

## ***Chapter 6 Sample Employee Handbook***

The handbook which follows this introduction is divided into nine chapters and each chapter is comprised of policies which relate to the chapter title. The policies in each chapter are numbered in a way which identifies the chapter.

There is some logic in the order of the chapters. Chapter one introduces the employee to the employer and chapter 2 addresses hiring. The third chapter categorizes employees and deals with training and performance. Chapter 4 focuses on employee conduct while chapter 5 addresses drugs and alcohol. Compensation and benefits comprise chapters 6 and 7. Chapter 8 deals with leave and 9 with safety. Since the handbook is not designed to be read like a novel which tells a story, the sequence of the chapters is not as important as working toward presenting the chapters and the policies within the chapters in a manner which is clear to employees.

The value of a sample handbook is to start a conversation by using the sample as a baseline. With the baseline, tribal employers can take the sample and compare it with the employer's handbook and conclude that the employer's handbook is better than the baseline or not. If the employer does not have a handbook but wants to create one, the baseline can help the employer ask helpful questions like:

*What should the cover look like?*

*What chapter titles make sense for our handbook?*

*Do some of the policies in the sample work for my organization?*

*Is the handbook too long? Not long enough?*

*Which policies will not work because they are inconsistent with tribal law or my tribe's values?*

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This sample handbook is not the handbook a tribal employer should duplicate since one size does not fit all. The sample handbook starts a conversation which should include tribal elders, leadership, human resources, legal and others wherein the team can review specific policies and determine if those policies are aligned with the tribal employer's risk tolerance and tribal goals and objectives.

The sample policies are a collection of policies modified for this book. A special thank you to the Osage Nation and Principal Chief Standing Bear for the privilege of including a small portion of the Nation's history in the sample handbook. I am grateful to the Nation and its Human Resources Team.

There are other sample policies from other tribal employers. Those policies were selected for inclusion because they are well drafted and suited for this project. If a policy you wrote is included please accept our gratitude for your writing skills and employer insights.

Download the sample handbook at [richardmcgeelaw.com](http://richardmcgeelaw.com).

# **ABC Tribe Employee Handbook**

**Tribe's Symbol Here**

**Address & Contact Information here**

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## **CHAPTER 1           INTRODUCTION**

The introduction will acquaint employees with the purpose of this handbook and provide a sense of the ABC Tribe and its history.

Dear Tribal Employee:

The ABC Tribe (Tribe) is one of the area's largest employers with more than 6,000 people working on the Tribe's lands. As an employee of the Tribe you belong to a group of professionals dedicated to serve the Tribe by performing important work in a safe working environment.

To our new employees, we welcome you to a winning circle. To our current employees, we thank you for your loyal service to the Tribe. A tribal employee is always progressive, positive and possesses great integrity and professionalism. Our goal is to always work together as a team and provide support, encouragement and resources to each other and tribal members.

In the following pages you will find the personnel policies and practices of the Tribe. This handbook was developed as an informational resource for tribal government employees. I encourage you to refer to this handbook whenever you have questions and discuss these policies with your supervisor or the outstanding Human Resources Team.

Communication is key to the success of any organization. It is my sincere hope that through a clear understanding of the policies and procedures of the Tribe we may all benefit from a productive and happy workplace.

It is great to have you as part of the team.

Chairman Leonard

### **Option 2**

Dear Tribal Employee:

Welcome to the ABC Tribe. We hope you find that working for the Tribe is an exciting, challenging and rewarding opportunity. The Tribe is pleased to offer meaningful work, competitive wages and outstanding benefits.

We encourage employees to read the handbook and discuss the policies with their supervisor. Additionally, the Tribe's Human Resources Department is here to help guide you through the policies in the Handbook and the procedures in your department.

Outstanding employees are the key to the success of the Tribe. Thank you for your work and dedication.

Chairperson Jordan

### **Option 3**

Dear Tribal Employee:

Welcome to the ABC Tribe. You and the other 300 employees are dedicated to providing excellent services for the Tribe's 4,000 members.

Although working for the Tribe is demanding, you will find great satisfaction in working with outstanding employees. The Tribe promotes teamwork and effective communication. The diversity in our work force is one of our greatest strengths and contributes to the long-term success of the Tribe.

Please take time to read the handbook carefully as your first step in getting to know the Tribe, but of course, the policies in this handbook cannot fully substitute for effective communication between you and your supervisor. Therefore, feel free to ask your supervisor or Human Resources any questions regarding the Tribe's policies and practices.

We are happy to have you on our team.

Chairman Bryant

## **101 PURPOSE OF THE HANDBOOK**

This handbook contains a brief summary of the employment policies and practices of the ABC Tribe (the “Tribe”). You should read, understand and comply with all provisions of the handbook. The handbook describes many of your responsibilities as an employee and outlines the benefits extended.

All previously issued handbooks and any policy statements issued before the publication of this handbook, which are not consistent with the information contained in this handbook, are superseded by this edition of the handbook. The Tribe reserves the right to revise, modify, add, delete or add to any of these policies, procedures, work rules or benefits stated in this handbook or in any other employer document, except for the policy of at-will employment, with or without notice.

No oral or verbal statements or representations may, in any way, alter the provisions of this handbook. Nothing in this handbook or in any other employer document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment.

This handbook is the sole property of the ABC Tribe. Employees must return the handbook at the end of employment.

## **102 HISTORY**

The Osage people were once part of a larger group known as the Dhegiha Siouan people. The Dhegiha Sioux were made up of the Osage, Quapaw, Kaw, Ponca, and Omaha tribes. The first Osage contact with Europeans occurred in 1673 when the Osage maintained villages along the Osage and Missouri rivers.

Through a series of treaties with the United States beginning in 1808 and ending in 1870, the Osage had to relinquish more than 113 million acres of land in Missouri, Arkansas, Oklahoma, and Kansas. Removal to what is now Osage County, Oklahoma came in 1872. After arrival to the new home, the Osage suffered even more as starvation and disease took a great toll in human life. During this time the Osage also lost much of their traditional way of life, including hunting the buffalo.

In 1906, the last 1.4 million acres of Osage tribal land was divided between each of the surviving 2,229 members of the tribe. Each member received an equal share of the Osage tribal land and also a share of the tribally owned mineral rights. The share in the mineral rights are referred to as a “headright.” During the 1920’s the value of an Osage headright skyrocketed and news of Osage prosperity spread nationwide. This newfound fame brought many outsiders who would stop at nothing to have what the Osage owned. During the 1920’s and 30’s, many Osages were murdered for their wealth. This time in Osage history became known as the Reign of Terror.

Osage membership today has expanded to all parts of the United States with a membership over 22,000. In 2006, the Osage people established a new constitution to govern people, lands, property, and affairs. The Osage Tribe is now called the Osage Nation. The Nation's Capital is in Pawhuska, Oklahoma and the Osage people primarily identify themselves from one of three Districts, either Grayhorse, Pawhuska, Hominy, or a combination. Osage gaming is the primary non-federal source of funding for the Osage Nation, supplementing the federal money received as a federally recognized Indian tribe.

### **103 TRIBAL SEAL**

The Great Seal of the Navajo Nation was designed Mr. John Claw, Jr. of Many Farms, Arizona, and was officially adopted by the Navajo Tribal Council on January 18, 1952, by resolution CJ-9-52.

The Great Seal had forty-eight projectile points or arrowheads symbolizing the Navajo Nations protections within the forty-eight states (as of 1952). Since then, two points have been added to represent the entire fifty states of the United States. The opening at the top of the three concentric lines is considered East. The lines represent the rainbow and sovereignty of the Navajo Nation. The rainbow never closes on the Nation's sovereignty. The outside line is red, the middle line is yellow, and the inside line is blue.

The yellow sun shines from the east on the four sacred mountains, Sisnaajinii, Tsoodzil, Dook'o'osliid and Dibe Ntsaa. Yoolgaili, Dootl'izhii, Diichili, and Baashzhinii are the sacred mountain ceremonial stones.

Two corn stalks with pollen symbolizes the sustainer of Navajo life. A horse, cow, and sheep, located in the center, symbolize the Navajo livestock.

### **104 SOVEREIGNTY & SOVEREIGN IMMUNITY**

The Tribe is sovereign, and as a sovereign, the Tribe defines the rules and benefits of employment. The Tribe is its members and the members elect a seven-person Tribal Council. The Tribal Council has the responsibility to define and enforce the rules of the Tribe.

As a sovereign, the Tribe is immune from private lawsuits including employment related matters. Nothing in this handbook waives or dilutes the sovereign immunity of the Tribe or its employees, agents or officials.

Indian Tribes are exempt from certain federal and state labor and employment laws. Therefore, those laws do not define the terms and conditions of employment with the Tribe. The Tribe defines the terms and conditions of employment through tribal law and policy.

## 105 MISSION STATEMENT

The Tribe's mission is to defend and protect tribal sovereignty to provide holistic culturally based services that enhance our quality of life. The Tribe promotes community unity, family support and wellness, economic growth, education, and environmental protection to preserve the Tribe's heritage and solidarity.

## 106 VISION

Our vision is to continually enhance the quality of life for the ABC Tribe Community for the next seven generations.

## 107 VALUES STATEMENT

*Values are to provide a framework of behaviors upon which we will conduct our daily activities. The extent to which we dedicate ourselves to the activity's implementation will determine the effectiveness of these values for our community. We consider our community to include community members, Tribal Council, and governmental staff providing services to the Tribe. We will utilize a holistic culturally based approach in all we do.*

**People** – We are dedicated to fair and equal treatment of all people. We will treat all people with dignity and respect. We will provide the opportunity for professional and personal growth.

**Leadership** – We will lead by example. We utilize a proactive approach in all that we do and remain steadfast in our commitment to be efficient and effective leaders. We promote diligence and perseverance. We will continually assess our community, analyze our successes and failures. We will plan our future endeavors while maximizing our strengths and recognizing our weaknesses.

**Recognition** – We will recognize, acknowledge, and reward the accomplishments of our community in visible ways. We will celebrate our successes and perpetuate those successes throughout the community.

**Commitment** – We actively promote a high level of dedication to the effective completion of community responsibilities. Commitment fosters success.

**Partnerships** – We build and maintain effective relationships to meet the needs of the community. We utilize a collaborative approach to problem solving and decision-making. Our working partnerships will be meaningful and productive.

**Service** – Community service is critical to community wellness. In a timely manner we will provide the best services possible.

***Creativity*** – We provide an atmosphere that encourages creativity and independent thinking to accomplish our vision.

***Ethics*** – We will maintain the highest level of ethics, while keeping the best interests of **the Tribe** as our driving force.

***Change*** – We recognize that change is constant and view change as opportunity for continuous improvement and growth.

***Life Long Learning*** – We recognize learning as a lifelong process. We encourage and support the educational development of community members.

