



•ᑕᓪᓴᑦᑕᑦᑕᑦ ᑕᓪᓴᑦᑕᑦ

## CREE NATION OF EASTMAIN

P.O. BOX 90, EASTMAIN, QUEBEC J0M 1W0  
Tel.: (819) 977-0211-0266  
Fax: (819) 977-0281

### MEMBERS RESOLUTION

Res. No. 2012-2013/08-17-003

#### REGARDING THE WORKING CONDITIONS OF ELECTED OFFICIALS BY-LAW 141

**WHEREAS** pursuant to subsection 45 of the *Cree-Naskapi (of Québec) Act*, S.C. 1983-84, c.18, the Eastmain Band is empowered to regulate the administration of band affairs and the internal management of the band;

**WHEREAS** the Members of the Cree Nation of Eastmain has reviewed By-Law No. 141 Eastmain Working Condition of Elected Official and found it satisfactory;

#### **BE IT THEREFORE RESOLVED:**

**THAT** the Members of Cree Nation of Eastmain hereby adopts and enacts By-Law No. 141 the Eastmain Working Conditions of Elected Official;

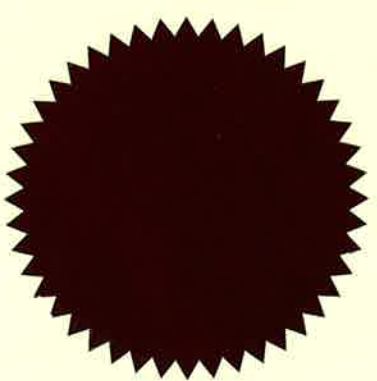
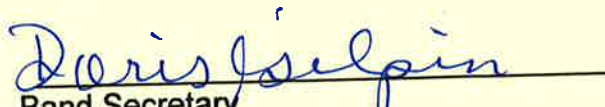
**THAT** By-Law No.141 shall come into force on the day of its posting;

**THAT** the Members by mandated to do all things necessary to give effect to the present resolution;

**THAT** the Band Secretary be mandated to send a certified copy of this resolution together with a copy of the *"By-Law 141 Eastmain Working Conditions of Elected Official"* of the Eastmain Band to the Minister of Indian Affairs and Northern Development;

**PROPOSED BY:** Florence Cheezo  
**SECONDED BY:** Alvin Cheezo  
**ACTION:** Carried

**CERTIFIED TRUE COPY** of a resolution adopted by the Members of the Cree Nation of Eastmain having met on 17<sup>th</sup> day of August, 2012.

  
  
Band Secretary



•◁◊◊° ΔΓϛ

## CREE NATION OF EASTMAIN

P.O. BOX 90, EASTMAIN, QUEBEC J0M 1W0  
Tel.: (819) 977-0211-0266  
Fax: (819) 977-0281

### **CREE NATION OF EASTMAIN BY-LAW NO:141 REGARDING THE WORK CONDITIONS OF ELECTED OFFICIALS**

**WHEREAS**, in August 2000, CNE adopted a policy regarding compassionate payment to former elected officials;

**WHEREAS**, in 2011, the members mandated the Council to update the said policy to reflect current standards regarding the working conditions of elected official;

**WHEREAS** it is desirable and appropriate to elaborate a more comprehensive and formal policy regarding the working conditions of elected officials for improved accountability to the members, for the better administration of CNE affairs, and for a clear understanding by all interested persons of the conditions associated with the office of an elected official;

**NOW THEREFORE** pursuant to its inherent right of self-government and section 45 of the Cree-Naskapi (of Quebec) Act (S.C. 1983-84 c. 18), as amended (the "Act"), the Cree Nation of Eastmain, acting through its Council at a meeting of the Council held in Eastmain on 11<sup>th</sup> day of September 2013, hereby enacts this by-law respecting the working conditions of elected officials.

### **INTERPRETATION**

1. Unless otherwise indicated by express terms or necessary implication, the words and expressions used in this by-law shall have the same meaning as in the Cree-Naskapi (of Quebec) Act, S.C. 1983-84, c. 18, as amended.
2. In this by-law, unless the context indicates otherwise, the following words and expressions shall mean:

### **PURPOSE**

3. Due to their significant level of responsibility for CNE affairs, their involvement with other important issues affecting the community, and the duties associated with their elected position, it is appropriate to have a special policy regarding the offices of Chief and Deputy Chief of the Cree Nation of Eastmain.
4. The purpose of this policy is to set out the working condition governing the office of Chief and Deputy Chief (hereinafter referred to as the "Elected Officials").



