

# **OCTOBER 2002 CROW TRIBAL LEGISLATURE**

**BILL NO: CLB02-29**

**INTRODUCED BY: Acting Chairman Vincent Goes Ahead-Executive Branch**

**BY REQUEST OF THE EXECUTIVE BRANCH OF THE CROW TRIBE**

## **A BILL FOR AN ACT ENTITLED: AN ACT APROVING THE CROW TRIBAL PERSONNEL POLICY**

**WHEREAS**, the Crow Tribal Constitution establishes a separate Legislative, Executive and Judicial Branch with a separation of powers between the Branches; and

**WHEREAS**, rules, regulations and personnel policies are necessary to insure due process and equal protection in the operation and management of personnel retained by the three branches of the Crow Tribe Government; and

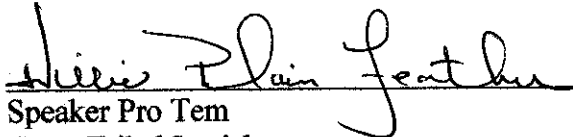
**WHEREAS**, pursuant to Article V, Section 2(a) of the Crow Constitution, the Crow Tribal Legislature is authorized to promulgate and adopt laws, resolutions, ordinances, code, regulations and guidelines for the governance of the Crow Tribe, including a Tribal Personnel Policy:

### **BE IT ENACTED BY THE LEGISLATURE OF THE CROW TRIBE:**

- (1) The Crow Tribal Legislature hereby enacts the attached Crow Tribal Personnel Policy.
- (2) All personnel policies and procedures adopted by the crow Tribe shall insure equal protection and due process rights to the employees of each Branch of the Crow Tribe.
- (3) All personnel policies and procedures adopted by the Crow Tribe shall establish qualification standards for positions within each branch of the Crow Tribe consistent with employment responsibilities and each branch shall employ personnel in accordance with such standards.
- (4) All personnel policies and procedures adopted by the Crow Tribe shall authorize the supervisors within each branch to be responsible for hiring, firing and staffing decisions, in compliance with the qualifications requirements as set forth in the attached Crow Tribal Personnel Policy and any other duly adopted policies of the Crow Tribe.
- (5) Any amendments to the Crow Tribal Personnel Policy are subject to review by the Legislative, Executive and Judicial Branches, with final approval by the Crow Tribal Legislature, pursuant to Article V, Section 2(a) of the Crow Constitution.

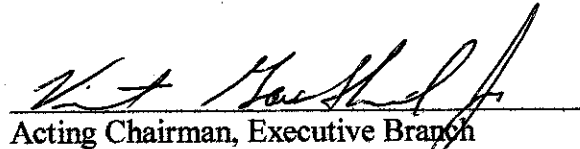
## CERTIFICATION

I hereby certify that this Crow Legislative Bill was duly approved by the Crow Tribal Legislature with a vote of 10 in favor, 1 opposed, and 1 abstained and that a quorum was present on this 1<sup>st</sup> day November, 2002.

  
Speaker Pro Tem  
Crow Tribal Legislature

## EXECUTIVE ACTION

I hereby ✓ approved, \_\_\_\_\_ veto this Crow Legislative Bill pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians.

  
Acting Chairman, Executive Branch  
Crow Tribe of Indians

Bill or resolution number CB02-29 Introduced by EXECUTIVE Date of Vote 11-1-02

Representative	Yes	No	Abstain
Bulltail	_____	_____	_____
Costa	<u>✓</u>	_____	_____
Crooked Arm	<u>✓</u>	_____	_____
Little Light	_____	<u>✓</u>	_____
Plain Feather	<u>✓</u>	_____	_____
Stewart	_____	_____	_____
Not Afraid	<u>✓</u>	_____	_____
Goes Ahead	<u>✓</u>	_____	_____
Hogan	_____	_____	<u>✓</u>
Old Elk	<u>✓</u>	_____	_____
Passes	_____	_____	_____
Pease	<u>✓</u>	_____	_____
Medicine Horse	<u>✓</u>	_____	_____
Russell	<u>✓</u>	_____	_____
Real Bird	_____	_____	_____
Blackhawk	_____	_____	_____
Stone	<u>✓</u>	_____	_____
Cloud	_____	_____	_____
Results	<u>10</u>	<u>1</u>	<u>1</u>

Results of vote: Passed Not Passed Tabled Veto Override

Signature of Officer: Wm Plain Feather Date: 11-01-02

## **1.0 INTRODUCTORY STATEMENTS**

### **1.1 GOVERNANCE STATEMENT.**

The Crow Tribal Government is responsible for conducting the business affairs of the Crow Tribe of Indians. In particular, the Executive Branch is authorized to administer and oversee all functions of the Executive Branch of the Crow Tribal Government including the hiring, firing and staffing of all agencies, departments, and instrumentalities of the Executive branch in accordance with these Personnel Policies, pursuant to Article IV, Section 3(B), of the Crow Constitution. Furthermore, the Legislative Branch is authorized to promulgate and adopt the Personnel Policies in accordance with Article V, Section 2(a), of the Crow Constitution

### **1.2 CROW TRIBAL PERSONNEL POLICIES AND PROCEDURES MANUAL.**

The purpose of this manual is to set forth policies and procedures governing the day-to-day work activities of Tribal employees.

Human resource management is the range of decisions or actions necessary from the time a person is hired to the time he or she resigns or is terminated. This system specifies what functions are to be performed and how. Controlling personnel resources involves measuring the actual work performed against the objectives of the program.

The Human Resource Manager and staff are available to advise on personnel policies and procedures and to maintain employee records; they provide information and control for reporting on the work force and other employment information as might be required.

Management of employees is the responsibility of the manager or supervisor. This Manual is designed to provide tools to administer the personnel management function. It serves as a framework within which sound working relationships can develop.

The Manual also provides the employee with guidelines, benefits, and rights as they pertain to work on the Crow Tribal work force.

The philosophy and goal of the Crow Government is to provide employees with fair, equitable and secure working conditions such that the Tribe's business affairs can be conducted in a professional manner.

**NOTE:** All provisions of the Manual apply to every employee of the Crow Tribal Government and are subject to change based on amendments as approved by the Crow Tribal Legislature.

### **1.3 RESPONSIBILITIES.**

1.3.1 Personnel Department Responsibility. The Crow Tribal Personnel Department is responsible for providing information and guidance to all Tribal Supervisors, all operating units, and all Tribal employees in human resources management. It is responsible for the development, issuance and enforcement of personnel policies and regulations.

1.3.2 Supervisory Responsibility. Supervisors are the Personnel Managers in their work section. Supervisor's responsibilities include:

1. Recommending well-qualified employees for vacant positions.
2. Assigning duties and responsibilities of a job.
3. Setting standards for work performance.
4. Approving/disapproving leave for employees.
5. Assisting employees in problem resolution.
6. Recommending employees for promotion or awards.
7. Recommending disciplinary action, removal or reassignment.

1.3.3 Employee Responsibility. Employees are expected to maintain certain standards of conduct and work performance that promote efficiency and good morale. Employee responsibilities include:

1. Rendering a full day's work for a full day's pay.
2. Performing at a level of efficiency that is commensurate with skills and abilities.
3. Conducting public and private affairs that reflect favorably on Tribal employment.
4. Maintaining an attitude of respect toward those vested with the responsibility of directing work.
5. Observing the spirit as well as the letter of laws and regulations designed to govern official conduct.
6. Acknowledging, respecting, and upholding the Crow Tribal Constitution.

## **1.4 PERSONNEL RELATIONS POLICY.**

The Crow Tribe, as an employer, is committed to:

1. Considering each applicant for employment without prejudice or discrimination as to race, religion, national origin, political belief, physical handicap, sex or age.

**NOTE:** Crow Tribal members are given first employment preference, then members of other tribes, utilizing Indian preference, and finally, Equal Employment Opportunities to others as applicable.

2. Providing screening and selection procedures which are competitive yet fair to determine qualification, fitness and ability to perform required duties.
3. Placing employees, insofar as possible, in positions which suit their aptitudes and skills, and to utilize their capabilities to the fullest through on the job development and through opportunities to obtain advancement and promotion.
4. Giving priority consideration to internal applicants who may then be promoted or be in line for a position which offers the possibility of advancement.
5. Allowing employment opportunities to persons who have been denied the benefit of formal education and who are willing to perform new functions. Formal educational requirements, unless required by law, will not be made a requirement for employment if the candidate demonstrates ability to perform the required duties of a job. Such appointments will be subject to probationary status until such time as employee demonstrates ability to fulfill functions of the position in full.
6. Encouraging instruction or educational assistance for employees so that they may better understand and be able to perform their job in a satisfying and efficient manner.
7. Ensuring that fair wages are paid for comparable or similar jobs within the Tribal Government.
8. Providing benefits or referral services for employees in the event of sickness, accident, disability or death.

## **2.0 ORGANIZATION**

### **2.1 EXECUTIVE BRANCH.**

Each Tribal office within the Executive Branch shall have a supervisor responsible for overseeing the operations within that office. All supervisors shall report to the Department heads for their

respective departments. All Department heads shall report to their respective Cabinet head, who shall report to the Chief Executive Officer who shall advise the Chair. All hiring and removal of Executive Branch employees shall be done by the Chair, Vice-Chair, Secretary and Vice-Secretary working collectively.

## **2.2 LEGISLATIVE BRANCH.**

Each Tribal office within the Legislative Branch shall have a supervisor responsible for overseeing the operations within that office. All supervisors shall report to the Speaker of the Crow Tribal Legislature. If there are no supervisors, the Speaker shall serve as the supervisor. All hiring and removal of Legislative Branch employees shall be done by the Speaker.