***Future*** – We recognize that our future successes can only be accomplished through effective planning, networking, empowerment and community involvement and support.

***Legacy*** – We recognize, acknowledge, and respect spiritual and traditional values. We will leave the benefits of our successes for the next seven generations.

## **108 ORGANIZATION**

Under the leadership of the Tribal Council, the various departments and programs of the Tribe provide services to the members of the ABC Tribe.

**Organizational Chart Here**

## **CHAPTER 2           EMPLOYMENT**

The employment section of the handbook defines the relationship between the ABC Tribe and the employee. Also, this section gives a brief description of the ABC Tribe's hiring practices.

### **201   EMPLOYMENT RELATIONSHIP**

Employees are employed at-will. Employees can resign at any time, with or without notice or cause. Similarly, the Tribe can terminate the employment relationship at any time, with or without notice or cause. The Tribe reserves the right to eliminate positions at any time. This policy may not be modified by any statements in this handbook, employment applications, offer letters, advertisements or other materials provided to applicants or employees. Moreover, the Tribe is a fair and reasonable employer, and to the extent that this handbook provides certain privileges to employees, those privileges do not dilute or modify the employment at-will status of employees.

### **202   APPLICATION FOR EMPLOYMENT**

The application for employment and the information provided with the application is employer property. Information provided by applicants during the hiring process is assumed to be complete, accurate, and true. Job candidates or employees found to have given incomplete information or misrepresented material may be excluded from further consideration for employment, or, if already employed, employment may be terminated.

### **203   PREFERENCE**

The ABC Tribe gives preference to qualified persons in the following order:

- Category 1   Members of the Tribe;
- Category 2   Spouses of Members of the Tribe;
- Category 3   Members of Tribes other than the ABC Tribe;

Preference shall apply to hiring, promotion, training, and lay-offs. Preference shall apply if a Preference Candidate or Preference Employee meets the minimum requirements of the job. If a Preference Candidate or Preference Employee have the same or similar qualifications and experience as another Preference Candidate or Preference Employee in the same category, the best qualified person in that category shall be selected.

## **Option 2**

### **203 PREFERENCE**

The people of the Tribe and its members are talented and dedicated workers. To best serve its citizens, the Tribe first seeks workers from the Tribe and surrounding community in the following order:

- Member
- Parent/spouse of a Member
- Native American

Preference shall only be used to break-the-tie between two or more candidates for employment, promotion or lay-off.

Preference shall be used to recruit, hire, train, recall, reassign, promote and lay off employees of the Tribe. The Human Resources Department is responsible for monitoring the preference policy. Disciplinary action will occur for supervisors who do not adhere to this policy.

### **204 EQUAL EMPLOYMENT OPPORTUNITY**

The Tribe grants equal employment opportunity to all qualified persons without regard to race, color, religion, sex, sexual orientation, age, disability or national origin.

### **205 IMMIGRATION LAW COMPLIANCE**

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees must also complete the form if they have not completed an I-9 with the Tribe within the past three years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact Human Resources.

### **206 BACKGROUND CHECKS**

The Tribe complies with the requirements of the Indian Child Protection and Family Violence Prevention Act by employing only those individuals whose performance, conduct, and eligibility meet the requirements of the law when those employees have or will have regular contact with and control over children as part of their job duties. To comply with this policy, all existing employees and job applicants whose job duties

include contact with or control over children must undergo an extensive background check and meet applicable standards required by the law.

For employees who do not have regular control or contact over children as part of their job duties, the Tribe may perform a background check prior to and during employment with the Tribe.

## **207 NEPOTISM**

The Tribe does not hire people based on familial status but instead the Tribe hires people because they are qualified to perform the essential functions of the job. The Tribe seeks to leverage the talent within the Tribe and therefore employees may work with their relatives. The Tribe does not place a relative in a position to supervise another close relative. A close relative includes the employee's spouse or domestic partner, children, parents, mother-in-law, father-in-law, son-in-law, daughter-in-law, brothers, sisters, grandparents and people living in the same home as the employee.

## **208 OUTSIDE EMPLOYMENT**

Full time employees are expected to devote their occupational pursuits on behalf of the Tribe and to avoid outside employment. However, employees will be allowed to engage in outside work and/or self-employment when it does not pose an actual or potential conflict of interest with the employee's duties. A second job requires a letter of approval from the employee's Director.

## **209 EMPLOYMENT RELATIONS**

Employees are responsible for conducting the Tribe's business in a manner that demonstrates a commitment to the highest standards. Employees must exhibit professional behavior and create a quality work environment through cooperation, collaboration, understanding and support. Employees shall maintain a high standard of conduct, self-control and moral behavior. Employees are expected to get along with their supervisors and fellow employees. When there is a difference of opinion between or among employees, employees will navigate their differences with professionalism.

## **210 WORK SCHEDULES AND BREAKS**

Employee work schedules are assigned in response to the operations of each department. Changes in the work schedule, including the requirement to work beyond the assigned schedule, may be made at the discretion of directors, managers and supervisors. The Tribe believes in fulfilling scheduled hours is the responsibility of an employee. Employees who work a four-hour shift will be given a paid 15-minute break. An eight-hour shift includes one-half hour unpaid lunch and two paid 15-minute breaks.

## **CHAPTER 3            EMPLOYMENT STATUS AND RECORDS**

There are two types of wage classifications, exempt and non-exempt and four types of employees, introductory period, full-time, part-time and temporary.

### **301    EXEMPT EMPLOYEES**

Exempt employees are not overtime eligible. Exempt employees are paid on a salary basis and therefore exempt employee pay does not, with some exceptions, increase or decrease with the number of hours worked in a workweek.

### **302    NON-EXEMPT EMPLOYEES**

Non-exempt employees are paid on an hourly basis and if the non-exempt employee actually works more than 40 hours in a workweek, non-exempt employees are paid 1.5 times the employee's regular rate. The Tribe may use compensatory time as a means of satisfying overtime pay. Non-exempt employees will monitor hours worked in their workweeks and notify their supervisor before the employee works more than 40 hours in a workweek.

### **303    INTRODUCTORY PERIOD EMPLOYEES**

Employees in their first 90 days of employment are Introductory Period Employees and certain benefits are not extended and grievance rights are not provided.

### **304    FULL-TIME EMPLOYEES**

Employees regularly scheduled 30 hours or more each workweek.

### **305    PART-TIME EMPLOYEES**

Employees regularly scheduled 29 hours or less each workweek. Part-time employees are not entitled to all the benefits extended to full-time employees. Part-time employees have grievance rights.

### **306    TEMPORARY EMPLOYEES**

A temporary employee is hired for six months or less. Temporary employees are not entitled to the discretionary benefits provided by the Tribe but are entitled to non-discretionary benefits.

### **307    INTRODUCTORY PERIOD**

New employees shall serve a ninety-day introductory period which helps the employer and employee ensure that the new employee is capable and willing to carry out their

responsibilities. During the introductory period, the employee's performance will be appraised to determine if continued employment in the position is appropriate. If the employee's performance during the introductory period has been unsatisfactory, the employee shall be discharged from employment. Employees terminated during their introductory period shall not have the right to appeal the termination.

A supervisor may authorize one extension of the introductory period not to exceed 90 days and shall include a training plan and identify the improvements necessary to successfully pass the extended introductory period.

Upon completion of the introductory period, the new employee's supervisor shall be responsible for providing a written evaluation of the employee's performance during their introductory period.

During the course of the employee's introductory period, employees shall accrue annual leave. However, employees shall not be eligible to take annual leave until satisfactory completion of their introductory period. During the course of the employee's introductory period, employees shall accrue sick leave. Employees shall be eligible to use their sick leave benefits during their introductory period. Any use of sick leave in excess of their accrued sick leave amount will be Leave Without Pay.

### **308 PERSONNEL FILES**

The Tribe maintains a personnel file for each employee. The personnel file includes the employee's job application, resume, performance evaluations, wage information, commendations, discipline notices and other employment records.

Employee records should be accurate and current. It is the responsibility of employees to promptly notify Human Resources of any changes to personnel data such as marital status, mailing address, telephone number, addition or deletion of dependents, names of emergency contacts and other status changes.

Employees can access the information included in the employee's personnel file by following the procedures established by Human Resources. Directors, managers and supervisors may review an employee's personnel file if there is a need to know the information contained in the personnel file.

Former employees are not allowed to review their personnel files unless there is a court order or subpoena from a court which has jurisdiction over the Tribe.

### **309 EMPLOYMENT VERIFICATION**

Prospective employers, financial institutions and residential property managers routinely contact employers, including the Tribe, for information on a former or current employee's work history and salary. All such requests of this type should be referred to and handled by Human Resources. Responses to written requests for verification of

employment will be made on the form provided only when the request is accompanied by a former or current employee's signed authorization to release such information. Telephone requests for verification of employment by prospective employers, financial institutions and residential property managers will be limited to confirming the dates employed and position held at the Tribe.

### **310 TRAINING**

The Tribe believes training is beneficial to the Tribe and its employees and therefore the Tribe allocates significant resources for training. An employee will be permitted to attend training programs or courses for the purpose of improving the employee's skills utilized in the employee's job.

Courses that directly relate to an employee's current job or advancement to future positions which benefit the Tribe may be eligible for tuition assistance. Employees can seek tuition assistance by completing the required forms and getting approval prior to incurring the tuition costs.

### **311 PERFORMANCE EVALUATIONS**

Employees will receive regular, informal feedback on their performance. Directors, managers and supervisors are expected to catch their employees exceeding expectations and commend employees in a meaningful way. Moreover, when employee's behavior does not meet or exceed expectations, directors, managers and supervisors are expected to address that opportunity for improvement.

A performance evaluation is conducted on each employee at or near the completion of the introductory period. Thereafter, performance evaluations will be conducted on an annual basis. The performance evaluation gives both the employer and employee an opportunity to engage in a conversation regarding job tasks, employee strengths, employee weaknesses and opportunities for improvement.

If an employee does not agree with the written performance evaluation, the employee can submit a separate writing to Human Resources, with a copy to the employee's supervisor, wherein the employee expresses their disagreement with the performance evaluation. The employee's submission will be included in the employee's personnel file.

### **312 RETURN TO WORK**

Employees absent for three or more days for a medical reason are required to provide Human Resources with a note from the employee's physician declaring the employee is permitted to return to work.

### **313 RESIGNATION**

The Tribe hopes that employment with the Tribe will be a mutually rewarding experience, it is understood that varying circumstances cause employees to voluntarily resign employment. Should this time come, employees are asked to provide notice in writing to Human Resources with a copy to the employee's supervisor. Regardless of the resignation date set by the employee, the Tribe reserves the right to set a date sooner than the date set by the employee. Employees who fail to report to work for three consecutive days without properly communicating to their supervisor or manager the reasons for their absence will be viewed as voluntarily resigning their employment as of the third day.

