ADMINISTRATION GUIDELINES FOR
THE MOHAWK COUNCIL OF KAHNAWÀ:KE
RATITSENHAIENHS

Enacted by MCED #

1. Purpose

1.1. This document establishes specific mechanisms and procedures for the Mohawk Council of Kahnawà:ke (MCK) Ratitsénhaienhs to oversee and monitor all administrative, operational and employment related matters that directly affect or involve Ratsénhaienhs/Ietsénhaienhs. As MCK Ratitsénhaienhs are elected representatives of the MCK, the MCK Ratitsénhaienhs have the final authority over all administrative, operational and employment matters pertaining to the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs and the Ratsénhaienhs/Ietsénhaienhs.

2. Hours of Work

2.1. In addition to attending community meetings, MCK Ratitsénhaienhs must work a minimum of 37.5 hours per week inclusive of office hours and out-of-office meetings and other activities related to their roles as members of the Ratitsénhaienhs.

2.2. Hours worked beyond the 37.5 hours per week may be banked as "flextime" to a maximum of 7.5 hours per week. Ratitsénhaienhs must use these hours as paid time off within three (3) months otherwise the flextime will be lost. Use of flextime is subject to the approval of the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs or the MCK Ratitsénhaienhs where the request to use flextime is made by the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs.

2.3. MCK Ratitsénhaienhs must track any hours they accumulate as flextime and inform the Executive Assistants to the Ratitsénhaienhs of said time.

2.4. MCK Ratitsénhaienhs must notify the Executive Assistants to the Ratitsénhaienhs as soon as possible of their whereabouts or if they are going to be absent from work.

2.5. Executive Assistants to the Ratitsénhaienhs will process absence reports immediately upon receiving notification of an absence to avoid delays in payroll accounting.

3. Remuneration

3.1. MCK Ratitsénhaienhs shall receive a weekly remuneration for the duration of their term, as determined in the *Working Conditions Agreement*, provided they meet the attendance

and participation requirements as determined by the Regulations for the Operations for the Council of Chiefs.

3.2. MCK Ratitsénhaienhs who require a reduced work schedule in order to manage personal matters unrelated to their work as MCK Ratitsénhaienhs must submit a written request to the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs for a modified work schedule. In such cases the MCK Ratitsénhaienhs will be notified and remuneration will be adjusted accordingly. Additionally, in cases where the reduced work schedule is for a period of longer than thirty (30) days, the MCK Ratitsénhaienhs shall notify the community.

3.3. Rates of remuneration for MCK Ratitsénhaienhs will be established and reviewed at least every three (3) years following a Salary Market Review. This Salary Market Review will be carried out by MCK Human Resources and must be conducted and concluded no later than one (1) year preceding a scheduled election.

3.4. A Cost of Living adjustment will be considered in years where there is not an adjustment as a result of a Salary Market Review, and is subject to budget availability.

4. Benefits

Employment Insurance

4.1. MCK Ratitsénhaienhs will contribute to Employment Insurance (E.I.) at rates established by the Employment Insurance guidelines.

Mohawk Self-Insurance

4.2. MCK Ratitsénhaienhs are covered by Mohawk Self-Insurance (MSI), effective during their term of office. The full premium is paid by the MCK.

Group Insurance Plan

4.3. MCK Ratitsénhaienhs must participate in the Group Insurance Plan for the entire duration of their tenure, provided that, and in accordance with, the eligibility criteria of the Group Insurance Plan.

4.4. Premium rates are established by the Plan and will be shared between MCK Ratitsénhaienhs and the MCK. The MCK is responsible for paying MCK Ratitsénhaienhs share of the premium when MCK Ratitsénhaienhs are collecting short-term benefits.

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4.5. Participation shall be suspended during any type of leave unless other arrangements are made prior to the leave, if the Group Insurance Policy allows.

5. Pension

5.1. MCK Ratitsénhaienhs are required to participate in the MCK Pension Plan.

5.2. Contributions are at rates established by the MCK Pension Plan.

5.3. Pension Plan participation shall be suspended during any type of leave of absence unless other arrangements are made prior to the leave.

5.4. Once MCK Ratitsénhaienhs have joined the Pension Plan, they cannot withdraw until termination of consecutive terms of office.

5.5. MCK Ratitsénhaienhs who have participated in the MCK Pension Plan are entitled to receive their benefits earned provided they meet the plan requirements and regulations.

5.6. MCK Ratitsénhaienhs may be entitled to the discretionary complementary retirement program as set out in the Retirement Benefit Policy.

