

**RESOLUTION NO. 14 -22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION**

**A Resolution Approving Amendments to the Yavapai-Apache Nation Employee Handbook
Regarding Employment Classifications and Holidays**

- WHEREAS:** The Yavapai-Apache Tribal Council (“Council”) is authorized to represent the Yavapai-Apache Nation (“Nation”) and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation (“Constitution”) as provided under Article V(a) of the Constitution; and
- WHEREAS:** The Council is authorized under Article V(p) of the Constitution to appoint subordinate committees, commissions, boards, tribal officials and employees not otherwise provided for in the Constitution and to prescribe their compensation, tenure, duties, policies and procedures; and
- WHEREAS:** The Council is authorized under Article V(q) of the Constitution to determine all terms and conditions of employment for all persons employed by the Tribe through appropriate law, subject to Article VII of the Constitution; and
- WHEREAS:** The Council, as the legislative body of the Nation, is authorized under Article V(v) of the Constitution to enact laws, ordinances, and resolutions necessary or incidental to the exercise of its legislative powers; and
- WHEREAS:** The Yavapai-Apache Nation Employee Handbook includes, among other matters, provisions regarding Employment Classifications and Holidays; and
- WHEREAS:** The Council desires to amend the Employment Classifications provisions of the Employee Handbook to clarify the definitions of Regular Employee and Temporary Employee and the benefits for which Temporary Employees are eligible; and
- WHEREAS:** The Council also desires to amend the Employee Handbook to add Juneteenth and the day after Christmas as Holidays recognized by the Nation; and
- WHEREAS:** The Council has reviewed the proposed amendments to the Nation’s Employee Handbook regarding Employment Classifications and Holidays (*attached to this Resolution as Exhibit A and incorporated herein by reference*) and deems it in the Nation’s best interest to approve the same.
- NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council, in Council assembled, at which a quorum is present, hereby approves the amendments to the Nation’s Employee Handbook regarding Employment Classifications and Holidays (*attached to this Resolution as Exhibit A*), effective immediately.

BE IT FINALLY RESOLVED that the Chairman, and Vice-Chairwoman, or either of them, are hereby authorized to take such further action as deemed necessary to carry out the intent and purposes of this Resolution.


CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval on February 17 2022, by a vote of 8 8 in favor, 0 opposed and 0 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.



Jon Huey, Chairman

ATTEST:



Karla Reimer, Council Secretary

Approved as to Form:



Office of the Attorney General

EXHIBIT A

Amendments to the
Yavapai-Apache Nation Employee Handbook
Regarding Employment Classifications and Holidays

AMENDMENTS TO THE YAVAPAI-APACHE NATION
EMPLOYEE HANDBOOK

February 17, 2022

2.05 Employment Classifications

Employees are classified as:

- Full-Time or Part-Time
- Regular or Temporary
- Exempt (Salary) or Non-Exempt (Hourly)

Full-Time ~~Regular~~ Employee: Individuals who have been hired to work, on average, at least thirty (30) hours ~~or more in a per~~ work week ~~on a regular basis and have been assigned specific hours and a specific position. Such employees may be Exempt (Salary) or Non-Exempt (Hourly).~~

Part-Time ~~Regular~~ Employee: Individuals who have been hired to work less than thirty (30) hours per work week, ~~on a regular basis and have been assigned specific hours and a specific position. Such employees may be Exempt (Salary) or Non-Exempt (Hourly).~~ Part-Time employees ~~do not receive insurance benefits unless otherwise noted~~ are not eligible for the Insurance Coverage benefits described in Section 4.02 of this Handbook.

Regular Employee: Individuals who are hired to work on a regular basis and have been assigned specific hours and a specific position. Such employees may be Exempt (Salary) or Non-Exempt (Hourly).

Temporary Employee: Individuals who are hired for a specific-limited period of time (one year or less) to fill a specific short-term need such as ~~for~~ a specific project or assignment, temporary increase in workload, filling in while an employee is on a leave of absence or while the hiring process for a vacant position is underway. The job assignment, work schedule and duration of the position will be determined on an individual basis approved by the direct supervisor and Chairperson in advance. Temporary employees are paid by the hour and must complete a time sheet for hours worked. Unless otherwise stated in this Handbook, temporary employees are not eligible for the benefits described in this Handbook. Temporary employees are only eligible for the following benefits: 401(k) Savings Plan; Unemployment Insurance; Employer FICA payments or Social Security and Medicare; Workers Compensation; and if the individual is a Full-Time employee, Medical Insurance and Prescription Drug Program.

Individuals who are hired for the On-Call Program are also classified as temporary employees and are subject to the On-Call Policy Handbook.

Exempt Employee (Salary): Individuals in management or professional positions who meet the test for "exempt" status per the Fair Labor Standards Act. Exempt employees are not eligible for overtime pay and are paid biweekly.

Non-Exempt Employee (Hourly): Individuals who do not meet the test for "exempt" status per the Fair Labor Standards Act. Non-Exempt (Hourly) employees are eligible for overtime pay for hours worked in excess of forty (40) hours in a week. Non-Exempt (Hourly) employees are paid weekly. TGO Non-Exempt (Hourly) employees are paid on a bi-weekly basis.

The Nation may also retain the services of Independent Contractors for a specific project on a specific time frame. Independent contractors are not employees and are not eligible for any of the benefits described in this Handbook.

4.03.01 Holidays

Regular employees are eligible to receive paid Holidays beginning with their Hire Date. Regular Part-Time employees will receive Holiday pay pro-rated to their scheduled work hours.

The Yavapai-Apache Nation recognizes the following Holidays as paid Holidays:

New Year's Day
Martin Luther King Day
President's Day
Exodus Day
Good Friday
Memorial Day
Juneteenth
Independence Day
Labor Day
Indian Day
Veteran's Day
Thanksgiving Eve (1/2 Day)
Thanksgiving Day
Day after Thanksgiving
~~Business~~ Day prior to Christmas
Christmas Day
Day after Christmas

Holidays that fall on a Saturday will be observed on the proceeding Friday. Holidays that fall on a Sunday will be observed on the following Monday.

Employees who are required to work on a scheduled Holiday, to maintain essential service to the Nation, will be granted 8 hours of pay. The Holiday will be paid at straight time or an employee may choose to take an alternate day off for the Holiday. The alternative day off must be taken within the month of the Holiday.

Employees who have an alternative work schedule, for example, Tuesday – Saturday, when a Holiday falls on a Monday, will be given an alternative day off during the week to observe the Holiday. This alternative day off must be scheduled in advance with their supervisor.

If a Holiday occurs during a scheduled PTO absence the Holiday will not be considered a PTO day.

Holiday pay is not paid when an employee is on a scheduled or unscheduled unpaid absence.