

Chapter R600 - Employment

Part 1 Government Operations Personnel Manual

Human Resource Department Standard Operating Procedures

Wage/Salary Policy

COLA Policy

Merit Increase Policy

Performance and Planning Review Policy

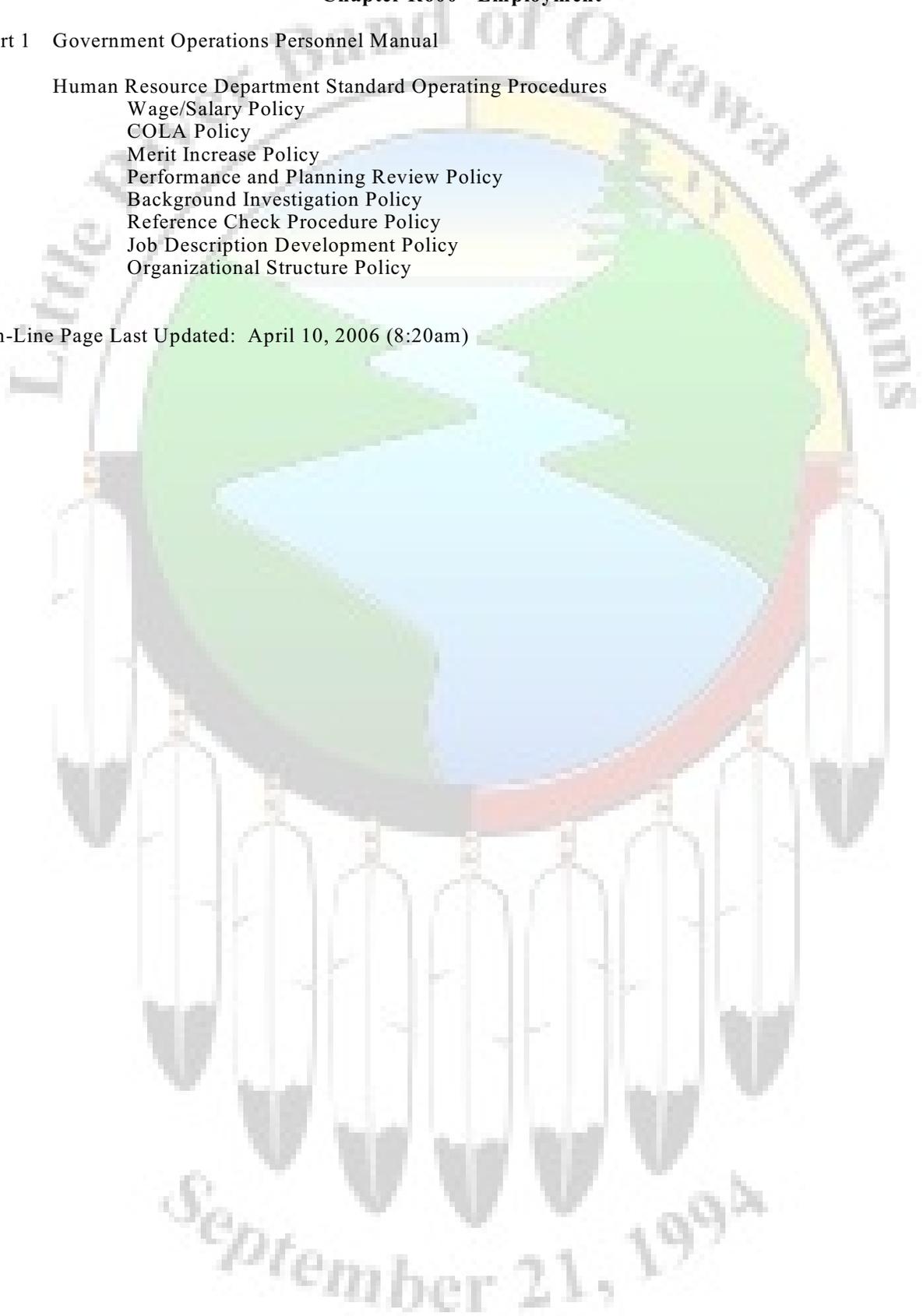
Background Investigation Policy

Reference Check Procedure Policy

Job Description Development Policy

Organizational Structure Policy

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GOVERNMENT OPERATIONS PERSONNEL MANUAL

CHAPTER I. INTRODUCTION

1.1 TRIBAL HISTORY

The Little River Band of Ottawa Indians are the descendants of and political successors to nine historical Ottawa bands whose leaders were signatories to the Treaties of March 28, 1836 and July 31, 1855. Our people have existed in Michigan from historical times to the present within separate autonomous bands that inhabited a territory extending from the Manistee River South to the Grand River in the Western Lower Peninsula of Michigan.

1.2 PURPOSE

This manual defines the policies and procedures for employment with the Little River Band of Ottawa Indians. These policies and procedures are designed to promote a better understanding of the rights, privileges and responsibilities of employment with the Tribe. They are also intended to establish a merit-based, uniform system for personnel administration that is designed to promote the quality and efficiency of service for the Tribal government and its members.

The policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Tribe and any of its employees. Tribe will strive to treat all employees fairly with regard to terminations.

1.3 AUTHORITY

The following policies and procedures have been authorized by the Tribal Council of the Little River Band of Ottawa Indians, and shall apply to all positions in the Tribal government. Amendments to this manual have occurred in the following manner.

1. Resolution # 02-0807-02 – Re-authorization of Manual.
2. Resolution # 03-0611-168 – Amending access to Personnel Files
3. Resolution # 03-1001-322 – Correcting drafting errors and amending grievance response deadlines.
4. Resolution # 03-1008-335 – Amending payroll period from one week to two weeks.
5. Resolution # 03-1029-360 – Adopting amendments regarding Personal and Annual Leave, among other changes.
6. Resolution # 03-1112-388 – Adopting corrections to the calculation of personal and annual leave time.
7. Resolution # 04-0908-362 - Adopting a Sexual Harassment Policy, section 9.12.
8. Resolution # 04-0908-36 - Adopting a Voting Time Off Policy, section 6.13.
9. Resolution # 04-0908-364 - Adopting a Work Place Violence Policy, section 9.13.
10. Resolution # 04-1120-472 - Adopting corrections regarding deleting references to Tribal Manager.
11. Resolution # 05-1102-566 - Re-authorizing Personnel Manual with corrections regarding Fair Employment Practices Code, Government Employment Relations Act of 2005, and Employment Division of Tribal Court Ordinance.
- [12. Resolution # 06-0301-160 - Setting benefit for educational degrees, retroactive to November 2, 2005.
13. Resolution # 06-0301-161 - Adding additional relationships to Bereavement Benefit.]

1.4 AMENDMENT

The Tribal Council may, at any time, abolish, change or otherwise amend these policies and procedures. Any such action will be posted, with its effective date and the Tribal Council shall require written notice be given to every employee.

1.6 SCOPE

All policies and procedures in this document apply to all employment positions, whether employed by Tribal Council, Tribal Court, or Ogema. 'Employment positions' shall include all positions except those listed below:

- a. Tribal Council members, Ogema, and persons appointed to fill vacancies in such elected offices.
- b. Individuals or organizations hired by the Tribal Council under contract as a vendor.
- c. Tribal judges when acting in an official capacity.
- d. Employees of Tribal business enterprises.
- e. Commissioners and committee members.

The Government Operations Personnel Manual is written for application to Tribal government employment. The following interpretive rules shall apply.

- a. Where applicable in this manual, references to the Ogema shall be interpreted to be the Tribal Council for those employees under the supervision of the Tribal Council, and until such time as a personnel manual of the Tribal Court is presented, the Chief Judge of the Tribal Court for those employees under the supervision of the Tribal Court.
- b. As used in this manual, ‘Director’ means the employee within an office, group of offices, program or group of programs with the highest authority and who reports directly to the Ogema as identified in the adopted organizational chart of the Tribe.
- c. Directors, as a result of their responsibilities and their organizational positions, have appeal rights only to the Ogema, and may appeal under the Government Employment Relations Act of 2005 without further action.

CHAPTER II. RECRUITMENT, SELECTION AND APPOINTMENT

2.1 POLICY

It shall be the policy of the Tribe to recruit and select the most qualified persons for employment. Recruitment and selection will be conducted to provide open competition and equal employment opportunity.

2.2 NONDISCRIMINATION [See Fair Employment Practices Code]

2.3 INDIAN PREFERENCE

The Little River Band of Ottawa Indians follows the Indian Preference in Employment Ordinance # 02-600-02 adopted by Resolution #02-0313-01.

2.4 NEPOTISM

Preferential consideration will not be extended to applicants based on family ties to past or current employees or Tribal Council members. No employee, Tribal Council member, committee member, commissioner, Tribal Judge, nor the Tribal Ogema, may participate in the screening, interview, or actual selection of an immediate family member or member of the same household. The term “immediate family” for any purpose shall be defined as follows:

Spouse	Father-in-law
Father	Mother-in-law
Mother	Sister-in-law
Sister	Brother-in-law
Brother	Step Children
Children	Grand Parents
Foster Children	Grand Children

2.5 RECRUITMENT AND HIRING PROCESS

The Human Resource Director will be responsible for the recruitment of candidates and posting of job opening.

The recruitment process for all positions shall begin with the review, revision, or development of a written job description.¹ All positions shall be posted in a prominent place in the reception area in the following buildings – Little River Band Community Center; Little River Tribal Office; Little River Band Health Center; Little River Band Downtown Office Building and Little River Newland Building.

¹ See also *SOP-600-01:HR-08 for Job Description Standard Operating Procedure.*

The Human Resource Director shall create a selection committee to review applications, interview selected candidates, and rank the top applicants. This committee shall consist of not less than three (3) persons, including the Human Resource Director and/or Ogema, the supervisor for the open position, and one Elder selected at random from the Elders pool.

The selection committee shall determine which applicants will be interviewed, and the members of the selection committee shall schedule and perform the interviews as a group. Upon completion of all interviews, the selection committee shall determine which of the applicants ranked best, second best, and third best (if at least three interviewed). Only those applicants whom the selection committee would recommend offering the position shall be ranked. If, following completion of all interviews, the selection committee believes that none of the applicants should be offered the position, the selection committee should inform the Human Resource Director of that fact and the position may be re-advertised.

The Human Resource Director shall offer the position to the highest-ranking applicant recommended by the selection committee. If the highest-ranking applicant is unable or unwilling to accept the position, the Human Resource Director shall proceed to the second highest, and then the third-highest ranking applicant.

If none of the three highest-ranking applicants is able and willing to accept the position, the recruitment process shall start again, beginning with review, revision or development of the job description.

If the applicant hired for the position vacates the position within 120 calendar days of his/her start-date, the Human Resource Director may offer the position to the second or third highest-ranking applicant without starting the recruitment process over. The Human Resource Director may, however, elect to start the recruitment process over, in which case all previous applicants will be included in the pool of applicants.

2.6 APPLICATION FOR EMPLOYMENT

Persons seeking employment with the Tribe must submit a resume, and/or a completed employment application, to the Tribe, in the care of the Human Resource Director. All applications and resumes shall be maintained in an active file for a minimum of six months. After this period applicants must reactivate the application for each announced vacancy.

The Tribe shall rely upon the accuracy of information contained in the applicant's employment application and resume, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the employer's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

2.7 CHARACTER INVESTIGATIONS [See SOP-600-01:HR-06 and SOP-600-01:HR-07]

2.8 APPOINTMENTS

A letter from the Human Resource Director will confirm all appointments to employment positions with the Tribe. The letter will identify the position, starting salary, applicable fringe benefits and beginning date.

