

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 7-1000

Member Self-Determination and Retention Program



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REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
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Index

<u>Text</u>	<u>Page</u>
SECTION 1: PURPOSE	2
SECTION 2: BACKGROUND AND INTENT	2
SECTION 3: DEFINITIONS	2
SECTION 4: DELEGATED AUTHORITY	3
SECTION 5: AUTHORIZED PROGRAMS AND SERVICES (Reserved)	4
SECTION 6: ELIGIBILITY	4
SECTION 7: BENEFIT	4
SECTION 8: FUNDING FOR THE PROGRAM	5
SECTION 9: MISCELLANEOUS PROVISIONS	5
SECTION 10: IMPLEMENTATION AND REPORTING	6

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 7-1000

Member Self-Determination and Retention Program

SECTION 1: PURPOSE

To establish a program that encourages Tribal Members to provide services and develop skills within the membership that will benefit the long term needs and self determination goals of the Redding Rancheria.

SECTION 2: BACKGROUND AND INTENT

Since the reorganization in 1987, the philosophy of the Tribe has been to employ its Tribal Members to ensure that the Tribe continues to operate with the Tribal vision as a priority. In that regard, the Tribe offers competitive salaries and benefits to attract and retain all employees, including tribal members.

The Redding Rancheria sees a benefit toward achieving self-determination, to the Tribe by having members learn skills and appreciate the value of tribal service. That Tribal benefit is wholly independent of the value of the specific services for which a working member may render, and which are fully paid for through compensation and work place benefits.

This program is established, independent of the Tribal employment relationship, to provide an incentive to those members who have dedicated years of service to the Redding Rancheria or its operations in furtherance of the Tribe's long term goals of self determination.

SECTION 3: DEFINITIONS

As used within this chapter, the following terms shall mean:

- (a) Administrator: The Chief Executive Officer of the Redding Rancheria or authorized designee.
- (b) Chief Executive Officer (CEO): The Chief Executive Officer of the Redding Rancheria.
- (c) Tribe: The Redding Rancheria, a federally recognized Native American tribe, in Redding, California.
- (d) Tribal Court: The Redding Rancheria Tribal Court.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 7-1000

Member Self-Determination and Retention Program

SECTION 4: DELEGATED AUTHORITY

The Chief Executive Officer (CEO) is hereby delegated all administrative authority to carry out the day-to-day operations of the program, in accordance with this policy. Such authority shall include but not be limited to:

- (a) To recommend to the Tribal Council, such policy decisions necessary to assure the efficient and effective administration of the program in accordance with its stated purpose.
- (b) To recommend to the Tribal Council such actions related to program services as are appropriate, for which authority has not been delegated within this policy.
- (c) To make provision for disbursement of program funds in accordance with this policy.
- (d) To coordinate with, obtain assistance of, and provide administrative direction to third parties engaged by the Redding Rancheria to assist in the administration of the program, including, but not limited to; legal counsel, accountants, advisors and consultants.
- (e) To implement such operating procedures as are required to assure effective day-to-day activities and services in the administration of the program, and to publish information for use by eligible members on how to apply for and use the program.
- (f) To adopt and amend, appropriate forms for application and other documents required for the proper administration of the program.
- (g) To act as program administrator and to delegate to other officers and employees, in writing, the authority to act and sign on behalf of the CEO for this purpose in order to carry out the program.
- (h) To establish appropriate training and/or technical assistance programs to assure that eligible members can maximize the benefits of the program.
- (i) To provide information to members regarding their rights and options, taxation issues, the maximization of program benefits and other information pertinent to the program.
- (j) To provide for reports to the Tribal Council as to the status of the program, eligible participants and other information required by the Tribal Council.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 7-1000

Member Self-Determination and Retention Program

- (k) To recommend appropriations for the program in accordance with plans adopted by the Tribal Council and/or the membership.
- (l) To initiate collection and legal proceedings as necessary to protect the Tribe's interests with regard to program funds for which the recipient is in material breach of the program.

SECTION 5: AUTHORIZED PROGRAMS AND SERVICES (Reserved)

SECTION 6: ELIGIBILITY

- (a) Adult enrolled members of the Redding Rancheria shall be eligible for the program.
- (b) The member must have worked for the Redding Rancheria or one of its entities including, but not limited to Win-River Casino, RREDCO, Win-River Mini-Mart, Hotel, etc., for a period of ten years or more.
- (c) The member must have given notice of retirement or resignation and not separated from employment due to being convicted of theft from the Redding Rancheria Tribe, with the expectation that the member will not be returning to employment for a period of one year or more.