## **2.3 JUDICIAL BRANCH.**

The supervisors for the Tribal Court and all offices within the Judicial Branch shall report to the Chief Judge. All hiring and removal of Judicial Branch employees shall be done by the Chief Judge.

## **2.4 ORGANIZATION CHART. (RESERVED).**

# **3.0 EMPLOYMENT**

## **3.1 RECRUITMENT.**

The Personnel Department has the responsibility for all facets of employment; this includes recruitment and recommendations of qualified applicants for job openings in the Crow Tribal work force. In the interest of conducting the critical business of the Tribe in a highly professional manner, it is essential that capable, competent and experienced staff be employed. Therefore, highly qualified people will be sought to fill position vacancies.

The first steps in filling a new or vacant position are:

1. The supervisor will meet with the Human Resource Manager to review an up-to-date position description and to determine job requirements (education, training, experience). The Human Resource Manager will ascertain the grade and salary of the position based on the job requirements and the classification standards.
2. The supervisor will prepare and submit Job Opening Order Form with appropriate approval(s).
3. Human Resource Manager will initiate recruitment procedures.

### **3.2 JOB ANALYSIS AND SPECIFICATIONS.**

The "Position Description" is the basic document that specifies the scope, duties, and responsibilities of a job, and the qualifications needed to successfully execute the functions of the position. The benefits are:

1. The supervisor, having written the document, has a clear understanding of the duties entailed in the position and can more closely select and acquire the desired capabilities.
2. The Personnel Department will be guided precisely as to the qualities to search for in the recruitment process.
3. Applicants and employees have a clear understanding of the duties and responsibilities of the position and the level of performance expected. They therefore can determine if they meet qualification requirements and decide whether or not they are interested in the job.
4. Management is provided with a tool for appraisal, evaluation, merit or counseling. All present and future jobs within the Crow Tribal Government will be supported by written descriptions of the job.

### **3.3 POSTING OF JOB OPENINGS.**

Vacancy announcements will be posted on a central job opening board established for the purpose of announcing vacancies in the Crow Tribal work force. The central job opening board will be located in the lobby of the Tribal Office. The position description included in the posting should list the qualifications needed for the job, salary, working conditions and other pertinent information. Announcements will also be distributed to all post offices on the Reservation, the Bureau of Indian Affairs, Indian Health Service, Little Big Horn College and the TERO office. Mid-management and higher level positions will be advertised in local and surrounding area news publications. Wider search may be called for in select cases. Application Form #CT-02 is available in the Personnel Office. See Appendix.

### **3.4 SCREENING OF APPLICANTS.**

The Personnel Department will screen applicants by comparing the applicant's knowledge, skills and abilities with the qualifications required for the job. Those applicants that meet the qualification requirements will be referred to the supervisor by inclusion on a "Certificate of Eligibility", pursuant to Section 3.6. The Personnel Department may determine applicants ineligible for hire if they do not meet the qualification requirements, the physical demands of the position or if references indicate the applicants are unsuitable for the position. Applicants that do not meet the qualification requirements or fail to pass required background checks will be notified of their ineligibility. See Appendix for denial, non-selection or notification of selection letters.



### **3.5 PROMOTION AND INTERNAL PLACEMENT.**

All eligible applicants will receive consideration. However, it is policy that each current Tribal employee have the opportunity to progress within the Tribal employment structure. To accomplish this objective, a concept of internal promotion is favored.

Guidelines for internal promotion and placement are as follows:

1. Positions will be advertised in accordance with procedures outlined under 3.1 and 3.3.
2. Current tribal employees who apply will receive first consideration. This does not mean they must be selected if other applicants have better skills that are needed for the job.

### **3.6 CERTIFICATE OF ELIGIBILITY.**

Following closing dates of the job advertisements, the Personnel Department will screen applications, review and verify candidate credentials, check references and prepare a Certificate of Eligibility of qualified/eligible candidates. Applicants will be rated as follows:

- Highly qualified - exceeds majority of qualification requirements.
- Qualified - meets qualification requirements, exceeds more than minimum qualification requirements.
- Minimally qualified - meets qualification requirements but exceeds none.

The hiring authority will review all eligible applications and submit the applicant of choice based on the criteria previously established in the position description, training/experience and references. Selection from the highly qualified or qualified group requires no further action. Selection from the minimally qualified group calls for a discussion with the Human Resource Manager to justify failing to select highly qualified or qualified candidates, if any, prior to final approval.

When a final selection is made, the Certificate of Eligibility will be completed and returned to the Human Resource Manager who will notify the successful candidate. The Human Resource Manager will then review position commencement guidelines and dates with the successful candidate, and send notification to non-selected candidates. Those applicants not meeting qualification requirements according to education/training and experience as listed in the job advertisement will be so notified. See Appendix CT-4, CT-05 and CT-06.

### **3.7 SUITABILITY.**

Because of the sensitive nature of some positions, it is necessary to screen applicants for

suitability through background checks and a review of criminal history. All applicants for employment shall, therefore, fully disclose any criminal convictions or charges that are pending. Records of arrests which did not result in conviction need not be disclosed, unless required by law. Disclosure will not eliminate an applicant from employment, as each case must be individually measured, taking the following into consideration:

1. The nature and seriousness of the offense.
2. The circumstances under which the offense occurred.
3. How long ago the offense occurred.
4. Whether the offense was an isolated or repeated violation.
5. Social conditions which may have contributed to the offense.
6. Evidence of rehabilitation.
7. The type of position for which the applicant is applying.

### **3.8 TESTING.**

Tests can be used as a part of the interviewing or selection process as required to measure ability, intelligence, aptitudes or other related skills. Tests are valuable as a supplement to, but not a substitute for other selection methods. They are designed to provide additional information about an applicant. Any tests used must be approved in advance and/or conducted by the Personnel Department.

### **3.9 INTERVIEWING.**

The objective of the interview is to gain a better understanding of the candidate's attitudes, motivations and behavior. The interviewer should avoid hasty judgments based on initial impression of the applicant, recognizing that the stress of the process may affect the candidate's ability to present natural and relaxed mannerisms.

From the Certificate of Eligibility candidates, the top three (3) applicants will be interviewed by a Committee composed of representatives from the branch and department where employment is sought. The Committee will make recommendations to the hiring authority in the branch where the position is located. The hiring authority for Executive employees is the four Tribal officials, for Legislative employees, the Speaker of the Legislature, and for Judicial employees, the Chief Judge.

All new hires, including internal hires, shall satisfy a probationary period as set forth in these policies. If, during the probationary period, the new hire proves unsatisfactory and is terminated,

the hiring authority may select another candidate from the same Certificate of Eligibility, unless there is reason to re-advertise, as determined by the hiring authority based on relevant factors such as timeliness or new position requirements.

### **3.10 TRIBAL PREFERENCE POLICY.**

Priority in the selection of qualified applicants for employment with the Crow Tribe will be given in the following order:

1. Enrolled members of the Crow Tribe.
2. Enrolled Indians of another federally recognized Tribe.
3. Other U. S. citizen.

### **3.11 NEPOTISM/CONFLICT OF INTEREST.**

No supervisor may supervise a member of their immediate family which includes any of the following persons:

- |           |                   |
|-----------|-------------------|
| · Husband | · Daughter        |
| · Wife    | · Father-in-law   |
| · Father  | · Mother-in-law   |
| · Mother  | · Brother-in-law  |
| · Brother | · Sister-in-law   |
| · Sister  | · Son-in-law      |
| · Son     | · Daughter-in-law |

No person shall hold a job while a member of his/her immediate family serves on a board or committee that has authority to order personnel actions affecting their job, unless the family member serving on the board or committee recuses him or herself from any discussion, vote or decision making regarding their family member.

Individuals adopted through the complex kinship customs and traditions of the Crow Tribe will not be considered a member of the immediate family for the purpose of this section. However, if a child is adopted through the legal procedures of the state, they will be considered to fall under the definition of the immediate family.

### **3.12 PHYSICAL EXAMINATION.**

A physical examination may be required to avoid placing employees in a job where their physical condition may deteriorate or endanger the health and safety of others. In such circumstances, the

requirement of a physical examination shall be disclosed on the "Position Description." A medical form will be given to the employee to take to the physician of choice for completion. The form will list those requirements that must be met by the applicant. Pre-Employment Medical Examination forms are available in the Personnel Department. If the applicant cannot pass the physical requirements for the position, another individual will be selected from the same Certificate of Eligibility. If the applicant passes the physical, the individual will be authorized to report for duty by the Personnel Department.

#### **4.0 EMPLOYMENT STATUS AND RECORDS**

##### **4.1 TYPES OF POSITIONS**

4.1.1 Elected Positions. These positions are selected by Crow Tribal General Council members through the election process. The term for elected positions shall be in accordance with the Crow Tribal Constitution. These positions are the Chairman, Vice Chairman, Secretary, and Vice Secretary and Crow Tribal Legislators. These positions are not subject to these Personnel Policies.

