

**ASSINIBOINE & SIOUX TRIBES  
FORT PECK INDIAN  
RESERVATION  
POPLAR, MONTANA**



**TRIBAL PERSONNEL POLICIES  
&  
PROCEDURES MANUAL**

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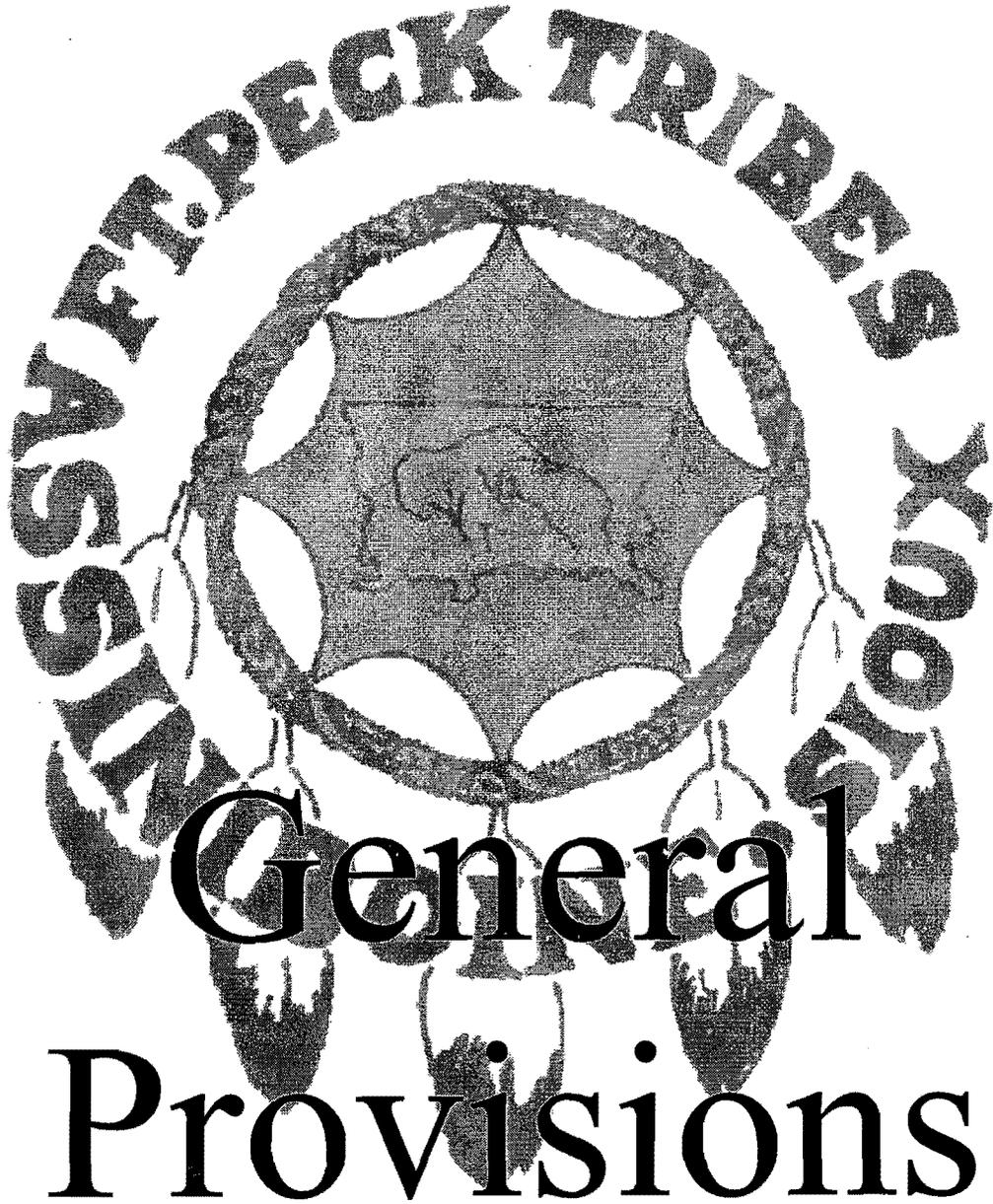
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# Chapter 1



General

Provisions

## CHAPTER 1

### GENERAL PROVISIONS

#### Section 1. Purpose

1-1-1 The purpose of this manual is to promote proper maintenance of an equitable management system within the Fort Peck Tribal Government.

#### Section 2. Personnel Management Principles

1-2-1 These Personnel Policies and Procedures are based upon the following principles:

- 1) Recruiting, selecting and promoting employees on the basis of their knowledge, abilities, skills, training and experience.
- 2) Providing fair compensation for work performance.
- 3) Retention of employees based upon high quality job performance, encouraging employees as appropriate to correct inadequate performance, and dismissal of employees whose performance is not satisfactory.
- 4) Equitable treatment of applicants for employment and employees in all phases of personnel administration without regard to political affiliation, race, color, national origin, age, sex, creed, but with proper regard for Indian preference, of their privacy and for their legal rights.