Employees who resign in good standing under this policy and whose documented performance is above average under the Tribe's performance management system will be eligible for reemployment for a period of up to six months from the last date of employment, with benefits tied to seniority reinstated in full. Former employees will be considered for open positions along with all other candidates. Former employees who apply for reemployment after six months will be treated as new employees for purposes of seniority-related benefits.

Departing employees will be asked to confirm their forwarding address to ensure that benefits and tax information are received in a timely manner. Final pay will be mailed to this address by the next payday. Accrued but unused vacation will be paid out consistent with the Tribe's vacation policy.

## **CHAPTER 4           EMPLOYEE CONDUCT**

The Tribe believes fairness requires defining reasonable standards for employees, applying those standards in a consistent manner and giving employees an opportunity to express their viewpoints.

### **401    CONDUCT**

The Tribe expects employees:

To perform assigned tasks in an efficient manner.

To report to work and be ready to work on time.

To follow the policies in this handbook and department procedures.

To treat other employees with respect and courtesy.

To work with other employees cooperatively.

To communicate and work through the established chain of command.

To serve tribal members respectfully and effectively.

Certain behavior is prohibited, and the following is a summary of some, but not all prohibited behavior:

Violation of safety and health rules.

Possession of dangerous or unauthorized materials including weapons, ammunition or explosives while on the Tribe's lands.

Excessive absenteeism.

Excessive tardiness.

Failing to cooperate with other employees.

Discourtesy to tribal members or other employees.

Violation of these policies and department procedures.

Refusing to perform a task assigned by a supervisor.

Destroying or defacing Tribal property.

Sleeping at work.

Use of abusive, threatening or profane language.

Theft of Tribal property or property of another employee.

Being under the influence of alcohol or non-prescription drugs while at work or while operating a Tribal vehicle.

Misuse of a Tribal vehicle.

Fighting or disorderly conduct.

Falsification or destruction of Tribal records or documents.

Threatening, intimidating, interfering with or coercing employees.

Conviction of any crime which involves a crime involving moral turpitude.

Conduct unbecoming an employee or conduct leading to loss of confidence or trust.

Altering, falsifying, tampering with time records, or recording time on another employee's time record.

## **402 CONFLICT OF INTEREST**

The Tribe expects employees to conduct business according to the highest ethical standards of conduct. Employees are expected to devote their best efforts to the interests of the Tribe. Business dealings that appear to create a conflict between the interests of the Tribe and an employee are unacceptable. The Tribe recognizes the right of employees to engage in activities outside of their employment which are of a private nature and unrelated to the Tribe. However, the employee must disclose any possible conflicts so that the Tribe may assess and prevent potential conflicts of interest from arising.

A potential or actual conflict of interest occurs whenever an employee is in a position to influence a decision that may result in a personal gain for the employee, an immediate family member (i.e., spouse or significant other, children, parents, siblings), or other associates as a result of the Tribe's work. Although it is not possible to specify every action that might create a conflict of interest, this policy sets forth the ones which most frequently present problems. If an employee has a question whether an action or proposed course of conduct would create a conflict of interest, they should immediately contact their supervisor to obtain advice on the issue. The purpose of this policy is to protect employees from any conflict of interest that might arise.

A violation of this policy will result in immediate and appropriate discipline, up to and including immediate termination.

#### Financial Interest in Other Business

An employee and his or her immediate family may not own or hold any significant interest in a supplier, customer or competitor of the Tribe, except where such ownership or interest consists of securities in a publicly owned company and those securities are regularly traded on the open market.

#### Acceptance of Gifts

No employee may solicit or accept gifts of significant value (i.e., in excess of \$25.00), lavish entertainment or other benefits from potential and actual vendors or suppliers of goods or services to the Tribe. Special care must be taken to avoid even the impression of a conflict of interest.

#### Work Product Ownership

All employees must be aware that the Tribe retains legal ownership of the product of their work. No work product created while employed by the Tribe can be claimed, construed, or presented as property of the individual, even after employment by the Tribe has been terminated or the relevant project completed. This includes written and electronic documents, audio and video recordings, system code, and also any concepts, ideas, or other intellectual property developed for the Tribe, regardless of whether the intellectual property is actually used by the Tribe. Although it is acceptable for an employee to display and/or discuss a portion or the whole of a certain work product as an example in certain situations (e.g., on a resume), one must bear in mind that information classified as confidential must remain so even after the end of employment, and that supplying certain other entities with certain types of information may constitute a conflict of interest. In any event, it must always be made clear that work product is the sole and exclusive property of the Tribe.

#### Reporting Potential Conflicts

An employee must promptly disclose actual or potential conflicts of interest, in writing, to their supervisor. Supervisors should notify Human Resources immediately of any potential conflicts of interest within their department. Approval will not be given unless the relationship will not interfere with the employee's duties or will not damage the Tribe's relationship.

#### Confidential Nature of Work

All confidential records and confidential information relating to the Tribe, its members, vendors or employees are confidential, and employees must, therefore, treat all matters accordingly. All confidential information may not be disclosed to anyone, either before or

after employment without a legitimate need to know the information. This includes, but is not limited to, documents, notes, files, records, oral information, computer files or similar materials. Such confidential information may not be removed from Tribal premises without permission from an employee's supervisor. Employees who are unsure about the confidential nature of specific information must ask their supervisor for clarification. Employees will be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly revealing information of a confidential nature.

#### **403 TRIBAL MEMBER RELATIONS**

The employees of the Tribe are here to provide exceptional services for tribal members. Employees shall maintain respectful relations with Tribal Members.

Employees receiving a complaint from a Tribal Member should notify their supervisor immediately. The supervisor will address the matter in a professional manner.

Tribal Members, acting as private individuals, cannot assign tasks to you. Employee work assignments can only be made through official channels within the Tribe and the tribal government. An employee's supervisor can answer any questions about work assignments.

#### **404 HARASSMENT OR DISCRIMINATION**

The Tribe will not tolerate harassment or discrimination against employees, guests or Tribal Members. Any form of harassment or discrimination based on a person's race, color, religion, sex, sexual orientation, age, disability or national origin is a violation of this policy and will be treated as a disciplinary matter.

The term harassment includes, but is not limited to, slurs, jokes, or other verbal, graphic or physical conduct relating to an individual's race, color, religion, sex, sexual orientation, age, disability or national origin. Harassment also includes sexual advances, requests for sexual favors, uninvited sexual verbal or physical kidding, demeaning sexual innuendos, leers, gestures, teasing, sexually explicit or obscene jokes, remarks or questions of a sexual nature, graphic or suggestive comments about an individual's dress or body, displaying sexually explicit objects, photographs or drawings, unwelcome touching and other verbal, graphic or physical conduct of a sexual nature.

The Tribe specifically prohibits unwelcome sexual advances, requests for sexual favors and all other forms of verbal or physical conduct of an offensive nature when (1) submission to such conduct is a requirement of the workplace; (2) submission to or rejection of such conduct is used to make decisions affecting an individual's employment (example; a demotion) or (3) such conduct has the purpose or effect of creating an intimidating, hostile or offensive work environment.

Employees who are subject to or witness a violation of this policy shall promptly report the behavior to the Tribe. The Tribe provides employees numerous options in reporting a violation of this policy to the Tribe. An employee may complain to their supervisor, Human Resources or Tribal Administrator. Upon receipt of a complaint there will be an investigation conducted promptly. The Tribe will conduct the investigation in as confidential manner reasonable under the circumstances. An investigation requires discussing the allegations with the alleged wrongdoer as well as any witnesses.

Upon completion of the investigation and if the investigation establishes the complaint has merit, the Tribe will take all appropriate corrective steps and all appropriate disciplinary action

No employees will be retaliated against for reporting a violation of this policy or participating as a witness in an investigation. Should an employee believe there is retaliation against them, the employee shall report the retaliation to their supervisor, Human Resources or the Tribal Administrator.

#### **405 DIGNITY & RESPECT**

The Tribe is committed to the promotion of an environment for work which upholds the dignity and respect of the individual and which supports every individual's right to work in an environment which is free of any form of intimidation or bullying.

Intimidation and bullying are defined as behavior of a physical, verbal or a psychological nature which is unwanted and unwelcome, and which could reasonably be regarded as offensive. The bully, intentionally or unintentionally, misuses the power of position, knowledge or personality to domineer, intimidate or humiliate others.

The following are common but not exclusive examples of bullying behavior:

- Open aggression, threats, shouting abuse or the use of obscenities
- Constant humiliation, sneering or ridicule
- Unreasonable scrutiny or unreasonable demands
- Undermining a person's authority
- Spreading malicious rumors

#### **406 ATTENDANCE AND GET TO WORK ON TIME**

Employees are expected to be at their workstation and ready to work at the beginning of their assigned daily work hours, and they are expected to remain at their workstation until the end of their assigned work hours, except for approved breaks and meal periods. Arriving late or leaving early in connection with scheduled work times, breaks, or meal periods without prior management approval is not permitted.

The Tribe recognizes that there may be times when employee absence or tardiness cannot be avoided. In such cases, employees are expected to notify their supervisor as early as possible, and in the case of absence at least one hour before the employee's regular starting time.

Employees aware of a need to be absent in advance should seek their supervisor's approval. An absence or tardiness will be deemed excused only if the employee has their supervisor's approval. All time off requested for tardiness or absence will require the employee to request the time off using the current method, obtain a supervisor approval and submit to Administration for time keeping purposes.

Unscheduled absences that occur on a workday that the employee requested off and was denied is subject to immediate disciplinary action. The level of disciplinary action will be at the discretion of department management and dependent upon severity. The Tribe also reserves the right to require documentation of the cause for unscheduled absences.

Unless an employee has made other arrangements with their supervisor, employees should call their supervisor each day absent. If an employee fails to notify their supervisor of absences for three consecutive days, the employee will be considered to have voluntarily terminated their employment with the Tribe as of the first day of the unreported absence.

Employees who do not call in or report to work by their scheduled start time will be considered a no call/no show. Exceptional circumstances may be considered by the department management. Exceptional circumstances may include, car accidents, severe family emergencies, etc. Time missed due to no call/no show will be without pay for non-exempt employees.

In the case of absences due to illness for three consecutive days or more, the Tribe requires a doctor's certificate before the employee returns to work. An employee may not return to work without a doctor's release. Unexcused absences of three or more days may result in discharge.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. Determination of what constitutes poor attendance or excessive tardiness may include examination of available vacation, sick and/or personal time or inability to perform essential job duties due to absence or tardiness and may vary depending upon department needs.

#### **407 PERSONAL APPEARANCE**

First impressions are the most lasting impressions. Therefore, employees should always be neat and presentable. A clean and neat appearance communicates professionalism and gives a positive image to the Tribe's guests. Also, good personal hygiene is essential to good health and to creating a favorable impression.

