

Chapter 13 – COMPENSATION

SECTION 1. POLICY

It is the policy of the Jicarilla Nation Government to provide compensation that is comparable and competitive with other employers in the local and surrounding areas. The primary intent of this policy is to attract the most capable, talented and motivated employees for the Nation. In addition to compensation, the Nation provides standard employment benefits. The compensation received by an employee shall be regarded as payment in full for services provided to the Nation, and therefore, no employee may expect any other compensation for the same services.

To accomplish the basic intent of this policy, the Nation has established a compensation plan and standards contained in this manual. All Classified or Court employees, covered by this manual, will be paid utilizing a pay schedule approved by the Jicarilla Apache Nation President and Legislative Council. The JS Salary Schedule is a pay system that has pay grades and ranges within each grade.

The Nation will pay its employees on a bi-weekly pay schedule or pay periods, which begin each fiscal year. There are twenty-six pay periods during each fiscal year.

SECTION 2. COMPENSATION REVIEW

The Human Resource Office shall conduct a periodic comparative salary survey to determine whether salaries paid to Nation employees are fair and comparable to those doing similar work in local and surrounding areas and to assure that pay is commensurate to the work to be performed. The Human Resource Office, based on this survey, shall make recommendations regarding wage and salary structures to be applied throughout the Nation. Any recommendation for changes which are a result of the survey will be presented to the Jicarilla Apache Nation Legislative Council for approval.

In establishing compensation rates based on this review, the following factors shall be considered:

- A. Prevailing rates of pay for comparable work and conditions.
- B. Consideration of regional cost of living indexes.
- C. Consistency of pay for positions in a grade or class.
- D. The equitability of pay between positions having the same or substantially similar duties, responsibilities, requirements, and conditions of work.

E. Nation budget constraints or economic policy.

SECTION 3. PAY PLAN AND STRUCTURE

The Human Resource Office shall be responsible for the development and maintenance of a uniform and equitable pay plan which shall consist of a minimum and maximum rate of pay and such intermediate steps as deemed necessary and equitable.

The Nation operates under and pays employees through formally approved Salary Schedule.

Wage rates for employees paid on an hourly basis, including summer youth workers, are established by the Jicarilla Apache Nation Department of Labor and are administered by that office.

SECTION 4. PAY ADMINISTRATION

Executive Leadership, Court Administrator, Directors, Supervisors, and the Human Resource Office, as a part of their managerial responsibility, shall all be held responsible and accountable for assuring that all employees are appropriately paid for work performed.

SECTION 5. EMPLOYEE PAY STATUS

The Human Resource Office shall prepare a Personnel Action Form (PAF) for each new employee and each transferred or reassigned employee. The PAF contains date of hire, grade and salary, job classification, and whether the position is temporary or acting, and, if so, the duration. Such document will be made available to the Nation Finance Office and the receipt and acknowledgement of such document shall cause the employee to be placed on pay status.

Subsequently, the employee's supervisor shall complete a payroll report form for each employee indicating hours worked and leave hours taken for each payroll period. The signature of an employee and the signature of the employee's supervisor on such form attest to the accuracy of the information concerning the work and leave status for that payroll period.

SECTION 6. SALARY AT TIME OF HIRE

The starting salary for a Classified or Court employee hired under the JS Schedule shall be Step A of the salary schedule. The Nation President or Trial Judge, as appropriate, may approve starting pay at a higher step, however such deviation from the rules may be taken upon the written certification by the Human Resource Office that the action is justified because of reasons that include: specialized experience, prospective employee's exceptional

qualifications or when there are no appropriately qualified applicants available at the lower rate.

SECTION 7. WITHIN GRADE OR MERIT INCREASE

Salary step increases within a grade level may be allowed under the JS Salary Schedule. An employee may advance in pay from Step A to Step B or to the top of the salary scale (for each grade) called "Longevity". The Nation wishes to reward employees on a pay for performance system with merit increases. Merit increases within an established range are not automatic but require certification by an immediate supervisor and concurrence from an Executive Leadership, Court Administrator or Director that an employee's performance is exemplary. All such raises are dependent on budget availability and must be approved by the Nation President or Trial Judge, as appropriate.

SECTION 8. PAY CHANGE DUE TO PROMOTION

When a Classified or Court employee is promoted or selected to a position with a higher grade, class or status, the employee's new salary shall be set at the next highest step in the grade to which promoted but not lower than the minimum pay for the range. An employee promoted or selected to a position with higher grade, status or responsibility shall not be paid at a lower rate than the position from which promoted.

SECTION 9. PAY CHANGE DUE TO DEMOTION

When an employee is demoted to a position with a lower grade and pay range, the employee's new salary shall be set at Step A of the grade level to which demoted. The effective date of the new pay rate shall be the date on which the demotion is effective even though there may be an appeal of the action.

