Chippewa Cree Tribal Court

Tribal Holiday Leave Policy
Supplemental Policy to Chippewa Cree Tribal Personnel Policies & Procedures

Approved by the Chippewa Cree Tribal Judicial Commission	First Reading: December 28, 2017 Second Reading: January 25, 2018 Third and Final Reading: February 13, 2018 Revisited by Judicial Commission on May 19, 2022 Adopted by Council on August 15, 2022

This policy shall only apply to Chippewa Cree Tribal Court employees including Judges, Clerks, Public Defender, Prosecutor, Probation, etc.

1. **POLICY.** It is the policy of the Chippewa Cree Tribal Court (CCTC) to ensure procedures are in place to:
    a. Ensure that the proper use and accrual of tribal holiday leave by CCTC employees
    b. That the Finance Office is awarding the proper tribal leave to CCTC employees.
2. **PURPOSE.** The purpose of this Policy is to ensure that the CCTC Tribal Holiday Leave is used for appropriate purposes and that CCTC employees are able to access and use the leave properly.
3. **TRIBAL HOLIDAY LEAVE POLICY PROCEDURES:** In accordance with the current tribal holiday policy, the following procedures will be followed and enforced.
    a. <u>REGULAR SCHEDULED EMPLOYEES.</u> In order to maintain a properly functioning court system, it is vital that the court remain open to conduct trials, arraignments, and other court business. When the tribe calls a tribal holiday, the Tribal Court cannot close down and must remain open. Employees who are working on that day, will earn equal amounts of tribal holiday leave to use at a later date and those that were on preapproved leave will get paid for tribal holiday pay and their annual/sick leave request will be cancelled out.
        i. *If a tribal holiday is called for Friday. (Normal work hours are 8:00am to 4:30pm, M-F).*
            1. **Example:** clocked in at 8am and clocked out at 4:30pm = 8 hours of tribal holiday leave will be earned to use at a later date.
            2. **Example:** clocked in at 8am and clocked out at noon and had 4 hours of annual leave preapproved = 4 hours of tribal holiday leave earned to use at a later date and paid 4 hours of tribal holiday pay. Annual leave request is cancelled.
        ii. *In order to earn and get paid for tribal holiday pay/leave, the tribal holiday must occur during your normal work hours.*
            1. **Example**: My normal work schedule is M-TH, 7am to 5:30pm (Four 10-hour days). A tribal holiday was called for Friday. You would not earn tribal leave or get paid tribal holiday pay for that day because it is not part of your normal work schedule.

2. **Example**: My normal work schedule is M-TH, 7am to 5:30pm (Four 10-hour days). A tribal holiday was called for Monday that you worked 10 hours. You would earn 10 hours of tribal leave to use at a later date.
3. **Example**: My normal work schedule is M-TH, 7am to 5:30pm (4 10-hour days). A tribal holiday was called for Monday that you worked 5 hours and had preapproved 5 hours of leave. You would earn 5 hours of tribal leave to use at a later date and get paid 5 hours of tribal holiday pay for that day. Annual leave request will be cancelled out.

b. <u>FLEX SCHEDULED EMPLOYEES.</u> Employees who have flex schedules will only earn tribal leave/pay if they were actually working during the time of the declared holiday.

i. **Example**: A flex schedule allows an employee to flex their schedule during the workweek until you reach 40 hours in the workweek. If you worked 38 hours on Monday through Thursday and on Friday you only have to work 2 hours to get in your 40-hour workweek and a tribal holiday was called on Friday. The employee on an approved flex schedule will only earn 2 hours of tribal leave to use at a later date.

ii. **Example**: The flex schedule employee worked the following schedule and a tribal holiday was called for Friday.
1. Monday: worked 10 hours.
2. Tuesday: worked 8 hours.
3. Wednesday: approved annual leave for 8 hours.
4. Thursday: worked 10 hours. (Total of 36 hours as of the end of the day Thursday).
5. Friday: worked 4 hours. The flex schedule employee would earn four hours of tribal leave to use at a later date.
6. This employee will not be allowed to go back on their approved annual leave for Wednesday and change it to 4 hours annual leave and work the whole day on Friday in order to earn 8 hours of tribal leave to use at a later date or work until noon and earn 4 hours of tribal leave to use at a later date and get paid 4 hours of tribal holiday pay.
7. Flex schedule employees will not be allowed to revise their previous leave requests prior to the tribal holiday for that workweek or pay period.

c. <u>SALARIED EMPLOYEES.</u> Salaried employees will be granted tribal holiday pay the same as a regular schedule employee.

d. <u>TEMPORARY EMPLOYEES.</u> Not entitled to holiday pay unless they are working on the declared holiday.
i. Not entitled to earn leave.

e. <u>FMLA EMPLOYEES.</u> Employees who are on approved FMLA leave and are in pay status will be granted tribal leave for that day. Also, in order to get federal holiday pay, the FMLA employee must be in pay status. If the employee on

FMLA is in leave without pay status, they will not be granted tribal leave or federal holiday pay.

      i. **Example**: I am on approved FMLA leave status for 6 weeks. I have enough annual/sick or donated leave to cover the entire period. The employee will be granted tribal holiday leave for the day that is declared a tribal holiday. Also, the employee is entitled to federal holiday pay if a federal holiday should occur during the six-week period.

      ii. **Example**: I am on approved FMLA leave status for 6 weeks and I don't have enough annual/sick or donated leave to cover the 6 weeks and as a result I am on leave without pay status when the tribal holiday is declared or when the federal holiday occurs. You will not be paid tribal holiday pay or federal holiday pay.

4. **EXCEPTIONS:** Upon written memorandum from the Judicial Commission, the Tribal Court may close on observed tribal holidays or other circumstances such as, but not limited to; severe weather, unsafe road conditions, and building issues.