



STANDING ROCK SIOUX TRIBE

Compensation Policy

I. PURPOSE

To provide competitive compensation for Standing Rock Sioux Tribe positions and equitable administration of wages and salaries; to promote effective planning and appropriate management of payroll costs; and to support effective recruitment and retention of qualified staff.

II. POLICY OBJECTIVES

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 strives to maintain wage and salary rates that are dependent on both the availability of funds and in consideration of budget constraints that:

1. Compete within the appropriate recruiting markets, recognizing that some positions are recruited on a local, regional, and national basis.
2. Establish rates for Standing Rock Sioux Tribe positions that do not have survey information, and which will be determined by compensable factors and comparison of education, experience, skills and functions of same or similar slotted positions.
3. Enable the Tribe to attract and retain qualified staff and reward above satisfactory performance.
4. Establish procedures to reward employees through the performance evaluation process, based upon identified performance expectations.

III. SPECIFIC POLICY STATEMENTS

These specific policy statements apply to Standing Rock Sioux Tribe positions that conform to a calendar work week, beginning Sunday at 12:01 AM and ending Saturday at 11:59 PM with identified pay periods that consist of two (2) consecutive workweeks and paydays on a biweekly basis in accordance with an established yearly pay period schedule. These specific policy statements do not apply to independent contractors, consultants or any personnel compensated by other Tribally owned or operated entities or outside parties.

A. Salary Structure

1. Compensation is determined by compensable factors and the comparison of education, experience, skills and functions of a position. Department Directors or Managers are required to work with the Human Resources Department to ensure the development of



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accurate position descriptions. A new or updated position description is required to be reviewed and approved before any position will be advertised.

2. The Standing Rock Sioux Tribe utilizes an established salary matrix and designated salary ranges consisting of a minimum, midpoint and maximum for positions.
3. The midpoint is halfway between the minimum and the maximum of a salary range and is established through an assessment of actual salaries paid for benchmark positions, the internal ranking of the position and the 50th percentile of actual salary paid for the same or similar positions in the appropriate recruiting market.
4. If compensation is above the maximum level of a job position's salary range, the employee's compensation shall be designated as fixed until such time as the salary range is adjusted to accommodate market adjustments.

B. Salary Range Development

The Human Resources Department is responsible for overseeing the assessment and development of salary ranges for all job positions according to the following:

1. Essential job functions and minimum qualifications are required in the position descriptions.
2. Consideration of reporting relationships and line of authority through organizational charts within each program or department.
3. Assessment of competitive pay rates through utilization of relevant salary surveys and independent compensation studies.
4. Internal ranking of positions based on the following compensable factors, which define criteria for determining the relative worth of a position, and in consideration of essential functions, specific job qualifications, responsibilities and characteristics as follows:
 - (1) Education
 - (2) Experience
 - (3) Managerial responsibility
 - (4) Interpersonal skills
 - (5) Independent judgment
 - (6) Mental process
 - (7) Organizational impact
 - (8) Organizational restraint



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(9) Physical activity

(10) Working conditions

5. Standing Rock Sioux Tribe positions that do not have survey information will be assessed using the compensable factors and comparison of functions, specific job qualifications, responsibilities and characteristics of same or similar positions.

C. New Employee Salary Range Placement

The Human Resources Department is responsible for ensuring that new employees are placed into the salary ranges for job positions appropriately.

1. A new employee's rate of pay upon hire is at the minimum salary range and, in some instances, at or near the midpoint of the salary range for the position. For instance:
 - a. A new employee who possesses the minimum experience and education requirements of the position will be compensated at the minimum of the salary range.
 - b. A new employee who possesses experience, education and skills beyond the minimum requirements of the position can potentially be compensated at or near the midpoint of the salary range.
2. On a case-by-case basis, new employees that are requested to be placed above the midpoint will require the approval of the Executive Director, Chief Financial Officer and the Human Resources Manager, as follows:
 1. Written justification is required of the requesting Director or Supervisor and shall be based upon the difficulty in recruiting for the position.
 2. An assessment of the impact the higher salary may have upon the salary levels of employees in the same or similar positions and budget constraints will be required in order to maintain salary equity.

D. Salary Range Progression

1. Compensation that is at the minimum of the salary range is a reflection of an employee's education and experience that meets the minimum qualification requirements of the position and is considered to be at a developmental level.
2. Compensation that is at, or near, the midpoint of the salary range is a reflection of an employee who is relatively experienced and is determined to be meeting the expectations of the position.