4.1.2 Appointed Positions.

(1) Appointments are made by the Chairman and Executive Branch and/or Tribal Legislators for the following positions:

- a) Chief Executive Officer and Cabinet Heads. These positions are appointed by the Tribal Chairman, with confirmation by the Crow Tribal Legislature. They serve for the duration of the Chairman's tenure, and then are subject to replacement with election of new Tribal Executive Branch Officials. They serve at the pleasure of the Chairman and may be removed for any reason without specifying the cause. These positions are not subject to these Personnel Policies, although they do receive leave benefits as outlined herein.
- b) Contracts for Services/ Consultants. Persons selected by the Chairman, Tribal Legislators, associated staff, and/or committees for short-term assignment or projects are employed on a consultant contract. Such persons must meet established qualification requirements. There are no established hours other than those spelled out in the contract. Such contracts set work assignments, responsibilities and payment as well as conditions for termination. Persons hired under contractual services are not considered employees and receive no employee benefits. These positions are not subject to these Personnel Policies.
- c) Committee Appointments. The appointment and removal of these positions is subject to relevant by-laws, plans of operation and or

rules of procedure. Salary is determined by established rates set for committee service and does not require contractual agreement. These positions are not subject to these Personnel Policies.

- (2) Appointment of the Chief Judge of the Crow Tribal Court is governed by the Crow Tribal Law and Order Code § 3-3-302. Appointment of Associate Judges is governed by Section 3-3-302 and appointment of Appellate Judges is governed by Section 3-3-308. Removal of judges is governed by Section 3-3-306 of the Crow Tribal Law and Order Code. Appointment of qualified Judges is made by the Tribal Chairman, and a majority vote of the Crow Tribal Legislature constitutes final approval of such appointment. These positions are not subject to these Personnel Policies, although they do receive leave benefits as outlined herein.

- 4.1.3 Employee Positions. These positions constitute the Crow Tribal work force and are filled through the competitive process of advertising a position followed by referral of qualified candidates based on qualifications, experience and needs of the program. These positions encompass all federally and tribally funded employees not covered in the other two categories. These positions are governed by all sections of these Personnel Policies, unless expressly excluded.

## **4.2 STATUS OF EMPLOYEES**

- 4.2.1 Regular Full-Time. A regular, full time employee is hired for a normal 40-hour week without a predetermined time limit. Regular employees are eligible for all Tribal employee benefits applicable, including vacation leave (can be accrued but not used until after the probationary period is completed), sick leave and pay for approved holidays.
- 4.2.2 Regular Part-Time. A part-time employee is hired without a predetermined time limit and is scheduled to work less than full-time on a regular schedule. Part-time employees are eligible for vacation and sick leave, and pay for approved holidays on a pro-rated basis, depending upon the number of hours he/she works per pay period.
- 4.2.3 Temporary Full-Time. A temporary full-time employee is hired for a normal 40-hour week with an estimated time limit of employment. A temporary employee is eligible for vacation, sick leave accrual and payment for approved holidays during the time period actually worked, provided a probationary period is successfully completed. The hiring of temporary positions is subject to the availability of funds as provided for in the annual approved budget. Individuals employing these positions may be removed for any reason without a reason being provided.
- 4.2.4 Temporary Intermittent. A temporary intermittent employee is hired on an as-

needed basis, with no regular work schedule. He/she is not eligible for any employment benefits and is paid only for the number of hours worked. The hiring of temporary positions is subject to the availability of funds as provided for in the annual approved budget. Individuals employing these positions may be removed for any reason without a reason being provided.

4.2.5 Trainees. Employees hired via waived education/experience requirements for their particular position will be classified as trainees. Such employee salaries will be set at the next lower grade and salary level for the position advertised for a period of six (6) months. If performing satisfactorily at the end of this period, the employee will be promoted to full salary/grade status.

4.2.6 Position Status

- (1) Exempt Employees. Exempt employees are those in managerial, supervisory or professional positions that are not required by law (FLSA) to be paid overtime or compensatory time for work in excess of forty (40) hours per week.
- (2) Non-exempt Employees. Non-exempt employees are those in lower level administrative, technical or clerical positions that are required by law (FLSA) to be paid overtime or compensatory time for work in excess of forty (40) hours per week.

### 4.3 ORIENTATION.

The following are items that should be covered with each new employee on their first day of work or not later than the first week of work. The list is not meant to be all inclusive and can be added to as the Personnel Department or the supervisor sees fit.

4.3.1 Personnel Department Responsibility. The following are items that should be covered by the Personnel Department for the employee orientation session:

1. Pay/wages
2. Type of Appointment
3. Employee benefits status
4. Personnel Policy review

4.3.2 Supervisory Responsibility for Orientation. The following are items that should be covered by the supervisor for the employee orientation session:

1. Work Schedule

2. Requirements of job
3. Safety
4. Training opportunities
5. Employee regulations
6. Performance reviews
7. Introduction tours of work site

At the end of the first or second week, the supervisor will meet with the employee again to clarify any questions that may have surfaced, to discuss the work the employee is doing and to give feedback on how the employee is performing.

#### **4.4 PROBATIONARY PERIOD.**

The probationary period is a trial period for the purpose of observing an employee's work. The trial period will lead to a final determination of the employee's suitability for the position occupied. Any employee, except internal hires not involving a promotion, may be removed during this period for any reason without providing cause.

#### **4.5 CONDITION OF PROBATION.**

1. A probationary period is served by every new employee hired by the Crow Tribal Government.
2. The supervisor may remove an employee at any time during the probationary period or probationary extension period, if an extension is granted, without specifying the cause, when it is determined that the employee is unable or unwilling to satisfactorily perform the duties of the position, employee conduct does not merit continued employment, or any other legitimate reason to terminate based on the supervisor's discretion.
3. An internal employee promoted to a higher position must serve a promotional probation. Upon promotion, the employee will receive the salary rate of the new position. If the probationary period is not successfully completed, the employee will be returned to his/her former position or its equivalent and former pay grade. An employee does not forfeit any fringe benefits or seniority during this period.
4. An employee hired to serve in a different job not involving a promotion is required to serve an additional probationary period. However, the employee may only be

removed for cause.

5. Written notice will be given to an employee regarding probationary status, reinstatement to permanent status, and/or removal. The date of notice will serve as the effective date for the probationary period to begin or end. A copy of the above mentioned written notice shall become a permanent part of the individual's personnel record.
6. Disciplinary probation will be used to re-evaluate an employee when, in the opinion of his/her immediate supervisor, the employee has not demonstrated the ability to perform required tasks. If the individual does not correct his/her deficiencies during the disciplinary probation period, removal will result, provided training, guidance, and warning have been given.

#### **4.6 DURATION OF PROBATION.**

1. The probationary period for all employees is 90 days.
2. If additional time is needed to evaluate an employee's performance, the supervisor must notify the employee prior to the expiration of the probationary period.
  - a) The extension may not exceed 90 days from the expiration of the first probationary period.
  - b) The notification letter must indicate why the probationary period is being extended (poor performance, excessive leave, conduct). The letter should also include suggestions to correct the problem, and how the supervisor will assist the employee in correcting the problem.
  - c) Extension may be necessary due to, but not limited to, one of the following: 1) during the probationary period, absence for whatever reason of the employee or his/her immediate supervisor; or 2) change of the immediate supervisor during the probationary period.
3. The probationary period for disciplinary purposes is at the supervisor's discretion, but no longer than 90 days.

#### **4.7 PERFORMANCE REVIEW AND EVALUATION.**

Review of performance is scheduled periodically at varying intervals for various purposes. Supervisors will review the performance appraisal with the employee, pointing out strengths of the employee's performance, and areas that need improvement. Upon review with the employee, the employee shall sign the evaluation to document that it was reviewed. If the employee agrees with the evaluation, he/she shall sign the appropriate area of the evaluation. If the employee disagrees with the evaluation, he/she may state in writing any differences they may have with the



appraisal. Consistently poor performance appraisals without improvement may result in disciplinary procedures including, but not limited to, removal. Performance appraisal and employee comments concerning any aspect of the appraisal shall be placed in the employee's personnel file. The resulting evaluation becomes a part of the employee's employment record and provides a basis for promotion, demotion, salary increases and removal. The performance year begins on the first work day in October and ends the final work day of September of the next year.

Review and evaluation of employees is conducted as follows:

1. Probationary Employees. Monthly until probationary period is completed.
2. Permanent Employees. Annually; more often if situation merits close review.
2. Temporary Employees. When deemed necessary or at the end of temporary employment period.
4. Disciplined Employees. At the end of a period of disciplinary probation. Performance Review Form (Appendix CT-08) is available in the Personnel Department.

#### **4.8 OUTSIDE EMPLOYMENT.**

Outside employment is any paid employment performed by an employee in addition to his/her job with the Crow Tribal Government. The policy in regard to outside work is as follows:

1. Such employment must not interfere with the employee's Tribal work schedule and the efficient performance of the employee's duties with regard to the best interests of the Tribe.
2. Such employment must not involve a conflict of interest or conflict with the employee's duties in Federally or Tribally funded programs.
3. The supervisor must approve the outside work to ensure it complies with the above requirements.

Procedure - All employees holding outside employment will sign a document which specifies their outside employment activity, the hours required and the relevance, if any, to the Crow Tribe's mission. This document will be forwarded by the supervisor through the Human Resource Manager to the Cabinet official for Executive employees, to the Speaker of the Legislature for Legislative employees, and to the Chief Judge for Judicial employees, for final approval.

#### **4.9 RESIGNATIONS.**

Any employee of the Crow Tribal Government may terminate employment at his/her discretion. In order to resign and be eligible for rehire at a future date, the employee must give a minimum of fifteen (15) calendar days notice to his/her immediate supervisor. In emergency situations, the supervisor may waive the fifteen (15) day notice requirement at his/her discretion. The resignation must be in writing and should state the employee's reasons for leaving. An exit interview form is also to be completed to assist in filling the position and to improve the position in the future.

