

**RESOLUTION NO. 73 -22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION**

**A Resolution Approving Amendments to the Yavapai-Apache Nation Employee Handbook
Regarding Hours of Work**

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 Nation 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 Hours of Work; and

WHEREAS: The Council desires to amend the Hours of Work and related provisions of the Employee Handbook to reflect a new typical workweek consisting of four (4) nine (9) hour days Monday through Thursday and one (1) four (4) hour day on Friday; and

WHEREAS: The Council has reviewed the proposed amendments to the Nation’s Employee Handbook regarding Hours of Work and related provisions (*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 Hours of Work and related provisions (*attached to this Resolution as Exhibit A*), effective May 16, 2022.

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 April 28 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
Jon Huey, Chairman

ATTEST:

Karla Reimer
Karla Reimer, Council Secretary

Approved as to Form:
Lisa Estensen
Office of the Attorney General

EXHIBIT A

Amendments to the
Yavapai-Apache Nation Employee Handbook
Regarding Hours of Work

AMENDMENTS TO THE YAVAPAI-APACHE NATION EMPLOYEE HANDBOOK

April 28, 2022

3.07 Hours of Work

The Nation's payroll week begins on Monday at 12:01 a.m. and ends on Sunday at 12:00 p.m. (midnight), except the Tribal Gaming Office's (TGO) payroll week begins on Sunday at 12:01 a.m. and ends on Saturday at 12:00 p.m. (midnight), and Yavapai-Apache Police Department's (YAPD) payroll week begins on Monday at 6:01 a.m. and ends on Monday at 6:00 a.m.

The Nation typically works a normal workweek consisting of ~~five (5) days, eight (8) hours long, Monday through Friday~~ four (4) nine (9) hour days Monday through Thursday and one (1) four (4) hour day on Friday. The work schedule is typically from 8 a.m. to 5 p.m. with a one (1) hour ~~un~~paid lunch period Monday through Thursday and from 8 a.m. to noon on Friday.

However, the Nation recognizes the great diversity of programs and services offered to Tribal Members as well as the great diversity of scheduling options available to a modern workforce. It is therefore understood that individual programs and directors/managers may develop work schedules that best meet the needs of their customers and their staffs. For this reason, individual directors/managers may request scheduling variations, which must be approved by their next level supervision prior to implementing. Some options of alternative schedules include:

- Four (4) ten (10) hour days; total of forty (40) hours;
- ~~Four (4) nine (9) hour days and one (1) four (4) hour day~~ Five (5) eight (8) hour days; total forty (40) hours;
- Four (4) nine (9) hour days and one (1) eight (8) hour day with an extra day off every other week;
- Alternative schedule for 24 hours, seven (7) day per week coverage (YAPD, TGO & CHR);
- Other options as designed and approved by the individual Program director/manager and Chairperson.

Due to the nature of work conducted at the Yavapai-Apache Police Department (YAPD) and the Tribal Gaming Office (TGO), alternative work schedules have been implemented for some employees. These employees will be notified of this alternative schedule at the beginning of employment and are expected to adhere to the schedule as requested.

Due to the nature of the work, some programs have employees that are on-call outside normal business hours or on weekends or holidays. While on-call, employees are free to use their time for their own purposes, but must be available to return to work if called within thirty (30) minutes and must refrain from drinking alcohol. Non-exempt employees called in for work shall be paid at their regular hourly rate for any time actually worked during on-call duty starting from the time they receive the call to the time the call ends and/or they return home.

3.08 Lunch Period

There is a one (1) hour ~~un~~paid lunch period ~~after each four (4) hours worked~~ for each day of work over four (4) hours (typically Monday through Thursday). This one (1) hour ~~break~~ period can be altered in the spirit of "Hours of Work" above but in no case should be less than thirty (30) minutes in duration. Hourly employees are required to clock out and in before and after the lunch period. Employees may leave their work site and/or take care of personal business during the paid lunch period. The Nation is not responsible for employees' personal activities during paid lunch periods and breaks.

Directors/managers are required to schedule their staff such that their departments and programs remain open and available to the public during the lunch period.

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
- 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 a full workday of Holiday Pay (typically nine (9) hours on Monday through Thursday and four (4) hours on Friday) pay.~~ The Holiday will be paid at straight time in addition to regular pay for each hour worked; 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.