#### Section 3. Tribal Employment Policy

1-3-1 It is the official employment policy of the Assiniboine and Sioux Tribes to fill all new and vacant positions with, when appropriate, qualified and experienced enrolled members of the Fort Peck Tribes. When two or more tribal members are applicants for a position with the Tribes, are equally qualified for a specific position and one of them is a veteran, the veteran shall receive preference. However, the Tribes recognize that there may be specific instances when it may be necessary to employ non-tribal members to assist in the daily administration and operations of the Fort Peck Tribes. Given these circumstances, it is the opinion of the Fort Peck Tribal Executive Board that the guiding principle must be the employment and retention of competent personnel who can effectively provide for the maximum delivery of various governmental and socio-economic services and functions.

1-3-2 Non-tribal members (in professional, managerial, specialized or technical positions) employed by the Fort Peck Tribes will be expected to train tribal member subordinates to assume respective departmental duties and responsibilities within a reasonable amount of time.

1-3-3 A time schedule and training plan for the training required by 1-3-2 must be presented to the Tribal Personnel Officer for monitoring and compliance with tribal employment policies.

Section 4. Applicability of the Tribal Personnel Policies and Procedures Manual

1-4-1 These Personnel Policies and Procedures shall apply to all tribal employees, except:

- 1) Elected officials of the Tribe (including the Chairman, Vice-Chairman, Sergeant-at-Arms, and all members of the Tribal Executive Board) and the Secretary-Accountant.
- 2) The Board of Directors, members and/or employees of tribal corporations.
- 3) Tribal Court Judges, including Juvenile Judges, Tribal Court of Appeals Justices, members of the election Commission, Tribal Court Prosecutors, and Tribal Court Public Defenders.

Section 5. Tribal Chairman Responsibilities

1-5-1 The Tribal Chairman may define and shall supervise the administration of these Personnel Policies and procedures in an impartial and equitable manner with assistance from the Fort Peck Tribal Executive Board. (See the Assiniboine and Sioux Tribes Constitution and By-Laws, Article XI, BYLAWS, Section 6. Duties of Officers - Duties of Chairman - Paragraph {e}).

1-5-2 The Tribal Chairman may delegate the actual administration of these Personnel Policies and Procedures to the Tribal Personnel Officer. The Tribal Chairman shall have the discretionary authority to make recommendations to the Fort Peck Tribal Executive Board on all personnel problems and matters, such as transfers, promotions, probationary appointments, and temporary appointments.

1-5-3 The Tribal Chairman shall retain the exclusive right and authority to reject and/or rescind any appointments or recommendation of appointments by the Human Resource Office and selection committee, if they are not in compliance with the "Recruitment and Selection Plan and Tribal Personnel Policies and Procedures."

Section 6. Tribal Employee Responsibilities

1-6-1 It shall be the responsibility of all tribal employees to familiarize themselves with the provisions of this Personnel Policies and Procedures manual, and any revisions and amendments, and to adhere to them.

1-6-2 Tribal Employees are encouraged to submit suggestions for changes and improvements to these Tribal Personnel Policies and Procedures.

Section 7. Tribal Employee

1-7-1 A Tribal employee is an individual who is employed by the Fort Peck Tribes, paid directly through the Tribes' Central Accounting office and follows these Tribal Policies and Procedures.

1-7-2

Individuals employed with separate Tribal entities: A&S Industries, West Electronics, Fort Peck Housing Authority, Fort Peck Community College, and the Native American Educational Services programs are not considered tribal employees. Service time with these tribal entities shall count for leave accrual purposes, if they become tribal employees.

# Chapter 2



## CHAPTER 2

### RECRUITMENT AND SELECTION

#### Section 1. General

2-1-1 Whenever a new or vacant position needs to be filled, the appropriate Tribal Governmental Program shall submit a "Request for Personnel" form to the Tribal Office of Human Resource Management. The requisition will state the position which is vacant. Also, any special requirements of the position must be indicated on the "Request for Personnel" form so that such requirements may be added to the job announcement form upon approval by the Tribal Office of Human Resource Management.

#### Section 2. Public Announcement

2-2-1 The Office of Human Resource Management shall first post an announcement of all pertinent employment opportunities within the Tribal Programs, setting a period during which applications for positions will be accepted only from permanent employees of the Tribes. If one or more permanent employees file an application for the position, the Office of Human Resource Management shall screen and evaluate applicants and the Tribal Executive Board or Selection Committee shall select an applicant for the position if one is qualified, following the procedures in the Recruitment & Selection Plan. If no such applicant is qualified, the Office of Human Resource Management shall give public announcement of all pertinent employment opportunities within the service of the Fort Peck Tribes at least two (2) weeks in advance of the closing date for receipt of employment applications.

#### Section 3. Job Announcement Requirements

2-3-1 Public announcements shall be published in the Tribal newspaper and may be placed in the various news media of general circulation throughout the Fort Peck Reservation and, when appropriate, the State of Montana, paid advertisements, other than in the tribal newspaper, shall be placed only when the Chairman deems necessary.

2-3-2 Announcements shall include, but need not be limited to the following information: the title of the position, general description of duties, minimum qualification requirements, salary and the closing date.