6. Leave Benefits

Discretionary Paid Leave

6.1. MCK Ratitsénhaienhs shall be entitled to thirty-five (35) days paid leave in each year of their term of office. This leave includes what would otherwise be considered as vacation and personal/wellness time and is subject to the following conditions:

6.1.1. MCK Ratitsénhaienhs are receiving full remuneration for their elected duties;

6.1.2. Discretionary leave should be pre-approved by the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs and documented by the Executive Assistant to the Ratitsénhaienhs;

6.1.3. Where the leave is due to illness, a doctor's certificate will be required after missing more than three (3) days of work (failure to provide a doctor's certificate may result in loss of pay at the discretion of the MCK Ratitsénhaienhs);

6.1.4. Unused days at the end of each term may not be carried over into the next term and will be forfeited; and,

6.1.5. If MCK Ratitsénhaienhs cannot fulfill their obligations of office during the term, including during a prescribed Medical Leave or Leave of Absence, Discretionary Leave will be prorated.

6.2. MCK Ratitsénhaienhs are entitled to twenty (20) vacation days per year, or sixty (60) vacation days per term. MCK Ratitsénhaienhs must make efforts to disperse their vacation throughout the duration of their term and avoid incurring in a concentrated timeframe.

6.3. MCK Ratitsénhaienhs are entitled to fifteen (15) Personal/Wellness days per year or forty-five (45) per term.

6.4. Whereby MCK Ratitsénhaienhs are elected to office via a By-Election, entitled Discretionary Leave Benefits shall be prorated in accordance with the shorter length of the term of office.

6.5. Whereby MCK Ratitsénhaienhs vacate their office prior to the scheduled end of the term of office, Discretionary Leave Benefits will be prorated in accordance with the shorter length of term of office and reconciled in the closing out of their remuneration.

Leave of Absence

6.6. Where these guidelines do not explicitly address a matter regarding a Leave of Absence, the MCK Leave of Absence Policy may be referred to.

6.7. MCK Ratitsénhaienhs requesting a leave of absence must submit a written request indicating their reasons for the leave to the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs, who will then present the request to the MCK Ratitsénhaienhs for consideration.

6.8. A Leave of Absence requires the formal approval of the MCK Ratitsénhaienhs. Upon receipt of a request for a Leave of Absence, the MCK Ratitsénhaienhs will consider relevant factors in the situation. The MCK Ratitsénhaienhs will provide reasons for their decision in writing. Additionally, if the request is approved, the MCK Ratitsénhaienhs must determine the length of leave granted (to a maximum of thirty (30) calendar days), as well as any additional conditions.

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6.9. In the event that Ratitsénhaienhs are granted a leave of absence by the MCK Ratitsénhaienhs, insurance benefits will be suspended during that leave. Pension Plan participation will also be suspended during the leave of absence period, unless the MCK Ratitsénhaienhs make other arrangements with MCK's Benefits Administrator to continue with this benefit. In this case, MCK Ratitsénhaienhs will be responsible to cover both portions.

6.10. Upon the close of a leave of absence granted, the MCK Ratitsénhaienhs must be notified of the arrangements for the return to work or request for an extension.

6.11. Upon request for extension, the MCK Ratitsénhaienhs will review the situation and determine whether an extension is warranted, or if an alternate form of leave must be arranged.

6.12. A Leave of absence shall be considered unpaid leave, unless vacation or wellness days are used. A Leave of Absence is not the same as medical leave covered by an insurance plan.

6.13. In the case of medical leave with short-term benefits, the MCK will cover both the shares of the insurance premiums while Ratitsénhaienhs collect short-term benefits.

6.14. Where MCK Ratitsénhaienhs are granted a leave of absence, or are on a prescribed medical leave, for a period of five (5) or more work days, a public notice to inform the community must be issued.

Bereavement Leave

6.15. MCK Ratitsénhaienhs shall be entitled to the bereavement leave set out in the Mohawk Council of Kahnawà:ke Leave of Absence Policy.

6.16. The MCK Ratitsénhaienhs must be notified of the bereavement leave.

6.17. Any extended leave will be at the discretion and approval of the MCK Ratitsénhaienhs.

Maternity, Paternity and Parental Leave

6.18. MCK Ratitsénhaienhs are entitled to maternity, paternity and parental leave in accordance with the MCK Leave of Absence Policy.

6.19. Insurance benefits and pension plan contributions for MCK Ratitsénhaienhs on Maternity, Paternity and Parental Leave may be continued during the leave period at the MCK Ratitsénhaienhs on leave's discretion. Should they choose to continue to make contributions, the MCK will continue to pay the administrative portion.

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Marriage Leave

6.20. The MCK Leave of Absence Policy shall apply to MCK Ratitsénhaienhs for the purpose of getting legally married.

Family and Domestic Violence Leave

6.21. The MCK Leave of Absence Policy shall apply to MCK Ratitsénhaienhs who experience domestic violence or sexual violence, or the threat of it, or whose child experiences domestic violence or sexual violence, or the threat of it.