#### **4.10 LAYOFFS.**

It is policy that the supervisor, upon consultation with the Human Resource Officer, take steps to dismiss employees through "lay off" for reasons of cause such as lack of funds, elimination, downsizing, change in duties or curtailment of work. Such "lay offs" are not subject to disciplinary removal procedures as set forth herein. When it becomes necessary to reduce or eliminate positions, the Crow Tribal Government will observe the following:

1. No permanent full-time employee may be laid off from a department when there are temporary, part-time, or probationary employees in the same classification of work affected by the reduction in work force.
2. In making layoffs, the department head will consider the employee's length of service and the job performance of those employees in the same classification being reduced.
3. Unemployment Compensation. Employees who are terminated or laid-off may be eligible for unemployment compensation and will be advised by the Personnel Department where to apply for benefits.

#### **4.11 RECALL AND RE-EMPLOYMENT RIGHTS.**

Laid off employees will receive preference in their department if the department rehires. Recall or re-employment will occur as soon as practical. Each employee on lay-off status will be mailed a re-employment notice. Any employee who wants to be considered for re-employment must notify the Personnel Department of such interest within seven (7) calendar days after receiving the recall notice and must be available for work within ten (10) calendar days from date of notice. If an employee on layoff status is working elsewhere at the time of recall, the employee will be given up to fifteen (15) days to report for work.

Recall and re-employment will be done in accordance with the seniority of each employee in the affected project or program.

#### **4.12 SENIORITY.**

Seniority is calculated in terms of days, months, and years of service as an employee actually enters Tribal employment. Military service, when substantiated with a Certificate of Release or

Discharge from Active Duty (DD-214), is added to the seniority computation date. Past Tribal work experience, if substantiated, may also be added to the seniority computation date. Seniority is accumulated time and does not begin again each time an individual is employed.

Seniority can only be used by employees who are currently employed with the Tribal Government. An individual who is not employed by the Tribe cannot claim seniority over an individual currently employed by the Tribe.

Seniority is to be used in the following situations:

1. During reduction in staff due to funding or other needs of the Tribe.
2. To provide an equitable remedy for situations such as conflicting leave schedules, distribution of needed equipment, etc.

Seniority lists will be maintained by the Personnel Department and include the following information:

1. Date of employment/hiring;
2. Lengths of periods of probation;
3. Promotions, transfers, demotions
4. Time worked in each position;
5. Attendance, leaves, vacations.

Loss of seniority can result from the following reasons:

1. Removal for cause;
2. Layoffs (after a specified period of time);
3. Overstaying leave of absence;
4. Failure to report back to work following a layoff;
5. Failure to notify supervisor of reason for absence.

#### **4.13 PERSONNEL RECORD KEEPING.**

The Human Resource Manager will maintain secure personnel records for all employees. All job related information will be kept in Official Personnel Files, including:

1. Job descriptions - these contain qualifications, such as: 1) necessary skills, education, experience and licensure; 2) essential job functions; 3) nonessential job functions (those duties that are desirable but not required for a particular job.)

2. Job Application.
3. Offer of employment letter - to avoid misunderstandings regarding the job offer, state the position offered, starting date and starting salary.
4. IRS Form W-4.
5. Receipt of employee handbook - the receipt must state that the handbook is not an employment contract and does not guarantee continuous employment. Employees must sign two copies, one for the personnel file, one for the employee.
6. Periodic performance evaluations.
7. Warnings and disciplinary actions.
8. Termination letter, if applicable.
9. Documentation of Probation status.
10. Other Contents - Any documentation that is job related, such as sign up forms for unemployment benefits, documentation of complaints from co-workers or general public, job related awards or citations, notation of attendance or tardiness.

#### **4.14 EMPLOYER RESPONSIBILITY IN REFERENCE CHECKS.**

With regard to reference checks of former Tribal employees directed from the future non-Tribal employer to the Crow Tribe, the Personnel Department is required to:

1. Not engage in blacklisting.
2. Provide only factual information.
3. Insure that information is not misrepresented.
4. Refrain from statements based on opinions or feelings.

### **5.0 EMPLOYEE BENEFITS PROGRAMS**

#### **5.1 EMPLOYEE CAREER DEVELOPMENT.**

Employees are encouraged to participate in their own development in order to qualify themselves for promotions, higher paid positions and enhanced job enrichment and employability through projects, programs, and other Tribal employment activities.

Procedures. For employees interested in enhancing their knowledge, skills and abilities, a career development plan must be developed as follows:

1. Define long-range goals.
2. Establish prerequisites and long range goals to qualify for desired position(s).
3. Identify employee's qualification deficiencies and training needs.
4. Choose a long-range career development plan.
5. Establish a training schedule to implement the career development plan.

With final approval, as training opportunities arise, the employee and supervisor will work with the Human Resource Manager to determine costs, necessary time-off from regularly scheduled employment, and the feasibility of attending training courses.

Completion of training does not automatically confer promotion, but may prepare employees for higher-level job opportunities and/or assumption of higher level responsibilities.

- 5.1.1 Educational Leave. Employees desiring leave to enroll in a course of study which will enhance their employment value will be granted an unpaid leave of absence up to a period of one (1) year. Such leave does not automatically assure promotion but does assure either retention of the employee's position while absent or preferential consideration for any opening which is at least equivalent to the position formerly occupied.

## **5.2 LEAVE BENEFITS.**

Leave is approved time off from the job. Employees may earn leave hours for their use when time off from the job is needed. An advance request for leave and supervisory approval are the requisites for the use of earned leave time. Employees will request leave from their supervisor with a leave request form enumerating the purpose and duration of the leave and any other pertinent information that may be necessary. Emergency situations which preclude advance request and approval require notification of the employee's supervisor as soon as possible. Failure to notify supervisor of an absence could result in an absence without leave and/or abandonment of position. Both occurrences could lead to disciplinary action or removal.

The following describes leave and accrual methods:

- 5.2.1 ANNUAL LEAVE. This constitutes personal or vacation time away from regularly scheduled employment. All employees, except temporary/intermittent employees, are eligible for annual leave benefits. Employees in probationary status

earn leave but are not allowed to take leave until their probationary periods are satisfactorily completed.

- 5.2.2 LEAVE ACCRUAL. Hours are earned according to length of service and may be accumulated and carried over from year to year to a maximum of 160 hours. Excess hours at the end of the leave year will be forfeited if not used. Employees, except part-time employees, earn differing amounts of annual leave based upon the length of service as follows:

<u>Length of Service</u>	<u>Annual Leave Earned</u>
1 day to 3 years	4 hours per pay period
3 years to 15 years	6 hours per pay period
15 years and over	8 hours per pay period

For permanent part-time and temporary part-time employees, annual leave will be computed by length of service and leave earned, pro-rated as follows:

<u>Length of Service</u>	<u>Leave Earned</u>
less than 4 years	1 hour per 20 hours worked
4 years to 6 years	1.5 hours per 20 hours worked.
more than 6 years	2 hours per 20 hours worked.

Annual leave may be taken in increments of one hour. Leave requests must be submitted to the employee's immediate supervisor. The supervisor will approve or disapprove, the leave request based upon workload, work schedules and program goals.

Annual leave will not accrue in a pay period in which an employee is on leave without pay. Any accrued annual leave that is available to an employee at the time of resignation, removal or lay off will be paid in a lump sum.

- 5.2.3. SICK LEAVE. Sick leave is paid time off for employees when they are unable to work due to:

1. Sickness, injury, pregnancy or health care facility confinement.
2. Medical, dental or optical examinations.
3. Exposure to a contagious disease that would jeopardize other employees.
4. Treatment for chemical or other dependencies determined to require

medical care by a doctor.

5. Treatment and care for ill/sick dependent family members.

Sick leave is accrued and used in hourly increments. Employees will notify their supervisor within one hour of their scheduled work time if unable to report to work due to illness, injury, or are otherwise incapacitated for duty. Advance approval must be obtained for scheduled appointments. Sick leave over 3 days requires a physician statement that employee was seen and may return to work. Employees in probationary status earn sick leave but are not allowed to use the leave until their probationary period is satisfactorily completed.

Full time employees will earn 4 hours of sick leave per 80 hours worked. Less than full time employees will earn 1-hour sick leave for every 20 hours worked. For every 80 hours of leave without pay, leave will not accrue. Temporary/intermittent employees are ineligible for sick leave benefits.

Employees needing sick leave beyond their current accumulation are required to take leave without pay unless they receive sick leave donations from other employees. An employee may receive an unlimited donation of sick leave hours, provided the proper approval is received and the donated sick leave hours are processed through the Personnel Office prior to use of the donated sick leave. An employee may donate a maximum of forty (40) hours of sick leave per year, provided that they have in excess of forty (40) hours of sick leave accumulated prior to making the donation.

5.2.4 MATERNITY/PATERNITY LEAVE. Maternity/paternity leave will be granted for expecting employees, including new parents either by natural birth or legal adoption, with reinstatement rights and without loss of seniority or other benefits. Duration of such leave may extend up to one (1) year, depending upon the circumstances.

Maternity/paternity leave will be granted without pay after all other authorized leave, including sick leave, has been exhausted. A pregnant employee may take leave prior to the birth of her baby or upon the birth of the baby. The employee may be granted an extended leave of absence through normal leave without pay procedures. Application for additional leave must be submitted in writing at least two weeks prior to the expected date of return to work.