## **408 DRESS CODE**

It is necessary that employees be neat and clean in their appearance and dress in a manner appropriate for their work environment since guests often form their opinions about the Tribe from their observations of employees.

An employee may be in a department that has an established dress code, which may include wearing a uniform. The department manager will inform their employees of the requirements specific to the job. The maintenance of uniforms and/or equipment is the employee's responsibility.

It is expected that all employees will present themselves in the best, well-groomed manner as possible; i.e. personal cleanliness, clean fingernails, clean hair, well-groomed facial hair, etc. Offensive body odors may result in being sent home. There will be no facial or tongue piercing ornamentation worn while on duty. Employees may not be allowed to work with visible black eyes or hickeys. The following general rules apply to all employees:

- No jeans (unless it is a necessary part of their uniform).

- No tight-fitting slacks (e.g. spandex), t-shirts, sweats, etc.

- Suitable footwear must be worn. Shoes or boots must be neat, clean, in good condition, and have no ornamentation.

- No open toe sandals (including flip flops).

- No tank tops.

- Non-prescription sunglasses will not be worn indoors.

- Uniforms will only be worn at work or while traveling to/from work.

## **408 DRESS CODE (Option 2)**

Employees are expected at all times to present a professional businesslike image to customers, clients, and the public. Office workers and any employees who have regular contact with the public are expected to dress in a manner that is normally acceptable in business establishment.

Employees should not wear suggestive attire, ripped jeans, athletic clothing, shorts, T-shirts, and similar items and casual attire since this clothing does not present a businesslike appearance. Clothing with alcohol/drug related suggestions or foul language is strictly prohibited.

Employees who do not regularly meet the public should follow basic dress requirements of safety and comfort but should be as neat and businesslike as working conditions permit.

Hickeys will not be tolerated. If an employee has hickey marks, they will be asked to leave the workplace.

If a supervisor has a concern regarding personal appearance, they will discuss the concern with the employee. A supervisor can ask an employee to leave the workplace until suitably attired.

#### **409 FRATERNIZATION**

Department directors, program managers and supervisors are to uphold the highest professional standards in carrying out their management responsibilities and in their interaction with subordinate employees. Romantic relationships between supervisors and their subordinate employees are not allowed. A personal relationship is defined as a romantic or intimate relationship between two employees.

#### **410 CELL PHONES**

Employees must use hand-held devices in a responsible and safe manner when conducting Tribe business. Employees are prohibited from conducting any Tribe business on a hand-held device in an irresponsible manner or while driving or performing any task where lack of concentration may be a safety concern.

#### **411 VEHICLES**

Tribal vehicles are for official use and may only be driven with authorization. To become authorized an employee must have a valid driver's license of the appropriate class. A copy of the employee's driver's license and proof of insurance must be kept on file.

Drivers of Tribal vehicles must ensure all passengers wear seat belts at all times. Young children must be secured in an appropriate size car seat. Drivers should report any unusual noises or other indications that the vehicle is in need of maintenance when returning the keys.

Improper, careless, negligent, destructive, unsafe, or illegal use of Tribal vehicles may result in disciplinary action, including employment termination. Traffic or parking violation fines must be paid by the employee responsible for the violation.

#### **412 PROGRESSIVE DISCIPLINE**

The Tribe is focused on clearly establishing employee expectations through this handbook, job descriptions, orientation and training. Moreover, the Tribe directs supervisors to be available to assist employees better understand the Tribe's expectations and the best practices which allow employees to meet and exceed expectations.

Progressive discipline is a progression of counseling and discipline aimed at correcting or improving employee performance. The Tribe, at its sole discretion, determines the

level of discipline. The steps summarized below are not required since at-will employees can terminate and be terminated at any time.

Depending on the severity of the problem and the number of occurrences, the Tribe may elect to use one or all the following forms of discipline:

- Verbal warning
- Written warning
- Suspension with or without pay
- Termination of employment

Progressive discipline means that, with respect to most disciplinary problems, these steps may be followed: (1) first offense may lead to a verbal warning; (2) second offense with written warning; (3) third offense may lead to a suspension; and (4) a fourth offense may result in a termination of employment.

By using a progressive discipline, the Tribe hopes that employee problems can be corrected at an early stage, benefiting both the employee and the Tribe.

## **413 PROBLEM RESOLUTION**

### *Introduction*

The Tribe is interested in eliminating workplace disputes. The Tribe addresses workplace disputes through two policies. The first policy is this Grievance Policy and the second policy is the Complaint Policy. The Grievance Policy assists eligible employees in addressing disputes relating to termination of employment, suspension of employment and demotion of an employee to another job. The Grievance Policy is intended to address a narrow scope of employment related matters while the Complaint Policy is intended to address a wide scope of employment related matters.

This Grievance Policy is intended to supplement, rather than discourage or replace informal discussion between supervisors and employees. A supervisor should make every reasonable effort to resolve employee concerns outside this Grievance Policy. Likewise, employees are encouraged to make every reasonable effort to resolve their concerns outside this Grievance Policy.

Please note there are strict deadlines imposed by this Policy. Some, but not all, of the deadlines relate to the requirements of an employee to complete and deliver certain forms which are available in Human Resources. A failure to meet certain deadlines will result in the employee's loss of opportunity to start or pursue a grievance. Read this policy carefully.

### *Eligibility*

This policy is available only to regular full-time employees.

This policy is not available to employees while in their introductory phase of employment. This policy is not available to employees who have executed employment contracts or agreements.

This policy provides an arbitration process and Chief Executive Officer review for Directors and a department review and peer review for all other qualified employees.

Employees may address, through a grievance, only termination of employment, suspension without pay or demotion from a job position to another job position which pays the employee less compensation.

### *Director Grievances*

#### Step 1: Arbitration

For Directors, a grievance consists of a hearing before an arbitrator retained by the Tribe to facilitate hearings and make recommendations to the Chief Executive Officer regarding the dispute raised in the grievance. Through the office of Human Resources, the Director shall, within 3 business days of the incident which causes the Director to file a grievance, complete and hand deliver to the Human Resources Director or the Human Resources Director's designee, a form created by Human Resources for that purpose. Upon receipt of the grievance form, within a reasonable time not to exceed 10 business days, Human Resources shall schedule, and the Arbitrator shall complete a hearing. If the Arbitrator agrees with the employee Director, the Arbitrator is limited to recommending reinstatement, satisfaction of back pay and giving of the discretionary benefits defined in the Tribe's policy. The recommendation of the Arbitrator automatically goes to the Chief Executive Officer for review.

#### Step 2: Chief Executive Officer

The Chief Executive Officer, or his/her designee, will review the entire record and issue a final and binding written decision within three (3) business days of receiving the Arbitrator's written recommendation. The Chief Executive Officer or their designee, may affirm, modify, or reverse the recommendation of the Arbitrator. Once the final decision has been made, the Human Resource Department will contact the employee regarding the final decision.

### *Non-Director Grievances*

For eligible employees other than Directors, a grievance consists of two steps, which are outlined below:

Step 1: Through the office of Human Resources, the employee shall, within 3 business days of the incident which causes the employee to file a grievance, complete and hand deliver to the Human Resources Director or the Director's designee, a form created by

Human Resources for that purpose. Upon receipt of the grievance form, within a reasonable time not to exceed 3 business days, Human Resources shall schedule, and the General Manager shall complete a meeting with the employee and the employee's supervisor. The General Manager shall immediately issue a written decision which documents the General Manager's decision.

## Step 2: Appeal Board

If the employee is not satisfied with the decision at the completion of Step 1, the employee may appeal the Step 1 decision by completing and delivering the required form to Human Resources. The employee must complete and deliver the required form to Human Resources within 2 business days of the date of the written decision from Step 1.

Upon receipt of the grievance form, within a reasonable time not to exceed 10 business days, Human Resources shall schedule, and the Appeal Board shall complete a hearing. The Appeal Board shall evaluate the evidence offered at the Appeal Board hearing and apply the rules and expectations of the workplace in arriving at a recommendation which supports or opposes the termination, suspension or demotion. If the Appeal Board agrees with the employee, the Appeal Board is limited to recommending reinstatement, satisfaction of back pay and/or giving of the discretionary benefits defined in the Tribe's policy.

**Withdrawal of Appeal:** An employee may withdraw an appeal at any time and should do so by contacting the Human Resources Director. Once withdrawn, however, it may not be re-instituted. If the employee does not meet the time constraints outlined in this policy, employee appeal decisions will remain as defined by prior actions.

## Human Resources Consultation

The procedure as outlined describes the normal course in which appeals are resolved. Employees should note that the Human Resources Department is available to provide team member's consultation or assistance at any time prior to or during the appeal procedure.

Training and support will be provided to supervisors, managers, and department heads in dealing with employee appeals. In addition, employees should be encouraged to consult with Human Resources, their Supervisors, or other members of management, on a less formal basis regarding employee complaints or disputes when appropriate.

Employees are not to be penalized for proper use of the appeal grievance process. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purpose of delay or harassment, or repeatedly raises meritless grievances. Implementation of the grievance process by an employee does not limit the right of the Tribe to proceed with any disciplinary action, which is not in retaliation for the use of the grievance process.

This policy does not alter the employment-at-will relationship in any way.

### *Standard Operating Procedures*

#### Appeal Board Eligibility

Eligible Appeal Board members are those who have volunteered to participate, have completed one year of continuous service; have no active disciplinary actions; and have completed the Appeal Board Training Program.

#### Appeal Board Selection

The Director of Human Resources will prepare a list of eligible Appeal Board members. Appeal Board members who have a relationship with the Employee-Grievant will not be eligible to hear the Appeal. Examples of relationships include, but are not limited to: The employee and Appeal Board Member have a family relationship, the employee reports to the Appeal Board Member, the Appeal Board Member was involved directly in the cause of the Appeal request, the Appeal Board Member must give testimony during an investigation that led to the action the employee is appealing. From this list of eligible Appeal Board members, three members will be selected by means of a random drawing.

#### Confidentiality

Upon selection to the Appeal Board, each Appeal Board Member shall maintain complete confidentiality, including no reference made to the individual appealing, the facts of their appeal, or the identities of other selected Appeal Board Members. Any Appeal Board Member selected for the panel that has knowledge of the facts or otherwise has a conflict of interest of the appeal will be disqualified. There shall be no contact between the employee and the Appeal Board Member regarding the facts, circumstances, or any other matter related to the appeal outside the Appeal Board Hearing. Any breach of these provisions will result in removal of the Board Member from the list of employees eligible to serve on an Appeal Hearing Board and may result in disciplinary action up to and including termination.