Language and Cultural Classes

6.22. MCK Ratitsénhaienhs will be permitted to be absent with pay to attend language and cultural classes that take place during working hours.

7. Holidays

7.1. The MCK Holiday Policy shall apply to the MCK Ratitsénhaienhs.

8. Traditional Kanien'kehá:ka Festivals/Ceremonies

8.1. MCK Ratitsénhaienhs may attend and participate in traditional Kanien'kehá:ka festivals/ceremonies – Kanonhsionni'ón:we Tehontenonhwerà:tons should they take place during working hours.

9. Personnel Files

9.1. MCK Ratitsénhaienhs personnel files will be maintained by the Executive Assistant to the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs. The file will contain, but is not limited to:

- **9.1.1.** Acceptance of Nomination
- **9.1.2.** Confirmation of election results
- **9.1.3.** Declaration of Office
- **9.1.4.** Security Check
- **9.1.5.** Results of Drug Screening for Illegal Drugs
- **9.1.6.** Verification of Eligibility for Office
- **9.1.7.** Signed copy of the Code of Conduct for the Mohawk Council of Kahnawà:ke Ratitsénhaienhs
- **9.1.8.** Working Conditions Agreement

9.1.9. Letters of reference/commendation/complaint

9.1.10. Disciplinary actions/reprimands

9.1.11. Benefit related documentation

9.1.12. Leave notices

9.1.13. Disclosure forms

9.1.14. Declaration of Interest form

9.1.15. Educational and Training Certificates

9.1.16. Terms of Reference for the Mohawk Council of Kahnawà:ke Ratitsénhaienhs

9.2. MCK Ratitsénhaienhs personnel files are subject to the following provisions:

9.2.1. MCK Ratitsénhaienhs official personnel files will be held by the Human Resources (HR) Unit.

9.2.2. Files will be made available for administrative decisions by the MCK Ratitsénhaienhs.

9.2.3. Files may be accessed by completing the request form provided by the Human Resources Unit and be kept on record.

9.2.4. Only MCK Ratsénhaienhs/Ietsénhaienhs, the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs, the Director of The Office of the Council of Chiefs (OCC), and Legal Services may request access to personnel files.

9.2.5. However, The Chief Political Advisor and Council Meeting Administrator may have access, upon request, to the MCK Ratitsénhaienhs Declaration of Interest forms.

9.2.6. MCK Ratitsénhaienhs are responsible for updating their respective Declaration of Interest form annually. The General Manager of Operations of the OCC (to be replaced by the Director of OCC), is responsible for prompting this update annually.

9.2.7. MCK Ratitsénhaienhs are responsible for immediately disclosing any new material interests acquired during the term of office, and for updating their Declaration of Interest form accordingly.

9.2.8. The distribution of physical copies of files is subject to applicable Human Resources and Legal policies and procedures.

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10.Application

10.1. On administrative matters where this policy is silent, the Ratitsénhaienhs may refer to the MCK Policies as a guideline in order to inform/guide decisions.

10.2. The Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs will act as the intake for any matter(s) requiring interpretation and application of this policy. The MCK Governance Portfolio Team will review and provide recommendations to the MCK Ratitsénhaienhs for consideration.

10.3. The MCK Ratitsénhaienhs is the final authority over all Administrative and Operational matters pertaining to the MCK Ratitsénhaienhs, pursuant to applicable policies.

11.Approval

11.1. In the event of any conflict or inconsistency between any provision(s) of this document and the MCK Election Law, the MCK Election Law supersedes any such provision.

11.2. This document shall come into force upon the passing of a Mohawk Council Executive Directive (MCED) and will replace any previous versions of the Mohawk Council of Kahnawà:ke Administrative Guidelines for the Ratitsénhaienhs (formerly Council of Chiefs). This document and any subsequent amendments must be approved by an MCED.

12.Review

12.1. The MCK Ratitsénhaienhs will undertake a review of this document three (3) months prior to the end of their term of office, led by the Ohén:ton Í:iente/Í:rate ne Ratitsénhaienhs.

12.2. The newly elected MCK Ratitsénhaienhs will undertake a further review of the document within three (3) months of being elected.

12.3. Any proposed amendments shall be reviewed by a Governance Advisory Team (GAT) composed of at least three (3) Kanien'kehá:ka of Kahnawà:ke for eventual validation by the community.

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12.4. If no such GAT can be struck following reasonable effort, the proposed amendments must be posted for a thirty (30) day feedback period before being approved with appropriate community engagement by the MCK Ratitsénhaienhs.

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