SECTION 10. VOLUNTARY DEMOTION

An employee may request a demotion from a position in one class or grade to a position having a lower grade, responsibility or status. The pay for such action shall be at the lower grade or status.

With the approval of the Nation President or Trial Judge, as appropriate, the employee may be voluntarily demoted if it is in the best interest of the employee and the Jicarilla Nation Government. Voluntary demotion shall not be considered disciplinary action or shall not disqualify the employee from consideration for later advancement.

SECTION 11. CHANGES IN PAY DUE TO CLASSIFICATION

When because of the position classification process, a position is re-classified to higher or lower grade level; the salary of the employee occupying the position shall become effective

the following pay period. Thereafter, the employee's salary shall be set at the new grade and step assigned.

SECTION 12. RISK PAY AND HAZARD PAY ALLOWANCE

Risk Pay

Risk pay is allowed for those employees serving in positions that are required to perform hazardous duties and classified as "hazardous positions". This includes commissioned police officers, certified detention officers/dispatchers, conservation officers, certified emergency medical technicians and paid certified firefighters. Risk pay will be paid to a Classified or Court Employee for actual work hours doing potentially hazardous work. Risk pay will be paid at a rate greater than, and as additional compensation, to the employee's regular pay. Risk pay will not be paid while on leave. The risk pay amount will be determined and approved through the budget process.

All risk pay must be documented, justified with proof of certification to Human Resource before being approved by Executive Leadership and the Nation President.

Hazard Pay

The Jicarilla Apache Nation shall pay certain classifications of personnel hazardous duty pay in accordance with the laws, regulations, and/or policies of the Nation.

Hazard pay is defined as a differential paid to employees who, while performing official duties, are exposed to qualifying hazards which include physical hardships or working conditions of an unusually severe nature that cannot be eliminated or significantly reduced by preventive measures, such as using safety equipment and protective clothing.

Classified or Court employees may receive hazard pay for the performance of duties if and when the President, or Trial Judge determines that an employee or classification of employees are exposed to a qualifying hazard through the performance of his or her assigned duties not already credited in the classification of the employee's position. The President or Trial Judge, in consultation with safety and health experts and Executive Leadership, will determine whether employees are entitled to hazard pay on a case-by-case basis.

Hazard pay may be paid only to employees who are performing official duties for which a differential is authorized. It may not be paid to an employee who undertakes to perform a hazardous duty on his or her own, without proper authorization, either expressed or implied. When an employee performs a duty for which a hazard pay differential is authorized, the employee must receive the hazard pay differential for all of the hours in which the employee is in a pay status on the day on which the duty is performed. Hazard pay will not be paid when an employee is on any type of leave.

SECTION 13. COST OF LIVING INCREASE (COLA)

The Nation, through its President and Legislative Council, may from time to time declare an "across-the-board" pay increase for all employees. Such increases shall be in response to increases in the general cost of living due to inflation or other factors in the national economy. The percentage increase declared will be determined using various indicators which clearly demonstrate that the Nation Government is not in parity with the rest of the Nation with respect to salaries and/or income. The Human Resource Office may prepare such recommendation.

The approved COLA will be executed and reflected in the Salary Schedule.

SECTION 14. PERFORMANCE

It is the policy of the Nation to encourage and recognize work performance that exceeds the performance standards of each position. When an employee's performance clearly exceeds performance standards and is consistently performing at an exceptional level, that employee may be nominated to receive an outstanding performance award. The award may be in the form of a certificate, gift, pay increase or monetary award. When the award involves a monetary award, the amounts given shall be consistent throughout the organization.

Executive Leadership shall make recommendations for such an award through the Human Resource Office. The Human Resource Office shall then forward the recommendation, along with its own recommendation to the Nation's President or Trial Judge, as appropriate, for approval. The granting of an outstanding performance award may be subject to budgetary limitations and the award shall be granted only to permanent employees.

SECTION 15. EXPENSE REIMBURSEMENT

In extenuating circumstances an employee may incur or pay for something that is work related which requires reimbursement. An employee may be reimbursed for his out-of-pocket expenses incurred while performing assigned duties in accordance with established Nation reimbursement policies. Employees must submit receipts and documentation of expenses prior to reimbursement being paid or released.

SECTION 16. PAYROLL DEDUCTION

The Nation shall deduct or withhold all taxes as required by Tribal, State, and Federal law from each employee. The Nation Finance Office may also deduct for voluntary contributions under or for which an employee is participating. In addition, an employee may arrange, through a formal signature, for deductions that may include the following: direct bank deposit, Nation Credit Program loan payments, payroll savings plan, trust funds, and charitable contributions.

SECTION 17. EFFECTIVE DATE OF PAY

Employee's rate of pay or change in pay shall take effect on the date indicated on the Personnel Action Form.