#### Section 4. Veterans and Indian Preference

2-4-1 The first preference in selection, promotion and retention in employment shall be given to qualified enrolled members of the Assiniboine and Sioux Tribes whom served in active duty in the United States Armed Forces for a period of more than 180 consecutive days, unless separated for a service-connected condition or for a humanitarian reason, or for declaration of cease of war or conflict, under Honorable Conditions. Official documents issued by the Uniformed Service, the Veteran's Affairs, the General Services Administrative or the National Personnel Records Center (Military Personnel Branch) will be required to establish a Veteran's preference

eligibility. A 10 point preference shall be given to a qualified Veteran who has been rated disabled for service connected conditions by Veteran's Administration, or recipient of the Purple Heart and 5 points preference for all other enrolled qualified Veterans, who are equally qualified with other applicants for the same position. The second preference in selection shall be given to the qualified enrolled member of the Assiniboine and Sioux Tribes.

Section 5. Employment

2-5-1 All potential applicants who desire to be considered for appointment to new or vacant position must complete the appropriate Tribal Government "Employment Application" form or submit a current resume to the Tribal Office of Human Resource Management on or before the closing date specified on the job announcement.

Section 6. Readvertising

2-6-1 If an insufficient number of qualified applications for a vacant position are received, the advertisement period may be extended by the Tribal Chairman or Tribal Executive Board, for management and professional positions, to include a broader geographical area or other terms and conditions.

Section 7. Screening, Evaluation and Selecting Applications

2-7-1 After the closing date for the receipt of employment applications and/or resume has ended, the Tribal Office of Human Resource Management shall screen, evaluate, investigate and verify the information presented in each applicant's employment application or resume.

2-7-2 Only qualified applicants will be recommended to the Tribal Executive Board, for Management and Professional positions, or the Selection Committee for final selection.

2-7-3 It shall be the responsibility of the Tribal Office of Human Resource Management to notify all applicants of the final hiring decision by letter in the following manner:

- 1) Notify the applicant of his/her appointment and reporting date.
- 2) Notify the alternate, if one is chosen.
- 3) Notify all of the applicants that were not selected for appointment.

Section 8. Tribal Executive Board's Authority to Appoint Management and Professional positions

2-8-1 The Tribal Executive Board shall have the final authority to appoint the applicant the Board considers most qualified for a position.

2-8-2 The Tribal Executive Board may fill a position by transfer, promotion, probationary appointment from an eligible list, reinstatement or reassignment.

2-8-3 The Tribal Executive Board may delegate authority to hire temporary employees (See Chapter 3, Section 2) or fill a permanent position with a permanent employee in an acting capacity. (See Chapter 3, Section 5)

Section 9. Physical Examination

2-9-1 Prior to the appointment and acceptance of a position, applicants may be required to satisfactorily pass a physical examination. Requirements for physical examinations shall be uniformly applied based on job requirements.

Section 10. New Employee Drug Testing Policy and Procedures

2-10-1 To comply with the requirements of the Drug Free Work Place Act of 1988, P.L. 100-690, Title V, Subtitle D., and to uphold the public trust and confidence in tribal government, the Tribal Executive Board shall follow a policy of testing for the illegal use of drugs as a condition of employment.

2-10-2 The Tribal Health Department shall be designated as the office responsible for coordinating the drug tests with the clinic and laboratory. All tribal job announcements shall contain a statement notifying applicants that drug test must be taken as a condition of employment.

2-10-3 Drug Testing Procedures:

1. The primary applicant shall be notified in writing within 48 hours of his/her selection, of the drug test and the procedures contained herein;
2. The test shall be a urinalysis conducted in a legally licensed medical facility with the results analyzed in a laboratory certified by the Department of Health and Human Services;
3. The applicant shall be given a consent form by the Tribal Health Department and shall take the form to the designated clinic. At the testing site, the applicant shall present a current driver's license to show proof of identification and shall sign the form in front of a witness at the clinic.
4. In the presence of Medical or other designated Tribal Health Staff, the applicant shall provide the clinic with a urinary sample and inform the clinic of any other legally prescribed drugs or medications they may be required to take, for the purpose of notifying the laboratory.
5. The test shall be sent by the clinic to the laboratory for analysis and the results shall be sent directly to the Tribal Health Department who shall maintain the confidentiality of the information. Test results can only be shown to the applicant;
6. If the test is negative, the information shall be placed in a file marked "Security File Negative" for a period of one year. The applicant will be given written notice

from the Tribal Health Department that the test was negative and the applicant has passed the screening;

7. If the test is positive, the information shall be placed in a file marked "Security File Positive" for a period of one year. The applicant will be given a written notice within 48 hours from the Tribal Health Department that the test was positive and the applicant has failed the screening and will no longer be considered for employment for a period of six months.
8. When negative test results are returned to the Tribal Health Department, the applicant will be sent a copy of the test results by mail.

2-10-4 Re-testing. The candidate may be required to submit to another test if the urine sample is not sufficient to permit the laboratory to conduct a complete analysis or if the analysis indicates evidence of "dilution" in the sample or other problems. The following procedures shall be followed in such cases:

- a) The applicant will be given 24 hours written notice of the problem by the Tribal Health Department. The notice shall state that the applicant has a right to refuse another test but in so doing will be discharged from employment.
- b) The notice shall also state the time and date of the next test;
- c) On the date of the test, if the applicant consents to another test, the applicant must report to the Tribal Health Department to pick up the consent form. The Medical or other designated Tribal Health Staff shall accompany the applicant to the testing site.
- d) After three samples indicating evidence of dilution, the employee will be released from employment.