## **APPLICATION**

5. This policy applies to Elected Officials from the beginning of their mandate until the expiry of their term of office, unless otherwise provided herein,
6. Each Elected Official shall be provided with a copy of this policy upon commencing office.
7. The Council is responsible for ensuring that the office of Chief complies with this policy.
8. The Chief is responsible for ensuring that the office of Deputy Chief complies with this policy.

## **ALLOCATION OF DUTIES**

9. The Chief is the principal representative and chief executive officer of the Cree Nation of Eastmain in respect of its political and diplomatic relation and its community affairs.
10. The Chief is responsible for ensuring respect for the aboriginal and treaty rights of the people of Eastmain as well as the fulfillment by governments and third parties of their duties and obligations to the people of Eastmain. He is also responsible for maintaining relationships with his counter-part in the other Cree communities, with other aboriginal leaders, and with regional, provincial, and federal leaders.
11. At the local level, the Chief is responsible for the delivery of CNE's responsibilities to its members in terms of community services and programs and, in consultation with the Treasures, for the good administration of its financial affairs. He provides direction to CNE officers and to its administration.
12. The chief presides at Council meetings and member meetings and is responsible for the supervision of the annual legislative operating budget.
13. He shall also carry out any other duties which may be assigned to him from time to time by the Council, CNE by-laws, or the Cree-Naskapi (of Quebec) Act regulations.
14. The Deputy Chief exercise the powers and duties of the Chief when the Chief is absent due to illness or is incapacitated or the office of Chief is vacant. The Chief may also confer the powers and duties of his office on the Deputy Chief when the Chief will be physically absent for a sufficiently long period of time. In such a case, the Deputy Chief also serves as the liaison between the Council and CNE administration.



15. The Deputy Chief must respect established lines of CNE administrative authority. With respect to financial matters, the Deputy Chief may authorize expenditures under the legislative operating budget only. All other financial decisions require the approval of the Treasurer.
16. He performs the duties assigned to him from time to time by the Council, the CNE by-laws, and the Cree Naskapi (of Quebec) Act regulations.

### **REMUNERATION**

17. Commencing on 1<sup>st</sup> of April 2013, the annual remuneration of the Elected Official shall be the following:

Chief: \$102,000.00

Deputy Chief: such amount as shall be determined by Council by Resolution.

Where the holder of the office of Deputy Chief is a salaried employee and no wages are deducted for attendance at Council meetings, the remuneration shall be fixed at \$500.00 for each day of attendance at Council meetings.

18. Thereafter, the annual remuneration shall be adjusted on 1<sup>st</sup> of April by any increase in CPI, Canada All Items, over the preceding year.
19. Advance on remuneration are not permitted.

### **PENSION PLAN AND GROUP INSURANCE**

20. In addition to the remuneration, the Chief and Deputy Chief shall be entitled to participate in the James Bay Cree Naskapi Pension Plan and the CNE group insurance plan, of their successor plans, if any.
21. CNE will pay an amount equivalent to the employer's contribution under the pension plan rules and in accordance with the required payment schedule
22. CNE will pay an amount equivalent to the employer's contribution under the group insurance plan rules and in accordance with the required payment schedule.
23. Should an Elected Official elect to not participate in either the Pension Plan or the group insurance or both, no compensation will payable in lieu of such participation.



### **OTHER BENEFITS**

24. Although not employees of CNE, the Chief and Deputy Chief shall be required to participate in any mandatory payroll deduction programs such as Employment Insurance, CSST, and QPIP.

### **OVERTIME**

25. The demands and duties of the office of an Elected Official require his availability beyond the hours of a normal working day. This fact is reflected in determining the level of remuneration paid to an Elected Official.
26. As a result, an Elected Official shall not be entitled to any over-time pay or equal time off in lieu of over-time for any reason whatsoever.

### **CONFLICT OF INTEREST**

27. During his term of office, an Elected Official may not take advantage of his office in order to promote or enhance his private interests or those of his family members.
28. As an Elected Official, he may not accept gifts or services that would affect or appear to affect his ability to act objectively and impartially in the best interests of CNE.
29. An Elected Official shall disclose to Council any pecuniary interest that he has in any matter before the Council. He shall not vote or participate in the deliberations concerning such matter and shall not receive any related document or other information. The existence and effects of such pecuniary interest shall be determined in accordance with section 38 of the Cree Naskapi (of Quebec) Act and General By-law No. 119.
30. In the event that an Elected Official has disclosed a pecuniary interest and has been authorized nonetheless by the Council to pursue a transaction with a third party not at arms length, all decision made by the Elected Official in conflict shall be subject to review by the Treasurer.
31. Upon receiving a written notice for audit, the Elected Official shall promptly provide and disclose all information in his possession or under his control relating to his transaction with the non-arms length party.





### **SPENDING AUTHORITY**

32. Elected Officials shall have no spending authority, with the exception of the annual legislative budget, and must respect the annual budgets approved by Council from time to time.