5.2.5. BEREAVEMENT LEAVE. An employee may be granted time off, with pay, to be in attendance due to a death in the employee's immediate family. The term immediate family as used here is defined as the employee's spouse, parents of either spouse, children, grandchildren, brothers, sisters, grandparents and legally adopted "immediate family" members. A maximum of five (5) days time off due to

a death in the immediate family will be granted. This time off shall not be required to be made up nor shall such time off be charged to annual leave. Absence for more than five days will be charged against the employee's annual leave. If an employee who is not a member of the immediate family wishes to attend a funeral, that employee must take leave without pay or use accumulated annual leave.

Employees who serve as ministers or pallbearers at a funeral will be given one (1) day off with pay on the day in which their services are required. If additional time is needed, one (1) further day may be requested subject to approval by the supervisor.

### **5.3 VOTING TIME-OFF.**

Employees of the Crow Tribe will be allowed four (4) hours of leave with pay to attend and to vote at Crow Tribal elections and two (2) hours of leave with pay to attend and to vote at state and federal elections.

### **5.4 HOLIDAY.**

The following are paid days off for all employees, with the exception of those on temporary/intermittent appointments.

1. New Year's Day - January 1
2. Martin Luther King Day - Third Monday in January.
3. President's Day - Third Monday in February
4. Memorial Day - Final Monday in May
5. Independence Day - July 4
6. Labor Day - First Monday in September
7. Veterans Day - November 11
8. Thanksgiving Day - Fourth Thursday in November
9. Christmas Day - December 25
10. Crow Native Day- to be announced.

Holidays will be observed on the Friday preceding a legal holiday falling on Saturday or on the following Monday of a holiday falling on a Sunday. Employees working on a holiday will be paid



for time and half (1.5) times the regular rate of pay, unless an alternate day off has been arranged.

The Chairman, at his discretion, may declare closure of Tribal offices during the Crow Fair Celebration and other Tribal events, and Native American Day on September 26th, a State designated holiday.

#### **5.5 LEAVE OF ABSENCE - WITH PAY.**

A leave of absence is approved time-off from the job for an extended period of time and carries the right of reinstatement without any loss of seniority or benefits. Employees should make application for a leave of absence prior to the leave of absence from his/her supervisor, stating the purpose and duration of the leave and any pay arrangements desired, and telephone or address at which the employee can be reached. Approval will be at the discretion of the supervisor, upon consultation with the Human Resource Manager, and submitted to the Cabinet Officials for Executive employees, to the Speaker for Legislative employees and the Chief Judge for Judicial employees, for final approval. Considerations for leave of absence with pay should include:

1. Reasons for necessity of leave.
2. Duration of leave requested.
3. Length of employee's service to the Crow Tribe.
4. Prior performance evaluations and quality of employee's work.
5. Ability of other employees to assume the workload normally performed by the employee requesting leave.
6. Financial feasibility of granting leave with pay.

#### **5.6 LEAVE OF ABSENCE - WITHOUT PAY.**

Employees may request and be granted leave without pay at the discretion of the supervisor prior to the leave. In an emergency situation, the supervisor must be notified as soon as possible. Leave without pay is generally utilized when all other leave sources have been depleted. Extended leave without pay may be approved for educational purposes, for recovery from illness or disability after all other leave is exhausted, or for other reasons that may warrant approval. Leave without pay may not exceed twelve (12) months. At the expiration of an extended leave of absence, the employee will be returned to full status. Should the employee fail to report to work, removal action may be taken by the supervisor unless there is valid reason for failure to return to duty, as determined by the supervisor.

#### **5.7 ADMINISTRATIVE LEAVE.**

Approved absences without charge to leave include:

1. Absences without charge to leave may be granted by a supervisor when acts of nature such as weather conditions or other situations exist which would make attendance at work dangerous or hazardous and when such factors might result in threat to the safety or well being of the employee.
2. When there is an ongoing investigation and it is inappropriate for the employee to remain within the work environment.
3. The supervisor has discretion to give approval for administrative leave with or without pay, depending on the circumstances.

## **5.8 MILITARY LEAVE.**

A regular or probationary employee who is a member of the National Guard or any of the reserve components of the Armed Forces of the United States is entitled to leave-of-absence in the time during which he/she is ordered to military duty or training, not to exceed fifteen (15) consecutive calendar days in any one fiscal year and one (1) weekend per month. Proper evidence from the appropriate military authority will be required for the period in question. Additional time may be granted on an individual basis if additional military reserve service is required of the employee or if the employee is called to active duty.

An employee who becomes a member of the Armed forces on a full-time basis will not be paid for such absence and will be removed from his/her position. Upon discharge from the Armed forces, the employee (veteran) may be rehired in his/her former job or jobs of similar status and pay, without loss of seniority or other benefits, upon a vacancy in such position.

## **5.9 JURY DUTY.**

Any employee who is summoned for jury duty should notify his/her supervisor immediately. Pay for this period will be based on normal pay minus any pay or allowances provided by the Court. If employees elect to use annual leave time for jury duty periods, they may keep such pay or allowance.

## **6.0 RESERVED**

## **7.0 WORK CONDITIONS AND HOURS**

### **7.1 SAFETY PROGRAM.**

It is the policy of the Crow Tribal Government to provide a safe work environment for its

employees, Tribal members, and the visiting public by: (1) controlling unsafe acts and conditions not conducive to work related injury; (2) protecting property from damage and loss; and (3) promoting the goal that safety remain an integral part of every task.

All supervisors have the responsibility of maintaining safe and healthy working conditions wherever work is performed. All staff are required to exercise caution in the performance of their duties. They must use accepted and safe working practices, observe and obey safety postings and rules, use and maintain required protective equipment and report all accidents to the appropriate authority as soon as is reasonably possible. The Crow Tribal Safety Handbook is incorporated into both the Supervisor and Employee handbooks to assure that each staff member has access to the procedures, rules and regulations of the Safety Program.

The designated Safety Officer is charged with the responsibility of the Safety and Risk Management Program. This Program makes staff aware of safe work practices such as observing work areas for possible safety hazards, instituting corrective measures, ensuring that accidents are reported properly and monitoring corrective measures to deter further occurrences.

## **7.2 POLITICAL ACTIVITY.**

It is policy that no Tribal employee will engage in any form of political activity during working hours, or while in Tribal uniform. No employee will utilize his/her position as a Tribal employee to support any political action or to support any political candidate. This policy includes all employment classifications, elected positions, and appointed positions.

This policy is not intended to discourage any employee from involvement in political activities as a private citizen. An employee may belong to a political party, be a member of any established organization or political club, may attend political meetings, enjoy complete freedom in casting his/her vote and may seek election or appointment to public office.

1. Any officer or employee of the Crow Tribe whose principle employment is in connection with an activity financed in whole or in part by loans or grants made by the United States or a Federal agency may not:
  - a) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
  - b) Directly or indirectly coerce, attempt to coerce, command, or advise a Tribal officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purpose; or
  - c) Be a candidate for partisan political office.
2. An officer or employee of the Crow Tribe retains the right to vote as he or she chooses, and to express his/her opinions on political subjects and candidates.

### **7.3 REASSIGNMENT.**

Conflict between a supervisor and employee is an identified problem within Crow Tribal employment. To reduce such conflicts, the Reassignment Program may be utilized to transfer people internally, assist in finding a more suitable assignment or simply to facilitate separation from Tribal employment. This program is the responsibility of the Personnel Department and as a matter of course is handled with confidentiality. The Personnel Department shall do their best to reassign employees participating in this program to a similar position and paygrade, subject to availability of funds and vacant positions. Any reassignment must be agreed upon by the employees being reassigned and the affected department heads.

### **7.4 COUNSELING.**

Employees shall be allowed access to counseling, which will assist them in performing their job. Situations adversely affecting an employee's performance which may require counseling include, but is not limited to:

1. Legal or tax problems.
2. Chemical dependency or substance abuse.
3. Personality conflicts with others.
4. Retirement and pension planning.
5. Personal or family illness.
6. Vocational and career guidance.
7. Personal problems.
8. Anger management
9. Credit counseling

The Human Resource Manager may arrange counseling for employees who are in need of such services. The supervisor will allow for leave pursuant to the leave provisions herein. However, by allowing such counseling, the Crow Tribe does not obligate itself to fund such counseling.

### **7.5 TRAVEL.**

Tribal Officers, employees, and other Tribal representatives on official Tribal business may receive travel expenses, meal allowances, mileage, and incidental expenses. Actual registration fees for approved conferences, workshops and meetings will first be approved and then either paid in

advance or reimbursed to the person incurring them, provided a claim for reimbursement is supported by a receipt showing payment of the registration fee. All travel payments and or advances require prior approval by the supervisor and/or Program Director, and Finance Director. (The Finance Director is the program director for the Finance Office and shall not mean the Revenue Cabinet Head.) The willful misrepresentation or altering of claims is unlawful and constitutes grounds for dismissal, and could result in the filing of criminal charges.

7.5.1 Travel advance form.

- 1) Travelers must complete a travel authorization request form, including projected travel expenses, and obtain proper approvals at least three days prior to travel. The travel authorization form must be accompanied by appropriate training/workshops and/or meeting information.

Traveling is not permitted if a travel advance form has not been completed and approved three days prior to travel. However, in situations where last minute travel is required for purposes deemed beneficial to Tribal operations, the supervisor and/or program director, with written approval of the CEO and Finance Director may grant emergency travel privileges.