2-10-5 Selection of Alternate Candidate. If the primary candidate refuses to take the test or tests positive for the use of illegal drugs, the alternate candidate shall be notified in writing of the drug test within 48 hours and shall follow the same procedures in Section 2-9-4 as stated above. If the alternate tests negative he or she will be offered the position. If the alternate tests positive, the alternate shall no longer be considered for employment and the Personnel Officer shall notify the appropriate Tribal Executive Board or Selection Committee who shall have the authority to review the list of applicants and make another selection or seek approval to re-advertise the position.

2-10-6 Testing Positive. Applicants testing positive for illegal drugs shall be barred from making applications for employment with the Tribes for a period of six months.

2-10-7 Illegal Drugs. The laboratory shall screen for the following illegal drugs: Marijuana, Cocaine, Opium-PCP, Amphetamines, or any derivative/comboination thereof. The Tribal Executive Board may make any additions to the list of drugs to be included in the analysis.

2-10-8 Tampering with Urine Sample. Applicants who are reported by the Clinic or Laboratory for tampering or attempting to tamper with a urine sample will be dropped from further consideration of current employment and will be barred from submitting an application for employment for six months from the date of the report.

2-10-9 Disposing of Records. The results of all drug tests shall be destroyed by the Tribal Health Department one year from the date it was received by the office.

Section 11. Discharge During Probation

2-11-1 In the event of the discharge of a new employee during their probationary period, the first alternate from an eligible employee list, if designated by the Tribal Executive Board or Selection Committee, will assume the duties and responsibilities of the position.

Section 12. Examination Records

2-12-1 The Personnel Officer shall be responsible for the maintenance of all records pertinent to any examination program. This includes application forms and other necessary examination records for applicants not appointed may be destroyed after thirty (30) days.

Section 13. Ineligible Applicants for Employment with the Tribes

2-13-1 The following individuals shall be disqualified for consideration from employment with the Fort Peck Tribes:

- a) Any person who has willfully and knowingly made a false statement on his/her application for employment or his/her resume;
- b) Any individual who has used or attempted to use political pressure, influence or bribery to secure an advantage in the service of the Fort Peck Tribes;
- c) Any individual who has directly or indirectly obtained information regarding relevant examinations to which an applicant was not entitled;
- d) Any individual who has failed to submit his/her application for employment or resume prior to the closing date in the job announcement.

Section 14. Handicapped Applicants

2-14-1 The Tribes shall endeavor to hire handicapped persons for jobs which they are qualified, consistent with the Indian Preference requirements of Section 4 of this Chapter.

# Chapter 3



## CHAPTER 3

### TYPES OF APPOINTMENTS AND POSITIONS

#### Section 1. Definitions

- 3-1-1 Temporary Appointment: A limited term appointment not to exceed thirty (30) days.
- 3-1-2 Regular Appointment: The appointment of an employee to a position following successful completion of a probationary period.
- 3-1-3 Probationary Appointment: The original appointment of an individual to a regular position for a 90-day period.
- 3-1-4 Part-time Appointment: The appointment of an employee to a position for more than thirty (30) days but less than 750 hours per year.
- 3-1-5 Regular Employee: An employee who has been appointed to a regular position after successful completion of a 90-day probationary period.
- 3-1-6 Probationary Employee: An employee in a regular position who has not yet completed the 90-day probationary period.
- 3-1-7 Temporary Employee: An employee who has received an appointment for a specified limited period, not to exceed thirty (30) days, on a full or part-time basis, and whose appointment may be terminated for good cause at any time without recourse. An employee who is not entitled to any type of benefits.
- 3-1-8 Part-time Employee: An employee who has been appointed to a part-time position for more than thirty (30) days but less than 750 hours.

#### Section 2. Temporary Appointments

- 3-2-1 Temporary appointments can be made to fill a position that becomes vacant. Temporary appointments may be filled by the Tribal Executive Board by resolution or the Chairman and shall not exceed thirty (30) days. Successive reappointments shall be approved by the Tribal Executive Board. The Tribal Office of Human Resource Management shall insure that each temporary appointment meets the minimum qualifications listed in the position description. Temporary appointments by the Tribal Executive Board and Chairman shall be made in the following manner:

- Step 1. The Director shall notify the Human Resource Office of the need to fill a position with a temporary appointment and require the person to fill out an application. All applicants for a temporary appointment shall be required to fill out a tribal application form;

- Step 2. The Human Resource Office shall evaluate applicants to determine if the person is qualified according to the requirements listed in the position description;
- Step 3. If the person is rate as “qualified,” the Human Resource Office will draft a temporary appointment letter for the Chairman’s signature and forward the letter and relevant forms to the Chairman for his review and approval.
- Step 4. If the temporary appointment is approved, the Human Resource Office will process the ADD/CHANGE form and appropriate tax forms and submit the forms to the Computer Analyst and payroll;
- Step 5. The appointee will begin work under the conditions set forth in the temporary appointment letter.

3-2-2 Examples of temporary positions include, but are not limited to the following:

- (a) Those whose employment appointments contain a time limitation of less than thirty (30) days.
- (b) Summer or seasonal employees, part-time college and high school student employees.

Section 3. Regular Positions

3-3-1 Regular positions are filled by individuals who are expected to work a normal work week for forty (40) hours for fifty-two weeks and have successfully completed the ninety (90) day probationary period.

Section 4. Part-time Positions

3-4-1 Part-time positions are filled by individuals who are expected to work less than twenty (20) hours per week and/or less than 750 hours per year.