#### Hearing Schedule

The Director of Human Resources will notify all parties (employee and employee's supervisor) of the date, time and place of the hearing. Reasonable efforts will be made to schedule the hearing date within six (6) working days of Appeal Board selection.

#### Hearing

At the hearing, **both** parties (employee and employee's supervisor) to the appeal will be expected to present all information relevant to a resolution of the appeal. The Appeal

Board members will interview both parties and review presented material. During the hearing, both parties shall be present, and the parties will take turns communicating with the Appeals Board. The supervisor shall first communicate the employment decision (termination, suspension, demotion) and the reasons for the decision. Upon conclusion of the supervisor's presentation, the employee shall respond. The Appeals Board may give the supervisor a second opportunity to present at the conclusion of the employee's presentation. If the Appeals Board gives the supervisor a second opportunity to present, the Appeals Board shall give the employee a second opportunity to present.

The Appeals Board may limit the introduction of cumulative and/or irrelevant evidence. The Appeals Board shall use the preponderance of the evidence standard in determining the facts of the matter. The Appeals Board shall use the Tribe's law, policy and procedure, the employee's job description and other documents and directives which define the terms and conditions of employment to determine whether the employee has met the defined expectations of the employer. If there is not a written expectation, the Appeals Board shall determine whether the employment decision was fair and reasonable under the circumstances. The hearing will be held and concluded within a time frame not to exceed two (2) hours. Legal counsel shall not appear at an Appeals Board hearing to represent the employee or the supervisor. The Appeals Board may utilize the assistance of legal counsel at any stage of the proceedings. Within three (3) working days following the close of the hearing, the Appeal Board will file its decision with Human Resources and shall send a copy to the employee.

#### Paid Time for Hearing

The Appeal Board members will be paid for the time served while attending an appeal hearing.

## **CHAPTER 5            DRUG & ALCOHOL FREE WORKPLACE**

The Tribe maintains an alcohol and drug-free workplace. The Tribe promotes a workplace free from illegal use, possession, or distribution of controlled substances or drugs and protects employees and the public by ensuring that employees are fit to perform their assigned duties.

### **501    TESTING**

The Tribe reserves the right to require employees to consent and submit, as a condition of employment, condition of continued employment, or condition to return to duty, to a breath, saliva, urine, hair, and/or blood tests, or other examinations, to assist in determining whether there has been a violation of this policy. The Tribe may require employees to consent and submit to drug and/or alcohol testing under the following circumstances, to include, but not limited to:

- Condition of employment
- Work related accident and/or injury
- Random testing (condition of continued employment)
- Reasonable suspicion
- Return to duty

### **502    CONDITION OF EMPLOYMENT TEST**

Successful applicants that make it to the candidate level and receive a conditional offer of employment may be required to consent to and submit to a saliva, urine, blood, or hair sample test to determine fitness for employment as a condition prior to employment.

An employment offer may be made conditional on a satisfactory drug test report and the candidate may not be employed until the Human Resources Department receives a satisfactory drug test report on the applicant. Testing may be conducted by an offsite medical clinic or conducted on site by a trained Human Resources Representative and witnessed by a Human Resources Manager.

For the purposes of post-offer/pre-employment drug testing, any candidate who tests positive for a substance will be ineligible for hire for twelve (12) months.

Applicants refusing to consent and/or submit to a drug and/or alcohol test will be denied employment.

### **503    WORK RELATED ACCIDENT OR INJURY TEST**

Drug and/or alcohol testing will be conducted on employees involved in a work-related accident and/or injury. The drug and/or alcohol test will be conducted within two hours after the accident and/or injury is reported. Should the accident/injury be reported after

the two-hour time frame, testing may still be conducted at the discretion of Human Resources.

An employee who fails to promptly report an accident will be subjected to corrective action, up to and including immediate termination and/or post-accident monitoring by unannounced testing for a period of six (6) months following the scheduled report date.

Testing may be conducted on site or conducted by an offsite clinic. Employees who fail to report to the collection site at the designated time or who fail to provide a specimen suitable for testing shall be deemed to have failed the test and will be subject to termination.

Refusal to consent and/or submit to post-accident/injury drug and/or alcohol testing will be sufficient grounds for immediate termination.

#### **504 RANDOM TEST**

Testing positive to a random drug / alcohol test is grounds for termination of employment. Any employee may be asked to consent and submit to a drug and/or alcohol test anytime during their employment. Some employees may be tested more than once in a year, while others not tested at all, depending on the random selection.

Employees randomly selected for drug and/or alcohol testing will be escorted to the collection site. Failure to cooperate with Human Resources or Management will be cause for termination. Refusal to consent and/or submit to random drug and/or alcohol testing will be sufficient grounds for immediate termination.

Alcohol results greater than .02 are considered a positive result.

Employees testing positive for a legal controlled substance will be contacted by a Medical Review Officer and given the opportunity to list all prescription and non-prescription drugs used within the previous (30) thirty days.

#### **505 REASONABLE SUSPICION TEST**

Testing positive to a drug / alcohol test under this section will result in termination of employment. "Reasonable Suspicion" is defined as knowledge sufficient to induce an ordinary, prudent, and cautious supervisor, manager or executive, under the circumstances, to believe that a prohibited activity has occurred or is occurring.

A drug and/or alcohol test may be administered to an employee when a supervisor (or designee) after consulting with the Human Resources Director (or designee), concludes, after reviewing the facts and circumstances, that it is more likely than not, or there is a reasonable basis to believe, the employee has engaged in conduct that violates this policy.

Reasonable "basis to believe" will be an individual's appearance, actions, or conduct while on the Tribe's property.

Circumstances which constitute a "basis to believe" may include, but not be limited to, the following:

Observable phenomena, such as direct observation of drug or alcohol use and/or the physical symptoms of being under the influence of a drug or alcohol.

Information of drug or alcohol use by an employee while at work provided by a creditable and reliable source.

A pattern of unexplained preventable accidents and/or information based on specific objective facts that an employee has caused, or contributed to, an accident at work while under the influence of drugs or alcohol.

Newly discovered evidence that the employee tampered with a previous drug or alcohol test.

A pattern of abnormal conduct or erratic behavior.

Evidence that an employee is involved in the unauthorized possession, sale, solicitation or transfer of drugs or alcohol while working or while on Tribal property or operating or in possession of a Tribal vehicle.

Employees who fail to report to the collection site or area at the designated time or who fail to provide a specimen suitable for testing shall be deemed to have failed the test.

Refusal to consent and/or submit to reasonable suspicion drug and/or alcohol testing will be sufficient grounds for immediate termination.

## **506 RETURN TO DUTY TEST**

Testing positive to a drug / alcohol test under this section will result in termination of employment. Employees returning to duty from a Leave of Absence may be asked to consent and submit to a drug and/or alcohol test.

Employees who fail to report to the collection site or area at the designated time or who fail to provide a specimen suitable for testing shall be deemed to have failed the test and may be placed on unpaid suspension pending investigation leading to corrective action, up to and including termination. Refusal to consent and/or submit to drug and/or alcohol testing will be sufficient grounds for immediate termination.

## **CHAPTER 6            COMPENSATION**

This chapter summarizes policies used to provide competitive compensation for all positions and equitable administration of wages and salaries, to promote planning and appropriate management of payroll costs and to support effective recruitment and retention of outstanding employees. The Tribe's compensation plan has been shaped by the Tribe's mission and values and supports the fulfillment of the Tribe's vision.

### **601    WAGES**

The Primary objective of the compensation program is to:

Attract and retain skilled employees.

Recognize individual differences in performance.

Recognize each job's value to the Tribe.

Establish procedures to reward employees through the performance evaluation process which are based upon identified performance expectations.

### **602    WORKWEEK**

The Tribe's workweek begins Sunday at 12:00 a.m. and ends Saturday at 11:59 p.m. The pay period is two consecutive workweeks. The pay day is the second Monday following the end of the pay period. Exceptions may occur if a holiday falls on a Monday following the week after the end of the pay period. In this circumstance, pay day will be on Friday (the next business day before). Supervisors set daily scheduled work hours including any overtime. Employees should not work overtime without prior approval from their supervisor.

The Tribe complies with the salary basis rules of the Fair Labor Standards Act but reserves the right to contest the applicability of the FLSA. Therefore, the Tribe prohibits all managers from making any improper deductions from the salaries of exempt employees. The Tribe wants employees to be aware of this policy and that the Tribe does not allow deductions that violate the FLSA. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor or to Accounting. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

### **603    TIME CLOCK**

Hourly or non-exempt employees shall clock in and out as close to the employee's scheduled shift as possible. Employees may clock in up to seven minutes prior to the

start of a shift, or up to seven minutes after the end of a scheduled shift, unless overtime has been approved by the employee's supervisor. An employee clocking in after the start of a shift, within the seven minutes or not, is late or tardy. The seven-minute buffer for time keeping purposes does not relieve the employee of the responsibility to timely clock in and be prepared to work. If an employee is experiencing trouble clocking in or out, the employee shall notify their supervisor immediately. Repeated failure to use the time clock may lead to disciplinary action.

Clocking in on behalf of an absent or tardy employee or falsifying time records is prohibited and subject to disciplinary action, up to and including termination.

#### **604 REST & MEALS**

Generally, employees are provided a paid rest period for every four hours of work. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Employees working shifts of six hours or more are generally provided with one meal period of at least 30 minutes. Supervisors will schedule meal periods to accommodate operating requirements.

Rest break policies and lengths may vary from department to department. Employees should check with their supervisor regarding break-time expectations. The general rules for breaks include, but are not limited to:

- Take breaks in the Employee Dining Room (EDR) or other designated areas.
- Unless previously authorized, do not leave the premises during breaks.
- Do not interfere with other employees who are working.
- Only take breaks at the approved time and for the approved duration.
- Do not perform work during breaks or meal period.

#### **605 SALARY STRUCTURE**

Because compensation is determined by the responsibilities of a position, Human Resources and directors and managers share responsibility for developing and maintaining a comprehensive and accurate job description for each position. Directors and managers are the experts in their departments at accurately drafting, with the assistance of Human Resources, job descriptions which reflect the reality of the job as well as the aspirations for the job. Therefore directors are responsible for updating job descriptions within the director's department.

Each position shall have a designated pay range consisting of a minimum, midpoint and maximum pay rate. The midpoint is the halfway point between the minimum and the maximum of the pay range. The midpoint of a salary range is established through a competitive analysis of actual salaries paid for benchmark positions, and the internal ranking of all positions based on compensable factors that are common to these positions. The Tribe will establish a salary matrix providing salary ranges for positions,

the midpoints of which are based upon the 50th percentile of actual salary paid for similar positions in the appropriate recruiting market and the internal ranking of those positions.

In the event an employee is compensated above the maximum level of their position's salary range, that employee's compensation shall be frozen until such time as the salary range is adjusted to accommodate market adjustments.

