

Chapter 6 – WORK HOURS, OVERTIME AND HOLIDAYS

SECTION 1. WORK HOURS/WEEK

The Jicarilla Apache Nation Government has established that all Classified or Court employees will work eight (8) hours a day and forty (40) hours per week. The normal work schedules or tours of duty for Nation employees shall be 8:00 am to 5:00 pm Monday through Friday, with a one-hour lunch break. Due to the variety of functions of the many departments within the Nation, there may be differences in work hours and days of work among employees. The Directors, Executive Leadership, or Court Administrator are responsible for establishing work schedules appropriate to the mission of their respective departments. Exempt, or professional employees are expected to work the amount of time necessary to perform their job duties.

The Nation President or Trial Judge, when appropriate, may approve deviations from the normal work schedule for individual employees, departments or offices. Executive Leadership or Court Administrator may request a change or deviation in the normal work schedule by providing a full justification or reason why such a request will be beneficial to the Nation. Employees not on this normal schedule will be considered to work schedules on a forty (40) hour week schedule which begins at 12:01 Monday and ends on Sunday Midnight.

SECTION 2. ATTENDANCE

Employees are expected to report to their designated work location at the prescribed time by clocking in per work schedule and manner when work activity is to commence. Tardiness, absence or failure to report may result in disciplinary action. An employee unable to report as scheduled is required to call or contact their supervisor within thirty (30) minutes of the scheduled workday. If the absence is expected to be longer than a day, the employee may be required to call the supervisor on a daily basis.

An employee will be charged one-half (1/2) hour of leave without pay for every fifteen (15) minutes of being late.

An employee who is absent for more than three (3) consecutive days, without approved leave will be considered to have abandoned their positions. Abandonment of a position will be grounds for termination from employment with the Nation.

SECTION 3. BREAKS

Classified or Court employees are allowed a meal break. The meal break will be for one- (1) hour during each eight- (8) hour workday. The meal break is unpaid.

Classified or Court employees are also allowed a fifteen (15) minute break in the morning and afternoon when scheduled and approved by an immediate supervisor, and if necessary, approved by Executive Leadership or Court Administrator. Accordingly, such breaks may be scheduled for those not on a normal daytime work schedule.

Breaks cannot be combined to extend any allowable break time.

SECTION 4. OVERTIME/COMPENSATORY(COMP) TIME

All employees who are in designated positions are eligible for overtime pay and can earn overtime pay. If there are questions regarding eligibility, please see Human Resources. Overtime pay is earned when an employee works more than 40 hours in any given workweek (not to exceed 10 hours per pay period). Overtime pay is paid at time and a half at the hourly rate of the employee earning the overtime pay. All employees who are not eligible for overtime pay may accumulate comp hours (not to exceed 8 hours per pay period) and will carry a max bank of 40 hours subject to the terms and conditions below.

1. All overtime pay/comp time must be approved in advance by the Department Director. Overtime/comp time must be recorded and justified. Only in exceptional circumstances can this request be made at the last minute. The supervisor will evaluate last minute requests on a case-by-case basis. An employee who works overtime without prior supervisory approval will not receive such overtime pay/comp time and may be subject to disciplinary action.
2. Whenever feasible, efforts should be made to avoid accruing overtime pay/comp time by adjusting employee's work hours within the same work week. Employees should make arrangements with their supervisor to leave early or arrive late in order not to exceed 40 hours worked in the same work week.
3. Travel which is covered per diem will not be considered as overtime pay/comp time.
4. Tracking record of overtime pay/comp time will be reviewed by two key department personnel, and Human Resources for checks and balances.
5. Requests to use accrued comp time are handled in-house and will be recorded on tracking record as "used".
6. The maximum overtime pay is 10 hours per pay period. The maximum comp time is 8 hours per pay period.
7. Accumulated comp time must be scheduled as soon as practical after the end of the payroll period in which the overtime was worked. Any comp time unused after 60 days will be forfeited. Qualified and approved comp time hours will be paid up to the maximum bank of 40 hours when an employee terminated employment with the Nation.
8. Overtime hours appropriated to an employee will be transferred to another employee who is required to work for employees not reporting to work as scheduled. Department Directors will handle absenteeism and staffing problems with employees. The overtime policy is provided for emergency situations within the department and community and not intended to cover for employees with absenteeism issues.

9. Any employee and/or Department Director falsifying or altering time records in an effort to claim overtime pay/comp time will be immediately terminated.

SECTION 5. OFFICIAL HOLIDAYS

Following are the approved official holidays:

<u>Name of Holiday</u>	<u>Date Celebrated</u>
NEW YEAR'S DAY	January 1
M. L. KING DAY	January 18
JICARILLA DAY	February 11
PRESIDENT'S DAY	Third Monday in February
MEMORIAL DAY	Last Monday in May
INDEPENDENCE DAY	July 4
WARRIOR DAY	Third Friday in July
LABOR DAY	First Monday in September
GO-JII-YA	September 14, 15, and 16
JICARILLA LANGUAGE DAY	2 nd Monday of October
VETERAN'S DAY	November 11
THANKSGIVING DAY	4th Thursday of November
CHRISTMAS DAY	December 25

The following provisions shall govern holidays:

- A. Classified and Court employees will be considered to be on paid leave on the holidays specified.
- B. Classified and Court employee must be at work or on approved leave on the normal workdays before and after a holiday in order to be paid for the holiday.
- C. When a holiday falls on a Saturday it will be observed on the Friday immediately before, and likewise, a holiday falling on Sunday will be observed on the Monday following.
- D. Classified or Court employees in Departments or Offices, which must provide services on designated holidays, shall receive compensatory time in lieu of compensation, as approved by , Executive Leadership or Court Administrator as appropriate.
- E. Jicarilla Apache Nation Government Departments or offices, which require its employees to work on holidays, must have written holiday compensation policies approved by the Nation Legislative Council.