vote.

If the hours of work do not allow for sufficient time to vote, an employee shall be allowed the necessary time to provide those consecutive hours for voting.

b) Court Appearance

When a regular full-time, regular part-time, temporary full-time or temporary part-time employee is required to serve on a regular or coroners jury, or is subpoenaed as a crown witness during his or her



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normal working hours, or is legally required to attend any proceeding held before a court, judge, justice or magistrate, he or she shall be granted leave of absence. The employee shall be required to produce verification of the requirement to provide such service.

The employee shall receive his or her straight time rate of pay for hours necessarily absent and during which he or she would otherwise have been working. It is understood that the employee shall report to work during regular hours that he or she is not required to attend court where practicable. Any payment, excluding sundry expenses, received from the courts shall be reimbursed to TKC.

Pay shall not be granted for voluntary court appearances, such as acting in the capacity of a character witness.

c) Compassionate Office Closure

When there is a death of an individual, the Chief or designate may elect to close the TKC offices for up to one day. Employees shall receive pay for the hours the offices are closed.

13.7 INJURY ON-DUTY LEAVE

If an employee is injured at work or becomes ill resulting from the nature of his or her work, he or she shall be granted injury on-duty leave with pay where it is determined by a qualified medical practitioner that he or she is unable to perform his or her duties due to the work related injury or illness.

An employee applying for a workers' compensation claim may apply for available sick leave hours towards the time period during which the claim is being adjudicated. If the injury on-duty leave is subsequently approved for this time period, payment from WCB shall be made directly to TKC and TKC shall credit the sick leave hours back to the employee. Any WCB payments made thereafter and for the remainder of the claim shall be paid directly to the employee while he or she is on injury on-duty leave.



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When, pursuant to this section, an employee has been granted injury on-duty leave with pay, the employee shall continue to earn sick, special, vacation and any other accruals in accordance with TKC policies. Any benefit premiums paid by the employee shall become the responsibility of TKC until the employee returns to regular duties.

13.8 LEAVE WITHOUT PAY

There are circumstances in which an employee may be required to be absent from work without pay.

a) Leave Without Pay for Personal Needs

An employee may be eligible for leave without pay for personal needs after he or she has completed five years of continuous service with TKC as a regular full-time or regular part-time employee.

Employees may be granted leave without pay for personal needs for any purpose subject to the following:

- i) leave may be granted for a period of up to six months, but an extension of up to six months may be granted by TKC;
- ii) leave without pay granted for personal needs in excess of one continuous month, other than maternity and parental leaves, shall not be counted towards the calculation of continuous employment;
- iii) leave without pay in excess of one continuous month for personal needs, other than maternity and parental leave, shall not be counted for the calculation of continuous service for pay increments or other benefits with monetary value and benefit and contribution payments. Premium payments for the employee and TKC portion shall be the sole responsibility of the employee. Payment of premium for the duration of the leave shall be



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required should the employee request to retain his or her employee benefits;

- iv) upon returning from leave without pay for personal needs, the employee shall assume his or her former position and salary as a first priority. In the event that this obligation cannot be met, the employee shall assume a position similar to his or her former position and salary;
- v) the employee is expected to return to TKC upon completion of his or her leave for a period of at least equal to that for which the leave was granted; and
- vi) an employee on this leave for longer than one month shall confirm his or her return, in writing, four weeks before the expiration of his or her leave. An employee who fails to confirm such return as required, except for reasonable grounds, may be deemed to have discontinued his or her employment with TKC.

b) Maternity Leave

TKC shall adhere to the legislated entitlement for maternity leave in accordance with Human Resources and Skills Development Canada and the *Canada Labour Code*.

Pursuant to the *Canada Labour Code*, an employee who has worked for TKC for a minimum period of six continuous months shall be entitled to maternity leave that consists of an unpaid leave of absence of up to 17 weeks. Maternity leave may begin no earlier than 11 weeks before the estimated date of delivery and may not end later than 17 weeks following the actual date of delivery.