2.9 CLASSIFICATION OF EMPLOYMENT

The following definitions describe the various categories of employment with the Tribe. Included in each category is an identification of benefits eligibility.

- a. Permanent, Full time – Employees scheduled to work at least 32 hours/week or at least 64 hours during a two-week pay period in a position that is expected to continue for more than one year will be classified as permanent, full time employees. All permanent, full time employees are eligible for all employee benefits.
- b. Permanent, Part time - Employees scheduled to work less than 32 hours/week or less than 64 hours during a two-week pay period in a position that is expected to continue for more than one year will be classified as permanent, part time employees. All permanent, part time employees are eligible for benefits on a pro-rated basis.
- c. Temporary – Employees hired for a position that is expected to continue for less than one year shall be considered temporary employees. Temporary employees may work up to 40 hours/week or

80 hours in a two-week pay period. Temporary employees are not eligible for benefits other than required by law or specified at the time of employment.

d. Student, Intern, or Trainee – A person appointed to participate in a work experience, training or intern program that is for a limited time period not to exceed one year. The student, intern or trainee may or may not receive compensation and shall not be eligible for benefits other than required by law.

Employees shall also be classified as hourly or salaried as follows:

a. Hourly – Employees working in a position that is classified as Level 4 or less by the job description for that position shall be paid at an hourly rate of pay. All permanent, full time, hourly employees are eligible for all employee benefits. All permanent, part time, hourly employees are eligible for benefits on a pro-rated basis.

b. Salaried - Employees working in a position that is classified as Level 5 or above by the job description for that position shall be considered a salaried employee. Salaried employees are exempt from the hours and over-time provisions of the Fair Labor Standards Act. All permanent, full time, salaried employees are eligible for all employee benefits. All permanent, part time, salaried employees are eligible for benefits on a pro-rated basis.

CHAPTER III. PERSONNEL ADMINISTRATION AND DEVELOPMENT

3.1 PERSONNEL RECORDS

All employee's shall have an official personnel file containing such items as:

- a. Application for employment
- b. Position description
- c. Job Performance Appraisals
- d. Health benefit enrollment forms
- e. Tax withholding forms and other income deduction forms
- f. Salary information
- g. Attendance records
- h. Counseling and/or disciplinary action
- i. Commendations
- j. Personal data such as emergency telephone numbers

All employee information is strictly confidential and access to personnel files is limited to –

- a. Payroll Accountant, for payroll related purposes only
- b. Employee's supervisor
- c. Ogema, and legal counsel
- d. Tribal Council, and legal counsel
- e. Assistant Tribal Manager

Any disclosures from an employee's personnel records will not be provided without the employee's written authorization, except as required.

Personnel records may be accessed by presentation of written authorization on a form created by the Human Resource Department by any of the individuals listed above. Such authorization shall be for a limited purpose, shall specifically identify the individual to whom the records shall be released, and shall include a confidentiality statement, signed by the individual seeking access to the file, that the individual is bound to maintain the records in a confidential fashion, unless applicable law dictates otherwise.

An individual may see their own personnel file at reasonable times and intervals. If the employee does not agree with any information contained in their personnel file, they may submit a written statement explaining their position, which will be made a part of the employee's file.

It is the responsibility of each employee to promptly notify the Human Resource Department of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status

reports should be accurate and current at all times.

3.2 JOB DESCRIPTION [See SOP-600-01:HR-08.]

3.3 WORK PLANS

Work Plans shall be required for certain employees, annually, on the basis of key responsibilities in the job description. The employee, in consultation with the employee's supervisor, shall design work plans. Activities in the work plan will have a specific time frame and measurable objectives. Work plans may be subject to review or revision by the employee's supervisor and the Ogema.

3.4 ORIENTATION

The Human Resource Department is responsible for ensuring that all new employees receive adequate orientation. The employee is required to report to the Human Resource Department on the first day of employment so that an orientation can be arranged. The orientation will consist of the following procedures:

- a. The new employee will be given a copy of the personnel policies and procedures manual. The Human Resource Department will review the general provisions of the manual and answer any questions. A subsequent appointment will then be scheduled between the new employee and the Human Resource Department to review the provisions of the manual in detail, after the employee has had time to read it thoroughly.
- b. The Human Resource Department will assist the new employee in completing all required forms including federal withholding forms, insurance enrollment cards, personnel forms, etc. The Human Resource Department will prepare a personnel file for the new employee and all necessary documentation shall be placed in that file.
- c. The Human Resource Department, or the employee's supervisor, will give the new employee a tour of the facilities. Every effort should be made to introduce the new employee to co-workers and ease their adjustment to the new work environment.
- d. The supervisor will review the position description with the new employee, answer any questions, and set short-term work goals.

3.5 PROBATIONARY PERIOD

Each new employee shall serve a three (3) month probationary period. This period is for the purpose of training, observing and evaluating the new employee's work and conduct to determine if the new employee is capable of performing job requirements in a satisfactory manner. During this period supervisors are expected to regularly observe the employee's work and to discuss performance expectations and standards with the new employee.

Probationary employees are entitled to all benefits extended to regular employees upon meeting eligibility requirements for those benefits as set forth in this manual or as may be identified in insurance and retirement plans. However, probationary employees may not take annual or personal leave until they have successfully completed the probationary period.

Probationary employees will be evaluated at the end of three (3) months. Evaluations will focus on work performance, attitude, commitment to Tribal endeavors, attendance record, and other relevant job factors stated in the job description.

Evaluations will be conducted by the employee's supervisor and will be reviewed and approved by the Ogema. The supervisor shall discuss the results of the evaluation with the employee and be signed by both the supervisor and employee before the evaluation is made part of the employee's record. Unsatisfactory performance will be brought to the attention of the employee during the initial evaluation.

Probationary employees must receive at least a satisfactory rating of performance at the end of the probationary period before attaining the status of a regular employee.

At the end of the probationary period, the recommendation to retain or dismiss the probationary employee, or to extend the probationary period an additional two months, will be made by the supervisor, subject to the approval of the Ogema. No more than one (1) extension may be given to a probationary employee.

Employees who do not satisfactorily complete the probationary period will be dismissed. A letter detailing the reasons for dismissal will be prepared by the Ogema and given to the employee. A copy of the letter will be placed in the employee's personnel file.

3.6 JOB PERFORMANCE APPRAISAL [See SOP-600-01:HR05]

3.7 CONTINUOUS LENGTH OF SERVICE

Continuous length of service for an employee is that period of employment with the Tribe that is considered unbroken. Continuous length of service shall be considered as broken for the following reasons:

- a. An employee resigns in poor standing.
- b. An employee is terminated.

Time spent on leave of absence shall not be considered to be a break in service. Seniority and fringe benefits will be retained but not accrued.

3.8 RESTORATION OF LENGTH OF SERVICE

- a. Employees who have resigned in good standing shall have their length of service restored if they are re-hired within two (2) years of the date of resignation.
- b. Employees who have been laid off with more than six months of full-time continuous service at the time of lay-off who are re-hired by the Tribe within one (1) year from the date of lay-off will have his/her length of service restored.
- c. Employees who are terminated and who are later re-hired by the Tribe will not have any prior length of service restored. The only exceptions are employees who are re-instated after successfully appealing their termination through the Grievance Procedure. In such cases, the re-instated employee will have their length of service restored.

CHAPTER IV. EMPLOYEE COMPENSATION

4.1 COMPENSATION POLICY

The Tribal Council shall approve payroll periods by resolution.

4.2 PAYROLL PROCEDURES

The first day of the pay period is Monday and the last day is Sunday. Payroll checks will be issued the Wednesday following the end of the pay period.

All hourly employees must complete a time sheet for each pay period. All salary employees shall submit time sheets when utilizing personal or annual leave. The employee and his/her supervisor must sign time sheets. Each supervisor is responsible for verifying all subordinates time sheets and submitting them to the Ogema on the Monday following the pay period. An employee falsifying a time sheet is subject to immediate suspension up to one week or termination, and may include civil or criminal actions.

The employer takes all reasonable steps to assure that employees receive the correct amount of pay in each paycheck. In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the supervisor and the Ogema so that corrections can be made as quickly as possible.

It is the policy of the Tribe to distribute paychecks only to the employee in whose name the check issued. Employees who are absent on payday and wish to have someone pick up their check must do one of the following:

- a. Notify the Payroll Accountant in advance.
- b. Provide their representative with a signed authorization to pick up their check. This option is restricted to immediate family members or fellow employees.

4.3 PAY ADVANCES

An employee may receive a payroll advance if, on the next regularly scheduled payday, an employee plans to be out of town:

- a. on an authorized travel assignment; or
- b. on authorized scheduled leave time.

All payroll advance requests must be accompanied by an approved, completed timesheet. Hours may not be recorded on the timesheet for work that has not yet been performed.

4.4 COMPENSATION SCHEDULE [See SOP-600-01:HR-02]

4.5 SALARY ADJUSTMENTS [See SOP-600-01:HR-04]

Education Bonus²

An Education Bonus is based on successful completion of two, four and postgraduate degrees.

The Education Bonus for documented completion of two, four and postgraduate degrees will be awarded at the time that proof of completion is presented to the Human Resources Department and all proper paperwork is completed with accounting and payroll.

Associates Degree	\$1,500.00
Bachelor's Degree	\$2,500.00
Masters Degree	\$5,000.00

4.6 COST OF LIVING INCREASES [See SOP-600-01:HR-03]

4.7 OVERTIME POLICY

For the purposes of assigning overtime pay, employees shall be classified by the normal hours of operation for the department in which they are employed.

- a. Hourly employees working in a department (Public Safety and Surveillance, for example) that must have personnel on duty 24 hours a day, 7 days a week shall incur overtime pay at the rate of one and a half times regular pay, whenever the employee is required to work more than 12 hours in a day or 80 hours in a two week pay period. Overtime must be pre-approved with the employee's supervisor and documented on the Work Schedule Variance Approval Form. It is the responsibility of the employee to attain the appropriate form and signatures to be submitted with their employee time record.
- b. Hourly employees working in a department that normally has personnel on duty during normal business hours, M-F, 8 am to 5 pm, shall incur overtime pay at the rate of one and a half times regular pay, whenever the employee is required to work more than 12 hours in a day or 40 hours in a week. Overtime must be pre-approved with the employee's supervisor and documented on the Work Schedule Variance Approval Form. All efforts should be made to grant compensatory time in accordance with the procedures set forth in Section 5.2 before approving overtime for employees in the 40 hour/week job category. It is the responsibility of the employee to attain the appropriate form and signatures to be submitted with their employee time record.
- c. All salaried employees are exempt from overtime pay. Should it be necessary for a salaried employee to work overtime, all efforts should be made to grant compensatory time in accordance with the procedures set forth in Section 5.2.

CHAPTER V. WORK HOURS AND SCHEDULES

5.1 WORK HOURS

The normal work schedule for all employees is five days a week, nine hours a day, which includes a 1-hour meal break. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

The employee's supervisor will set each employee's work schedule according to the needs of the Tribe and

² Adopted by Resolution # 06-0301-160.

the program. Changes in the work schedule are at the discretion of the supervisor, not the employee.

Scheduling, including approval of leave requests and compensatory time, shall ensure that all Tribal administrative and program offices can be open for the transaction of business Monday through Friday of each week, from 8:00 a.m. until 5:00 p.m. Excepted are departments requiring shift work.

Lunch Periods and Rest Periods – Each employee shall be allowed a one-hour lunch period daily. Lunch periods shall be staggered so as not to curtail services to the public. Employees may elect, with the approval of their supervisor to take a 30-minute lunch period. In such situations the reporting or leaving time can be adjusted accordingly. Unless required and approved by a supervisor, an employee will not be compensated for the time worked through a lunch period.