Section 5. Probationary Employment Period

3-5-1 Each original appointment to a regular position shall be considered a probationary employee for the following periods: Administrative, Clerical, and Technical positions will serve a probationary period of ninety (90) days. Professional and Executive positions will serve a probationary period of one (1) year from the date of the initial employment.

3-5-2 Probation is a selection technique whose purpose is to provide a specified amount of time for the new employee to prove through daily performance that he/she is fully capable of effectively completing the duties and responsibilities of the position.

3-5-3 During the probationary employment period, the new employee shall accrue and may use Annual and Sick leave in accordance with the Annual and Sick leave provisions in Chapter 8, Section 2

and 3 of this Personnel Policies and Procedures manual.

- 3-5-4 During the probationary period of a new Employee, the supervisor shall evaluate the performance of the employee every thirty (30) days and through a Probationary Interview advise the employee in writing of his/her progress using forms prescribed by the Human Resource Office. The Supervisor shall also provide the employee with a reasonable time period, within the probationary period, to address the deficiencies in performance. A failure to address deficiencies within a prescribed time period shall be documented by the Supervisor and may be the basis for discharge, transfer or reassignment.
- 3-5-5 Any Tribal Employee serving an initial Probationary period, or a temporary employee, may be discharged at any time without cause and the decision may not be appealed to the Grievance Committee. The following procedures shall apply in such cases:
2. The discharge shall be given in writing using the form "Notice of Discharge". The Notice Of Discharge shall be given to the discharged probationary employee by the Human Resources Office and a copy placed in the employee's Personnel Folder.
  3. The Notice of Discharge shall state the reason(s) for the discharge and the effective date.
  4. The Notice of Discharge shall require the written concurrence by signature of the Tribal Chairman to be effective and final.
- 3-5-6 The Executive Board for professional and executive positions and the Tribal Chairman, upon the recommendation of the Program Director for other positions, can place an employee back on probation at any time during their regular employment period. Placing an employee back on probation can only be approved when the employee's performance drops to an unsatisfactory level or when the Employee begins a new position by transfer or reassignment. The employee's immediate supervisor shall be responsible for documenting any performance determined to be unsatisfactory. The documentation will serve as a basis for starting a new probationary period. Regular Performance Evaluations must be used to document unsatisfactory performance.
- 3-5-7 A probationary employee may be asked to serve another probationary period of another thirty (30) days, if the first probationary period was not sufficient time to prove that he/she is capable of performing the duties of the position.
- 3-5-8 The Program Director or Supervisor shall be responsible for documenting performance during probation which shall be the basis for extending probation beyond the original probationary date. In such cases, the decision to extend probation will be made by the Chairman after consulting with or by recommendation of the appropriate Program Director and Human Resource Director.
- 3-5-9 A probationary employee may have their probation extended if he/she is unable to serve the full ninety (90) day on-the-job due to a severe medical illness or condition which incapacitates the employee and requires immediate hospitalization or the employee to miss work based on the doctor's orders. The following guidelines must be followed in such cases:
1. The probationary employee, or spouse or relative if necessary, must notify the Supervisor immediately by telephone (or in person) and obtain a certification form from the Human

Resource Office which must be filled out and signed by the employee's doctor. The form must be returned to the Human Resource Office within three (3) days of the employee's last day of work;

2. The Program Director shall have the authority to approve or disapprove of the request. If the request is approved, the employee will be placed on leave without pay status. If the request is disapproved the employee will be released from employment with the Fort Peck Tribes;
3. Probationary employees may not miss more than ninety (90) days of work in leave without pay status. In such cases the employee will be released from employment with the Fort Peck Tribes;
4. The first alternate shall be placed in the position when a probationary employee is granted leave without pay status. If the probationary employee is not able to return to work due to the continuation of a medical condition beyond ninety (90) days, the first alternate will be offered the job.

3-5-10 Approximately one week prior to the end of the Employee's Probationary period, the Tribal Office of Human Resource Management shall send a Probationary Employee Performance Evaluation Report to the appropriate Program Director/Supervisor of the Probationary Employee. The Program Director/Supervisor shall follow the guidelines below:

- a) The Program Director/Supervisor shall complete the report and conduct a Probationary Interview with the employee to determine whether the employee successfully performed the duties and responsibilities of the job.
- b) This report shall be returned to the Human Resource Office for review by the Tribal Chairman, who shall determine by signature whether the employee's status shall be changed to Regular status.
- c) After the Chairman's determination, the Tribal Office of Human Resource Management shall document the change of employment status from Probationary to Regular, and give the employee written notification of the same. If the employee is terminated, transferred, or reassigned to a position for which he/she is more qualified, as the Chairman directs, the same procedures shall be followed.
- d) A copy of the Report and all transactions shall be maintained in the Employee's Official Personnel file in the Tribal Office of Human Resource Management.
- e) The Tribal Chairman's decision is final, and may not be appealed to the Grievance Committee.

3-5-11 New employees must complete the ninety (90) day probationary employment period before being considered for a promotion.

3-5-12 While completing the ninety (90) day Probationary Employment period, the employee may be considered for appointment to another position within the Tribes. If, by following the procedures in Chapter 9, the probationary employee is selected for another position with the Tribes, the employee will then be required to serve another ninety (90) day probationary employment period for the new position.