- 2) Travelers are required to use Tribal vehicles rather than personal vehicles, if available for use. It is encouraged that departments share with other departments that do not have a Tribal government vehicle. When using a Tribal vehicle, travelers are not entitled to mileage reimbursement, but shall receive reimbursement for gasoline costs paid by that employee, only upon submission of a receipt. All employees utilizing Tribal vehicles must complete a mileage use log, in order to ensure that the tribal vehicle is only being used for official tribal business.
- 3) If a Tribal vehicle is unavailable, an employee may travel by POV reimbursed at the prevailing government mileage rate. This must be authorized by a travel authorization request. An employee driving a personal vehicle in lieu of a common carrier is entitled to per diem and lodging beginning 24 hours prior to the start of the employee's scheduled travel purpose and ending 24 hours after the conclusion of the employee's scheduled travel purpose.

Transporting other passengers, or another employee is strictly voluntary while in travel status but only one employee will be paid mileage. No deduction will be made from the mileage allowance if other passengers contribute to defraying expenses.

Mileage Rates for POV include gasoline costs and the operational costs of the vehicle, but does not include incidental charges such as highway tolls and parking expenses. These costs will be reimbursed to the employee in

addition to the mileage rate upon submission of corresponding receipts.

The only other travel expenses which will be reimbursed to the traveler, other than the cost of travel destination lodging and per diem for meals, is the cost of local transportation at the travel destination. A receipt for local transportation is required for reimbursement.

- 4) Employees who use POV for travel in connection with Tribal business must maintain their own automobile liability insurance coverage. Employees using POV for official travel must attach proof of current insurance coverage, prior to receiving travel authorization.
- 5) In cases where the employee must begin official travel from home, the employee will be entitled to reimbursement for mileage from the home, or from the Tribal Office (or their official duty station) to the travel destination, whichever distance is closer or most advantageous to the Tribe.
- 6) If common (commercial) modes of travel are utilized, such as airline, buses, trains, or charter services, the actual cost is the basis for reimbursement if paid by the employee personally; otherwise such travel will be handled by purchase order or the form of payment procedure that is in place.
- 7) The least expensive mode of transportation is to be used unless the loss of time or effectiveness is disproportionate to the monetary saving. If the employee opts to drive a POV in lieu of using a common carrier, and cost of mileage allowable at the standard rate for use of a POV exceeds the regular coach fare of commercial airline, then the employee shall be reimbursed for transportation costs at the regular coach fare rate of a commercial airline at the time of approval of the travel authorization form.
- 8) An employee is entitled to travel reimbursement for the most direct route to and from the destination. Any extra expenses incurred due to the interruption of the most direct route for the convenience of the employee will be paid by the employee. Employees who must travel to the Billings airport for airline travel are entitled to reimbursement for: a) mileage round-trip to Billings plus the cost of long-term parking; or b) mileage for two round-trips to Billings, whichever is the lesser amount.
- 9) Per diem rates are based on federal standards as published in the Federal Register. Such per diem rates may change depending on the area of travel. Information on changes to travel reimbursement rates when traveling to high cost areas are available in the Finance Travel Unit.

Where meals are furnished either by the host of a meeting, or are included in a registration fee, your M&IE rate must be adjusted accordingly, by deducting the allowable amount(s) according to the following rates as set in the Federal Register:

<u>M&amp;IE</u>	<u>\$30</u>	<u>\$34</u>	<u>\$38</u>	<u>\$42</u>	<u>\$46</u>
Breakfast	6	7	8	9	9
Lunch	6	7	8	9	11
Dinner	16	18	20	22	24
Incidental	2	2	2	2	2

- 10) Travel advances allowing 100% advance for estimated mileage, air fare, taxi and car rental, meals, and lodging are permitted if the travel authorization form is properly submitted to and approved by the Finance Director three days prior to travel. However, travel advances are not permitted in instances when travel expenses are not expected to exceed \$50.00.
- 11) Travel authorization forms and instructions on their completion may be obtained from the Finance Travel Unit.

#### **7.6 TELEPHONE, CELLULAR PHONE, MAIL FACILITIES, OR COMPUTER USAGE.**

Business machines/equipment are for the conduct of official Tribal business. Personal use by an employee is restricted and abuse of such privileges will subject the employee to disciplinary measures.

### **8.0 TIMEKEEPING/PAYROLL**

#### **8.1 PAY INFORMATION.**

Employees will be paid according to the project or program budget, or as agreed upon at the time of employment. There are no pay advances. In a hardship situation, an employee may be paid only for days worked in advance of regular pay day. This practice is to be limited to unusual situations. Paychecks are distributed to employees only. If circumstances preclude employees picking up their own paycheck, they must provide a written, signed request to release checks to a second party.

#### **8.2 TIME REPORTING.**

1. Each employee will be given a time card with their name on it. They should fill in the time when reporting to and departing from the workplace.. This card serves

as an official record of hours worked and is used to issue a correct paycheck. Supervisor approval of the time card is required prior to check issuance. Payment shall be authorized only upon submission of an accurate time card. Submission of falsified time cards will subject the responsible employee(s) and supervisor(s) to disciplinary action. As well, the responsible individual shall be referred to the Prosecutor for criminal prosecution and appropriate criminal penalties.

2. If there are any errors or omissions on the time card, these are to be corrected and initialed by the supervisor as soon as they are discovered.
3. Employees signing in more than (10) minutes before the scheduled starting time, or signing out more than ten (10) minutes after the scheduled quitting time, must receive overtime authorization from their supervisor.
4. Unless on authorized business, employees are expected to sign out when leaving and sign in when returning to the work area during working hours. If it is necessary to leave the premises during working hours for reasons other than authorized business, employees must first obtain permission from the supervisor.
5. Any employees with knowledge that a timecard has been falsified is required to bring this information to the attention of his/her supervisor and/or the personnel office. Failure to do so may subject this individual to disciplinary action.

### **8.3 PAYROLL DEDUCTIONS.**

Pay deductions required by law, subject to adjustment, are:

1) Withholding taxes; 2) Federal/State taxes; and 3) Social Security. The employee will be informed of any and all deductions. Deductions will be handled by the Personnel Department.

### **8.4 OVERTIME PAY.**

Overtime refers to hours actually worked in excess of forty (40) hours per week. Overtime will be paid to non-exempt employees who work in excess of forty (40) hours per week. If an employee does not receive approval for such overtime, his/her supervisor is authorized to take such measures required to balance out the total hours worked, including limiting the employee's work schedule for the next pay period.

1. When overtime work must be authorized by the supervisor. Employees will be paid time and one-half (1½) their regular rate.
2. In the event an employee is scheduled for and works on a Sunday, he/she will be paid two (2) times their regular rate for all hours actually worked.
3. In the event an employee is scheduled for and works on one of the recognized



holidays, they will be paid time and one-half (1 ½) their regular rate for all hours actually worked, in addition to their regular pay.

4. For the purposes of computing weekly overtime (over 40 hours), pay received for approved leave, holiday, vacation, bereavement, civic duty, reserve military training or injury on the job will not count as hours of work. Overtime pay is intended to compensate employees for extra hours worked over and above their regular work schedule.
5. Program Managers and Directors and other exempt employees are not eligible for over time pay.

## **8.5 COMPENSATORY TIME.**

Non-exempt employees, as defined under Section 4.2.6, who are required to work over forty (40) hours during a normal work week may choose to receive compensatory time instead of overtime pay. Compensatory time will be allowed at time and a half. Compensatory time accumulated will not exceed forty (40) hours during any six (6) month period. Earned compensatory time must be used within six (6) months. Contractual requirements and supervisors will determine eligibility for compensatory time.

## **8.6 SEVERANCE PAY.**

The Crow Tribe shall not provide severance pay.

## **8.7 RESIGNATION**

It is the policy of the Crow Tribe that any employee wishing to leave tribal employment in good standing must file with his/her supervisor a written resignation, stating the effective date of resignation, which must be received at least fifteen calendar ( 15) days prior to the effective date; resignation by a department head must be received thirty (30) days prior to its effective date.

Upon the effective date of resignation, the employee shall return any Tribal property before the release of his/her final paycheck.

Vacation and sick leave accrued at the effective date of resignation will be paid out in accordance with Tribal Policies and Procedures.

## **9.0 EMPLOYEE CONDUCT AND DISCIPLINARY ACTION**

### **9.1 DRUG AND ALCOHOL USE.**

It is the Crow Tribe's policy to provide a drug-free, healthy and safe workplace. To promote this goal, employees are required to report to work in the appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Crow Tribal premises and while conducting business-related activities off Tribal premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if prescribed by an authorized doctor and if it does not impair an employee's ability to perform the essential functions of the job in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate removal from employment. Employees wishing to retain employment may be required to participate in a substance abuse rehabilitation or treatment program at the employee's expense. Such violations may also have legal consequences.

Under the Drug-Free Workplace Act, an employee who performs work for a Government contract or grant must notify the Crow Tribe of any criminal convictions for drug-related activity occurring in the workplace. The report must be made within five days of the conviction. Compliance with the Drug-Free Workplace Policy is a condition of employment. Failure or refusal to cooperate fully by signing any required documents, submitting to any inspection or drug testing or following any prescribed course of substance abuse treatment will be grounds for removal.

All employees shall give permission for random drug testing.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace may raise their concerns with their supervisor or the Personnel Department without fear of reprisal.

The Crow Tribe is certified as a Drug Free Workplace. The Drug Free Workplace Act is included in the Employee Handbook.

## **9.2 SMOKE FREE POLICY**

This Policy is hereby established to protect the health of non-smokers by providing a smoke free environment through the prohibition of smoking within the Crow Tribal government offices.

The Crow Tribe recognizes that individuals have the right to make the personal choice as to whether or not they smoke tobacco. However, because the Tribe recognizes that smoking endangers life and property and causes discomfort and annoyance to non-smokers, the Tribe supports a smoke free environment.