Employee Responsibility – Employees are expected to conform to the above hours of work, report promptly for work and remain until the close of their regular shift. Anyone unable to report for work on time, for any reason, is expected to telephone their supervisor at least 30 minutes prior to the start of their scheduled shift.

Employees on field assignments or on travel status are considered to have worked an eight hour day for each full day on field assignment or travel. Each employee is expected to work an eight hour day, which includes attending conferences or training periods.

In addition, note that certain grant programs require that working hours be documented through time checks with supervisors or his/her designate.

5.3 TIMEKEEPING

Accurately recording time worked is the responsibility of every employee. Federal regulations require the Tribe to keep an accurate record of time worked. Time worked is all the time actually spent on the job performing assigned duties.

The employees must comply with the timekeeping system implemented by the Tribe. Failure to properly comply with the requirements of the timekeeping system can result in disciplinary action.

All employees must record their time through the use of time sheets, or as directed by the Ogema. Failure to accurately record time worked in a proper manner can result in disciplinary action.

Tampering, altering, or falsifying time records, or recording time on another employee's time record may result in disciplinary action, including discharge.

All employees must submit an approved timesheet to the Ogema the Monday before payday. An employee who does not submit a timesheet on time must submit an approved timesheet before receiving a payroll check. The time sheet is approved by signature of the employee's supervisor.

CHAPTER VI. BENEFITS, HOLIDAYS AND LEAVE

6.1 EMPLOYEE BENEFITS

All regular full-time, regular part-time, and probationary employees are entitled to certain fringe benefits that are identified in this section. For purposes of entitlement to benefits, regular, full-time employees are defined as those employees working 32-40 hours per week. Regular, part-time employees working less than 32 hours per week are eligible for benefits on a pro-rated basis as allowed by the specific provisions of the benefit plan. Certain benefits are limited only to full-time employees.

Excepting those benefits required by law, all other insurance benefits are subject to the availability of funds. The Tribal Council reserves the right to determine appropriate insurance programs within the constraints of available budgets, or to terminate insurance benefits, as circumstances require.

Certain employees will be tax exempt because they are Tribe Tribal members and their positions involve the protection, enforcement, or administration of treaty resources. These employees may have different benefits

than other employees. Differences in benefits are noted in these policies.

6.2 REQUIRED BENEFITS

All non-tax exempt, regular or temporary, full and part time employees are provided with standard benefits prescribed by applicable federal and state law. They include Social Security (FICA), Medicare (MEDI), state unemployment insurance (SUTA), and workers' compensation.

Employee's contribution to the cost of Social Security coverage is defined by law and is automatically deducted from each paycheck. The Tribe pays all costs for providing Unemployment Insurance and Workers' Compensation.

6.3 HEALTH INSURANCE

All regular full-time and probationary full-time employees may be provided with comprehensive major medical coverage. Employees should refer to the insurance brochure for the limits and conditions of this coverage. All employees must complete an enrollment form during the orientation process, which will identify family members covered by the plan. The Tribe pays for the cost of this health insurance coverage.

Employees who are separated due to lay-off, resignation, dismissal or other separation are covered under the health insurance plan for one (1) month following the date of separation. However, the employee must pay twenty (20) percent of the premium for this coverage, which will be deducted from the final paycheck, unless the employee waives the right to this coverage, in writing.

6.4 LIFE INSURANCE

All regular full-time and probationary full-time employees may be provided with a term life insurance policy. Employees should refer to the insurance brochure for the limits and conditions of the policy.

6.5 SHORT-TERM DISABILITY

All eligible regular full-time employees may be provided with short term disability insurance coverage in accordance with the requirements of the Tribe's short term disability insurance in place at that time. Employees are required to exhaust all Personal leave accrued prior to utilizing this insurance.

The Tribe offers this insurance benefit to eligible employees who choose to accept by filing with the Human Resource Department the appropriate signed and dated insurance acceptance form. An employee is eligible for the short term disability insurance benefit if he or she is a regular full-time employee with 120 days of continuous service.

If an employee qualifies for a Family Medical Leave, according to Sec. 6.18, that leave and short-term disability will run concurrently upon the inception of short term disability benefits.

6.6 RETIREMENT/PENSION PLAN

[RESERVED]

6.7 HOLIDAYS

The Tribe recognizes the following designated holidays and grants time off with pay to all employees.

New Years Day	Veteran's Day
Treaty Recognition Day (March 28 th)	Thanksgiving Day
Memorial Day	Friday after Thanksgiving Day
Independence Day	Christmas Eve Day (half day)
Labor Day	Christmas Day
Reaffirmation Day (Sept. 21 st)	

a. Hourly employees, working in a department (Public Safety and Surveillance, for example) that must have personnel on duty 24 hours a day, 7 days a week, and that are required to work on the exact date of any designated holiday will be paid at two times their regular rate of pay for all hours worked. Employees must work their regularly scheduled day before and after the designated holiday in order to receive holiday pay.

- b. Employees on a leave of absence without pay or suspended due to disciplinary action are not entitled to holiday pay during that time period.
- c. Hourly employees working in a department that normally has personnel on duty during normal business hours, M-F, 8 am to 5 pm, as well as all salaried employees, shall observe holidays that fall on Saturday on the preceding Friday and shall observe holidays that fall on Sunday on the following Monday.
- d. Holidays that fall within an employee's pre-approved annual leave or personal time off request will be granted holiday pay for the observed holiday.

6.8 ANNUAL LEAVE

Regular full-time and regular part-time employees are eligible for annual leave benefits.

Up to 80 hours of annual leave can be carried over from year to year. Unused annual leave in excess of 80 hours expires without compensation.

Employees requesting annual leave for more than one day at a time are required to notify and obtain the approval of their supervisor at least one week prior to the anticipated annual leave. Employees requesting annual leave for one day or less are required to obtain the approval of their supervisor at least 48-hours in advance of the anticipated annual leave. No annual leave will be taken in less than 4-hour blocks of time. If a holiday falls within an annual leave period, it will not be considered as a vacation day. Annual leave shall not accrue during an employee's leave of absence.

Upon separation either by lay-off, firing, quitting or other separation, the Tribe will pay cash value for accrued annual leave at the employee's current rate of pay.

In the event a Little River Band program is phased out, employees shall be notified by the Ogema of the effective date the program ends in order that the employee can use all accrued annual leave before the program ends. It shall be the responsibility of the program director or supervisor to notify the affected employees of any such project termination date and the amount of annual leave the employees have accrued.

Regular full-time employees shall earn annual leave based upon their continuing length of service with the Little River Band. Annual leave shall be earned according to the following schedule:

- a. Regular full-time employees with up to one year of service shall accrue annual leave at a rate of one (1) hour per forty (40) hours paid. Accrual begins from the first day of employment. However, no annual leave will be granted to a new employee until he/she has satisfactorily completed the probationary period.
- b. Regular full-time employees with one (1) to seven (7) years of service shall accrue annual leave at a rate of two (2) hours per forty (40) hours paid.
- c. Regular full-time employees with seven (7) or more years of service shall accrue annual leave at a rate of three (3) hours per forty (40) hours paid.

Regular full-time and regular part-time employees who are paid less than 40 hours per week will receive annual leave on a prorated basis.

6.9 PERSONAL LEAVE

To recognize the occasional need by employees to be absent from their schedules for personal purposes the Tribe grants personal leave. Personal leave can be used for any purpose that the employee desires. Personal leave shall be utilized until exhausted by employees requesting Family Medical Leave during the time off requested by the employee. Personal leave shall be exhausted by employees prior to utilizing short term disability insurance or other insurance benefit provided by the Tribe. Typical uses of personal leave might be:

- a. to attend doctor or dentist appointments.
- b. to stay home when ill.
- c. to attend to sick children or attend school functions.
- d. to spend time with out-of-town visitors.
- e. to come in late because of car trouble, but still get a full paycheck.

Personal leave replaces sick leave, which is not a form of leave bused by the Tribe. With personal leave, the employee is not required to explain or justify his/her use of the time. This removes the supervisor from any responsibility for determining whether the leave should be approved. As long as the request for personal leave is made directly to the supervisor before it is used, the supervisor is expected to grant the request. However, all employees are forewarned that leave is not automatically granted when they call in or send a message.

Employees are asked to make their requests for personal leave with as much advance notice as possible, to allow the supervisor to adjust the schedule. In the case where personal leave is expected by the employee to last for more than one scheduled day, the employee may request the full amount of desired time with one request.

If the employee requests personal leave for one day but later decides that s/he will need an additional day (or part of a day), the employee must notify the supervisor of the need for the additional time prior to the regularly scheduled work time. That is, personal leave pay will not be granted for the second day unless the request was received before the beginning of the scheduled work time.

The Director, with consultation from the Human Resources Director and supervisor, may grant personal leave payment even though prior notice was not received, and it is expected that such granting shall be for valid emergencies only.

Employees are advised to study the section of this policy that requires supervisors to keep track of their employees' use of personal leave to look for patterns of abuse. Though the objective of personal leave is to allow the employee freedom from supervisory prying into the employee's personal life, employees are expected to recognize that the Tribe's goals are important to supervisors.

Calculation of Personal Leave

Employees are eligible to begin accruing personal leave after 90 days of employment with the Tribe. Regular full-time employees shall earn personal leave based upon their continuing length of service with the Little River Band. Personal leave shall be earned in at a rate of 1.54 hours per forty hours paid. Regular full-time and regular part-time employees who are paid less than 40 hours per week will receive personal leave on a prorated basis.

Personal leave is not transferable to another employee. Unused personal leave may be carried over to the next year up to 40 hours, all personal leave accumulated in excess of 40 hours expires at the end of the year. Upon separation from employment, whether by termination, lay-off, resignation or other method, personal leave shall not be paid out to the employee.

6.10 MATERNITY LEAVE

Administration – The Tribe recognizes that Tribal member children are the Tribe's most precious assets and that the promotion of strong families is critical. With this recognition, the Tribe has adopted the following policies regarding maternity leave. The Tribe may grant maternity leave to regular full-time employees who have successfully completed the probationary period and who are pregnant. Maternity leave may also be available to male employees needing time off to assist a pregnant spouse.

- a. The employee must submit a written request to the department head at least 30 days prior to the beginning of the leave, except in case of emergency where a leave may commence immediately.
- b. A doctor's statement attesting to the employee's pregnant condition must accompany a request for maternity leave. In the case of male employees, a doctor's statement of spouse's pregnant condition and need for assistance must accompany a request for maternity leave. A request for maternity leave must indicate the number of days/weeks the doctor anticipates the employee will be required to be off work.
- c. The employee may elect to use accumulated sick leave and/or annual leave during a maternity leave. Any excess maternity leave shall be in the nature of an unpaid leave of absence.
- d. Seniority shall not accrue during maternity leave.
- e. Fringe benefits shall be retained, but are not accrued or paid for maternity leave, except for exceptional circumstance.
- f. An employee returning from maternity leave shall be entitled to the same or equivalent position

at the same rate of pay when she/he left. Employees must notify the supervisor, Director and Human Resource Department at least ten working days prior to returning from maternity leave. In the case of female employees, such notification must include a physician's statement indicating that she is physically and medically able to return to duties as an employee.

g. Employees must return from maternity leave within a reasonable period of time, not to exceed eight (8) weeks, following termination of the pregnancy unless there are extenuating circumstances of which the Human Resource Director are notified. Additional extensions of the maternity leave may be granted only with the approval of the Director and Human Resource Director. A statement from the attending physician should substantiate requests for maternity leave of any length.

h. Employees must notify the Human Resource Department 24 hours prior to the expected return to work date that they intend to return to work. The Human Resource Department shall notify the supervisor of the employees expected return to work date, that a request for extension has been made, or that the employee does not intend to return to work.