An employee who becomes pregnant shall notify TKC in writing of the pregnancy at least four weeks before the day she intends to commence the leave without pay.



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The scheduled date of return to work shall be agreed upon between the employee's department manager and the employee before the commencement of the maternity leave.

An employee on maternity leave may elect to return to work before her period of leave is over only with the consent of her department manager and by giving TKC four weeks notice, in writing, of the day she intends to return to work. The request to return to work before the period of leave is over shall be accompanied by a medical certificate.

If eligible for TKC's group benefits before commencing maternity leave, the employee shall be required to continue to pay the employee paid portion of benefit premiums in order to retain her group benefit entitlement. Arrangements for payment of premiums shall be made with Payroll.

When granted maternity leave, the employee shall not continue to earn sick, special, vacation and any other credits that would normally accrue. However, the period of absence shall be credited for purposes of calculating vacation entitlement and her service date shall not be adjusted. Upon commencement of the employee's return to work, all benefits and accruals shall resume as they were before the leave.

With the approval of the department manager, outstanding vacation entitlements may be used to extend the maternity leave, but such entitlement shall be taken at the end of the leave.

c) Parental Leave

TKC shall adhere to the legislated entitlement for parental leave in accordance with Human Resources and Skills Development Canada and the *Canada Labour Code*.

Parental leave shall be available to an employee who has completed a minimum period of six continuous months. Parental leave is available to either parent or the leave can be shared



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between both parents and applies to either the birth or the adoption of a child. Parental leave shall be taken in conjunction with maternity leave and ends 52 weeks after the date the child arrives home. Parental leave for adoption commences with the arrival of the child in the family home.

The maximum number of weeks for parental leave is 37 weeks.

All other provisions with respect to group benefits, accruals, and commencement and return to work as outlined in paragraph b) above shall also apply to parental leave.

TKC reserves the right to request proof of adoption. An employee who adopts a child shall be subject to at least four weeks notice to TKC.

It is not the intent to grant adoption leave to an employee where there was a pre-existing relationship between the employee and the child being adopted.

d) Compassionate Care Leave

TKC may approve a leave for purposes of compassion care for qualified employees in accordance with Human Resources and Skills Development Canada. Such leave may be up to eight weeks for an employee who is required to provide care or support to a seriously ill family member at risk of dying within 26 weeks.

13.9 MEDICAL LEAVE

TKC provides medical leave of absence without pay to employees who are unable to work due to a medical disability. An employee considered to be on medical leave shall be taken off the TKC payroll and, if eligible, shall receive disability payments directly from the insurance carrier.

An employee shall be considered to be on medical leave for the period during which he or she receives disability benefits from the insurance carrier.



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When on medical leave, the employee shall not continue to earn sick, special, vacation and any other credits that would normally accrue. However, the period of absence shall be credited for purposes of calculating vacation entitlement and his or her service date shall not be adjusted. Upon commencement of the employee's return to work, all benefits and accruals shall resume as they were before the leave.

If an employee is eligible for TKC's group benefits before commencing medical leave, he or she shall be required to continue to pay the employee paid portion of benefit premiums in order to retain his or her group benefit entitlement. An employee shall continue to pay the employee paid portion of disability and life insurance benefit premiums until such time as he or she returns to regular duty or the insurance carrier waives the premiums. Arrangements for payment of premiums shall be made with Payroll.

13.10 REINSTATEMENT

An employee returning from maternity leave or, where reasonably practicable, from medical leave, if the duration of the medical leave has not exceeded 36 months from the initial date of the disability, shall be entitled to return to her or his former position. In the event TKC is unable to return the employee to her or his former position, she or he shall be placed in a comparable job with at least the same or equivalent wages and benefits.

Where an employee takes leave under this section and, during the period of that leave, his or her wages and benefits are changed as a part of a plan to reorganize TKC, he or she is entitled, on being reinstated in employment under this section, to receive the wages and benefits in respect of that employment he or she would have been entitled to receive had he or she been working when the reorganization took place.