Individual exceptions to hiring above the midpoint require the approval of the Human Resources Director and the Tribal Administrator. Written justification is required and shall be based upon the difficulty in recruiting qualified individuals for the position. To maintain salary equity, the justification must also include consideration of the impact the higher salary may have upon the salary levels of employees in the same or similar positions.

## **606 OVERTIME**

Only non-exempt employees are paid overtime. Overtime pay is calculated at time and a half for all hours worked over 40 hours in the workweek. Computation for overtime is based on one and one-half (1 ½) times the employee's regular rate of pay. The hours excluded from the overtime pay computation are:

- Paid Time Off (PTO)
- Holidays not worked
- Leaves of absence
- Any other hours for which the employee is paid but for which they do not work

Exempt employees are not eligible for overtime pay.

## **607 PAY ADJUSTMENTS**

Compensation increases as a result of a performance evaluation will be effective within 30 days of the evaluation.

## **608 TRANSFERS AND INTERIM PLACEMENTS**

Interim placement must not be more than six months and the employee must return to their previous position and pay rate. If an interim placement comes with a significant increase of work or responsibility, the employee is eligible to receive up to an additional 20% in pay during the interim status.

If an employee transfers to another position at a higher salary range within the same or another department, and they have limited experience, the employee's beginning pay will be at or near the minimum of the salary range for the new position. If the transferring employee has experience related to the new position, they may be eligible for additional compensation of 5% - 25% of the spread between the minimum and maximum salary

range for that position, based on justification provided by their Director or Manager (not to exceed the salary midpoint of the new position).

If an employee transfers to another position at a lower salary range within the same or another department, they will retain their current compensation, unless that compensation is greater than the maximum salary range for the new position. In such a case, the employee's compensation will be adjusted to the maximum salary range of the new position.

If an employee transfers or is temporarily placed in another position, and the new position is within the same salary range as the previous position, the employee may receive no more than a 5% increase in compensation for the period of placement, at the discretion of the Tribal Administrator. If an employee transfers or is temporarily placed in another position and the new position is in a different salary range, the employee will be placed into the new salary range at the minimum level, or receive a 5% increase in compensation, whichever is greater. Compensation will not exceed the maximum salary range for the new position.

If an employee is transferred at the discretion of management to meet the Tribe's needs, the employee will retain their current rate of pay.

## **609 DEMOTIONS**

If an employee is demoted the employee's pay rate will be decreased to fall within the new position's salary range. The new pay rate will be effective on the date the employee assumes the new position.

## **610 RETURN TO WORK**

If an employee returns to work after completing a period of leave, there is a presumption the employee will return to the same pay along with any blanket increases provided to other employees in that department. In limited circumstances, a returning employee that is not performing all the essential functions of the job, a pay decrease may be permitted but only if approved by Human Resources.

## **611 BUSINESS TRAVEL**

The Tribe pays employees for all the time considered hours worked and all of those hours must be counted when determining paid time and overtime for overtime eligible employees. Overtime eligible employees are referred to as non-exempt employees. When non-exempt employees travel for the Tribe, the following guidelines will assist the Tribe and the employee in computing the hours worked. These guidelines do not apply to the pay practices for exempt employees.

As a non-exempt employee, the Tribe requires you to report all hours worked. This requirement exists to ensure you are treated fairly, paid for the hours worked and to compute overtime pay if eligible. Using these guidelines, you are required to report your hours and review your paychecks to ensure that you have been paid for all hours worked and premium pay for hours worked in excess of 40 hours in a workweek.

*Home to work and back.* Generally, ordinary home to work travel is not work time.

*Applied: Your commute from home to work and from work to home is not work time.*

*During workday for work purpose.* Travel during the typical workday which is part of the principal activity of your job shall be counted as hours worked.

*Applied: Travel from the Tribe to Tulsa for a meeting which is required by your job is counted as hours worked. On the other hand, travel from the Tribe to a dentist appointment and back is not hours worked.*

*Extended workday.* If you are required to travel to another location which does not require an overnight stay, the travel time to the other location is hours worked less the time it typically takes for you to travel from home to work.

*Applied: If your commute from home to work typically consumes 30 minutes, and you are required to travel to Oklahoma City for the Tribe leaving home at 7 a.m and returning home at 7 p.m., the consumed 12 hours but only 11 hours will be considered worked. One hour is subtracted from the 12 hours to account for the one-hour commute (30 minutes each way).*

*day  
time*

*Overnight.*

*Travel Time as the Driver of an Automobile*

All authorized travel time spent driving an automobile (as the driver, not as a passenger) is treated as work hours, regardless of whether the travel takes place within normal work hours or outside normal work hours. An employee will receive his or her regular hourly rate for all travel time spent as the driver of an automobile, and this time will be factored into overtime calculations.

*Travel as a passenger*

Travel as a *passenger* is not automatically treated as work hours. Compensation depends on whether the travel time takes place within normal work hours.

Travel which keeps you away from your home overnight is working time when your travel overlaps your workday. Any time traveled during the hours of a regular workday is hours worked.

*Applied: If you work from 8 to 5 Monday through Friday and you travel during that time on those days, the time is hours worked.*

Any time traveled during the hours of a regular workday done on a typical day off is also hours worked.

*Applied: If you work from 8 to 5 Monday through Friday and you travel between those times on Saturday or Sunday, the time is hours worked.*

Travel time outside of regular working hours is not included as hours worked when the employee is a passenger on a plane, train, bus or automobile.

*Applied: You travel from 7 p.m. to 9 p.m. as a passenger.*

Travel time from your home to the airport or from the airport to home is not hours worked.

*Applied: You have a flight at 11:00 a.m. and you travel by car from your home to the airport at 8:00 a.m. arriving at 8:30 a.m. The 30 minutes from your home to the airport is not hours worked.*

#### *While on Travel*

Time spent at training or required functions related to training will be treated as hours worked. Time which is not in training or required functions is not hours worked.

*Applied: Training starts at 8:30 a.m., breaks from noon to 1:00 p.m. and ends at 4:30 shall be computed as 7 hours worked. The Tribe will give credit for a full 8 hours of hours worked if the employee attends the entirety of the training for that day.*

## **CHAPTER 7            BENEFITS**

The Tribe provides employee benefits which are summarized below. The details regarding the benefit plans are included in plan descriptions and other documents on file in Human Resources. Employees may access the plan documents by visiting Human Resources. If there is any inconsistency between the plan documents and the below summary policies, the plan documents control.

Full-time employees are eligible to participate in all employee benefit plans. Part-time employees are eligible to elect medical, prescription, vision and dental. Eligibility is on the employee's date of hire and the effective date of the coverage will start on the first of the month following enrollment.

### **701    HEALTH**

Full-time employees are eligible to elect medical, prescription, vision and dental insurance for themselves and dependents. There are also Flexible Spending accounts for Medical or Dependent Care available. Employees can enroll by contacting Human Resources. It is the employee's responsibility to ensure elections are made within 30 days of eligibility.

Qualifying event changes must be requested within 30 days of the change (e.g. birth, adoption, marriage, divorce). The effective date for qualifying event changes will be the 1<sup>st</sup> of the following month except for birth, adoption and discharge from the military in which case the effective date will be the date of the event. Back premium payments may be required.

### **702    DISABILITY**

To be eligible, employees must be full-time and actively at work. Coverage begins for basic Short-Term Disability (STD) and Long-Term Disability (LTD) when other coverage begins. There is an 8-day elimination period for illness for all employees.

For all employees, the basic STD plan pays 60% of basic weekly wage to a maximum of \$1,500 per week subject to the reduction provisions, for a maximum of 11 weeks or until recovery occurs, whichever occurs first.

Long-Term Disability (LTD) coverage is available in the amount of 60% of monthly income loss to a maximum of \$6,000 for non-exempt employees and \$10,000 for exempt employees, subject to the reduction provisions. The Long-Term Disability (LTD) plan will provide coverage after you have been disabled a total of 90 consecutive days for any one period of disability or with the exception of benefits provided by law, the expiration of any employer sponsored Short-Term Disability (STD) benefits or salary continuation.

Life Insurance/Accidental Death & Dismemberment Insurance: Basic life insurance and accidental death and dismemberment (AD&D) insurance are Tribe-provided benefits to help protect your family against loss of income should you die, become seriously injured, or experience a covered injury. Please refer to the group policy and your certificates for the disability, life and accidental death & dismemberment insurance for the exact provisions, limitations and exclusions of these benefits. Part-time employees are eligible to enroll in Short-Term Disability and Term Life if they enroll in the medical benefit through Hospitality Care.

### **703 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Employee Assistance Program is designed to help employees, spouses and eligible dependents maximize their health and effectiveness at home and work. Through this program, employees can obtain confidential, personal support for a wide range of issues, from everyday concerns to serious problems. Unlimited phone consultations and six face-to-face counseling sessions for each family member, per situation, are available free of charge. EAP services are provided by The EAP Center. Employees can reach the Center by calling 1-800-555-5555, 24 hours a day 7 days a week.

### **704 EMPLOYEE REFERRAL PLAN**

Employees are the best source for telling others about the Tribe, so the Employee Referral Program provides employees a cash bonus for referring a quality new employee for certain positions. The new employee must remain employed for a designated amount of days for the referring employee to receive the taxable bonus. There is no limit to the number of applicants you can refer. Full-time and part-time employees are eligible. Human Resources employees, managers, supervisors, temporary and contract employees are not eligible. Check with the Human Resources department for specific details.

### **705 401(k) EMPLOYEE SAVINGS PLAN**

An employee savings plan or 401(k) plan has been created to provide employees with a means of long-term financial planning. Through continuing participation employees can build investment funds for retirement or certain emergency situations. Enrollment begins after certain eligibility requirements are met by the employee.

### **706 UNEMPLOYMENT INSURANCE**

The Tribe participates in the state's unemployment compensation insurance program.

## CHAPTER 8 LEAVE

The Tribe provides an abundance of leave and time away from work.

### 801 PAID TIME OFF

The purpose of this policy is to define Paid Time Off (PTO) for regular full-time employees of the Tribe. Part-time, emergency hire, and temporary employees are not eligible for PTO.

Paid Time off (PTO) can be used for vacation, illness, or personal business. Regular full-time employees begin accruing PTO immediately upon hire and have access to their PTO Bank after the first pay period. Transfers from other entities of the Tribe will be able to transfer tenure for years served to count towards Paid Time Off (PTO) at the Tribe.