6.11 BEREAVEMENT LEAVE³

Bereavement Leave – An automatic three days leave with pay will be granted in the event of death in the employee's immediate family. The term "immediate family" for any purpose shall be defined as follows:

Spouse	Father-in-law
Father	Mother-in-law
Mother	Sister-in-law
Sister	Brother-in-law
Brother	Step Children
Children	Grand Parents
Foster Children	Grand Children
Aunt	Uncle
Niece	Nephew

In the event the three days leave granted does not allow sufficient time for attending a funeral, annual leave may be granted. If the employee has no annual leave accrued, a leave of absence may be granted upon approval from the Director and Human Resource Director.

6.12 LEAVES OF ABSENCE GENERALLY

All requests for leaves of absence must be in writing and approved by the Director and Human Resource Director. Leaves of absence shall be without pay and shall not exceed 30 days. When a leave of absence is granted, the employee agrees to return to work immediately at the expiration of the leave period. Failure to return to work shall be considered a resignation from employment.

An employee may request an extension of a leave of absence. This request must be in writing and approved by the Director and Human Resource Director.

No sick leave or annual leave shall accrue to an employee during a leave of absence. Time spent on leave of absence shall not be considered a break in service; however, such time shall not accrue toward seniority.

6.13 MILITARY LEAVE

The Tribe shall observe the provisions of the federal regulations regarding reemployment rights and leaves of absence in accordance with the Veteran's Reemployment Rights Statute Part III, Chapter 43 of Title 38, U.S. Code as amended. Any employee filling other than a temporary position, who is leaving employment for the purpose of military service, training or examination is eligible for reemployment rights. A copy of the official military orders should accompany any request for military leave including annual active duty training with Reserve or National Guard components of the U.S. Armed Forces.

6.14 JURY DUTY

An employee who is called for jury duty or is subpoenaed shall notify their supervisor immediately upon

³ Amended by Resolution # 03-0601-161.

receipt of such notice. If an employee serves on jury duty during normally scheduled work days, the Tribe shall provide payment of the difference of witness fees or jury duty pay, excluding travel expenses, and the employees regular salary upon presentation of a written statement of jury earnings by proper Court officials.

6.15 EDUCATIONAL LEAVE

The Little River Band strongly encourages and recommends the pursuit of continued education. Full-time regular and full-time probationary employees enrolled in higher education classes during the course of normal working hours shall be allowed to attend classes for up to eight hours per week, including travel time, with pay. However, prior to enrolling in higher education course work, the employee must first consult with their supervisor regarding course selection. Both the supervisor and the Director must approve the class(es) selected by the employee that are to be taken during normal working hours.

Employees who receive educational leave must submit verification of enrollment to the Director. This documentation will be placed in the employee's personnel file. Employees must also verify successful completion of course work in order to qualify for any additional educational leave in the future.

Educational leave for employees will not be permitted to comprise the quantity or quality of work they perform for the Tribe or to unreasonably burden other employees.

6.17 ABSENCE WITHOUT LEAVE

Failure by an employee to notify the supervisor in the event of absence will be considered as an unpaid absence without leave.

6.18. FAMILY MEDICAL LEAVE [See Fair Employment Practices Code]

6.19 TIME OFF FOR VOTING IN TRIBAL, LOCAL, STATE AND/OR FEDERAL ELECTIONS

Employees who do not have sufficient non-work time to vote, which is at least two hours available either before or after work during which the polls are open, may take off time sufficient to enable them to vote.

Supervisor approved time off must be with pay.

CHAPTER VII. SEPARATIONS FROM EMPLOYMENT & DISCIPLINARY ACTIONS

7.1 LAYOFFS

It is the policy of the Tribe to lay off employees only as a last resort. Every effort will be made to retain employees and to avoid potential lay-offs. At the discretion of the Ogema, an employee who is slated to be laid-off may be transferred to another position, within the Tribe for which they are deemed qualified, if such positions are available.

Employees will be given a minimum of two (2) weeks notice of lay-off.

The decision to lay-off an employee will be made by the Ogema. The retention of employees in classes of positions affected by lay-off shall be based upon a systematic consideration of type of appointment, seniority, and relative efficiency of the employee(s) and related to the necessary functions of the Tribe to serve the membership and maintain the Tribe's governmental activities.

The order of lay-off shall be as follows:

- a. Temporary employees.
- b. Probationary part-time.
- c. Probationary full-time.
- d. Regular part-time.
- e. Regular full-time hourly employees.
- f. Regular salaried employees.

Within these six categories, management shall determine the order of lay-off by job performance as measured by the latest written Job Performance Appraisal. Lay-off determinations shall only use seniority in cases of

equivalent job performance.

7.2 RESIGNATIONS

Resignations are accepted upon submission in writing to the supervisor.

In order to resign in good standing the Tribe expects employees to:

- a. Notify their supervisor at least two (2) weeks in advance of the date they intend to leave, and
- b. Maintain satisfactory job performance appraisals.

In order to be considered for future re-hire, former employees must have resigned in good standing during their previous employment with the Tribe.

7.3 TERMINATIONS

The Tribe will strive to treat all employees fairly with regard to terminations. Employees will only be terminated for cause.

Employees who are terminated will be compensated for accrued annual leave at their current rate of pay.

Cause for termination includes, but is not limited to:

- a. Failure of an employee to carry out the duties and obligations imposed by this Personnel Manual, Tribal laws and regulations, and program rules and regulations.
- b. Intentional violation of work rules.
- c. Unsatisfactory job performance appraisal.
- d. Gross insubordination.
- e. Theft of Tribal funds or Tribal property.

7.4 PROCEDURE FOR DISMISSAL AND SUSPENSION [See Government Employment Relations Act of 2005]

7.5 DISCIPLINARY ACTION

Causes – Employees who violate the work rules, these policies, Tribal laws or regulations, or other directives regarding employment, are subject to disciplinary action. Discipline shall be in a progressive fashion as identified in the Types of Disciplinary Action steps set forth below. Provided that, the Human Resource Director may authorize actions outside of the progressive discipline steps for egregious actions.

Notice: In every case of suspension, demotion or dismissal the employee shall be notified in writing. A copy of this notification, which shall include the disciplinary action, the reason for it and its duration, shall be filed in the employee's personnel records for an appropriate length of time.

Application: The seriousness of the infraction, nature of misconduct, employee motivation and awareness of rules will be considered in disciplinary actions.

Types of Disciplinary Action

First Notice. Written Warning. This is an action taken by a supervisor in which the supervisor tells an employee about an action or behavior of the employee which is objectionable or should be corrected.

Second Notice. Written Reprimand.

1. A written reprimand is a form of discipline in which the employee's supervisor describes in detail the behavior to be corrected, and will give direct and concrete orders for the future and will point out the consequences of repeating the actions which brought about a written reprimand.

2. The written reprimand must be presented to the employee.

Third Notice. Disciplinary Suspension.

1. This is a disciplinary action taken by the supervisor and Human Resource Department with approval of the Director, which removes an employee from employment in their department for a definite period of time. Disciplinary suspensions cannot exceed 5 working

days.

2. This action does not require the employee's consent to place the employee on leave without pay during a disciplinary suspension.
3. The employee does not accrue salary; annual leave credit; or personal leave credit during the time the employee is suspended.
4. At the end of the suspension, the employee shall be returned to the payroll in the same department, classification and salary as when he was suspended.
5. Suspensions without pay must be written and must be presented to the employee.
6. Extreme circumstances may warrant immediate dismissal.

Fourth Notice. Demotion.

1. This is an action authorized by the Director with approval by the Human Resource Director upon the recommendation of the employee's supervisor, which reduces an employee's classification to a classification with a lower maximum salary. A demotion shall not be utilized on a temporary basis, and a vacant position must exist to be demoted to under this disciplinary action.
2. The employee's duties and responsibilities must be reduced to those of the lower classification.
3. The reasons for the demotion must be given.
4. Demotions must be in writing and must be presented to the employee.

Fourth or Fifth Notice. Termination.

1. This is an action authorized by the Director with approval by the Human Resource Director upon the recommendation of the employee's supervisor.
2. This action may be taken in lieu of demotion where a lesser position does not exist, where the employee is at an entry level position, or where the supervisor identifies that demotion is not an appropriate action.
3. Terminations must be in writing and presented to the employee.

7.6 PERSONNEL RECORDS AND TRANSACTIONS

Transaction: Records will be maintained in the Human Resource Department of all official personnel transactions including hiring, promotion, disciplinary actions, and resignations of all employees. Personnel records, to be valid, shall be maintained by the Human Resource Department.

Responsibility: Supervisors shall maintain and verify time and attendance. Employee payroll records shall be maintained and kept on file for all employees in the Accounting Department.

Confidentiality: Employee personnel files and payroll records are confidential and remain under the control of the Human Resource Department and Accounting Department respectfully. Employees may at any time submit a written request to the Human Resource Department for a copy of their personnel file, which will then be provided within a reasonable period of time.

CHAPTER VIII. GRIEVANCE PROCEDURE

8.1 STATEMENT OF PURPOSE

The Tribe will do its utmost to insure that working conditions are as pleasant as possible and that each employee receives equal, courteous and fair treatment.

The Tribe seeks to secure, at the earliest level possible, fair and timely solutions to complaints or grievances of its employees.

This procedure shall be kept as informal and confidential as may be appropriate.

8.2 GRIEVANCE DEFINED

A grievance is a dispute, claim or complaint arising under the terms of this policy and filed by an employee. Grievances are limited to matters of violation, interpretation or unfair applications of this policy. The employee filing a grievance must show how the grievance directly affects him/her. To maintain an effective and orderly procedure it is necessary to follow the grievance procedure as stated below. Failure to do so will

forfeit the grievance.

8.3 GRIEVANCE PROCEDURE – STEPS

- a. The employee shall, within ten working days of the date of the grievance, or within ten working days of the date the employee could reasonably be expected to have knowledge of the grievance, present the grievance in written form to the supervisor of the person who the grievance is against, with a copy filed concurrently with the Human Resources Director. The person to whom the grievance was presented shall reply in writing to the employee within ten working days with an answer or a remedy, with a copy filed concurrently with the Human Resources Director.
- b. Should the answer or remedy granted be unacceptable to the aggrieved employee, the employee may choose to continue the grievance process step by step through higher levels of supervision, up to the Director. In each step, the approached party shall be allowed ten days to reply in writing with a remedy or an answer.

8.5 FREEDOM FROM REPRISAL

Employees shall be free to use this procedure without restraint, interference, coercion, discrimination or reprisal. An employee, whether acting in an official capacity for the Tribe or on any other basis, shall not interfere with or attempt to interfere with another employee's exercise of his/her rights under this procedure.

8.6 SETTLEMENT OF GRIEVANCE

Any and all grievances resolved at any step of the grievance procedure as contained in this policy will not be final and binding on the Tribe, the employee and any and all employees involved in the particular grievance until agreed to by the aggrieved party or decided finally by the Director.

8.7 PROCESSING GRIEVANCES

Grievances shall be processed from one step to the next within the time limit prescribed in each of the steps. Any grievance upon which a disposition is not made by the supervisor within the time limits prescribed, or any extension which may be agreed to, may be referred to the next step in the grievance procedure, the time limit to run from the date when time of disposition expired. Any grievance not carried to the next step by the employee within the prescribed time limits or such extension which may be agreed to, shall be automatically closed upon the basis of the last disposition. A grievance, once submitted, shall not be altered. An employee may withdraw his grievance at any time without prejudice.