TKC shall notify, in writing, the employee whose wages and benefits would be changed as a result of a reorganization of that change as soon as possible.



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PROCEDURE 1. Application for Leave

When an employee applies to use his or her accrued hours for vacation, sick, or special leave, he or she shall complete an Application for Leave Form and specify the required details of the leave as indicated on the form. The employee shall ensure that he or she has accrued sufficient hours to cover the request.

a) Vacation

A request for vacation leave shall be submitted on an Application for Leave Form to the department manager as far in advance as possible. Upon approval from the department manager, the approved leave form shall be returned to the employee to be submitted together with the time card applicable for the pay period in which the vacation occurred. Requests for advanced vacation pay shall be indicated on the Application for Leave Form and shall be submitted in advance to Payroll to be paid on the pay day before the commencement of the vacation pursuant to paragraph 13.1 e), Annual Vacation Usage.

b) Sick or Special

A request for sick or special leave shall be submitted on an Application for Leave Form to the department manager as far in advance if possible for reasons that are applicable and pre-determined.

For absences applying to sick or special leave that are not pre-determined, the employee shall complete an Application for Leave Form upon his or her return to work and submit the form for approval to his or her department manager. Upon approval, the leave form shall be returned to the employee to be submitted together with the time card applicable for the pay period in which the absence occurred.

c) Bereavement

A request for bereavement leave shall be submitted on an Application for Leave Form to the department manager in advance if possible or,



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at the latest, immediately upon the employee's return to work. At a minimum, discussions between the employee and his or her department manager should occur before or during the bereavement leave to confirm the duration of the absence.

d) Court

An employee who is required to attend court pursuant to paragraph 13.6 b), Court Appearance, shall provide verification for the leave and complete and Application for Leave Form accordingly and identify the hours in court during a 70 hour pay period.

e) Leave without Pay

If an employee is requesting any type of leave without pay pursuant to subsection 13.8, Leave without Pay, he or she shall submit an Application for Leave Form to his or her department manager no later than four weeks before the commencement of the leave. The department manager and the employee shall jointly review the request to ensure that the leave is feasible by taking into consideration the departmental requirements. A joint review between the employee and his or her department manager is not applicable for maternity and parental leaves.

2. Injury On-Duty Leave

If an employee becomes injured at work or becomes ill resulting from the nature of his or her work, he or she shall report the incident immediately to his or her department manager or designate in the event the department manager is absent. The employee shall then complete a Worker's Report of Injury to be obtained from Payroll.

(The Worker's Report of Injury can also be accessed and printed out by going to the website www.wcb.yk.ca and clicking on "Worker Information" and "Worker's Report of Injury Form".)

The employee shall submit the completed report to his or her department manager. The department manager, jointly with Payroll, shall complete an



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Section 13.0 LEAVE

Effective Date: 20 June 2005
Last Amended: 25 April 2007

Employer's Report of Injury Form to be submitted together with the Employee's Report of Injury Form within three days of receiving such report from the employee. Payroll shall notify WCB when an employee returns to work before the expected return to work date.

(Refer to Yukon Workers Compensation Health and Safety Board website at www.wcb.yk.ca for additional worker and employer information.)

3. Medical Leave

In accordance with TKC's group benefits, an employee may be eligible for weekly indemnity benefits on the first day of an accident or on the fourth day in the case of illness.

- i) An employee shall obtain a Short Term Disability Income Benefits Form—Employee's Statement from Payroll for completion.
- ii) Upon completion of the above form, the employee shall return the form in a sealed envelope to Payroll.
- iii) Payroll, jointly with the department manager, shall complete the Application for Group Short Term Disability Benefits—Employer's Statement and send the sealed envelope together with the employer's submission to the insurance carrier within the specified time period.