1. All smoking must occur outside of the Crow Tribal government buildings.
2. Smoking shall not be permitted in any tribal vehicles.

3. Supervisors are authorized to enforce this Policy as follows:
  - a) A copy of this Policy shall be distributed to all employees.
  - b) All vacancy announcements shall contain a statement that compliance with this Smoke Free Environment Policy is a condition of employment.
  - c) Visible "No-Smoking" signs shall be posted in a conspicuous manner at all entrances to the Crow Tribal government building.
  - d) Supervisors shall notify all employees that violation of any aspect of this Policy may result in disciplinary action, in compliance with the Table of Penalties set forth in the Personnel Policy.

### **9.3 SEXUAL AND OTHER UNLAWFUL HARASSMENT.**

The Crow Tribal Government is committed to providing a work environment conducive to job satisfaction, security and safety. It is policy therefore to assure a workplace free of discriminatory practices.

Harassment is conduct focused on a person or group of persons, including but not limited to: (1) physical or verbal abuse; (2) unwelcome activity of a sexual nature; (3) retaliation; and (4) any behavior or action which interferes with an individual's ability to perform assignments or which creates a hostile or intimidating work environment.

Sexual harassment is a form of discrimination and violates the 1964 Civil Rights Act. It is defined as any unwanted physical, verbal or visual sexual advance, request for sexual favors and other sexually oriented conduct that is offensive, and creates a "hostile environment," by unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or offensive working environment. Sexual conduct becomes unlawful only when it is unwelcome in the sense that the employee did not solicit or incite it, and the employee regards the conduct as undesirable or offensive.

It is important that employees, managers, supervisors and directors be sensitive to overtones of harassment and deal with these situations firmly and without delay.

- 9.3.1 Procedure. Any employee who feels his/her rights have been violated with regard to sexual and other unlawful harassment should immediately notify the Human Resource Manager, presenting in written form the perceived violation. The Human Resource Manager will follow Disciplinary Action procedures as outlined in Section 9.4.

### **9.4 DISCIPLINARY PROCEDURES.**

It is policy that if an employee is not performing his/her duties in a satisfactory manner, it is the responsibility of his/her immediate supervisor to notify the employee, describe the deficiencies, and provide corrective guidance.

Disciplinary procedures and penalties range in severity from oral and written reprimands and warnings to demotions, and removal. The imposition of penalties for violations of rules and regulations is the prerogative of the Crow Tribal Government. Thus discharges and dismissals must be discussed and approved by the appropriate branch authority prior to such a disciplinary action.

By first allowing a reasonable period of time for the employee to correct deficiencies, the supervisor should follow the recommendations in the attached Table of Penalties. For offenses not specifically mentioned in the Table of Penalties, the following recommendations should be considered.

First Offense: An oral reprimand shall be given by the supervisor that outlines the specific characteristics of the unsatisfactory job performance, and the corrective actions that need to be taken. The supervisor will document the date, time, nature of the reprimand and the proposed corrective action. However, an employee could be removed or suspended with or without pay without being given an oral or a written reprimand for a first offense if warranted.

Second Offense: A written reprimand shall be given by the supervisor which states the specific unsatisfactory job performance and the corrective actions that need to be taken. The supervisor will document the date, time, specific nature of the reprimand and proposed corrective action. This letter will be given to the employee and a copy placed in the employee's personnel file. However, an employee can be suspended with or without pay or removed for a second offense if warranted.

Third Offense: After the employee has received both an oral and a written reprimand, the supervisor shall suspend the employee for up to five (5) days, without pay, for continued unsatisfactory job performance. The supervisor will document the date, time, nature of the suspension, and the corrective actions that need to be taken. Copies of this letter will be given to the employee and a copy placed in the employee's personnel file. However, an employee can also be removed for a third offense if warranted.

Fourth Offense: If, following the suspension, the employee's job performance has not been corrected, the supervisor shall remove the employee or commence other disciplinary action against the employee.

Some offenses leading to reprimand or disciplinary removal include:

1. Excessive absenteeism.
2. Unauthorized use or damaging of equipment; personal use of tribal vehicles.

3. Leaving job without permission; job abandonment.
4. Misbehavior on the job such as gambling, fighting, sleeping, etc.
5. Incompetence or carelessness in the performance of the job.
6. Abuse of work hours, rest, or lunch periods.
7. Violating safety rules; failure to report accident or injury.
8. Dishonesty or theft.
9. Immoral or indecent conduct.
10. Insubordination; refusal to accept assigned jobs.
11. Falsifying information.
12. Excessive visiting on the job, loafing or loitering or allowing others to interfere with work production.
13. Use of tobacco, drugs or alcohol affecting job.
14. Any violation of the rules enumerated in this Manual.

The Crow Tribal Government reserves the right to impose the appropriate penalty on an employee for each offense, depending on the severity of the act. The degree of severity of an offense is based on the totality of the circumstances and determines whether an employee will be reprimanded, suspended, or removed from employment. The supervisor and Human Resource Manager will discuss a course of action and agree on implementation of such. If the supervisor and Human Resource Manager decide that removal is the only course, they shall advise the appropriate authority to execute the action.

An employee who has been the subject of disciplinary procedures will have the right to respond in writing, and to file a grievance in accordance with Section 9.6. A written response will be submitted to the supervisor within five (5) working days. The supervisor will acknowledge the communication, which will then be placed in the employee's personnel file.

## **9.5 REMOVAL**

It is the policy of the Crow Tribal Government that the following are sufficient, but are not the only cause for disciplinary action or discharge:

1. Conviction of a felony.
2. Use of offensive conduct and language toward the public, Tribal officials, or other employees.
3. Indifference and negligence in the handling and control of Tribal property.
4. Persuading or attempting to persuade any Tribal employee to commit an unlawful act or to act in violation of any official regulation or order.
5. An employee using his/her position for personal gain such as accepting any compensation or gift of substantial value for personal use in the course of work.
6. Violation of any provision of the Drug and Alcohol use policy and Drug Free Work Place Act.(see Employee Handbook).
7. Failure to obey any lawful direction given by a supervisor when such failure amounts to an act of insubordination, or which may result in loss or injury to the Tribe or public.
8. Job abandonment. (Three or more days of unexplained absence without leave).
9. Any severe violation of the rules enumerated in this Manual.

#### **9.6 GRIEVANCE.**

A grievance is a request by an employee for relief in a matter of concern or dissatisfaction to a perceived violation of a personnel rule or employment condition, which is subject to the control of management. The following procedures shall be followed in filing grievances.

It is recognized that disputes may occur between employees and management, and it is beneficial to resolve such issues promptly and equitably. Employees should first attempt to resolve disputes with the immediate supervisor. If this fails to provide relief, employees may file a grievance with the employee's Department Director, who will review the grievance for timeliness and for grievable issues which demonstrate a supervisor's failure to follow the rules, regulations and procedures set forth in this Manual. Should this review be untimely or based on issues not grievable as determined through a fact finding process, the Department Director will deny the grievance. If a grievable issue is presented, the Department Director will forward the grievance to the Tribal Grievance Committee, comprised of one representative from each branch and a Hearing Officer. If no resolution is forthcoming from this level, the employee may appeal further to the Crow Tribal Court for review in accordance with the provisions set forth below.

Employees filing a grievance or who act as representative of an aggrieved employee are to be free from reprisal, intimidation, coercion or restraints.

Examples of grievable issues include:

1. Unsafe working conditions.
2. Improper application of or failure to follow established rules and regulations set forth herein.
3. Unjust or substantially unequal treatment.
4. Performance appraisals using performance standards that do not match the duties as outlined in the position description.
5. Suspensions from duty without pay and letters or reprimand submitted to an employee's permanent record.
6. Demonstrated unfair management practices that violate written personnel policies.

Examples of non-grievable issues include:

1. The effects of Tribal Administration policies or general management decisions may not be grieved.
2. The contents of published Tribal regulations or policies.
3. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a noncompetitive promotion.
4. The substance of the critical elements and performance standards of an employee's performance appraisal.
5. The removal of a probationary employee for unsatisfactory performance.
6. Management decisions relating to retirement, life and health insurance, and other benefits.
7. Removal of elected officials pursuant to the Constitution, Article VIII, Sections 1-3, or appointees upon a new Tribal government taking office.

9.6.1 Employees rights in the grievance process. Employees who are covered by a contract, emergency hires or employees who are serving a probationary period are NOT eligible to file and pursue a grievance. An employee pursuing a grievance has the right to be assisted or represented by an advocate in the grievance process as long as there is no conflict of interest. Tribal officials and employees of the Personnel Resource Department, and officers of the Tribal Court employed by the Tribe may not represent an employee during the grievance process. Costs of such assistance or representation, if any, must be paid by the employee. A record of a

grievance proceeding initiated by an employee will not be part of his/her official personnel file.

9.6.2 Grievance Procedures. Formal grievance proceedings must follow the procedures outlined in the following sections. Every attempt will be made to equitably settle the grievance at the earliest possible step in the procedure. Persons hearing grievances shall give fair and sincere consideration to complaints raised and attempt to swiftly resolve them in a manner that is fair and consistent with the policy outlined herein.

9.6.3 Grievance Process. The process begins by employees contacting the immediate supervisor with their complaint within five (5) working days of the event or situation subject to the grievance. The supervisor has five (5) working days from the date notified to resolve the complaint. If the employee is not satisfied with his/her immediate supervisor's remedy or solutions, the employee has a right to file an official grievance by following the steps outlined below by completing a grievance form within five (5) working days of the immediate supervisor's decision or non-action.