Section 6. Employee in an Acting Status

3-6-1 The Tribal Executive Board may determine that a permanent employee shall assume the responsibilities of a vacant position for thirty (30) days or longer in an acting capacity, pending advertisement for recruitment of applicants for the vacant position. The employee in an acting status may receive additional salary to commensurate with his/her new duties, upon approval by the Tribal Executive Board.

# Chapter 4



## Employee Conduct and Activities

## CHAPTER 4

### EMPLOYEE CONDUCT AND ACTIVITIES

#### Section 1. Policy

4-1-1 Employees are expected to conduct themselves in a prudent manner while on the job, including travel status, and shall uphold the esteemed status of the Assiniboine and Sioux Tribes. Conduct which is not in adherence to these requirements will not be tolerated and employees violating it may be subject to disciplinary action in accordance with Chapter 5 of this manual.

4-2-1 An employee conduct guide, contained in Sections 2 and 3 of this Chapter, illustrates some of the Tribes' expectations of proper employee behavior. These sections are generally illustrative and not all-inclusive. To ensure familiarity with the conduct guides contained herein, each new employee shall read and understand the contents of this manual, and sign a orientation form, given by the Human Resource Office, as evidence that the employee has read and understands this Manual.

#### Section 2. Employee Conduct Guide

4-2-1 Each employee of the Tribes shall perform all required duties in a manner that will:

- a) Maintain loyalty to the Assiniboine and Sioux Tribes.
- b) Uphold with integrity, the relation of trust and confidence while serving in the appointed position.
- c) Give ready response to and comply with the directions and instructions of the Program Director/Supervisor in the service of the Tribes.
- d) Show courtesy, cooperativeness, diligence, with fellow employees, the Assiniboine and Sioux people, and the general public.
- e) Give full, efficient, and industrious service to promote the economical and effective accomplishment of the Tribes goals and objectives.
- f) Protect confidential information and refrain from disclosing any portion thereof, except in the manner and to the extent authorized.
- g) Economically use, protect and conserve the Tribes' property and equipment which is assigned to the employee for which the employee is responsible.
- h) Maintain all transactions above reproach, free from any payment, gratuity, or favors from any source which would cast doubt or suspicion upon the employee or the Tribal Administration.

- i) Refrain from using one's official position unethically to advance personal interest or the interests of friends.

Section 3. Limitations on Employee's Conduct and Activities

4-3-1 Employees should be cognizant of the following limitations which affect them.

- a) Employees are expected to maintain high standards of conduct, both on and off duty so as not to reflect discredit on the Tribes.
- b) All employees are required to address their financial obligations at the time and in the manner for which they have contracted to pay them.
- c) The Tribes are not responsible or accountable for the loss or theft of any personal property of it employees.
- d) Employees shall be held accountable and responsible for the loss of tribal property for which they are responsible, when the loss is due to the carelessness or misconduct of the employee.
- e) All official correspondence relative to the transactions of the Assiniboine and Sioux Tribes shall be disbursed and received at the Tribal Program Offices and not at the personal address of employees.
- f) Employees who are indebted to the Assiniboine and Sioux Tribes, and fail to pay such obligations or make satisfactory arrangements to pay, may have partial sums of their periodic net salary payments withheld until such indebtedness had been satisfied in full.
- g) No employee shall drive a tribally owned or leased vehicle without having in his possession a current, valid Driver's License.

Section 4. Political Activities

4-4-1 Any person who is an employee of the Tribes, or any program sponsored by the Tribes, or any tribal corporation or enterprise financed in whole or in part by the Tribes shall not be required to resign his/her position before filing a notice of candidacy for tribal office.

4-4-2 Any such person may not campaign for office while on the job and shall continue to perform the duties of his/her job in a timely and efficient manner. Any such person who is elected shall be terminated.

Section 5. Representation

4-5-1 When employees are authorized to speak on behalf of the Tribes no employee may declare as policy any statement which is contrary to the policies of the Tribes.

Section 6. Conflict of Interest

- 4-6-1 No rewards, favors, gifts or other forms of gratuity, in addition to regular compensation from the Tribes, shall be received by a Tribal employee(s) from any individual, vendor, contractor and/or firm.
- 4-6-2 No person shall be hired in a program where his/her wife, husband, son, daughter, mother, father, brother or sister is serving as that person's Program Director/Supervisor.

# Chapter 5



Discharge and  
Disciplinary  
Action

## CHAPTER 5

### DISCHARGE AND DISCIPLINARY ACTION

#### Section 1. Definitions

5-1-1 Good Cause. “Reasonable job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer’s operation, or other conduct or activities that violate Tribal Personnel Policies listed in Chapter 4 and in other portions of this manual.”

5-1-2 Good Standing. “An employee who has no negative disciplinary actions pending or is being required to take remedial action as a result of poor employee performance in satisfying the requirements of the job as stated in the job description and performance standards.”

5-1-3 Progressive Discipline. As an employer the Tribes adhere to the concept of “progressive discipline,” which is defined as taking progressively more severe actions by an employer that take into consideration the work history of the employee and the severity of the offense.

#### Section 2. Discharge of Employment

5-2-1 Resignation. “Any employee wishing to leave employment in good standing must file a written letter of resignation with his/her Program Director/Supervisor at least two weeks prior to leaving. Employees resigning without providing two weeks notice will have the action noted in their official Personnel Folder. The resignation shall contain the date that the resignation will become effective, reasons for leaving and a forwarding address.