Form — *Application for Leave*

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Section 14.0 PERSONNEL FILES

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Last Amended:

(DRAFT POLICY IN PROGRESS)

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Effective Date:
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Section 16.0 CORRECTIVE DISCIPLINE

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Section 17.0

DISCONTINUANCE OF EMPLOYMENT

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Section 17.0 DISCONTINUANCE OF EMPLOYMENT

Effective Date: Approved June 20, 2005
Last Amended:

PURPOSE To define discontinuance of employment as it applies to TKC employees.

POLICY **17.1 TYPES OF DISCONTINUANCE OF EMPLOYMENT**

a) Resignation or Retirement

Resignation or retirement is voluntary and is initiated by an employee with the intent to discontinue his or her employment. TKC requests that a regular full-time and regular part-time employee provide a minimum of two weeks' written notice before his or her last working day. Written notice of resignation or retirement shall be addressed to the department manager or designate.

Any employee with five or more years of continuous service shall be eligible for severance upon resignation or retirement pursuant to section 19.0, Severance.

b) Completion of a Temporary Work Term

An employee hired on a temporary basis, referred to as having temporary full-time or temporary part-time status, shall have a specified work term with a set end date. Unless an employee is entitled to be recalled as outlined in paragraph c), Layoff, below, or the temporary work term has been extended, his or her employment is discontinued at the end of the specified work term. If a temporary full-time or temporary part-time employee voluntarily discontinues his or her employment before the completion of the temporary work term, TKC requests a minimum of two weeks' written notice before his or her last working day providing the work term exceeds the two week notice period.

c) Layoff and Discontinuance of Employment

Layoff is a form of discontinuance of employment. Any regular full-time, regular part-time, temporary full-time or temporary part-time employee with more than three months of continuous service who is provided with a notice of layoff due to a shortage of work or discontinuance of a function is entitled to receive two weeks' notice



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of termination, in writing, or two weeks' pay, at the employee's base rate of pay, in lieu of notice.

In addition, pursuant to section 19.0, Severance, an eligible regular full-time, regular part-time, temporary full-time or temporary part-time employee who has completed a minimum of one year of continuous service shall also be eligible for severance entitlement.

In accordance with the *Canada Labour Code*, if an employee who has received a notice of layoff or discontinuance of employment continues to be employed for more than two weeks after the date specified in the notice, his or her employment cannot be discontinued unless TKC issues another two weeks' notice or provides two weeks' pay in lieu of notice. The choice between notice or pay in lieu of notice remains with TKC.

d) Termination

A layoff extending past three months shall be considered termination of employment.

e) Preference for Recall

Preference for Recall shall only apply to an employee who is considered to be on off-duty status when he or she completes a seasonal work assignment for which he or she was employed (i.e., game guardian and tutor). Preference for Recall is only applicable to the recall of an employee to the same position, in the same department and in the same capacity from which the employee received a temporary lay off or from which his or her off-duty status commenced. Preference for Recall only applies when the period of layoff does not exceed 12 months.

f) Death of an Employee

In the event of the death of an employee, any monies owed to the employee, such as wages and other accruals due to him or her at the date of his or her death, shall be issued to the estate of the



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deceased as soon as reasonably possible after the estate is determined and evidenced.

If an employee has been covered under TKC's group benefit insurance policy, the Department of Finance shall notify the insurance carrier immediately. The insurance carrier and the Department of Finance shall jointly complete the necessary forms to process any benefits due to the beneficiary or estate as soon as possible.

Any outstanding claims for the deceased's medical or dental benefits shall be processed as quickly as possible.

g) Unsuccessful Completion of a Probationary Period

If an employee fails to pass his or her probation period as outlined in section 5.0, Employment Status and Probation, his or her employment shall be discontinued. If an employee's employment is discontinued during his or her probation period, he or she shall, notwithstanding any other provision in this policy, receive the statutory minimum payments only.

h) Discontinuance of Employment Without Cause

Circumstances may arise that require the discontinuation of employment of an employee without cause.