8.8. APPEAL OF FINAL DECISION

An employee who has received a final decision in regards to a grievance regarding a suspension, demotion or termination may appeal the decision to the Tribal Court in accordance with the Government Employment Relations Act of 2005. Awards under this section shall consist only of reinstatement and/or removal of disciplinary action from employee's file.

CHAPTER IX. CONDITIONS OF EMPLOYMENT

9.1 CODE OF ETHICS AND WORK RULES

The orderly and efficient operation of the Tribal government requires that certain work rules be established. Work rules covering personal standards of conduct as well as operating procedures are necessary to protect the health and safety of all employees, maintain uninterrupted service and to protect the goodwill and property of the Tribe.

All employees are expected to conform to reasonable work rules and ethical standards, exemplified by the following:

- a. A commitment to the Tribe's goals, its leadership, and management is required of all employees.
- b. Employees are expected to present a positive image as tribal government professionals at all times in the forms of dress, communication, and action. Employees shall deal with the public in a courteous and professional manner.
- c. Employees shall follow all safety regulations to include the wearing of safety articles and the using of protective equipment. Employees shall immediately report accidents or injury to their supervisor.
- d. Employees shall be responsible for and shall not misuse Tribal records, or other materials in their

- care, custody and control. Tribal property, records, or other materials shall not be removed from the premises without written permission of the Ogema.
- e. An employee shall immediately report to his or her supervisor if he or she is unable to work and the reason for it.
 - f. Employees shall notify the Human Resource Department whenever there is a change in their personal data.
 - g. Employees shall not restrict or interrupt work or interfere with the work of others.
 - h. Employees shall report for and remain at work only in fit physical condition.
 - i. Employees shall not neglect their duties or responsibilities or refuse to perform assigned work.
 - j. Employees shall not engage in improper conduct, fight, gamble, or use abusive language while on duty.
 - k. Employees shall not possess or use unauthorized firearms, weapons, mood altering drugs or intoxicating beverages during working hours, nor shall employees possess these items while in Tribal facilities.
 - l. Employees shall not falsify records, reports, or claims of illness or injury.
 - m. Employees shall not sign or record another employee's time card or work sheet.
 - n. No employee may accept favors or gifts of monetary value from vendors, contractors, or others who have or propose to have business dealings with the Tribe.
 - o. Any efforts by outside or internal parties to exchange money, gifts, or similar considerations, for favor in the award of contracts, purchase orders or general services must be reported immediately to the Ogema.
 - p. No employee will use his or her position with the Tribe for personal gain. This restriction includes the use of Tribal authority, information gained through official duties, records, access to Tribal equipment, etc.
 - q. Employees are prohibited from divulging any confidential or potentially harmful information, concerning fellow employees, the Tribe, or clients of the Tribe, acquired by virtue of their positions or association with the Tribe.
 - r. Departmental, professional, technical, and other ethical standards over and above these outlined herein, and not in conflict with this manual, shall also be adhered to.

The above work rules and ethical standards shall be applicable to all employees. These rules are not intended to be all-inclusive and the Tribal Council shall, when it seems appropriate, establish additional rules to insure the effective operation of the Tribal government.

Employees who violate any of the above work rules or ethical standards shall be subject to disciplinary action up to and including dismissal.

9.2 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the Tribe and employees from all levels of the organization. The Tribe will attempt to do everything within its control to assure a safe environment and compliance with federal and tribal safety regulations. Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions or practices to their supervisor. Not only supervisors, but also employees at all levels of the tribal organization, are expected to correct unsafe conditions as promptly as possible.

All accidents that result in injury must be reported to the appropriate supervisor, regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance procedures.

9.3 SECURITY INSPECTIONS

The Tribe wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. Desks, lockers, and other storage devices that may be provided for the convenience of employees remain the sole property of the Tribe. Accordingly, any agent or representative of the Tribe may inspect them, as well as any articles found within them, at any time, with or without prior notice.

9.4 USE OF PHONE AND MAIL SYSTEMS

Employees must reimburse the Tribe for any charges resulting from their personal use of the telephone. Employees must identify personal calls made and provide their supervisors with a list of any personal calls made and make arrangements to pay the amount owed.

Employees must use the phone in a professional and business like manner.

The use of employer-paid postage for personal correspondence is not permitted.

9.5 USE OF TRIBAL EQUIPMENT AND VEHICLES

Employees are expected to exercise care, perform required maintenance, and follow operating instructions, safety standards, and guidelines when using Tribal equipment and vehicles.

Employees are expected to notify a supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repair could prevent deterioration of equipment and possible injury to employees or others.

9.6 CONFLICTS OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the employer wishes tribal business and activities to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the administrative level of the Tribal organization. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gains refer to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, an employee, or both. Promotional plans that could be interpreted to involve gain require specific administrative approval.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of this organization's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, or leases, it is imperative that he or she disclose to their supervisor and the Ogema as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established that protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership interest in a firm with which the Tribe does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the organization.

9.7 COMPLAINTS AGAINST EMPLOYEES

The Tribe recognizes the need for proper resolution of complaints made against employees by non-employees and between employees. Complaints do not include disciplinary actions, provided that, a complaint may result in a disciplinary action. In the event a complaint results in a disciplinary action, appeal is as identified under the grievance procedures. The following procedure must be followed in the event of such a complaint.

It is the responsibility of all employees hearing or receiving a complaint to inform the complaining party of the proper procedure for resolution of such complaints.

All complaints against a employee must be referred to the employee's supervisor.

Complaints against employees must be provided in written form to the supervisor.

The supervisor will review the incidents or actions in question. The supervisor will gather whatever information or evidence necessary to properly evaluate the complaint.

The supervisor will make a decision in writing to both the employee and the individual who made the complaint. The decision may clear the employee of wrongdoing, require changes in the employee's conduct, or result in disciplinary actions as defined in these policies.

If the complainant is not satisfied with the decision of the supervisor he or she may bring the complaint to the Ogema for review. The Ogema will review the complaint and the supervisor's decision. The Ogema may uphold or modify the decision and action taken by the supervisor. The decision of the Ogema shall be final.

A copy of the complaint and the resulting action(s) must be forwarded to the appropriate office for inclusion in the employee's personnel file.

9.8 OUTSIDE EMPLOYMENT

Supplementary employment is not encouraged but is permitted under proper conditions. No employee may hold a full-time job or its equivalent in addition to his or her regular employment with the Tribe. Any supplementary part-time employment shall be in work situations that in no way relate to the employee's duties with the Tribe and in no way would prevent the satisfactory fulfillment of their duties.

The employee must first secure written approval from both their supervisor and the Ogema prior to engaging in any supplementary employment. Violations of this policy may result in disciplinary action.

9.9 SOLICITATION OF FUNDS

No employees are allowed to solicit funds on behalf of the Tribe without prior written approval from the Ogema. This permission will only be granted for projects and/or programs that were previously approved by the Tribal Council.

9.10 POLITICAL ACTIVITY

Every employee shall have the right to freely express opinions as a citizen and to vote. Employees are encouraged to participate in political activities at any level of government (Tribal, local, state, etc.) that are not otherwise prohibited by law and conform to the following conditions and restrictions:

- a. No employee may engage in political activities during normal working hours.
- b. Political activities may not infringe on the employee's job responsibilities.
- c. No employee may use his or her position in support of or in opposition to any political campaign that compromises Tribal interests.
- d. Employees engaged in political activities may not charge any costs incurred in the course of outside political activities to the Tribe.
- e. Political activities based on self-interest in the services and/or programs of the Tribe are strictly prohibited.

9.11 DRUG TESTING POLICY

Purpose.

The purpose of this Chapter is to implement the Tribe's Plan For a Drug-Free Work Place, as mandated by section 503 of P.L. 100-71, and to enable the Tribe to better carry out its responsibilities to its members through identification of and assistance to those employees, if any, whose use of illegal drugs on or off-duty impairs and impedes their performance of their job responsibilities.

The Tribe may test for the following drugs:

- a. Marijuana
- b. Cocaine
- c. Amphetamines [speed, diet pills, Benzedrine, declobese]
- d. Opiates [codeine, morphine, methadone, diladid, heroin]
- e. Phencyclidine [PCP]
- f. Barbiturates [Phenobarbital, secobarbital, amobarbital, pentobarbital]

Sensitive Positions for Which Testing is Mandated.

Any person employed by the Tribe as an officer of the law, which empowers said employee to carry a sidearm and be certified as a law enforcement officer, shall, as a condition of selection for such position, and as a condition for continued employment, be subject to mandatory testing for the presence of the drugs listed in this section. For those persons currently employed, such testing may occur at least twice each year, upon a schedule designated by the Tribal Council.

Random Testing.

Any person employed by the Little River Band of Ottawa Indians may be tested at random for utilization of the drugs identified in this section.

- a. Notification. An individual selected for random testing, and that individual's supervisor, shall be notified the same day that the test is scheduled within two (2) hours of the scheduled testing. It shall be made clear to the employee that the employee is under no suspicion of taking illegal drugs and that the employee's name was selected randomly.
- b. Deferral of Testing. An employee may request deferral of testing of his/her supervisor, which shall be granted if the employee demonstrates that:
 1. The employee is on leave status (sick, annual, personal, administrative, or leave without pay); or
 2. The employee is on travel status away from the job site, or is about to embark on travel scheduled prior to the testing notification.
 3. Retest shall be made of an employee whose random test was deferred within the following 60 days.
- c. Selection for Testing. The selection of tribal employees for random testing will be made by three (3) tribal representatives, who are present at the drawing of employee names for testing.

Reasonable Suspicion Testing; Grounds.

Drug testing of any employee may be required when one or more of the following exists:

- a. Direct observation of drug use or possession, and/or the physical symptoms of being under the influence of a drug are present;
- b. The employee exhibits a pattern of abnormal conduct or erratic behavior;
- c. The employee is arrested or convicted of a drug-related offense, or the employee is identified as the focus of a criminal investigation into illegal drug possession, use or trafficking;
- d. Information is provided either by reliable and credible sources, or independently corroborated, of employee drug use; or
- e. Newly discovered evidence that the employee has tampered with a previous drug test is received.

Procedures for Reasonable Suspicion Testing.

If an employee is suspected of using illegal drugs, the appropriate supervisor shall gather all information, facts and circumstances leading to and supporting this suspicion, and shall report the material gathered to the Ogema and Health Director in writing. The report shall detail the circumstances, including the applicable dates and times of reported drug-related incidents, reliable and/or credible sources of information, and any other supporting information.

The Ogema and Health Director, upon review of the information provided, shall determine whether reasonable suspicion exists for the employee's use of illegal drugs, and, if the circumstances so warrant, order the employee to submit to a drug test.

General Rules for Conducting Drug Tests.

The Tribe shall follow the Guidelines for Federal Workplace Testing, established by the U.S. Department of Health and Human Services and published at 53 Fed. Reg. 11959 (Apr. 11, 1988), and as they may be amended, and shall ensure that tests are conducted as follows.

- a. The tests shall be conducted by professionally trained collection personnel, who are not employees of the Tribe;
- b. Analysis of specimens shall be undertaken by a laboratory licensed by the appropriate Tribal, federal and state agencies; and
- c. Test results are treated as strictly confidential matters.

Privacy Ensured During Drug Testing.