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3. Progression in the salary ranges is supported by the performance evaluation process, assuming the employee is satisfactorily meeting the expectations of the job according to the following guidelines:
 - (1) Entry level positions *Eligible for Comp Time* (grades 1 – 5) should reach the midpoint with 1 to 2 years of experience
 - (2) Mid-level positions *Eligible for Comp Time* (grades 6 – 9) should reach the midpoint with 2 to 3 years of experience
 - (3) High level positions *Eligible for Comp Time* (grades 10 – 14) should reach the midpoint with 3 to 4 years of experience
 - (4) Entry level positions *Not Eligible for Comp Time* (grades 1 – 9) should reach the midpoint within 3 to 4 years of experience
 - (5) Mid-level positions *Not Eligible for Comp Time* (grades 10 – 14) should reach the midpoint within 4 to 5 years of experience
 - (6) High level positions *Not Eligible for Comp Time* (grades 15 – 18) should reach the midpoint within 5 to 7 year of experience
 - (7) Executive level positions should reach the midpoint with 7 to 10 years of experience
4. Compensation that is above the midpoint of the salary range is available for employees who have extensive experience, tenure with the Tribe and consistently have above satisfactory performance.

E. Annual Evaluation Schedule

Tribal employees will be subject to a scheduled formal evaluation of their conduct and performance. The employee's immediate supervisor is responsible for facilitating and conducting the evaluation in accordance with the policies and process for such evaluation.

1. Regular employees shall receive one evaluation review annually.
 - a. Annual evaluation time frames begin on October 15, and must be completed and submitted before November 15th.
 - b. The annual evaluation time frame for employees in the Standing Rock 0-5 Program begins April 15, and must be completed and submitted before May 15.
 - c. Regular employees, whose performance and conduct is below satisfactory, as determined by the outcome of the annual evaluation, should be notified of their deficiencies in writing from their immediate supervisor. The notification shall specify the



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job elements the employee needs to improve, an outline of how the supervisor will assist the employee in improving, and a re-evaluation shall be conducted at the end of a three (3) month period. Failure of the employee to meet the above requirements shall result in appropriate disciplinary action, up to and including termination.

- d. Probationary employees shall be provided a review of performance and conduct each month while on probation (30, 60 and 90 calendar day periods). The standard probationary period of 90 calendar days may be extended if needed to provide an accurate evaluation of the probationary employee for an additional thirty (30) calendar days, at the request of the supervisor and with approval of the Human Resources Manager.
- e. Prior to the end date of the probationary period, the supervisor shall submit an overall probationary evaluation to the Human Resources Manager and make a recommendation to either convert the probationary employee to regular employee status or to terminate for cause. Probationary employees converted to regular employee status may be further subject to a mid-year performance review six (6) months from the start date of their regular employee status date.

F. Merit Increases

Merit increases to an employee's base compensation can potentially occur as a result of an "above satisfactory" annual evaluation, to the extent that the merit increase is financially available and is approved by the Tribe's Executive Director, Chief Financial Officer and Human Resources Manager and is in accordance with the scheduled annual evaluation cycle, on a date determined by the Tribe's Human Resources Department.

1. A merit pay increase to an employee's compensation is solely a decision of the Tribe and references to merit pay increases in these policies do not constitute a guarantee, offer or promise of a pay increase.
2. A merit pay increase will be based on guidelines established by the Human Resources Department, to include compensation awarded for employees exceeding expectations and above satisfactory performance within the annual evaluation period can potentially be eligible for an increase.
3. Employees receiving a rate of "below expectations" and/or "needs improvement" on job elements during annual evaluation period shall not receive an increase. Likewise, an employee who has undergone any corrective or disciplinary action within the annual evaluation period shall not be eligible for an increase.
4. A new employee is required to complete one (1) full year of "above satisfactory" performance in order to be considered for a merit increase.



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G. Acting Capacity Assignment

Acting Capacity Assignments shall not exceed six (6) months and the employee must revert to their regular position and pay rate upon completion of the assignment.

1. When an employee is placed in an Acting Capacity Assignment at a higher salary range within the same or another department, the employee will be paid the minimum salary range of the position.
2. When an employee is placed in an Acting Capacity Assignment at a lower salary range within the same or another department, the employee will retain their current pay rate.

H. In-House Transfers

1. When an employee transfers to another position at a higher salary range within the same or another department, and possesses the minimum experience, education and skills as required for the position description, the beginning pay rate for that employee will be at the minimum of the salary range for the position.
2. When an employee transfers to another position and possesses the experience, education and skills beyond the minimum requirements for the position description; the beginning pay for that employee can potentially be greater than the minimum salary range for the position, but not more than its salary midpoint, with written justification provided by the Director with approval of the Executive Director, Chief Financial Officer and Human Resources Manager.

I. Demotion

When an employee is demoted to a position with less required experience, education or skills, the pay rate assigned will be within the slotted position's salary range, even to the extent that a downward adjustment to compensation is required, and will become effective on the date the employee assumes the position.

J. Promotion

A promotion is defined as the movement of an employee from an existing slotted position to a vacant position of a higher salary range.