If an employee is discontinued from employment without cause, TKC shall provide notice or payment in lieu of notice in accordance with the *Canada Labour Code* minimum standards. In addition, an eligible employee who has completed a minimum of 12 months of continuous service shall qualify for severance pay pursuant to section 19.0, Severance.

i) Dismissal for Just Cause

An employee who is dismissed from employment for just cause is not entitled to receive notice or wages in lieu of notice or severance.



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A dismissal with just cause may result from actions on the part of the employee that are considered a fundamental breach of the employment agreement. Dismissal with just cause generally consists of either severe misconduct or a series of lesser circumstances of misconduct that have continued despite progressive disciplinary action taken by TKC. (See Section 16.0, Corrective Discipline)

j) Abandonment

When an employee is absent from work without the evidenced intent to return to work and fails to notify TKC or fails to seek and obtain permission for the absence, he or she is considered to have abandoned his or her position. Such action shall result in dismissal with just cause pursuant to paragraph g) above.

It is deemed that an employee has abandoned his or her position when he or she has failed to contact his or her department manager or designate with a valid, justifiable reason for his or her absence for a period of five consecutive working days.

17.2 EMPLOYER CONDUCT

When the appropriate designate is conducting a meeting with an employee pertaining to his or her discontinuance of employment, regardless of the reason for discontinuance, TKC agrees to conduct itself in a professional manner, demonstrating good faith and fair dealing. TKC shall be candid, reasonable and honest.

17.3 EXIT CHECKLIST

An Exit Checklist shall be completed by the department manager and departing employee during his or her last week of work, except in cases of dismissal for just cause and abandonment of employment. The purpose of the Exit Checklist is to ensure that all TKC materials, records and property of any sort in an employee's possession are returned to TKC.



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Effective Date: Approved June 20, 2005
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17.4 EXIT INTERVIEWS

Exit interviews are intended to create an opportunity for departing employees to provide feedback, recommendations or suggestions to TKC.

Every employee who resigns or retires, is laid off or has completed a temporary work term in excess of three months, shall be offered an Exit Interview Questionnaire to complete and return to Human Resources.

Only relevant information resulting from the Exit Interview Questionnaire shall be provided to the employee's department manager from Human Resources and all other information provided shall remain confidential and the Exit Interview Questionnaire shall be placed in the employee's closed employee file. An employee may request to have an exit interview with Human Resources or his or her department manager before his or her departure.

PROCEDURE 1. Approval Process

The following outlines the approval process required and to which TKC shall adhere when discontinuing an employee's employment for the specified type of discontinuance:



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Type of Discontinuance	For Staff	For Management
Layoff	<ul style="list-style-type: none"> — Department Manager — Human Resources — Finance Manager — Executive Director — Chief/Deputy or Designate — Board* 	<ul style="list-style-type: none"> — Department Manager (if applicable) — Human Resources — Finance Manager — Executive Director — Chief/Deputy or Designate — Board
Unsuccessful Completion of a Probationary Period	<ul style="list-style-type: none"> — Department Manager — Human Resources — Executive Director — Chief/Deputy or Designate — Board* 	<ul style="list-style-type: none"> — Department Manager (if applicable) — Human Resources — Executive Director — Chief/Deputy or Designate — Board
Discontinuance of Employment without Cause	<ul style="list-style-type: none"> — Department Manager — Human Resources — Executive Director — Chief/Deputy or Designate — Board 	<ul style="list-style-type: none"> — Department Manager (if applicable) — Human Resources — Executive Director — Chief/Deputy or Designate — Board
Dismissal for Just Cause	<ul style="list-style-type: none"> — Department Manager — Human Resources — Executive Director — Chief/Deputy or Designate — Board 	<ul style="list-style-type: none"> — Department Manager (if applicable) — Human Resources — Executive Director — Chief/Deputy or Designate — Board

* denotes *for notification purposes only*



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- a) Discontinuance of employment can only be carried out once the authorizing TKC designates have granted approval.
- b) All necessary documentation shall be prepared by the Department of Finance, Human Resources and the respective department manager.
- c) A minimum of two authorizing TKC designates, one being the respective department manager and the other Human Resources, shall be in attendance at the meeting with the employee affected by the discontinuance of employment.