An employee subject to testing shall be permitted to provide urine specimens in private, in a restroom stall or other similar enclosure, so that the employee is not observed while providing the sample. Collection site personnel of the same gender, however, may observe the individual provide the urine specimen when such personnel have reason to believe that a particular employee may alter or substitute the specimen provided. Reason to so believe exists when:

- a. The employee is being tested under Sec. 207.5, related to reasonable suspicion testing;
- b. The employee has previously been found by the Tribe to be an illegal drug user;
- c. The employee has previously tampered with a sample;
- d. Facts and circumstances suggest that the employee is under the influence of drugs at the time of the test;
- e. The employee has equipment or implements capable of tampering with or altering the urine sample;
- f. The specimen has a temperature outside the range of 32.5—37.7 degrees Centigrade (90.5—99.8 degrees Fahrenheit);or
- g. The specimen shows signs of contaminants.

Failure to Appear for Testing.

Failure to appear for testing without a deferral, as provided for in this section, will be considered refusal to participate in testing, and will subject the employee to disciplinary action, including dismissal. If an employee fails to appear at the collection site at the assigned time, the collector shall so advise the Health Director immediately by telephone. The Health Director shall so advise the employee's supervisor, who shall take disciplinary action, if warranted by the circumstances.

Opportunity to Justify a Positive Test Result.

When a confirmed positive test result is received from the testing laboratory, the employee shall be notified in writing, and provided the opportunity to justify the result by submitting evidence that the result could have been caused by the use of a legally prescribed medication. The Health Director or a designated Drug Program Medical Review Officer shall evaluate any such evidence.

Finding of Drug Use and Disciplinary Consequences.

An employee who voluntarily admits the use of an illegal drug, or provides a sample which is verified as positive for the presence of an illegal drug, shall not be subject to disciplinary action when the employee obtains counseling or rehabilitation and thereafter refrains from using illegal drugs. The Tribe's Health Department or Substance Abuse Program shall make determination of the appropriate rehabilitation/counseling plan. The employee may contest the recommended plan before the Ogema, but must abide by the terms of the plan approved by the Ogema for his or her rehabilitation.

- a. Probationary Period. An employee who engages in rehabilitation or counseling will be placed on probation for a period of six (6) months and, as a condition of continued employment, shall refrain from using any illegal drug; compliance with this section shall be verified with drug testing as provided in Sec. 207.4. The employee's supervisor shall be notified of the probationary status.
- b. Disciplinary Actions. An employee who fails to successfully complete the probationary period, or who does not agree to engage in the mandated counseling and/or rehabilitation after drug use has been found, is subject to disciplinary action under Chapter 7.

The Health Director shall notify the supervisor of the employee's actions.

Refusal to Take Drug Test When Required.

An employee who refuses to be tested when required to do so is subject to the full range of disciplinary actions under Chapter 7, up to and including dismissal. Attempts to alter or substitute a specimen provided is deemed a refusal to take a drug test when required. The Health Director shall notify the employee's supervisor of the refusal.

Mandatory Dismissal.

An employee shall be subject to dismissal immediately under the following conditions.

- a. The employee's conditions for employment require that the employee be drug free at all times,

- whether or not the consumption occurs outside working hours;
- b. The employee is found to use illegal drug(s) after a first finding of such use; or
- c. The employee's use of an illegal drug poses an immediate and recognizable danger to other employees or the safe operation of the program in which the employee is working.

Employee Assistance Plan Committee.

The development of counseling and rehabilitation programs for employees shall be conducted by an Employee Assistance Plan Committee, which may be composed of the Health Department Director, the Physician Assistant, the Medical Program Director, the Psychologist, and such other persons deemed appropriate by the Ogema. The Committee shall also provide recommendations from time to time to the Ogema concerning the operation and improvement of the Tribe's "Plan for a Drug-Free Workplace," and shall supervise the drawing of employee names for random testing selection.

In no event shall the employee's records relating to this Section be provided to any other agency or department; however, the statistical, non-identifiable results of the Tribe's "Plan for a Drug-Free Workplace" may be provided to those agencies as demonstration of the Tribe's compliance with the applicable federal law and contractual requirements. The statistical information to which this paragraph pertains is described in the following paragraph.

Statistical Information That the Tribe Must Maintain.

The Tribe, pursuant to federal law and regulation, of the following; must maintain anonymous statistical information;

- a. Random tests, reasonable suspicion tests, follow-up tests, or applicant for employment tests administered;
- b. Verified positive test results;
- c. Voluntary drug counseling referrals;
- d. Involuntary drug counseling referrals;
- e. Terminations or denial of employment offers resulting from refusal to submit to testing;
- f. Terminations or denial of employment offers resulting from alterations of specimens;
- g. Terminations or denial of employment offers resulting from failure to complete a drug abuse counseling program; and
- h. Number of employees who successfully complete a drug abuse-counseling program.

The Health Director shall maintain data supporting the type of information listed in this section.

Employee Access to Records.

Any employee who is the subject of a drug test shall, upon written request to the Human Resource Department, have access to any records relating to his/her drug test.

Section 9.12 Harassment and Sexual Harassment [See Fair Employment Practices Code]

Section 9.13. Workplace Violence

Violence in the workplace will not be tolerated. Violence is defined as any act or threat of action to physically hurt another person. Any employee who is violent at any Little River Band facility or sponsored event will be subject to disciplinary action, up to and including termination. In addition, violence in the workplace will be reported to the appropriate authorities.

Wage/Salary Policy
SOP-600-01:HR-02

Purpose: To clearly identify the structures utilized by the Tribal government for current and new employees.

Policy: It is the policy of the Tribe to manage the employment compensation levels in a clear and consistent manner that sets wage/salary levels consistent with the local employment in the area, the job positions qualifications, and allows for the qualifications of the employee to be taken into consideration.

Steps:

A. Wage/Salary Levels

1. *Non-Exempt Employee.* The Wage/Salary Grid of the Tribe is as follows for those positions identified as non-exempt positions.

- a. Level 1 \$7.50 - \$12.68
- b. Level 2 \$10.01 - \$15.34
- c. Level 3 \$12.11 - \$18.56
- d. Level 4 \$14.19 - \$22.93

2. *Exempt Employee.* The Wage/Salary Grid of the Tribe is as follows for positions identified as exempt positions.

- a. Level 4 \$29,515 - \$47,694
- b. Level 5 \$35,714 - \$57,699
- c. Level 6 \$43,347 - \$69,826
- d. Level 7 \$50,606 - \$86,216
- e. Level 8 Salary negotiation – Professional levels under contract. Contracts are approved by resolutions and salaries are negotiated through the contract.
- f. Level 0 Tribal Council, Ogema, Tribal Judges, other elected officials of the government; these salaries are set by resolution.

3. *Level 4 – Exempt/Non-Exempt.* Level 4 is split into both exempt and non-exempt positions, which will be determined during development of the job description.

B. Wage/Salary Resources

1. New employment position wage/salary assignment shall be based on –

- a. Knowledge and certification;
- b. Skills and abilities;
- c. Duties and responsibilities;
- d. Physical demands; and
- e. Working environment.

2. Where a new position is created that is not within currently existing positions, there are two resources to be utilized to identify the wage/salary level for the position.

- a. local employment levels through “Compensation Data 2004.”
- b. If the position does not exist within this resource, the internet site
- c. salary.com – shall be utilized to determine the wage/salary level for the position.

3. In all instances, except those job descriptions approved with this Wage/Salary Policy, the back-up material utilized to determine the wage/salary level shall be maintained with the job description on file.

C. New Employee – Salary Negotiation Range

1. The Human Resource Department, in consultation with Directors, may negotiate a pay rate for a new employee which is no higher than 75% of the range in the approved Level.

2. The Director must identify the reasons, in writing, for negotiation of a salary other than the beginning rate in the approved Level for a new employee.

3. The negotiated pay rate must be approved by the Tribal Manager prior to authorization to employ the applicant at the negotiated pay rate.

D. Top of Scale

1. *Top of Scale.* An employee that receives wage/salary increases during their employment with the Tribe based on merit increases. When an employee reaches the highest wage/salary in their approved Level, no further merit increases will be allowed.
2. *COLA Application.* Employees that have reached the highest wage/salary in their approved Level are eligible to receive COLA increases.

E. Longevity Bonus

1. *Longevity Bonus.* Upon reaching the top of the wage/salary in the approved Level, the Tribal Manager may recommend a longevity bonus to be issued in lieu of a merit increase. A longevity bonus may be issued only after reaching the top of the wage/salary in the approved Level, cannot be issued within the first year of reaching that wage/salary, and must be approved by the Ogema prior to authorization.
2. *Amount of Bonus.* The amount of a longevity bonus is set by resolution of the Tribal Council upon recommendation of the Ogema.
3. *Application.* Employees eligible to receive the longevity bonus will be receive the bonus subject to the percentages identified in the *Performance and Planning Review Policy*.

Approved –

Ogema – February 24, 2004
Tribal Council Resolution # 04-0302-88

COLA Policy
SOP-600-01:HR-03

Purpose: To clearly identify the processes by which the Tribe compensates employees for fluctuations in the Cost of Living Adjustments (*COLA*) as identified by changes in economic conditions.

Policy: It is the policy of the Tribe to identify COLA changes two times a year, based on specific indexes, and aware those increases that may occur on specific dates.

Steps:

A. Calculation of COLA

1. *Formula.* COLA will be based on the Consumer's Price Index for January and July. The adjustment will be based on the index value for the period, less the value used for the previous calculation to determine an increase in the Consumer's Price Index.
2. *Last Value Use.* The reason to use the last value, rather than that presented in the current table, is that the current table contains previous figures that have been adjusted after the initial release. This increase in the Consumer's Price Index will then be calculated as a percentage increase or decrease.
3. *COLA Formula.* The formulas are as set forth below.
 - a. September COLA
 - Step 1. $\text{July (current year) - January (current year) = Adjustment}$
 - Step 2. $\text{Adjustment/January (current year) = COLA Percentage}$
 - b. March COLA
 - Step 1. $\text{January (current year) - July (prior year) = Adjustment}$
 - Step 2. $\text{Adjustment/July (prior year) = COLA Percentage}$

B. COLA Application

1. *COLA Application.* COLA's shall be calculated in February and August for application on March 1st and September 1st of each year.
2. *COLA Minimum; Negative.* The Controller shall identify when a COLA percentage is not applicable because the Consumer Price Index is lower than the prior month, either January or July, or when the percentage to be applied is less than 0.06%.
3. *Wage/Salary Scale.* COLA's shall be applied to the Wage/Salary Levels.

C. Action on Cost of Living Adjustment

1. *Documentation.* The Controller shall maintain, through the Payroll Accountant, the documentation upon which all COLA calculations are made. Such documentation shall be maintained for the length of time required under Generally Accepted Accounting Principles or other guiding document.
2. *Resolution - COLA Increase.* The Controller, through the Ogema, shall present a resolution which identifies the COLA percentage to be applied, the calculation, and the application period to the Tribal Council prior to the application date.
3. *Notice - Minimal or No COLA Increase.* The Controller, through the Ogema, shall present a notice to the Tribal Council in the form of a memo which identifies the calculation for the COLA percentage and states that the COLA increase is under the minimum application, or that there was no increase in the Consumer's Price Index prior to the application date.

Approved –

Ogema – February 24, 2004
Tribal Council Resolution # 04-0303-90

Merit Increase Policy
SOP-600-01:HR-04

Purpose: To clearly identify the processes by which the Tribe shall issue merit increases to employees.

Policy: It is the policy of the Tribe to approve merit increases based in the work product of employees, improvement in skills, and other qualities identified in the Performance and Planning Review.