SECTION 7: BENEFIT

- (a) Redding Rancheria Tribal Member employees:
 - 10 + years of service - \$5,000 per year
- (b) If a Tribal member has received a Member Self Determination and Retention Benefit and subsequently returned to work, the years of service for which they received the benefit cannot be counted toward a second benefit.
- (c) While this benefit is based on the member achieving certain employment goals of the Tribe, it is not part of the member's employee compensation package from his/her eligible employer. This program is not intended to constitute a program of deferred compensation. The benefits hereunder are not valued in any way upon the specific employment services, hours or tasks actually rendered by the member. Nor is a member's employment in any way premised upon the promise of these benefits, which may be eliminated or reduced at any time depending on budget availability.
- (d) If an otherwise eligible Tribal Member dies prior to receiving his/her benefit under this program, the benefit shall be paid to his/her heir(s) as soon as

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 7-1000
Member Self-Determination and Retention Program

practicable. For purposes of this program, the heir(s) shall be determined, in the priority order listed below:

- (1) As specifically directed in a Last Will and Testament
- (2) Surviving spouse
- (3) Natural children
- (4) Parents
- (5) Siblings
- (6) If none of the potential heirs listed in Subsections (1) –(5) exists, then the benefit will not be paid.

SECTION 8: FUNDING FOR THE PROGRAM

This program will be funded from the Tribal Programs Account (40% Budget). The program is based on the approval and availability of funds. Amounts may be budgeted and reserved for the purpose of ensuring funds are available to pay future benefits.

SECTION 9: MISCELLANEOUS PROVISIONS

- (a) No entitlements intended. The programs authorized pursuant to this policy are not entitlement programs. The Tribe has made provision to fund the program by establishing the funds for the program within the Tribal budget, but the program may be changed or eliminated as determined to be necessary or appropriate and no tribal member or his or her estate has any vested interest in potential or unused benefits available under the programs. Neither approval of applications or receipt of benefits of program resources creates a vested right in the applicant, the members of the applicant household, their estate or their heirs at law.

This program shall be unfunded. Benefits hereunder shall not be subject to alienation, encumbrance, assignment, garnishment, or levy.

Amounts made available to benefits under this policy shall be limited to the amounts appropriated for that purpose and subject to such limitations as shall be set forth within the Tribal budget.

This program will be funded from the Tribal Programs Account. The program is based on the approval and availability of funds. The program benefits described herein are to be treated and administered at all times as

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES

Chapter TP 7-1000

Member Self-Determination and Retention Program

an unfunded arrangement for purposes of the Internal Revenue Code. Additionally, the program will be administered in a manner to avoid constructive receipt and economic benefit. No beneficiary shall acquire a funded right under this program. No benefits may be alienated or pledged as security for any debt. The Tribe may cancel this program at any time; benefits are not vested and are subject to the Tribal budget. Benefits not expended for a designated purpose will be forfeited.

Taxes and Reporting: While considered taxable income to the recipient, payments made pursuant to this program by the Redding Rancheria in furtherance of the governmental goals of employment are not wages, and are not made in the capacity of an employer, but rather as a government from funds other than those associated with the employment of the member. Therefore, payments, and appropriate withholding related thereto shall be reported on IRS form 1099 as applicable.

The Tribe will not provide or pay for professional assistance to complete tax returns or if participants are audited or reviewed by federal or state taxing authorities. The Tribe will not be responsible for or pay any tax penalties or interest incurred by participants in connection with payments made pursuant to the program.

Remedies. In the event a member is in material breach of this policy, the Redding Rancheria shall have the right to reimbursement of amounts made available under this policy. Such reimbursement shall be enforceable under the laws of the Redding Rancheria.

No waiver of tribal sovereign immunity. In establishing the programs authorized pursuant to this policy, the Tribe has not waived its tribal sovereign immunity from unconsented suit and has not consented to suit or the jurisdiction of any state or federal court or administrative body.

SECTION 10: IMPLEMENTATION AND REPORTING

The Chief Executive Officer shall maintain a record of amounts paid pursuant to this program, and shall calculate and report the estimate of benefits that would be payable under this policy to all Tribal Members who have five years or more of service with the Tribe and are still employed as of the end of each Calendar Year based on the benefit level set within this policy. Such report shall be provided by March 31 of the subsequent year.

REDDING RANCHERIA TRIBAL GOVERNMENT POLICIES
Chapter TP 7-1000
Member Self-Determination and Retention Program

Legislative History:

Originally Adopted by Tribal Council Resolution #080-12-11-07, dated December 11, 2007.

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