2. Layoff

Human Resources shall work jointly with the department manager and other respective authorizing TKC designate, pursuant to section 1. above, in preparation for the authorization and final implementation of the layoff. Preparation may include but is not limited to providing justification for the layoff and presentation of such to other authorizing designates, preparing a layoff letter and termination, if applicable, determination of preference for recall eligibility and legal employment consultation or review if required.

3. Resignation, Retirement, Completion of Temporary Work Term, Layoff

The respective department manager, Human Resources and the Department of Finance shall jointly complete the necessary documentation to finalize the discontinuance of employment. Documentation shall include but may not be limited to payroll records such as final payment, Record of Employment (ROE), Exit Interview Questionnaire, Exit Checklist and notification to the insurance carrier.

4. Rehire After Dismissal for Just Cause Or Abandonment

Employees who were previously dismissed for just cause from his or her employment or who abandoned his or her position, may apply for re-employment after a 24-month period from the date his or her employment was discontinued.



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Effective Date: Approved June 20, 2005
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5. Death of an Employee

In the event of the death of an employee who was covered under the group insurance policy, the Department of Finance shall initiate the required documentation for death benefits and any other outstanding claims.

6. Exit Checklist and Exit Interview Questionnaire

The respective department manager shall initiate the completion of the Exit Checklist and Exit Interview Questionnaire and shall follow through with the necessary action items as outlined in these documents.

Form — *Exit Checklist*

Form — *Exit Interview Questionnaire*

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Section 19.0 SEVERANCE

Effective Date: 20 June 2005
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PURPOSE To provide eligible employees with severance entitlement in the event of discontinuance of employment.

POLICY This policy applies to all regular full-time, regular part-time, temporary full-time and temporary part-time employees who have completed a minimum of one year of continuous service with TKC and who are eligible for severance entitlement based on the following:

REASON	AMOUNT OF SEVERANCE
DISCONTINUANCE OF EMPLOYMENT Applies to employees who have a minimum of one completed continuous year of service and who receive a layoff or are dismissed without cause.	One week's base salary for each year of continuous completed service and the total payable not to exceed 30 weeks.
RESIGNATION OR RETIREMENT After five or more years of completed continuous years of service.	One week's base salary for each year of completed service and the total payable not to exceed 30 weeks.

Severance entitlement for part-time employees shall be pro-rated based on actual hours worked.

An employee whose employment is discontinued, for reasons specified above, shall also be eligible to receive two weeks' notice of discontinuance or pay in lieu of notice, in accordance with the *Canada Labour Code*, in addition to the amount of severance as set out above.

Any severance monies owed to an employee shall be paid in a lump sum, less applicable statutory deductions, at the time of discontinuance of employment.



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An employee who is on an approved leave of absence, with or without pay and who would otherwise qualify for severance as set out above, shall still be entitled to severance, but such leave shall not be interrupted.

If an employee is rehired, his or her new anniversary date shall be the date used for the purpose of calculating any future severance entitlement.

- PROCEDURE**
- 1) The department manager, Human Resources, the Department of Finance and the employee shall jointly complete the necessary documentation to finalize the discontinuance of employment and payments associated with the discontinuance. Human Resources shall ensure all records are properly filed.

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Section 23.0 INFORMATION AND COMMUNICATION TECHNOLOGY

Effective Date: 20 December 2005
Last Amended: 28 May 2007

PURPOSE To ensure responsible use of and safeguard TKC ICT systems and data.

POLICY **23.1 DEFINITIONS**

In this policy

“data” means electronic information and, for the purpose of this policy, documents and e-mail.