Based on months of service, all full-time employees will earn PTO based on the following schedule: <b>Years of Employment</b>	<b>PTO Hrs. Earned/Pay Period</b>	<b>Max allowed in Leave Bank</b>
< 3 years	6 hours	260 hours
3-9 years	8 hours	260 hours
10> years	10 hours	260 hours

After reaching 260 hours in a leave bank, accruals will cease until leave bank drops below maximum allowed. It is the employee's responsibility to monitor leave bank. Upon separation of employment, employees will be paid for hours held in their leave banks. All payments for PTO are treated as taxable income. PTO is paid at the employee's normal rate of pay, excluding overtime. PTO must be taken in at least quarter-hour (.25 hour) increments.

Whenever possible, employees should schedule absences with their supervisor at least five days in advance. Requests for PTO may be denied by supervisors due to insufficient notice or a PTO conflict with other office staff.

PTO may also be used for scheduled or unscheduled absences from work due to unforeseen issues including personal business, illness, and injury. Unless on Workers Compensation, employees do not accumulate PTO during unpaid leaves of absence including FML Leave.

Full-time employees that subsequently change to part-time status shall have the ability to utilize PTO accrued during full time status and shall cease accruing PTO on the date of status change.

Employees who have exhausted all PTO and are not in a protected status due to FMLA, or Workers Compensation may be dismissed from employment for any unapproved absence.

PTO will be granted on a first-come, first-served basis. PTO requests from more than one employee in the same program or department will be granted to the senior most employees first. Exceptions may be made in emergency situations.

## **802 CULTURAL LEAVE**

The participation of employees in the Tribe's culture is paramount in exercising the Tribe's sovereignty. For thousands of years the Tribe's people have developed sacred beliefs about the creator, relationships with each other, and communal responsibilities to the Tribe. All employees are encouraged to participate in and may receive traditional leave for traditional and cultural events and activities to learn more about the community and Tribe they serve.

Traditional leave must be arranged in advance between the employee and their supervisor and reviewed for approval or denial by the Department Director. The employee's request must be in writing and provide a brief description of the event. The granting of traditional leave is a benefit and not a right and must not interfere with the employee's job duties. Therefore, traditional leave may be denied by the supervisor. Traditional leave under this section shall not exceed 37.5 hours per calendar year for full time employees.

## **803 LEAVE WITHOUT PAY**

The Tribe is committed to balancing the needs of the workforce with those of the Tribe. The Tribe recognizes that on rare occasions employees may have the need to take Leave Without Pay (LWOP). For the purpose of this policy, LWOP is defined as an approved non-paid absence(s), not to exceed four (4) weeks (160 hours) in a twelve (12) month period. LWOP will only be considered by the Tribe when an employee's circumstances are exceptional. Employees must exhaust all available compensatory time and all other forms of leave before LWOP will be considered. Employees must complete a Leave Without Pay Request and submit to their immediate supervisor, Tribal Administrator, and the Human Resources Director for approval prior to taking LWOP. Employees on LWOP status do not qualify for paid forms of leave and are responsible for payments of their healthcare benefits. Job performance, absenteeism and departmental requirements will all be taken into consideration before a request will be approved. Requests for LWOP may be denied or granted by the Tribe for any reason, at the sole discretion of the Tribe. LWOP is not Family Medical Leave, and the Tribe reserves the right to terminate employment for any reason during the leave of absence.

In the event the employee is unable to obtain pre-approval, the employee is required to provide a doctor's note or appropriate documentation to cover unpaid leave. Employees are required to return from the LWOP on the scheduled return date. If the employee is unable to return, they must obtain an extension of the leave by utilizing the Leave Without Pay Request form. If the Tribe declines to extend the leave, the employee must return to work on the original scheduled date or be considered to have voluntarily resigned from employment. Extensions of leave will be considered on a case-by-case basis.

#### **804 EDUCATION LEAVE**

Regular Full-Time employees are eligible to receive six hours, each week, of education leave to pursue continued education. Education Leave may be used on a course of study that will benefit the Tribe's programs, departments, or special projects. The Tribal Administrator will decide if a request for Education Leave is granted or denied. Employees seeking education leave must submit proper forms and documents (i.e. transcripts, enrollment verification) to their supervisor for prior approval of Education Leave.

#### **805 BEREAVEMENT LEAVE**

All employees are eligible for paid bereavement leave upon date of hire. Bereavement leave will be granted to employees for leave with pay for a maximum not to exceed four (4) calendar days (32 hours) following the death in the immediate family: spouse, cohabitant, (biological, adopted, foster and step) parents, grandparents, children, grandchildren, and siblings (including in-laws).

Bereavement leave will be granted to employees for leave with pay for a maximum, not to exceed, two (2) days (16 hours) following the death of an extended family member including aunts, uncles, nieces, nephews and first cousins (including in-laws)

A half (1/2) day of unpaid leave will be allowed for attendance at funerals of friends or community members. An employee may use other earned or accrued leave if requested and approved by the employee's immediate supervisor.

The Tribe honors veterans. Paid funeral leave will be granted to American Legion and Auxiliary members who are asked to honor veterans with military rites.

To preserve the Tribe's culture funeral leave for Tribal member employees with traditional responsibilities may occasionally require leave from their place of employment when obligated to be a "worker" at the funeral of another member of the Tribe. Funeral leave will be granted to employees for leave with pay for a maximum, not to exceed, four (4) calendar days (32 hours) when requested by the family of the deceased to serve in a traditional capacity at the funeral of another Tribal member. Non-Tribal spouses/parents are also eligible for this leave when requested by a Tribal family of the deceased to participate in a traditional capacity at the funeral.

## **806 FAMILY & MEDICAL LEAVE**

It is the policy of the Tribe to provide leaves of absence to employees for certain family and medical reasons.

### Eligible Employees

An employee is eligible for FML leave if they have worked for the Tribe for at least one year and at least 1,250 hours during the previous twelve (12) months.

### Situations Qualifying for Family Medical Leave

Birth of a child of the employee, and or to care for such child.

Placement of a child into the employee's family by adoption or by foster care arrangement.

In order to care for the employee's spouse, child or parent who has a serious health condition.

A serious health condition, which renders the employee unable to perform the functions of their position.

Military preparation.

Returning service member.

### Employee's Responsibilities

An employee seeking FML should contact Human Resources. FML leave request forms will be provided by HR upon request. If an employee notifies their supervisor of the need for FML leave, the supervisor shall immediately contact HR concerning the employee's need.

Certification by a healthcare provider is required for approval of FML leave and original documents must be submitted to HR office.

If the leave is foreseeable, the employee must submit a request for leave to the Human Resources Office at least thirty (30) calendar days in advance before the FML leave commences. If the thirty (30) days advance request is not practicable, the employee must notify Human Resources as soon as possible.

The medical certification may be required to be submitted within fifteen (15) calendar days after Human Resources request.

The employee may be required to provide Human Resources with subsequent recertification of medical conditions every thirty (30) days, if family and medical leave is taken for serious health conditions. The employee will be responsible for expenses incurred for certification.

Failure of an employee to properly request FML leave or submit recertification may result in a loss or delay of protection and/or benefits. Employees are prohibited from working for any other employer while on FML leave. Should it be determined by Human Resources that an employee is working for another employer while on FML, such employee shall be deemed to have voluntarily resigned.

Employees who are on “continuous” FML may not work from home. Employees who fraudulently obtain or use a family or medical leave will be subject to disciplinary action as stated in the conduct standards.

#### Supervisor’s Responsibility

If an employee does not expressly request FML leave but provides facts which a reasonable person believes could generate a request for FML, the supervisor must inquire regarding the possibility of FML leave. Supervisor must direct the employee to the HR office for further instruction on FML leave. All Tribe property must be turned into the Human Resources office until the employee returns to work.

#### Human Resources’ Responsibility

Human Resources must review and approve all requests for FML leave and provide each employee with a notice that details the employee’s rights and obligations under FML. Medical documentation submitted with requests for Family Medical Leave forms must be strictly maintained in Human Resources.

#### FML Provisions

The method for determining the twelve-month period is a “rolling” (12 month) period measured backward from the date an employee uses FML leave.

Entitlement for FML leave for birth or placement for adoption or foster care expires at the end of the twelve-week (12) period beginning on the date of birth or placement. The balance of any FML leave available but not taken for this purpose will be forfeited, however, each employee may use the remainder of their FML leave for other allowable reasons.

Spouses who both work for the Tribe may only take a combined total of twelve (12) weeks of FML leave during any twelve-month (12) period when leave is for the birth of a child or to care for a newborn, for the placement of a child with the employee for

adoption or foster care, to care for the employee's parent with a serious health condition.

The Tribe may require, at its expense, a second opinion by a health care provider designated or approved by Human Resources who is not employed by the Tribe on a regular basis.

For the purpose of an absence without prior approval, retroactive designation must be made within two (2) business days of the employee's return to work. Unless an employee timely requests the designation, the employee may not assert FML protection for the absence. FML leave may be designated by the Human Resources office if there is sufficient information to designate the leave an FML leave. Notice of the FML designation must be provided at that time.

#### Intermittent or Reduced Leave Schedule

An eligible employee may take FML leave on an intermittent or reduced leave schedule basis due to a serious health condition. In the case of FML leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless the Director of Human Resources grants approval.

If planned intermittent FML is approved, it is the employee's responsibility to work with their supervisor to coordinate such planned leaves in advance. The Tribe reserves the right to temporarily transfer an employee who takes FML leave on an intermittent or reduced leave schedule to an alternative position (with equivalent pay and benefits) to better accommodate the employee's schedule.

Employees who are approved for intermittent leave must continue to comply with the Tribe's regular attendance policy to report their absences. Employees must notify their supervisor when they are using their intermittent FML leave before the start of their shift or that absence may not be counted as FML leave.

#### Pay Status

FML leave is generally considered unpaid leave. However, an employee will be required to use available accrued PTO while on FML leave; such leaves must run concurrently, and no exceptions shall be made to this policy. Any period during the FML leave, after which available PTO is exhausted, will continue as unpaid periods and will apply toward the twelve-week (12) provision of FML. While on unpaid FML, the employee shall not accrue PTO.

#### Health Benefits

During FML, an employee may continue dependent health benefits under the same conditions as though the employee was not on leave. If the employee uses accrued PTO while on FML leave, the employee's contributions for dependent health benefits

will be automatically deducted from the employee's paycheck. If the employee is on unpaid leave the employee must contact Human Resources to arrange to pay for benefits.

Under the current policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the 1st day of each month. If the payment is more than 30 days late, the employee's coverage may be dropped for the duration of the leave. The employer will provide fifteen (15) days' notification prior the employee's loss of coverage.

### Integration with Other Leave

FML leave runs concurrently with other types of paid leave. When an employee incurs a work-related illness or injury, which qualifies as a serious medical condition, the work-related leave of absence will be applied toward the employee's family and medical leave entitlement. Because Workers' Compensation absence is paid leave, the provision for substitution of the employee's accrued PTO for unpaid family medical leave is not applicable.