5-2-2 Resignation Procedure. Upon receipt of a resignation, the Program Director/Supervisor shall notify the Tribal Office of Human Resource Management by submitting a copy of the resignation and a Personnel Action Notice. The resignation must be approved by signature of the Program Director and the Tribal Chairman to be considered effective and final using the Personnel Action Notice. The employee’s final lump sum payment for unused leave shall be issued according to the Chapter 8, Section 2. 8-2-2 (a) and Section 3. 8-3-3, of the Tribes’ Personnel Policies and Procedures manual.

5-2-3 Verbal Resignation. Verbal resignations are not recognized. If an employee verbally resigns his/her position and leaves the work station, it will be considered “job abandonment,” and the employee may be discharged immediately at the discretion of the Director, after consulting with the Tribal Chairman, with the action submitted and entered into the employee’s official Personnel Folder. In such cases, the discharged must be signed by the Program Director and approved by signature by the Tribal Chairman using the form Personnel Action Notice to be effective.

5-2-4 There shall be no prescribed waiting period between the verbal resignation of an employee and official acceptance of the resignation by the Director and Tribal Chairman.

5-2-5 Discharged by Tribes. An employee may be discharged for good cause upon two weeks notice in writing by the appropriate Program Director. The notice of discharge shall state the reasons for discharge and shall be given both to the employee and the Tribal Office of Human Resource Management for insertion into the employee's official personnel file. Every blank on this form must be completely filled in. If the interests of the Tribes require it, an employee who has been given notice of discharge may be immediately suspended from duties by the appropriate Program Director or by the Tribal Chairman. A suspended employee under discharge shall not receive pay during the period of suspension unless the notice of discharge or the suspension is reversed by the Grievance Committee as provided in Chapter 6.

5-2-6 Medical Examination. When it is determined, on the basis of a medical examination, that an employee is incapable of satisfactorily performing necessary duties because of a physical or mental impairment which is likely to continue indefinitely or to recur frequently, the appointee may be discharged. However, every effort will be made to move an employee into a position that is within the employee's physical and mental capabilities.

5-2-7 Progressive Discipline. The goal of progressive discipline is to , whenever possible, correct the problem, rather than punish an employee by discharge or suspension. As a guide, punishment in the form of suspension or removal from a position by demotion or discharge, is normally reserved for situations where less severe personnel actions have not been successful in correcting a problem. The severity of an offense may also be so great that a stronger penalty, such as suspension or discharge is warranted on a first offense without following the guidelines stated in Section 3, 5-3-1.

### Section 3. Other Disciplinary Actions

5-3-1 In disciplinary actions the following guidelines shall be applied when the severity of the offense does not warrant immediate discharge.

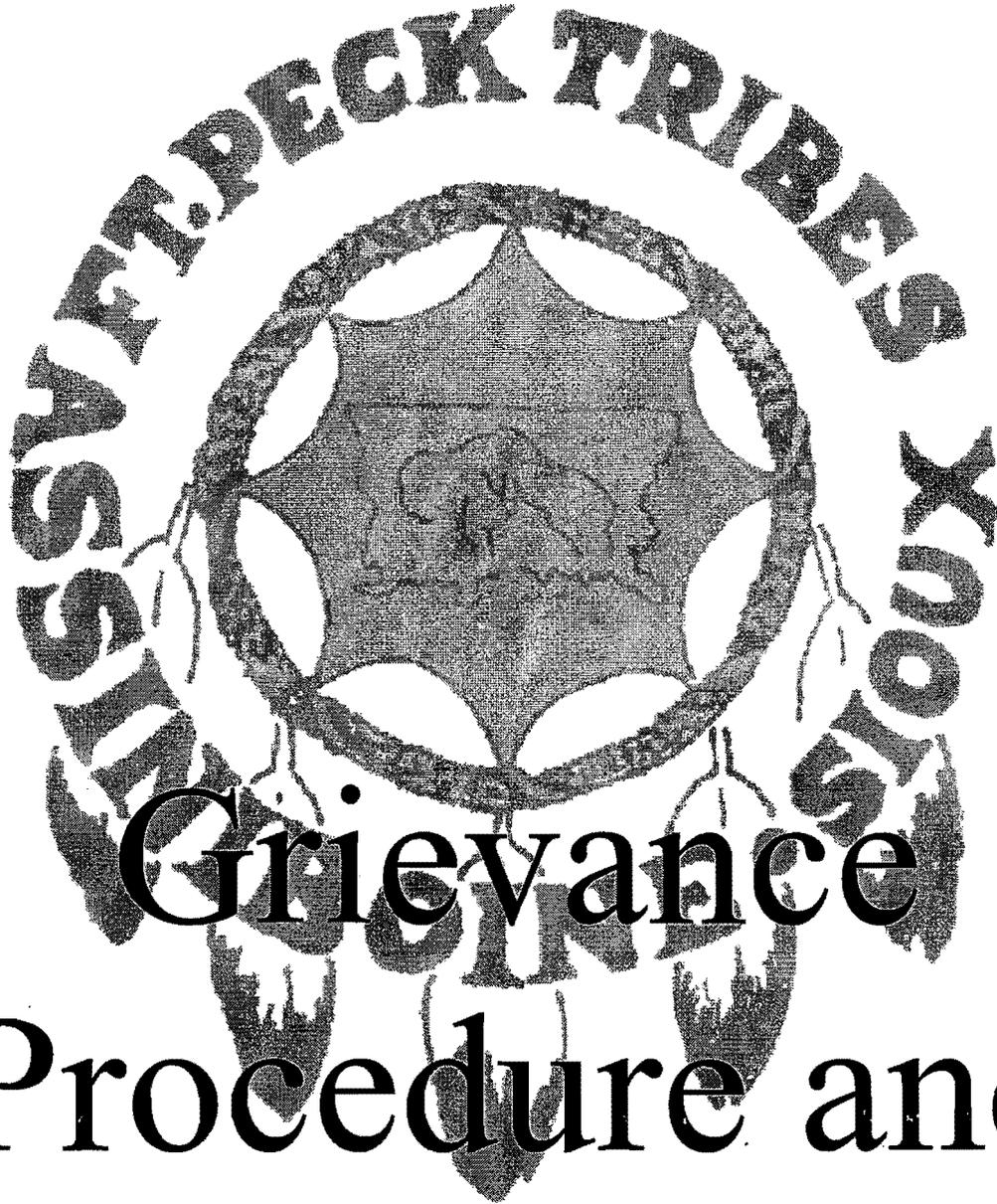
- a) Directors and/or supervisors must carefully document all employee work problems.
- b) The Director and/or supervisor shall develop a written plan with reasonable timeliness for improving employee performance which shall be implemented and followed by the employee.
- c) The employee shall be warned in the written plan that a failure to improve performance within the timeliness specified shall result in taking progressively more severe disciplinary actions including discharge of employment.
- d) The written plan and supporting documentation must be attached to all disciplinary actions and entered into the employee's Personnel Folder.