“ICT” means Information and Communication Technology and includes any information service, system, or soft and hardware that enables computer access in a stand-alone, single user mode (as in a laptop), or by multiple users connected to a server or other shareable resource, or a service or system that provides access to the Internet, and such systems operated or services offered by TKC;

“ICT administrator” means the person designated as such by TKC to manage the TKC network resources;

“Internet” for the purpose of this policy, means Internet resources, including the World Wide Web, list-servers, USENET news groups, and other Internet resources and services;

“server” means the computer in the ITC department that manages the TKC network resources; and

“workstation” means a desktop or laptop computer connected to the TKC network.

23.2 APPLICATION

This policy covers the use of any technology owned, leased or licensed by TKC, including computers, telephones and any other electronic devices that can create, store, record, send or receive information to or from another electronic device.



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23.3 COMPUTER WORKSTATIONS

Depending on their specific duties, TKC shall ensure that employees have access to individual desktop workstations.

Laptops may be made available to employees whose duties include frequent work outside the TKC offices.

a) Workstation Security

Employees shall not leave their workstations logged in unattended, especially during longer periods of absence from workstations such as during lunch hours.

b) Third-Party Users

The use of employees' workstations by third parties—that is, by persons that are not TKC employees—is strictly prohibited.

c) Physical Care

Generally, employees shall use their common sense in the care for their workstations, which includes to keep food and drink away from keyboards, printers and other peripheral hardware. Laptops, especially, shall be safeguarded from theft, use or storage in unfavorable environments, damage caused by rough handling and from unauthorized persons who may gain access to data owned by TKC.

Employees may be liable for any damage of their workstations or loss of data as a result of their carelessness or negligence, including but not limited to losing a laptop or leaving a laptop in a vehicle overnight during the winter months.

d) Passwords

Employee accounts are protected by passwords enabling only the user to access data stored in their individual folder(s) on the server.



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Passwords shall be kept confidential to ensure that information is not accessed by unauthorized personnel. Passwords should have a minimum length of six characters and shall be changed as prompted to minimize security risks.

It should be noted, however, that the ICT administrator has access to all workstations and can override or cancel any password.

e) Data Storage

Employees shall save their data on the server as a primary means and on their hard drives as a secondary means and such data shall be uploaded from their hard drives to the server at least every other day. In no circumstances shall data be stored on CDs or USB devices unless such data is meant to be in the public domain. In the latter case, department managers who, from time to time, carry their work off premises make the exception.

Employees shall make every attempt to organize their data on the server by way of descriptive file names and in the appropriate folders and sub-folders.

When an employee stores personal data on a workstation, he or she does so at his or her risk, discretion and pursuant to paragraph g) of this policy.

f) Software and Hardware Installations

Software and hardware shall be installed and maintained only by the ICT administrator. Any relevant training of employees should accompany the installation process as appropriate.

Unauthorized or unlicensed software—including but not limited to screen savers, chat programs, and games—shall not be downloaded or otherwise installed on workstations and shall be removed by the ICT administrator upon discovery.



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g) Data Ownership and System Monitoring

All data created by employees shall remain the property of TKC.

Employees shall have no expectation of privacy in regard to the data they create, store, send or receive on and with workstations. For greater certainty, this includes any and all personal data. TKC shall reserve the right to monitor or retrieve, without notification to employees, any data, from any workstation, if and when TKC deems such action necessary.

Any monitoring or retrieval of data shall be coordinated by the ICT administrator or by an outside auditor. Monitoring shall occur only after a written request from the department manager to the ICT administrator or outside auditor.

h) Back-Up Schedule

The ICT administrator shall back up data on the server as follows:

1. daily back-up of data with the tape carried to a safe off-site.
2. periodic system back-up on the administrator's workstation.
3. annual burn of data on CD or DVD.

23.4 INTERNET USE

Employees shall access the Internet from their workstations for work related purposes only.

23.5 E-MAIL

Employees shall create, store, send or receive e-mail on and with their workstations for work related purposes only.



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Section 23.0 INFORMATION AND COMMUNICATION TECHNOLOGY

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a) Legal Risks

E-mail is a business communication tool and employees shall use this tool in a responsible, effective and lawful manner.