### When Leave Ends

Employees must bring a work release form from their doctor to the Human Resources office before they can return to work. An eligible employee returning to work from FML leave has the right to return to the same or equivalent job on the same shift and at the same or geographically proximate work site. If the employee cannot perform an essential function of his or her job because of a physical or mental condition (including the continuation of a serious health condition), the employee is deemed inactive and entitlement to job restoration and continued leave ceases.

If the employee on FML leave is subject to layoff or a reduction in force, the employee's right to reinstatement shall be subject to the Human Resources Policies and Procedures. If an employee is under any type of disciplinary track upon taking leave, the length of that employee's disciplinary track time will be tolled during the leave, and the time will begin to run upon the employee's return to work after the leave.

### Failure to Return to Work

If the employee advised Human Resources that they do not intend to return to work, the employment relationship is deemed terminated, and the employee's entitlement to restoration, continued leave, and benefits cease. If an employee fails to return to work after the twelve (12) weeks of family medical leave is exhausted, the employee is deemed to have voluntarily resigned.

## Employee Entitlement to Service Member Leave

Service member FML provides eligible employees unpaid leave for anyone, or for a combination, of the following reasons:

A “qualifying exigency” arising out of a covered family member’s active duty or call to active duty in the Armed Forces in support of a contingency plan; and /or to care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces.

### Duration of Service member FML

When Leave is due to a Qualifying Exigency, an eligible employee may take up to 12 work weeks of leave during any 12-month period. When Leave is to care for an injured or ill service member an eligible employee may take up 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FML-qualifying leave, may not exceed 26 weeks in a single twelve (12) month period. Service member FML runs concurrently with other leave entitlements provided under tribal or other applicable law.

## **807 EMPLOYEE WELLNESS**

To improve the well-being of Tribal employees, leading to enhanced productivity, lower absenteeism and a happier, healthier workforce, employees may participate in various health initiatives offered throughout the Tribe, including but not limited to, health assessments and screenings, incentives for exercise, smoking cessation classes and education regarding healthy lifestyles and choices. Employees are required to utilize PTO to participate in wellness programs.

## **808 PHYSICAL FITNESS LEAVE**

Physical Fitness leave consists of no more than forty-Five (45) minutes, per day, five (5) times per week for individual physical fitness. Physical Fitness leave may be used to walk/jog/run on campus (or designated area) or to workout at the Tribe’s Fitness Center. Employees must receive pre-approval from their supervisor prior to taking physical fitness leave. Directors and supervisors are encouraged to allow employees to utilize physical fitness leave. Approval for physical fitness leave will be based on the needs of the department. Physical fitness leave does not have a cash value and cannot be banked or used with another form of leave.

## **809 HOLIDAY LEAVE**

Holiday pay will be granted based on an 8-hour workday for all Tribal employees. The following days are recognized as Holidays:

1. New Year’s Eve- at noon if the day falls on a Monday-Friday

2. New Year's Day- (preceding Friday if New Year's Day falls on a Saturday or following Monday if the day falls on a Sunday)
3. Martin Luther King Day- Third Monday in January
4. Presidents Day – Third Monday in February
5. Sovereignty Day
6. Good Friday- Two Days before Easter
7. Memorial Day- Last Monday in May
8. Independence Day if the day falls on Monday-Friday
9. Labor Day- First Monday in September
10. Veteran's Day- November 11<sup>th</sup>
11. Thanksgiving Day- Fourth Thursday in November
12. The day after Thanksgiving
13. Christmas Eve at noon if the day falls on a Monday – Friday
14. Christmas Day – (preceding Friday if Christmas Day falls on a Saturday or following Monday if the day falls on a Sunday).

## **810 MATERNITY & PATERNITY LEAVE**

One Hundred Sixty (160) hours of paid leave shall be provided to a parent within the first year of the child's birth or placement. Employee(s) must meet eligibility requirements for FML (must be employed by the Nation for 12 months). A parent who has worked for the Tribe for less than one year or 12 months or does not meet FML requirements due to employment status will receive 2 weeks of paid leave and 4 weeks of unpaid leave. Leave for employees who do not meet eligibility requirements for FML will be paid at the average hours worked 90 days prior to leave.

## **811 MILITARY LEAVE**

An employee who enters active duty in a branch of the U.S. Armed Forces or is a member of the Reserve components of the U.S. Armed Forces who attends annual training, active duty for training, or is called to active duty will be granted military leave. To be entitled to military leave an employee must present official orders requiring attendance for a period of training or other active duty as a member of the Armed Forces. An employee may opt not to use military leave and instead use accrued personal time off. Military leave is further classified as paid supplemental military leave, unpaid military leave, or unpaid military leave of absence. Employees on any type of Military leave will not accrue PTO during leave.

Paid supplemental military leave is defined as:

The amount of pay necessary, when added to the military pay received for that day, to bring the employee to their full wage/salary for that day. Fifteen (15) days of paid supplemental military leave will be granted annually to an employee who is a member of a Reserve component or who enlists for active service. For Reserve component members this leave may be used for Annual Training, Active Duty for Training and other active duty (called to active duty or mobilized) verified by published military orders.

Inactive Duty Training (weekend training) as a member of the National Guard or Reserve does not qualify for paid supplemental military leave. A day of paid supplemental military leave may only be used for a regular scheduled workday. The use of the fifteen (15) days is not limited to a single period but may be used incrementally as long as the employee presents official military orders. Paid supplemental military leave will be paid once the employee has presented documentation of military pay to the payroll department. Employee will not accrue PTO during Paid supplemental military leave.

#### Unpaid military leave

Applies only to those employees who are eligible for paid supplemental military leave and decline to take either personal time off or paid supplemental military leave. It may only be used for 15 days or less. This leave would apply to an employee whose military pay exceeds their wage/salary. Employee will not accrue PTO during Unpaid military leave.

#### Unpaid military leave of absence

Will be granted to an employee for extended periods (beyond 15 days) of active duty supported by published official military orders. The following periods of active duty qualify for unpaid military leave of absence:

- An employee who is inducted into or enlists in an Active component of the Armed Forces of the United States.

- An employee who is a member of the Reserve components attending any of the following duty:

- Initial entry training
- Active Duty for Training
- Called to federal active duty by the President of the United States during a national emergency
- Called to active duty by the Governor during a state emergency

Employees will not accrue PTO during Unpaid military leave of absence. Employees returning to work are entitled to the same seniority, status, and pay they would have received had they not entered military service.

## **812 JURY OR WITNESS DUTY LEAVE**

All Employees, regardless of classification who are called to jury or witness duty are eligible for Jury or Witness Duty Leave. Employees are to notify their supervisors promptly upon receipt of a jury summons and subsequent notice of selection to serve as a juror. An employee selected to provide this community service will receive their

regular rate of pay for normal hours worked, up to a maximum of 10 workdays, provided the employee submits evidence of the summons and selection notice. Employees will be allowed to retain any mileage and other compensation paid by the court. Employees will receive paid leave for the time required to provide testimony in work related litigation or court proceedings. Employees are to notify their supervisor immediately upon receipt of a job-related subpoena.

## **CHAPTER 9           EMPLOYEE HEALTH AND SAFETY**

### **901   SAFETY**

Employees shall fully cooperate in ensuring a safe workplace by observing all rules of safety using tools, machinery, vehicles and equipment and in lifting, loading and unloading materials and similar activities. Employees shall comply with all safety rules in their department by contacting supervisors with any and all questions regarding safe protocols. If any accident or illness should occur, no matter how slight, notify a supervisor immediately. Unsafe conditions shall be reported to a supervisor immediately.

### **902   SERIOUS ILLNESS OR INJURY**

Employees injured or sustaining an occupational disease while at work shall immediately report to their supervisor any on the job injuries or illnesses, no matter how slight. Employees should contact Human Resources for further guidance.

### **903   FIRE EVACUATION**

In the event that the emergency fire alarm system is activated or if you are aware of fire in the workplace, all employees are to evacuate the building. Employees should immediately stop whatever they are doing and quickly yet safely exit the building.

All employees should exit the building by way of the nearest stairwell that will be marked with a lighted red exit sign and follow these signs, exiting to the outside. If the nearest stairwell is blocked by smoke use another stairwell. **DO NOT USE THE ELEVATOR.** Once you have reached the first floor, follow the exit signs to exit the building and quickly proceed away from the building. People who exit the building first must position themselves far enough away from the building to enable everyone to stand clear of emergency vehicles. The street must be kept clear at all times, so as not to hamper the movement of emergency vehicles into the area.

When you are safe call the Fire Department and leave all doors unlocked to allow the Fire Department easy access.

Congregate all employees in the east parking lot and confirm that all employees and visitors are out of the building. Once outside, do not re-enter until the building is declared safe by the Fire Department and you are informed to do so by the most senior level employee.

### **904   WEATHER**

All employees are required to register a means of contact with Human Resources. Human Resources will use the contact information to provide employees notifications regarding:

Road Closings  
Tribal Closing  
Weather Advisories  
Emergency Evacuations

If an employee is unable to receive a notification via cell phone, home computer, or landline, the Tribe will have a recording on 800-000-0000 stating our offices are closed. This policy does not relieve employees of their duty to monitor weather and other hazards and take the steps necessary to limit or eliminate related risks. The Tribe cannot protect employees from the hazards addressed in this policy.

## **905 WORKPLACE VIOLENCE PREVENTION**

The Tribe is committed to preventing workplace violence and to maintaining a safe work environment. The Tribe has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, horseplay, or other conduct that may be harmful to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the Tribe without proper authorization. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's protected trait or characteristic.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede. The Tribe will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. To maintain workplace safety and the integrity of its investigation, the Tribe may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Tribe encourages employees to bring their disputes or differences with other employees to the attention of their supervisors before the situation escalates into potential violence. The Tribe is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

#### **906 SMOKING POLICY**

Smoking and the use of smokeless tobacco products in the workplace is prohibited except in locations that have been designated as smoking areas. In situations where the preferences of smokers and non-smokers are in conflict, the preference of non-smokers will prevail. Smoking and the use of smokeless tobacco products is allowed during meal and rest breaks only, and then only in designated smoking areas.

## Acknowledgement & Consent

As an employee of the ABC Tribe (the “Tribe”), I consent to the exclusive jurisdiction of the Tribe, these Handbook rules and the Tribal Court for any and all disputes in connection with my employment with the Tribe. I also consent to the application of Tribe’s law, both substantive and procedural, regarding any and all proceedings, matters and things relating to my employment relationship with the Tribe. I consent to the Tribe's grievance procedure and to the Tribe's courts for any and all disputes related to my employment with the Tribe. I understand that the reference to exclusive jurisdiction means that I do not have a right to sue the Tribe, its officials or employees in any other court or forum then the court or forum provided by the Tribe.

Dated: \_\_\_\_\_  
Employee \_\_\_\_\_