Steps:

A. Setting Merit Increase Levels

1. The Tribal Council, upon request and recommendation of the Ogema, shall set the approved merit increase percentage by resolution for the Fiscal Year.
2. The Tribal Council, upon request and recommendation of the Ogema, may amend the merit increase application date of July 1st of each Fiscal Year by adopting a resolution identifying amendments to this policy or by identifying a single year date change.

B. Approving Merit Increases

1. Merit increases are recommended by the supervisor of the employee in Performance and Planning Reviews conducted annually.
2. Merit increases must be approved by the Tribal Manager.
3. The Tribal Manager shall provide a list of approved merit increases to the Payroll Clerk, and to supervisors, for amendments to wage/salary payroll.
4. Approved merit increases are affective on July 1 of the fiscal year, or upon a later date if the date is changed by resolution of the Tribal Council.

C. Merit Increase Percentage. The Tribal Council, upon receipt of the performance evaluation results shall approve, by resolution, the merit increase percentage to be applied to eligible employees.

D. Ineligible Employees

1. Employees at the top of the wage/salary approved Level shall not be eligible for merit increases, regardless of score on Performance and Planning Review.
2. Employees with less than 90 days of employment with the Tribe shall not be eligible for merit increases, regardless of score on Performance and Planning Review.

E. Employees with Less than One Year of Employment

1. Employees who have been employed for less than one year with the Tribe are eligible to receive a prorated merit increase based on the number of complete months of employment.

Approved –

Ogema – February 24, 2004

Tribal Council Resolution # 04-0303-91; Amended # 05-0817-392

Performance and Planning Review Policy
SOP-600-01:HR-05

Purpose: To clearly identify the processes by which the Tribe evaluates its employees on an annual basis.

Policy: It is the policy of the Tribe to evaluate the work product and employment related activities and actions on an annual basis. This evaluation is intended to provide a reference point for supervisors in regards to their employees, and for employees in regards to supervisor expectations. Performance and Planning Reviews are intended to provide guidance for the supervisor and employee to allow for continued growth and improvement in job related skills and education.

Steps:

A. Performance and Planning Reviews

1. *Forms.* There are three approved Performance and Planning Review forms. The appropriate form to be utilized shall be identified upon approval of a job description and shall be noted in the job description file. It may or may not be noted on the job description.

a. Non-Exempt Employee Performance and Planning Review.

b. Professional/Technical Employee Performance and Planning Review.

c. Management/Supervisory Employee Performance and Planning Review.

2. *Responsibility to Complete Forms.* A supervisor of an employee is responsible for completing and submitting a Performance and Planning Review in a timely manner. Deadlines shall be posted on an annual basis. Failure to submit a Performance and Planning Review shall result in disciplinary action, up to and including termination. A supervisor that fails to submit a Performance and Planning Review shall have any approved merit increase held until submission of the document, shall not be eligible for a retro-active application of an approved merit increase. The merit increase will be applicable on the date of submission of the Performance and Planning Review.

B. Deadlines

1. *Annual Review.* The annual review on each employee required to receive an annual review under this policy shall be conducted on or before June 1st to allow for a July 1st merit increase application.

2. *Notice of Annual Performance and Planning Reviews.* Supervisors of employees shall be notified of the date that Performance and Planning Reviews shall be submitted.

3. *Training.* The Human Resource Department shall conduct one training session for supervisors of employees who have not conducted a review under this policy, or for supervisors wishing to have a refresher training session on the purpose of the Performance and Planning Review.

4. *Availability of Review Documents.* The Human Resource Department shall forward to each supervisor of employees the appropriate evaluation, with a memo identifying the deadlines for submission and date of training session.

5. *Filing.* Performance and Planning Reviews shall be filed with the Human Resource Department.

C. Review with Employees

1. Supervisors of employees shall review the Performance and Planning Review with the employee.

2. The employee shall be able to review the document, allowed to make additional comments in the space provided, and shall sign the document. Failure to sign the document shall subject the employee to disciplinary action, up to and including termination.

Approved –

Ogema – February 24, 2004

Tribal Council Resolution # 04-0303-93

Background Investigation Policy
SOP-600-01:HR-06

Purpose: To clearly identify the processes by which the Tribe reviews applicants and employees to maintain a safe working environment for employees, clients and other visitors.

Policy: It is the policy of the Tribe to identify employment background investigation levels based on the activities of the individual job description and location of work. The Tribe also manages multiple grants received from the federal government to which the Tribe has agreed to the requirement of specific levels of background investigations and prohibitions on employment. Finally, the Tribe has determined that specific levels, and positions, require a higher level of background investigation simply because of the nature of those positions.

Standard: The standard or character requires that no person that has been found guilty or, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children shall be employed by the Tribe.

Steps:

A. Background Investigation Requirements in General

1. In general, each job description will have an assigned background investigation based on the following rules.
 - a. Level 1 through Level 4(non-exempt) – basic background investigation.
 - b. Level 4 (exempt) through Level 8 – extensive background investigation.
 - c. Level 0 – is an elected position and not subject to a background investigation under Tribal employment law.
2. The Tribal Manager, Human Resource Director and supervisor of the proposed new job position shall determine if an exception to the basic background investigation to increase to an extensive background investigation is needed. Such determinations may be made as a result of
 - a. grant requirements;
 - b. working around or with children or elderly;
 - c. working around or with access to financial activities of the Tribe; or
 - d. working around or with access to confidential material.

B. Types of Background Investigations

1. *Basic Background Investigation.* A basic background investigation requires research of criminal records in all prior residences for the past 10 years, and a driver's license check if a license is required qualification for the position.
2. *Extensive Background Investigation.* An extensive background investigation includes the elements of the basic background investigation in addition to a review of the civil actions, residential references, and consumer credit records.
 - a. State public records review;
 - b. FBI fingerprint check;
 - c. Credential check based on public records;
 - d. Credit check through consumer credit firm; and
 - e. Driver's license check of a license is required qualification for the position.
3. *Federal Grant Requirements.* Acceptance of a federal grant requires the Tribe as an employer to conduct background checks on employees that work with, or around, children and elders to have a background check that meets the requirements of the "Indian Child and Family Violence Prevention Act," 25 U.S.C. s. 3207. Applicants or employees that have the following criminal activities are prohibited from working in departments or in positions that, "involve regular contact with, or control over, Indian children," the Tribe has chosen to include elders within this requirement.
 - a. Individuals that have been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under Federal, State,

- or tribal law involving crimes of violence;
- b. sexual assault, molestation, exploitation, contact or prostitution;
- c. crimes against persons; or
- d. offenses committed against children.

C. Suitability Determinations

1. *Criteria for Suitability Determinations.* Each background investigation and reference check is reviewed against the following suitability determination factors regarding potential behaviors which would interfere with, prevent, or otherwise impact adversely on:

- a. The performance of the person in the position applied for or employed with;
 - i. Delinquency or misconduct in prior employment;
 - ii. Criminal, dishonest, infamous, or notoriously disgraceful conduct;
 - iii. Intentional false statement, deception, or fraud in examination or application;
 - iv. Habitual use of intoxicating beverages or excess; or
 - v. Abuse of narcotics, drugs or other controlled substances;
- b. The accomplishment of the duties and responsibilities of others in the Tribe; or
- c. The ability of the department to fully and effectively carry out the program responsibilities:
 - i. The kind of position for which the person is applying or in which the person is employed, including its trust risks;
 - ii. The nature and seriousness of the conduct;
 - iii. The circumstances surrounding the conduct;
 - iv. The recentness of the conduct;
 - v. The age of the applicant or environmental conditions; or
 - vi. The absence or presence of rehabilitation or efforts toward rehabilitation.

2. *Tribal Manager; Human Resource Director; Director.* The background investigation shall be forwarded to a conference with the Tribal Manager, Human Resource Director and the Director of the department for a suitability determination. Based on the criteria set forth in section 1 above, the Tribal Manager, Human Resource Director and the Director of the department shall, by consensus, identify whether the applicant is suitable for employment based on the standard set by the Tribe and the criteria in section 1.

- a. If the parties are unable to reach a consensus, the Tribal Manager shall make the final determination.
- b. If the suitability determination is negative, the parties shall draft a memo indicating why the applicant was determined to be unsuitable, and what, if any, action can be taken to change this determination.
- c. The Human Resource Department may create appropriate forms for this purpose.

3. *Appeal.* A negative suitability determination may be appealed, within 3 days of receiving notice, to the Ogema. The Ogema shall meet with the applicant and the Tribal Manager, discuss the decision and background investigation results, and make a final determination. Such determination shall be final and in writing.

Approved –

Ogema – February 24, 2004
 Tribal Council Resolution # 04-0303-94

Reference Check Procedure Policy
SOP-600-01:HR-07

Purpose: To clearly identify the processes by which the Tribe ensures the selection and employment of only those persons' whose performance, conduct and suitability will promote the efficiency of the Tribe.

Policy: It is the policy of the Tribe to utilize reference checks in all hiring processes to identify character and employment habits of applicants being considered for employment.

Steps:

A. Reference Checks

1. All applicants for employment, whether new applicants or current employees applying for another position, shall have a reference check conducted.
2. The Human Resource Department will conduct reference checks before a final employment selection or job commitment is made.
3. The Application for Employment includes an authorization for the release of information. This is the authorization for collecting additional information about the applicant.
4. All applicants for employment are asked to provide references from former employers and from personal contacts.
5. Upon identification of the selected applicant to be given a job offer, the Human Resource Department shall begin the reference check by contacting each employer and business reference identified by the selected applicant. The Director, and supervisor of the applicant to be hired, after receipt of a candidate referral, will review the selected applicant's job application and decide whether to conduct reference checks on the top three candidates or only on the selected applicant. However, reference checks must be conducted on the selected applicant.
6. Personnel files of employees applying for a new position shall be made available for inclusion in the reference check report.

B. Process

1. Before starting the reference check, the Human Resources Department should check to see if the selected applicant has suggested on the job application that the present employer should not be contacted and, if so, the Tribe should contact the selected applicant to learn why the present employer should not be contacted. The selected applicant should be advised that, at some point before final selection, the current employer will need to be contacted for a reference check.
2. If the applicant is a current employee, the selected applicant will be notified that the current supervisor will be contacted for a reference check prior to making contact with the supervisor.
3. Using the reference check form, the Human Resource Department contacts the references to verify the accuracy of information provided on the Application for Employment and to obtain information regarding the applicant's work performance, job history and personal character. If requested by the reference, the form is mailed or faxed to the reference for completion.
4. The Human Resource Department should note the references' answers to questions concerning being fired, felony violations, firearms or explosives violations, other violations of law, probation or parole, court-martial convictions, and Federal debt delinquencies. If there is a "Yes" answer to any of these questions, the personnel office and/or the Tribe's legal counsel should be consulted to help resolve the suitability issue.

C. Interpretation of Reference Check Information.

1. Reference check information must be carefully interpreted. Listening closely and being alert for information that warrants additional clarification can maximize the value of checking references through current employers and associates. A discernible lack of enthusiasm by the current employer in talking about an applicant may suggest a reluctance to be candid about the applicant's problems or substandard performance. When such reluctance cannot be overcome, selecting officials should contact previous employers who may have other perspectives on the applicant's work or character, and may be more willing to talk about problem areas. On the other hand, the current employer may

not be the best source of information if he/she is attempting to encourage the move of an unwanted employee.

2. *Release of Information.* Information collected through reference checks is considered confidential and must not be revealed to any other persons not involved in the selection decision. These notes must always remain under the control of the Human Resource Department, and are to be destroyed by the selecting official when he/she decides they have served their purpose. These notes must be retained for a sufficient time to assure that any potential complaints regarding the selection are resolved.