**Level One:**

1. The employee shall file his/her grievance by submitting a completed grievance form to the employee's immediate supervisor which must contain:
  - a) Name and position of the aggrieved employee.
  - b) Name of immediate supervisor.
  - c) Statement that fully describes the basis of his/her grievance.
  - c) Statement that he/she presented the grievance to his/her immediate supervisor, including the date presented.
  - e) Statement that indicates he/she is dissatisfied with the immediate supervisor's response.
  - f) Request for relief.
2. The immediate supervisor will:
  - a) Date stamp the grievance and create an Official grievance file.
  - b) Provide the employee a copy of the grievance that includes the date filed.
  - c) Review the grievance to determine whether the employee has



presented a grievable issue. If the immediate supervisor finds that no grievable issue has been presented he/she will notify the aggrieved employee in writing of such findings. Such finding may be appealed to the employee's Department Director in accordance with level two below.

- d) If the immediate supervisor finds that a grievable issue has been filed but does not offer the employees requested relief, he/she shall forward the grievance to the employee's Department Director within seven (7) working days of such determination.

**Level Two:**

1. If the employee is not satisfied with the immediate supervisor's finding, he/she has a right to file a written appeal to the Department Director requesting a review. Such appeal must be filed within five (5) working days. Failure to file within five (5) working days forecloses any further remedy.
2. Upon receipt of a timely filed appeal, the Department Director will investigate the facts and circumstance surrounding the grievance, the basis of the grievance and state such facts in regards to the immediate supervisor's finding.
3. The Department Director will issue a written decision on the grievance which either affirms or reverses the immediate supervisor's decision. Such decision must include the Director's rationale and basis for his/her decision. The Director will issue his/her decision within fifteen (15) working days of receipt of all gathered evidence. If the employee is dissatisfied with the Department Director's decision he/she may proceed to Level Three.

**Level Three:**

If the employee is dissatisfied with the Department Director's decision, he/she may appeal the decision to the Tribal Grievance Committee within five (5) working days of receipt of the Department Director's decision. The composition of the Tribal Grievance Committee will vary depending on which branch of government the employment is located. The Committees will consist of the following:

1. Executive Branch Employment: Four cabinet heads and the Chief Executive Officer.
2. Legislative Branch Employment: Four legislators and the Speaker.
3. Judicial Branch: Two cabinet heads, Two legislators and an Associate Judge.

Upon receipt of a timely appeal, the Tribal Grievance Committee must:

1. Request written position statement from the employee and the employee's immediate supervisor and Department Director.
2. Conduct a hearing to establish a record of the proceedings.
3. Issue a written decision based upon the record established at the hearing within thirty (30) days.
4. Either party may be represented by an attorney or advocate at his/her own expense.

**Level Four:**

If an employee is dissatisfied with the Grievance Committee's decision, he/she may petition the Crow Tribal Court to conduct a limited review within ten (10) Calendar days of receipt of such decision. The Tribal Court review is limited in that the Tribal Court will review the grievance record to decide if proper grievance procedures were followed in accordance with this section. If the Court finds that grievance procedures were not followed correctly, the Tribal Court must remand the grievance back to the level where error occurred. The Tribal Court will not review the merits of the grievance and will not issue an opinion. All appeals originating from the Judicial Branch shall be heard by the Chief Judge in order to prevent a conflict.

By providing review to the Tribal Court, the Crow Tribe neither implicitly nor explicitly waives its sovereign immunity and provides the Tribal Court review only to fairly decide if grievance procedures and due process were properly followed and administered between the Crow Tribe and its employees.

## CROW TRIBAL PERSONNEL POLICIES

### TABLE OF PENALTIES

Those responsible for the administration for discipline must be firm, impersonal, and free from prejudice. In the interest of administering justice as uniformly as possible in accordance with the Crow Tribal Personnel Policies as adopted, the following Table of Penalties is incorporated herein.

1. In cases of less serious performance and/or conduct issues, supervisors are encouraged to discuss such deficiencies with their employees before initiating any formal disciplinary action under the Table of Penalties.
2. An oral or written reprimand may also be appropriate for less serious offenses prior to taking the maximum action specified in the Table of Penalties. Written reprimands may be grieved under the Grievance Procedures of the Personnel Policies, and will be included in the employee's personnel file maintained by the Department of Personnel Management.
3. In addition to the penalties listed, employees are reminded that depending upon the offense(s) committed, they may be subject to prosecution under Crow Tribal or other applicable laws and/or deemed ineligible for future employment with the Crow Tribe.
4. Employees who violate Crow Tribal or other applicable laws may also be subject to penalties provided for in those laws. Such violations may or may not lead to disciplinary action by the supervisor.
5. For those employees paid by a contract or grant, where the funding source requires greater disciplinary measures than those outlined in the Table of Penalties, or penalties other than those listed, such disciplinary action may be imposed consistent with the funding source requirement.
6. Where one set of circumstances warranting disciplinary action violates more than one offense listed in the Table of Penalties, supervisors must allocate the total penalty among each separate offense charged. For example, if an employee is charged with three separate offenses, and the penalty for all three offenses totals ten working days suspension, the supervisor must allocate the ten days among all three offenses.
7. For offenses listed in the Table of Penalties, the penalty listed is the maximum penalty allowed, but it is up to the discretion of the supervisor what penalty will in fact be instituted.
8. For offenses not listed in the Table of Penalties, the recommendations outlined at Section 9.4 of the Personnel Policies should generally be followed.

**TABLE OF PENALTIES**

<b>OFFENSE</b>	<b>1<sup>ST</sup> PENALTY</b>	<b>2<sup>ND</sup> PENALTY</b>	<b>3<sup>RD</sup> PENALTY</b>
1. Theft of property	Removal		
2. Misuse of Tribal funds	Removal		
3. Solicitation or acceptance of bribes or kickbacks	Removal		
4. Falsification or unauthorized alteration of any Tribal record	Removal		
5. False statement(s) of material fact in employment application or related documentation	Removal		
6. Maintaining second or outside employment without proper approval including, but not limited to, holding a salaried elected office, self employment, etc.	Removal		
7. Contracting or recommending a contract with a party where the employee has an equity or other beneficial interest, limited only to employees who have influence over the contracting process	Removal		
8. Fraud and/or conspiracy to commit fraud	Removal		
9. Perjury in court or before an official Crow Tribal body or tribunal	Removal		
10. Concealing, removing, mutilating, obliterating, or destroying Crow Tribal records or documents without authorization	Removal		
11. Abuse of office or position	Removal		
12. Failure to directly call or report to the immediate supervisor for three (3) consecutive working days	Removal		
13. Planning, initiating, participating in	Removal		

or otherwise aiding or assisting in the conduct of any riot or unlawful demonstration or strike			
14. Egregious misconduct which calls into question one's fitness for continued employment in that position with the Crow Tribe	Suspension (up to 30 working days), Demotion, or Removal	Removal	
15. Sexual harassment	Suspension (up to 30 working days) or Removal	Removal	
16. Operating a vehicle under the influence of alcohol or other controlled substance (except when controlled substance is used as prescribed)	Suspension (up to 30 working days) or Removal	Removal	
17. Malicious damage to Tribal property including, but not limited to, graffiti, vandalism, etc.	Suspension (up to 30 working days) or Removal	Removal	
18. Violation of any provision of the Tribal Drug and Alcohol in the Workplace Policy	Mandatory drug and alcohol evaluation and/or Suspension (up to 30 working days) or Removal	Removal	
19. Endangering the physical well being of any individual	Suspension (up to 15 working days) or Removal	Suspension (up to 30 working days) or Removal	Removal
20. Disclosing confidential Tribal information to unauthorized person(s)	Suspension (up to 15 working days) or Removal	Suspension (up to 30 working days) or Removal	Removal
21. Misuse of Tribal property or services	Suspension (up to 15 working days)	Suspension (up to 30 working days)	Removal
22. Insubordination, includes violation of any policy contained in this Policy	Suspension (up to 15 working days)	Suspension (up to 30 working days)	Removal
23. Neglect of duty	Suspension (up to 15 working days)	Suspension (up to 30 working days)	Removal
24. Unauthorized absence	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
25. Excessive absenteeism, including tardiness	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
26. Unsatisfactory work performance	Suspension (up to 10 working	Suspension (up to 30	Demotion or

	days)	working days) or Demotion	Removal
27. Failure to complete performance evaluations as required	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
28. Performing activities for personal gain when on the job including, but not limited to, campaigning for political office while on official tour of duty	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
29. Mistreatment of any individual(s) which jeopardizes health or safety	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
30. False witness against employee(s)	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
31. Offer of employment by unauthorized personnel	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
32. Violation of safety regulations which endangers oneself or others	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
33. Possession of unauthorized weapon(s) in the workplace	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
34. Failure to comply with motor vehicle regulations including, but not limited to, use of a tribal vehicle for personal reasons	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
35. Creating discord among fellow employees leading to decreased productivity or a hostile working environment	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
36. Failure to treat the public or fellow employees with courtesy	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
37. Use of abusive or vulgar language and/or gestures	Suspension (up to 10 working days)	Suspension (up to 30 working days)	Removal
38. Display of intoxication on the job, including use of restricted drugs not in conformance with a medical prescription)	Mandatory drug and alcohol evaluation and Suspension (up to 30 working days) or Removal	Suspension (30 working days) or Removal	Removal

39. Habitual use of intoxicants to excess  
which affects job performance

Mandatory drug and alcohol  
evaluation and Suspension (up  
to 30 working days) or  
Removal

Suspension (30 working  
days) or Removal

Removal