1. Employees may only be promoted based on an open competitive process that considers the employee along with other qualified applicants who are also being considered for the position.
2. Employees shall not be considered for promotion if they do not meet the required



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qualifications of the position.

3. Promotions are only considered when an employee has successfully performed the functions of their current job position, received satisfactory performance evaluations in that position, and maintained regular employee status for a period of one (1) continuous year or more.
4. Employees under consideration for a promotion shall be subject to the same level of review required by Tribal recruitment process.

K. Reclassification Requests

In isolated cases where actual job responsibilities for a job position are substantially different from those upon which the existing salary range for that job position was based, the Director, Manager or Supervisor may submit a written request for reclassification to the Human Resources Department, and the potential retitling of the current job position. The Human Resources Department is responsible for evaluating and reviewing reclassification requests and issuing a determination of whether a job reclassification is applicable.

1. The compensable factors for the job position will govern the internal ranking, relative worth, and salary range of all reclassified job positions, and the outcome may not always result in a job position with a higher salary.
2. Job positions will only be reclassified in cases where additional job responsibilities significantly impact the complexity of the job.
3. Any potential salary increases resulting from a reclassification request will be subject to the availability of funds and budget constraints.
4. Job positions requiring revision and clarification of responsibilities or tasks that support a job's current function or purpose will not result in a job reclassification.

L. Compensatory Time

The Standing Rock Sioux Tribe has not adopted the Fair Labor Standards Act (FLSA), but has elected to classify employees and job positions as *eligible and not eligible* for compensatory time (comp-time). Only job positions that are classified as "*Eligible for Comp-Time*" can accrue comp-time, and positions that are identified as "*Not Eligible for Comp-Time*" will not accrue comp-time.

1. If work beyond the standard tour of duty is necessary, comp-time shall be earned and accrued in lieu of overtime pay. All comp-time must be authorized in advance by the



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employee's Director, Manager or Supervisor. Comp-time may only be authorized under the following conditions:

- a. To meet emergencies and unexpected circumstances not normally encountered by the program;
 - b. To cover additional work assignments as a result of vacancies in the department;
 - c. To cover periodic heavy workloads;
 - d. To cover other emergencies deemed appropriate and necessary.
2. Compensatory time may be authorized for an "Eligible for Comp Time" employee who is required to travel outside standard business hours. The Supervisor must approve after-hours travel and comp-time prior to engaging in the travel. Comp-time is not authorized for commuting to and from the employee's duty location.
3. Comp-time is calculated at one and one-half (1 ½) times an employee's regular rate for actual hours worked beyond the standard forty (40) hours in the work week. For example:
- a. Jane Doe worked Monday through Friday from 8:00 a.m. to 4:30 p.m. without taking any leave and there was no holiday. If Jane Doe worked on Saturday for a total of (4) hours, she will then accrue compensatory time at the rate of one and one-half (1 ½) times hours claimed, for a total of 6 hours (4 X 1.5=6) comp time.
 - b. Jane Doe worked Monday through Thursday from 8:00 a.m. to 4:30 p.m. and took leave on Friday from 8:00 a.m. to 4:30 p.m., but is required to work on Saturday for a total of four (4) hours. She will not accrue compensatory time, since her total hours worked for the week did not exceed 40, and all hours worked will be paid based on her standard hourly rate.
 - c. Jane Doe is directed to work on a holiday for four (4) hours, after completing 40 hours in the current week. She will accrue compensatory time at the rate of one and one-half (1 ½) times hours claimed, for a total of 6 hours that day (4 X 1.5=6) comp time.
4. Use of comp-time shall be under the same conditions of annual leave or sick leave and must be requested and approved by the employee's immediate supervisor at least twenty-four (24) hours in advance.



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5. Employees will not be allowed to accrue more than eighty (80) hours of comp-time per calendar year, and will be allowed to carry over up to forty (40) hours into the next calendar year (January 1 through December 31.)
6. Hours excluded from the compensatory time accrual are:
 - a. Annual or Sick Leave taken
 - b. Holidays not worked
 - c. Any approved leave of absence, as identified in the Tribe's leave policies
 - d. Non-mandatory or voluntary education, meetings, in-services, workshops, and similar activities
 - e. Hours for which the employee is paid; but for which does not actually work. For example, Excused time off or Administrative Leave fall under this category.
 - f. Incarceration of an Employee at any time during business hours

IV. OVERTIME COMPENSATION

Compensation for overtime will only be paid to those identified as *Eligible for Comp-Time* in the event of emergencies where an Official Emergency/Disaster Declaration has been issued, and with approval from the Tribal Council. The computation for overtime is based on one and one-half (1½) times the employee's regular rate of pay for actual hours worked beyond that standard forty (40) hours per week.