D. Procedures for Reference Reports

1. All reference reports should be treated as confidential material with regard to mailing and storage. When reference reports are mailed they should be wrapped in double envelopes with the inside envelope marked "Security Sensitive." Reference reports should be stored in a locking file when not in use.

2. The reference report is copied and presented at a meeting of the Tribal Manager, Human Resource Manager and Director as identified in the *Background Investigation Policy*, SOP-600-01:HR-06, Step C(2).

3. If the reference report is presented prior to conclusion of the background investigation, and the applicant is to be hired on the condition of passing a background investigation, the Tribal Manager, Human Resource Manager, and Director of the department shall review the reference report based on the criteria set forth in the *Background Investigation Policy*, SOP-600-01:HR-06, Step C(1).

4. If the reference report is presented with a completed background investigation, the Tribal Manager, Human Resource Manager, and Director of the department shall review the reference report concurrently with the background investigation under the criteria set forth in the *Background Investigation Policy*, SOP-600-01:HR-06, Step C(1).

Approved –

Ogema – February 24, 2004

Tribal Council Resolution # 04-0303-95

Job Description Development Policy
SOP-600-01:HR-08

Purpose: To clearly identify the processes by which the Tribe develops job descriptions.

Policy: It is the policy of the Tribe to identify a standard format for job descriptions which describe the responsibilities of the position, potential work activities, and the necessary qualifications for the position so as to give the individual the necessary information on which to make a determination to submit an application. It is further the policy of the Tribe to require every existing position within the Tribe to have an approved job description, and for every employee to have a signed job description in their file.

Steps:

A. Elements of Job Description

1. Each job description shall contain the following elements.
 - a. Listing of job title; supervisor; department; pay level; pay range; status of employment; and level of background check. This information is set forth in a boxed area at the top of the job description.
 - b. Summary paragraph giving a brief description of the activities of the position.
 - c. A listing of the knowledge requirements, including certifications, required skills and abilities.
 - d. A listing of the duties and responsibilities of the position.
 - e. A listing of the physical demands of the position.
 - f. A description of the working environment.
 - g. Identification of the conditions of employment and a disclaimer regarding the limitations of the job description.
 - h. A listing which identifies the approval dates and includes space for signatures by the Director, Human Resource Manager, and Tribal Manager, and whether or not there was a COLA application in the interim periods between development and posting which was added to the pay ranges.
2. There are standard job descriptions for each approved Level of employment within the Tribe except Levels 8 and 0.
 - a. Level 8 positions will have contracts placed in the file with a job posting request. Job descriptions may be developed for these positions, but it is not required, the job posting request will identify the supervisor of the position and where, within the Tribe's organizational structure, the Level 8 position will be reporting.
 - b. Level 0 positions are elected positions and job requirements are set forth in the Constitution or other applicable laws of the Tribe. Level 0 positions are not employees of the Tribe, but are tracked through Human Resource Department for the purposes of managing approved benefits.
3. Attached are forms for each approved Level of employment which has been approved by the Human Resource Manager for the purposes of developing new job descriptions.

B. Description of Levels

1. *Level 1.* Education and training at a minimum level of high school or equivalent certificate or diploma. This position may require some specific training and education beyond high school. These positions do not supervise others and is an entry level position. Knowledge and certification basics -
 - a. High school diploma, GED, or 21 years of age.
 - b. Some specific field experience.
 - c. Basic written and verbal communications.
 - d. Driver's license throughout employment is required.
 - e. Preferred skills – Good office or technical skills.
2. *Level 2.* Education and training at a minimum level of high school or equivalent certificate or diploma. These positions do not supervise others. Knowledge and certification basics -
 - a. High school diploma or GED.

- b. 1 year specific field experience.
 - c. Good organizational skills.
 - d. Good written and verbal communications.
 - e. Good interpersonal and teamwork skills.
 - f. Accurate and detail oriented.
 - g. Good problem solving skills.
 - h. Driver's license throughout employment is required.
 - i. Preferred skills – 3 years specific field experience.
 - j. Preferred skills – Position specific certification if applicable.
 - k. Preferred skills – Position specific license if applicable.
3. *Level 3.* Education and training at the level of associate degree and previous experience may be required. These positions may provide lead role to others. Some may have more independence in their decisions. Knowledge and certification basics -
- a. High school diploma or GED.
 - b. 2 years specific field experience.
 - c. Good organizational skills.
 - d. Good written and verbal communications skills.
 - e. Good interpersonal communication skills.
 - f. Accurate and detail oriented.
 - g. Good problem solving skills.
 - h. Driver's license throughout employment as needed.
 - i. Preferred skills – Associate degree or 5 years specific field experience.
 - j. Preferred skills – 1 year supervisory experience in specific field.
 - k. Preferred skills – Position specific certification if applicable.
 - l. Preferred skills – Position specific license if applicable.
4. *Level 4- Non-Exempt.* Education and training to the level of associate degree and previous experience may be required. These positions may provide lead or first-line supervision to others. Some may have more independence in their decisions and may have limited financial accountability. Knowledge and certification basics –
- a. Associate degree or 5 years specific field experience.
 - b. 3 years supervisory/managerial experience in specific field.
 - c. Good project management skills.
 - d. Good organization skills.
 - e. Good written and verbal communication skills.
 - f. Good interpersonal communications skills.
 - g. Accurate and detail oriented.
 - h. Good problem solving skills.
 - i. Driver's license throughout employment may be needed.
 - j. Preferred skills – associate degree or above, depending on position and 3 years specific field experience.
 - k. Preferred skills – Position specific certification if applicable.
 - l. Preferred skills – Position specific license if applicable.
5. *Level 4 – Exempt.* Education and training to the level of associate degree and previous experience may be required. These positions may provide lead or first-line supervision to others. Some may have more independence in their decisions and may have limited financial accountability. Knowledge and certification basics –
- a. Associate degree or 5 years specific field experience.
 - b. 3 years supervisory/managerial experience in specific field.
 - c. Strong project management skills.
 - d. Strong organization skills.
 - e. Strong written and verbal communication skills.
 - f. Strong interpersonal communications skills.
 - g. Accurate and detail oriented.
 - h. Strong problem solving skills.
 - i. Driver's license throughout employment may be needed.
 - j. Preferred skills – associate degree or above, depending on position and 3 years specific

field experience.

k. Preferred skills – Position specific certification if applicable.

l. Preferred skills – Position specific license if applicable.

6. *Level 5.* Education and training to the level of associate degree or above and previous experience may be required. These positions may provide supervision to others may have more independence in their decisions and may have a higher level of contacts with others. Some may have low to moderate financial accountability. Knowledge and certification basics –

a. Associate degree and 5 years specific field experience.

b. 3 years supervisory/managerial experience in specific field.

c. Strong project management skills.

d. Strong organization skills.

e. Strong written and verbal communication skills.

f. Strong interpersonal communications skills.

g. Accurate and detail oriented.

h. Strong problem solving skills.

i. Driver's license throughout employment may be needed.

j. Preferred skills – Bachelor degree and 3 years specific field experience.

k. Preferred skills – Position specific certification if applicable.

l. Preferred skills – Active member in community, statewide and/or federal professional memberships.

7. *Level 6.* Education and training to the level of a bachelor degree or above may be required with a preference of a master degree. These positions may provide supervision to others. These positions have more independence in their decisions and may have a higher level of contact with others. Some may have more responsibility related to financial decisions. Knowledge and certification basics –

a. Bachelor degree or 5 years specific field experience.

b. 5 years supervisory/managerial experience in specific field.

c. Excellent project management skills.

d. High organization skills.

e. Excellent written and verbal communication skills.

f. Excellent interpersonal communications skills.

g. Accurate and detail oriented.

h. Excellent problem solving skills.

i. Driver's license throughout employment may be needed.

j. Preferred skills – Master degree and 3 years specific field experience.

k. Preferred skills – Position specific certification if applicable.

l. Preferred skills – Active member in community, statewide and/or federal professional memberships.

8. *Level 7.* Education and training to the level of a bachelor degree or above may be required. These positions have higher levels of independence in their decisions. Their decisions may have a greater impact on the organization. The level of contacts with others is higher and will have high levels of responsibility related to financial decisions. Knowledge and certification basics –

a. Bachelor degree or 8 years specific field experience.

b. 5 years supervisory/managerial experience in specific field.

c. Excellent project management skills.

d. Highly organized and ability to adapt quickly to changing priorities.

e. Excellent written and verbal communication skills.

f. Excellent interpersonal communications skills.

g. Accurate and detail oriented.

h. Excellent problem solving skills.

i. Driver's license throughout employment may be needed.

j. Preferred skills – Master degree and 5 years specific field experience.

k. Preferred skills – Position specific certification if applicable.

l. Preferred skills – Active member in community, statewide and/or federal professional memberships.

C. Requesting Development of New Job Description

1. A request to develop a new job description is made by submitting a written memo to the Human Resources Department which identifies the following.
 - a. New position verification by identifying the budgeted funds are available and the new position was within the approved budget narratives.
 - b. Summary of the duties and responsibilities of the new position.
 - c. Identification of the supervisor of the new position.
2. The Human Resource Department shall review existing job descriptions, “Compensation Data 2004” report, and the internet resource ‘salary.com,’ to compile examples of job descriptions and salary levels for the new job description.
3. The Human Resource Department and Director, or supervisor, shall create a new job description based in the information that was collected and submit the job description to the Tribal Manager for approval.
4. The Tribal Manager approval of job descriptions includes approval of –
 - a. Title
 - b. Organizational position
 - c. Reporting
 - d. Level
 - e. Background investigation level
 - f. Duties and responsibilities
 - g. Qualifications
5. If a new job description is approved, the Human Resource Department shall maintain a file with the approved job description and the back-up documentation that was utilized to create the job description.

Approved –

Ogema – February 24, 2004

Tribal Council Resolution # 04-0303-96

Organizational Structure Policy
SOP-600-01:HR-09

Purpose: To clearly identify the processes by which the Tribe identifies the relationships between employees, including delegated authorities.

Policy: It is the policy of the Tribe to identify the structure by which employees are identified through position titles and by which delegated authority in the laws and ordinances of the Tribe are clearly identified.

Steps:

A. Organizational Structure

1. The organizational structure of the Tribe is identified through a recommendation of the Ogema and ratified by a resolution adopted by Tribal Council.
2. The development of job descriptions, position titles, and authorized delegated authority are required to conform to the approved organizational structure.
3. The Tribal Manager and Ogema shall review the organizational structure and job descriptions on an annual basis to determine compliance with the approved structure, and to identified recommended changes.

B. Position Titles within Organizational Structure

1. Each employee within the organizational structure shall be identified by standard job position titles as set forth in this policy. The titles listed below are in order of authority from highest to front-line employees and shall be delegated authority as identified within job descriptions guided by the laws and regulations of the Tribe.
 - a. Tribal Manager, this position is the highest level of authority and reports directly to the Ogema.
 - b. Tribal Assistant Manager, this position reports to the Tribal Manager.
 - c. Director, this position is responsible for a program, or related programs and reports to the Tribal Manager.
 - d. Supervisor, this position is in charge of a program, and reports to a director.
2. The Tribal Manager may approve additional job titles and levels of authority under the supervisor to meet to the needs of specific programs.

C. Authorization to Act

1. Nothing in this policy is a grant of authority to act, make representations or other actions, on behalf of the Tribe.
2. This policy is set forth for the purposes of defining the structure of the Tribe. Specific laws, ordinances, regulations and policies of the Tribe identify authority and directives regarding the employment position and actions.

Approved –

Ogema – February 24, 2004
Tribal Council Resolution # 04-0303-98