Although, by its nature, e-mail seems to be less formal than other written communication, the same laws apply. It is important that employees are aware of the legal risks of e-mail.

1. If an employee sends or forwards e-mail with any libelous, defamatory, offensive, racist or obscene remarks, the employee may be found to be liable.
2. If an employee sends, forwards or copies any confidential information without permission of the department manager, the employee may be liable.
3. If an employee, without permission, unlawfully forwards or copies messages that contain privileged and confidential information, or messages that are protected by copyright, the employee may be found to be liable for copyright or other infringements.
4. If an employee knowingly sends an attachment that contains a virus, the employee may be found to be liable.

By following this policy, TKC e-mail users can minimize the potential legal risks arising with the use of e-mail.

b) Legal Requirements

The following shall be strictly adhered to:

It is strictly prohibited for any employee to send, copy, download, display or forward e-mail containing libelous, defamatory, offensive, racist or obscene remarks or images.



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If an employee receives an e-mail of this nature, he or she must promptly notify his or her department manager.

Furthermore, employees are prohibited to

1. Forwarding messages of a confidential or otherwise restricted content without first acquiring permission from the sender.
2. Send unsolicited e-mail messages.
3. Forge or attempt to forge e-mail messages.
4. Send e-mail messages using another person's e-mail account.
5. Copy a message or attachment belonging to another user without permission of the originator.
6. Disguise or attempt to disguise his or her identity when sending e-mail.
7. Forward chain letters, junk mail, jokes and executables.
8. Send mass mailings.
9. Reply to spam (mass mailed junk e-mail).

c) E-Mail Accounts

All e-mail accounts maintained on the TKC e-mail system shall be the property of TKC. Passwords shall not be given to third parties and shall be changed periodically.

It should be noted, however, that the ICT administrator has access to all workstations and can override or cancel any password.



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d) Log-On from Private Residence

The provisions in this subsection 23.5 shall extend to employees who log on from their private residences or other locations to their TKC e-mail via the home page of the TKC Web site.

23.6 SUMMARY OF COMPUTER SECURITY

To minimize the risk of computer security problems and viruses, employees shall not

- a) download any software or executable files from the Internet;
- b) open any attachment to an e-mail message that is from an unknown or unexpected source;
- c) install any software or insert any disk not licensed to TKC; or
- d) access any external e-mail account (i.e., hotmail, yahoo, northwestel) or any Internet chat rooms.

23.7 TELEPHONE USE

Employees shall be informed and be fully aware that the numbers dialed and length of calls placed from stationary TKC telephones are logged in the ITC department and from cellular telephones on the bills of the service provider.

Work related telephone calls shall be placed and collect calls received only where correspondence, facsimile or e-mail will not serve the purpose.

Personal local calls placed by employees shall be kept to a minimum.

Employees may place personal long distance calls in emergency situations only. The charges shall then be deducted from the caller's pay cheque the next pay period.

TKC shall accept work related collect calls from TKC citizens.



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TKC shall assign PIN numbers to designated employees to control long-distance calls.

In no circumstances shall employees place personal calls from the main switchboard, including during rest periods such as lunch hours.

TKC shall control the issuance of cell and satellite phones by a set of criteria under which certain employees may be entitled to be issued such telephones by TKC for work related use.

23.8 CELLPHONE-FREE DRIVING

Using hand-held cell phones while driving can constitute a hazardous distraction and is as dangerous as driving impaired, even if the phone is a hands-free model.

TKC prohibits employees from using cell phones while operating a motor vehicle to conduct TKC related business.

23.9 NON-COMPLIANCE

Failure to comply with the provisions of this policy may result in disciplinary actions, including suspension or discharge.



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I HAVE READ AND UNDERSTAND THIS POLICY AND I UNDERSTAND THAT VIOLATION OF THIS POLICY MAY RESULT IN DISCIPLINARY ACTION, INCLUDING SUSPENSION OR DISCHARGE.

Date

Signature of Employee

Printed Name of Employee

Witness

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