

MOHAWK COUNCIL OF KAHNAWÀ:KE
ADMINISTRATION GUIDELINES FOR THE COUNCIL OF CHIEFS

Enacted by MCED #86 2019/2020
Approved on: 21, Kenténha/ October 2019

Purpose

1. This document establishes specific mechanisms and procedures for the Council of Chiefs to oversee and monitor all administrative, operational and employment related matters that directly affect or involve Council Chiefs. As Council Chiefs are elected representatives of the MCK, the Council of Chiefs has the final authority over all administrative, operational and employment matters pertaining to the Grand Chief and the Council Chiefs.

Application

- 2.1. On administrative matters where this policy is silent, the Council of Chiefs may refer to the MCK Personnel Policy/Administration Manual as a guideline in order to make decisions.
- 2.2. The Grand Chief 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 Council of Chiefs for consideration.
- 2.3. The Council of Chiefs is the final authority over all Administrative and Operational matters pertaining to the Council of Chiefs, pursuant to applicable policies. This document and any subsequent amendments will be approved by Mohawk Council Executive Directive (MCED) and reviewed at the start of each Council term of office.

Hours of Work

- 3.1 Council Chiefs 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 Council (referred to as “Flex Time”).
- 3.2 Council Chiefs must immediately verify and submit monthly timesheets to the Executive Assistants to the Chiefs no later than the 10th day of every month, to avoid a delay in payroll processing.
- 3.3 Council Chiefs must notify the Executive Assistants to the Chiefs as soon as possible of their whereabouts or if they are going to be absent from work.

Remuneration

- 4.1 Council Chiefs 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*.

- 4.2 Council Chiefs who require a reduced work schedule in order to manage personal matters unrelated to their work as a Council Chief must submit a written request to the Grand Chief for a modified work schedule. In such cases the Council of Chiefs will be notified, and the Chiefs' remuneration will be adjusted accordingly. Additionally, in cases where the reduced work schedule is for a period of longer than 30 days, the Council of Chiefs shall notify the community.
- 4.3 Rates of remuneration for Council Chiefs will be established and reviewed every three (3) years following a Salary Market Review.
- 4.4 A Cost of Living Allowance will be applied at the start of each fiscal year.

Benefits

5.1 *Employment Insurance*

- a) Council Chiefs will contribute to Employment Insurance (E.I.) at rates established by the Employment Insurance guidelines.

5.2 *Mohawk Self-Insurance*

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

5.3 *Group Insurance Plan*

- a) Council Chiefs 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.
- b) Premium rates are established by the Plan and will be shared between the Council Chief and the MCK. The MCK is responsible for paying Council Chiefs' share of the premium when a Council Chief is collecting short-term benefits.
- c) Participation shall be suspended during any type of leave unless other arrangements are made prior to the leave, if the Group Insurance Policy allows.

5.4 *Loan Agreement*

- a) All Council Chiefs who are paying premiums for weekly indemnity benefits with the MCK Group Insurance Plan and who will be on a medically approved leave will be eligible for a loan agreement.
- b) The MCK may offer the Council Chief an interest-free loan equivalent to a maximum of four weeks of Sun Life weekly indemnity benefits, per application.

Pension

- 6.1 Council Chiefs are required to participate in the MCK Pension Plan.
- 6.2 Contributions are at rates established by the MCK Pension Plan.

- 6.3 Pension Plan participation shall be suspended during any type of leave of absence unless other arrangements are made prior to the leave.
- 6.4 Once a Council Chief has joined the Pension Plan, they cannot withdraw until termination of consecutive terms of office.
- 6.5 Council Chiefs who have participated in the MCK Pension Plan are entitled to receive their benefits earned provided they meet the plan requirements and regulations.
- 6.6 Council Chiefs may be entitled to the discretionary complementary retirement program as set out in the Retirement Benefit Policy.

Leave Benefits

7.1 Discretionary Paid Leave

- 7.1.1 The Council of Chiefs 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 wellness time and is subject to the following conditions:
 - a) Council Chiefs are receiving full remuneration for their elected duties;
 - b) Discretionary leave should be pre-approved by the Grand Chief and documented by the Executive Assistant to the Chiefs;
 - c) Where the leave is due to illness, a doctor's certificate will be required after missing more than three days of work (failure to provide a doctor's certificate may result in loss of pay at the discretion of the Council table);
 - d) Unused days at the end of each term may not be carried over into the next term and will be forfeited; and,
 - e) If a Council Chief cannot fulfill their obligations of office during the term, Discretionary Leave will be prorated.
- 7.1.2 Council Chiefs are entitled to 20 vacation days per year, or 60 vacation days per term. Council Chiefs should make efforts to disperse their vacation throughout the duration of their term and avoid incurring in a concentrated timeframe.
- 7.1.3 Council Chiefs are entitled to 15 Wellness days per year or 45 per term.
- 7.1.4 Whereby a Council Chief is 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.