### **SIGNING AUTHORITY**

33. The signing authority of Elected Official shall be dependent on the authorizations approved by Council from time to time regarding CNE bank accounts and other financial instruments. Only authorized signatories may sign cheques and other financial instruments on behalf of CNE.

### **DEDUCTIONS**

34. Any amount owing by an Elected Official to CNE and not paid on their due date shall be automatically set off against any amount payable to an Elected Official by CNE.

### **PRIORITY OF LEAVES**

35. Elected Officials shall cooperate with each other to coordinate the leaves permitted under this policy so that the interests of CNE are protected at all times and the continuity in leadership of the community is assured.

### **ANNUAL VACATION**

36. An Elected Official shall be entitled to two weeks of paid vacation during each year that he holds office. If not used, the paid vacation shall be paid out at the end of each financial year subject to the prior approval of Council expressed by resolution.
37. Should one or more statutory holidays occur during a paid vacation, the vacation may be extended by one day for each such statutory holiday.

### **PAID HOLIDAYS**

38. An Elected Official is entitled to a holiday with pay on each of the following CNE recognized holidays occurring during his term of office:



New Year's Day  
Family Day  
Good Friday  
Easter Monday  
Victoria Day  
National Aboriginal Day  
St-Jean Baptist Day  
Canada Day  
Civic Day  
Labour Day  
Thanksgiving  
Remembrance Day/JBNQA Day  
Christmas Day  
Boxing Day

39. Where a statutory holiday falls on a weekend, it will be observed on the following or preceding working day, as determined by Council.
40. Where an Elected Official is unable, as a result of his duties, to take a paid holiday, he shall be entitled to take equivalent time off with pay at a time convenient to the needs of CNE.

### **ABSENCE DUE TO ILLNESS**

41. Sick leave is a privilege to be used only when Elected Official is genuinely unable to perform his function due to illness.
42. An Elected Official unable to perform his functions due to illness for more than seven (7) consecutive days shall inform the Council immediately of his required absence and, where appropriate, of the estimated length of such absence.
43. An Elected Official is entitled to one (1) day of sick leave for each full calendar month of completed continuous services.
44. Accumulated sick days that have not been used are lost and may not be exchanged with other leaves, vacation or holidays nor may they be cashed.

### **LEAVE OF ABSENCE**

45. No leave of absence by an Elected Official, whether paid or unpaid, is permitted without the prior approval of the Council.



### **TRADITIONAL LEAVE**

46. Elected Officials are entitled to fifteen (15) days paid traditional leave for the sole purpose of practicing traditional and cultural activities with Eeyou Istchee.
47. Traditional leave that is not taken is lost or may not be transferred, exchanged, or used for other purposes nor is it cashable.

### **ELECTRONIC EQUIPMENT**

48. Each Elected Official shall be provided with a mobile telephone and may be provided with other electronic equipment in order to enable him to carry out his duties more effectively and efficiently.
49. Use of a mobile telephone or other electronic equipment provided by CNE is a privilege.
50. Elected Officials should not have any expectation of privacy regarding the use of CNE electronic equipment, including a mobile telephone, or any information stored on it. Any electronic equipment in the possession or under the control of an Elected Official may be transferred to any other user without the permission of the Treasurer.
51. Elected Officials are expected to exercise reasonable care to protect CNE electronic equipment from damage, theft or misuse and must report any such incidents to the Treasurer immediately.
52. Elected Officials must use their best efforts to abide by any use limitations and conditions included in any CNE electronic equipment service contract with its supplier.
53. Use of CNE electronic equipment for personal reasons is permitted provided that such use does not offend against public morals, does not constitute a criminal activity, and does not exceed the limits of any applicable service plan.
54. Inasmuch as possible, an Elected Official shall avoid excessive supplemental charges resulting from the use of the CNE electronic equipment. Usage of mobile telephones in particular will be monitored by the Treasurer, who shall report to Council from time to time regarding electronic equipment usage by Elected Officials.





## **TRAVEL**

55. It is acknowledge that the representation of CNE affairs will include travel outside the community from time to time.
56. However, travel by an Elected Official on CNE affairs must comply with the annual travel budget approved by Council.
57. Where possible, an Elected Official shall make reasonable efforts to have any travel or meeting expense paid by the party requesting the travel of meeting.
58. Double payment of a travel expense is not permitted and may lead to criminal prosecution.
59. Reimbursement of a travel expense incurred on behalf of CNE will be made on submission of appropriate supporting receipts or vouchers and is subject to the approval of the Treasurer.
60. Travel for personal reasons will not be the responsibility of CNE.

