



# STANDING ROCK SIOUX TRIBE

## *Pay Policy – Employees Not Eligible for Comp-Time*

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Nothing in this policy should be considered a waiver of tribal sovereignty regarding the compensation of employees. The Standing Rock Sioux Tribe (the “Tribe”) has not adopted the Fair Labor Standards Act (FLSA), but instead classifies employees and job positions as being *Eligible and Not Eligible for Compensatory Time* (comp-time).

### **I. PURPOSE**

To ensure that employees who are *Not Eligible for Comp-time* are paid according to the classification of their job position status, and that this status is determined and managed accordingly.

### **II. POLICY**

Employees in Standing Rock Sioux Tribe job positions identified as *Not Eligible for Comp-time* and designated to be paid on a salaried basis, will be compensated based on the salary range for their job position. This By virtue of the job position classification, employees who are *Not Eligible for Comp-time* are expected to work beyond the standard (40) hour work week based on work demands, and are frequently expected to work holidays, during excused time off and/or weekends, demonstrating a professional level of conduct and scheduling personal leave when convenient for the Tribe.

Employees in job positions identified as *Not Eligible for Comp-time* with supervisory responsibilities are required to work on regular business days, during the regular business hours (which may include both daytime and evening hours). Regular business days and regular business hours are defined as hours on which the majority of the employees supervised are required to work. Other work schedule accommodations such as flexible work schedules or teleworking must be approved in advance by the employees’ Supervisor and only for a specific period of time; no indefinite flex or telework arrangements will be allowed.

Employees who feel their salary has been improperly reduced shall report this immediately to Human Resources, using the procedures specified as follows:

#### **A. Pay for Employees Not Eligible for Comp-Time**

1. Employees *Not Eligible for Comp-time* must receive their full salary for any day in which they perform any work, without regard to the number of hours worked. However, such employees will not be paid for any day in which they perform NO work at all, which will be claimed as either paid leave or leave without pay.



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2. The classification of an employee as *Not Eligible for Comp-time* is ultimately determined by the Human Resources Manager for the Standing Rock Sioux Tribe. These positions generally indicate a higher level of responsibility, to include supervision of employees, overseeing program operations and more extensive work requirements.
  - a. Supervisors of employees *Not Eligible for Comp-time* are required to clearly communicate the expectations relating to the hours employees are expected to work, and times they must be available.
  - b. Employees who are *Not Eligible for Comp-time* are expected to work more than 40 hours per week, and if expectations are not met, they will receive appropriate disciplinary action from their Director or Supervisor.
  - c. Documentation of the communication regarding the expected availability of and working hours for the employee *Not Eligible for Comp-time*, is required in order to pursue corrective action.
  - d. Employees *Not Eligible for Comp-time* that do not meet communicated expectations must adhere to a performance improvement plan which addresses the issues identified.
  - e. Directors and Supervisors are required to meet at least once a month with *Employees Not Eligible for Comp-time* who require a performance improvement plan, to ensure that they are making the changes identified. *Employees Not Eligible for Comp-time* who are not demonstrating appropriate improvement at the end of three (3) months will be subject to disciplinary action up to, and including, termination.
3. Employees working in job positions identified as *Not Eligible for Comp-time* do not accrue comp-time or receive pay for overtime worked.
4. Deductions from the salary of employees *Not Eligible for Comp-time* cannot be made for approved absences due to the following circumstances and in accordance with personnel policies and procedures of Standing Rock Sioux Tribe as follows:
  - a. Absences caused by the Tribe
  - b. Partial day amounts other than those specifically addressed in this section
  - c. Temporary military leave



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5. Deductions from the salary of employees in job positions identified as *Not Eligible for Comp-time* are permissible in accordance with the personnel policies and procedures of Standing Rock Sioux Tribe as follows:
  - a. Absences of one or more full days for personal reasons (partial days will be eligible for compensation). Employees *Not Eligible for Comp-time* are required to use sick leave or personal leave to receive pay for approved time off taken for full work days for illness or personal reasons, respectively. When annual or sick leave is not available, Directors, Managers or Supervisors should contact the Human Resources Department.
  - b. Absences imposed as a penalty for disciplinary or corrective actions such as: suspensions without pay for not less than five (5) and no more than ten (10) full work days.
  - c. In cases of voluntary employment separation, the salaried employee will be compensated for the actual time worked during the last week separation is effective. This practice shall be consistently applied to employees *Not Eligible for Comp-time* under the same circumstances.
  - d. Salary deductions for unpaid leave taken in accordance with the Family and Medical Leave Act (FMLA).
  - e. Salary deductions for other purposes allowed by established policies, such as repayment of indebtedness to the Tribe.

### **B. Complaint Procedure**

The Standing Rock Sioux Tribe prohibits Directors, Managers or Supervisors from making any improper pay deductions from the salaries of employees in positions that are classified as *Not Eligible for Comp-time*. Employees must be aware that the Tribe does not allow deductions that violate this policy. If an employee believes that an improper deduction has been made to their salary, employees should immediately report this information to the Director, Manager or Supervisor and the Human Resources Department. Reports of improper salary deductions will be promptly investigated. If it is determined that an improper deduction has occurred, employees will be reimbursed for the deduction made.

1. A salaried employee who believes their pay has been improperly reduced should immediately submit a written complaint in writing to the Human Resources Department.
2. The employee must specify in writing the circumstances of the pay deductions, and whether it has occurred on other occasions.



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3. The Human Resources Department will review pay records and interview the Director, Manager or Supervisor, as well as the Payroll Supervisor handling the employee's pay, to make the determination.
4. If the deduction was determined to be improper, the Tribe will pay the employee within two (2) pay periods after the determination is issued.
5. Once the complaint is resolved, all documentation including confirmation of the employee's satisfaction with the official determination made, will be placed in the employee's personnel file with a copy to the Director, Manager or Supervisor.