7.2 Leave of Absence

- 7.2.1 A Council Chief requesting a leave of absence must submit a written request indicating their reasons for the leave to the Grand Chief, who will then inform the Council table.
- 7.2.2 In the event that a Council Chief is granted a leave of absence by the Council table, insurance benefits will be suspended during that leave. Pension Plan participation will also be suspended during the leave of absence period, unless the Council Chief makes other arrangements with MCK's Benefits Coordinator to continue with this benefit. In this case, the Council Chief will be responsible to cover both portions.

7.2.3 In the case of a medical leave with short term benefits, the MCK will cover both the shares of the insurance premiums while a Council Chief collects short-term benefits.

7.3 **Bereavement Leave**

7.3.1 Council Chiefs shall be entitled to ten calendar days bereavement leave, with pay, for immediate family members, to include the Council Chief's mother, father, husband, wife, brothers, sisters, children, stepchildren, grandparents, grandchildren, mother-in-law, father-in-law, sons and daughters-in-law.

7.3.2 Council Chiefs shall be entitled to five calendar days bereavement leave, with pay, for extended family members, to include aunts, uncles, nieces, nephews, brothers-in-law and sisters-in-law.

7.3.3 Bereavement leave cannot be deferred to a later date. The Council of Chiefs must be notified of the bereavement leave.

7.3.4 Any extended leave beyond immediate or extended leaves will be at the discretion and approval of the Council of Chiefs.

7.3.5 Council Chiefs may be granted a full day in order to attend a funeral of a colleague, friend or community member.

7.4 **Maternity Leave**

7.4.1 Council Chiefs are entitled to maternity and parental leave in accordance with applicable legislation.

7.4.2 Insurance benefits and pension plan contributions for Council Chiefs on maternity leave and /or parental leave may be continued during the leave period at the Council Chief's discretion. Should they choose to continue to make contributions, the MCK will continue to pay the administrative portion.

7.4.3 The total duration of maternity and parental leave combined will be in accordance with applicable legislation.

7.5 **Marriage Leave**

7.5.1 Council Chiefs may be granted leave with pay for up to five working days for the purposes of marriage.

7.5.2 A Council Chief is entitled to this benefit only one time.

7.6 **Language and Cultural Classes**

7.6.1 Council Chiefs will be permitted to be absent with pay to attend language and cultural classes that take place during working hours

Holidays

8.1 Council Chiefs are entitled to designated paid holidays in conjunction with holidays stipulated in the MCK Personnel Policy/Administration Manual.

- 8.2 Any other day or partial day designated or declared as a holiday by the Finance, Administration and Operations Committee over and above designated paid holidays shall be recognized and observed as a paid holiday.
- 8.3 Council Chiefs may attend and participate in traditional Kanien'kehá:ka festivals/ceremonies – Kanonhsionni'ón:we Tehontenonhwerà:tons should they take place during working hours.

Personnel files

9.1 A personnel file will be maintained for each Council Chief by the Executive Assistant to the Grand Chief. The file will contain, but is not limited to:

- a) Acceptance of Nomination
- b) Confirmation of election results
- c) Declaration of Office
- d) Security Check
- e) Results of Drug Screening for Illegal Drugs
- f) Verification of Eligibility for Office
- g) Signed copy of the Code of Conduct
- h) Working Conditions Agreement
- i) Letters of reference/commendation/complaint
- j) Disciplinary actions/reprimands
- k) Benefit related documentation
- l) Leave notices
- m) Disclosure forms
- n) Declaration of Interest form
- o) Educational and Training Certificates
- p) Terms of Reference for Council Chiefs

9.2 Council Chiefs' personnel files are subject to the following provisions:

- a) All Council Chiefs' official personnel files will be held by the Human Resources (HR) Unit.
- b) Files will be made available for administrative decisions by the Council of Chiefs.
- c) File may be accessed by completing the request form provided by the Human Resources Unit and be kept on record.
- d) Only the Council Chief themselves, the Grand Chief and the General Manager of Operations of the OCC and Legal Services may request access to personnel files.
- e) The distribution of physical copies of files is subject to applicable Human Resources and Legal policies and procedures.