## **TRAVEL ADVANCES**

61. A travel advance of up to 75% of the anticipated travel cost not already paid for through a purchase order, CNE credit card, travel warrant, or other similar prior authorization may be granted upon request to the Treasurer.
62. Where possible, transportation and accommodation costs shall be paid directly by CNE through an authorization number, corporate credit card, travel warrant, or other similar authorization with identification of the purpose and dates of travel.
63. Where a private vehicle is used, reimbursement shall be as follows:
  - a) \$0.70 per kilometer; and
  - b) 0.15 per kilometer for each authorized passenger.
64. However, where an Elected Official uses a private vehicle to arrive at a destination that is also accessible by plane, CNE shall pay the lesser of the economy airfare or the mileage rate.
65. CNE shall not be responsible for any highway infractions committed or damage or malfunction that may occur to a private vehicle used by an Elected Official in the performance of his duties.



## **REIMBURSEMENT OF TRAVEL EXPENSES**

66. Reimbursement of travel expenses shall be made upon presentation of a duly completed travel expenses form with supporting receipt or other vouchers.
67. The Chief shall approve in advance all travel of the Deputy Chief.
68. Travel expense claims shall be submitted to the Treasurer for reimbursement.
69. Claims shall be reimbursed within ten (10) business days of approval by the Treasurer.
70. Advance received to cover travel expenses shall be deducted from the amount claimed. An Elected Official shall reimburse any excess sums received in advance that are greater than the amount of the travel claim.
71. Any false claim for reimbursement, the submission of false documents or the submission of a claim for double payment of a travel expense may render an Election Official liable to criminal prosecution.

## **CREDIT CARD USE**

72. The Chief shall be provided with a CNE corporate credit card for business use only. The cardholder agrees to comply with all applicable policies and procedures imposed from time to time.
73. A CNE credit card may not be used for any of the following purposes:
  - a. Purchase of items for personal use;
  - b. Purchase of items contrary to CNE travel policy;
  - c. Purchase of alcohol or any prohibited substance;
  - d. Purchases by any one other than the card holder;
  - e. Use of the credit card for cash advances;
  - f. Exceeding the credit card limit.
74. At the expiry of his term of office or upon the occurrence of a vacancy in the office, an Elected Official shall promptly return all CNE property, including electronic equipment and credit cards to the Treasurer.
75. It is the credit card holder's responsibility to obtain receipts from the merchant each time the credit card is used. An expense report must be completed for all credit card expenses and submitted to the Treasurer before the last day in each billing month. Expenditures which are not supported by a receipt will not be reimbursed.



76. Monthly billings for corporate credit cards will be provided to the credit card holder. It is the cardholder's responsibility to review statements for accuracy and to pay any unauthorized charges in full by the designated due dates as shown on the monthly statement.
77. The Treasurer shall report to the Council from time to time regarding credit card use. In the event of persistent misuse of a corporate credit card in contravention of this policy, the Council may cancel or suspend its use.
78. Any unauthorized use of a corporate credit card may result in its suspension or cancellation pursuant to a decision of the Council expressed by resolution.

#### **EX GRATIA ALLOWANCE**

79. At the conclusion of the service of an Elected Official, whether such service consisted of a single term of office or consecutive terms of office, he shall be entitled to receive an ex gratia allowance equivalent to two months wages for each consecutive full year of service up to a maximum allowance equal to twelve (12) months wages.

The ex gratia allowance shall be calculated on the regular monthly remuneration of the Elected Official in his last month of office.

80. Where an Elected Official serves more than one term of office but the terms of office are not consecutive, the ex gratia allowance shall be based only on the last completed term of office.
81. Where an Elected Official does not complete his term of office for any reason whatsoever, no ex gratia allowance will be paid.
82. The ex gratia payment may be disbursed in such manner as the Elected Official and the Treasurer may agree.

#### **TRANSITION OF ELECTED OFFICE**

83. At the end of the term of office of an Elected Official, he shall make himself available to the new administration in order to provide for a smooth transition of affairs.
84. The period during which such Elected Official shall make himself available to the new administration shall be four weeks following the date of its election.



85. In consideration of the ex gratia payment, the period of availability shall be without remuneration unless otherwise agreed by the Council.

86. The ex gratia payment shall not be paid to any Elected Official who is found guilty of any criminal conduct relating to the carrying out of his or her duties during his or her term of office

#### **AMENDMENT**

87. This By-Law may be amended, replaced or repealed from time to time by a by-law enacted in accordance with the Act.

#### **COMING INTO FORCE**

88. This By-law shall come into force on the date of its posting.

IN WITNESS WHEREOF, we have signed the original of this By-law and inserted it into the Register of By-laws this 11<sup>th</sup> day of September, 2013.

  
Chairman

  
Secretary