5-3-2 The Program Director, with the Tribal Chairman's concurrence, or the Tribal Chairman if the employee to be disciplined is a Program Director, must use systematically the following actions with respect to an employee whose performance or conduct is deemed unsatisfactory:

- a) Denial of the use of annual leave in writing when the infraction is absenteeism, excessive tardiness, or neglect in obtaining prior approval for leave. Denial can be up to thirty days. Excessive absenteeism and tardiness can be the basis of discharge when all other efforts to correct it have failed.
- b) Verbal reprimand with documentation in employee and personnel file;
- c) Written reprimand;
- d) Demoting an employee to a job with lesser qualifications and/or lower pay providing a position is available. If no position is available, the Director/Supervisor can move to step (e).
- e) Requiring the employee to be suspended without pay for not to exceed two pay periods.
- f) Discharge.

5-3-3 None of the above disciplinary actions shall be a prerequisite to discharge for good cause. In each instance where disciplinary action is taken, the Program Director shall advise the employee in writing of the reasons for the action, and provide a copy of the written notice to the Tribal Office of Human Resource Management for insertion into the employee's personnel file.

# Chapter 6



## Grievance Procedure and Appeals

## CHAPTER 6

### GRIEVANCE PROCEDURE AND APPEALS

#### Section 1. Grievance Procedures

- 6-1-1 Any eligible employee who is aggrieved by a disciplinary action, loss of employee benefits, or work conditions may utilize the grievance procedure established by this Chapter; provided, however, that policies and budget matters established by the Tribal Executive board are not subject to grievance under this Chapter. "Eligible employee" excludes employees that are considered probationary under 3-5-1 and temporary employees under 3-2-1.
- 6-1-2 Step One: Informal Discussion with Supervisor. Any aggrieved employee shall first attempt to informally resolve the grievance with their immediate supervisor within five working days of the date of the incident or action which gave rise to the grievance. The supervisor shall document the discussion and/or resolution of the matter in the employee's personnel file. If this informal process does not resolve the matter to the satisfaction of the employee, the employee may file a written grievance under Step Two. If the supervisor's action or inaction is the cause of the grievance, the employee may skip Step One if they so desire.
- 6-1-3 Step Two: Written Grievance to Supervisor. Within seven working days of the date of the incident or action which gave rise to the grievance, the employee shall file a signed written grievance with their immediate supervisor setting forth the basis for the grievance, the action or remedy sought, and shall include any supporting documentation. The employee shall also provide a copy of the grievance to the Human Resource Director at the same time. The supervisor shall respond in writing to the written grievance within seven working days unless the parties agree to an extension of time. The Human Resource Director shall be provided notice or copies of any extensions of time.
- 6-1-4 Step Three: Appeal to Program Director. If the grievance is not resolved to the satisfaction of the employee under Step Two or the supervisor fails to respond within the required timeframe, the employee may file an appeal to the program director within three working days of receiving the written decision from their supervisor, or in the case where the supervisor did not respond, within three working days of the supervisor's deadline to respond. The employee shall also provide the Human Resource Director with a copy of the appeal. The program director shall investigate the grievance and may meet with affected persons and shall render his decision on the grievance within seven working days of his receipt of the appeal unless the parties agree to an extension of time. The Human Resource Director shall be provided notice or copies of any extension time. In the case where the grievant is a program director with the right to aggrieve under these policies and procedures, Step One shall be an informal discussion with the Chief of Staff of the Tribes, and Step Two shall be in writing to the Chief of Staff in accordance with the same timeframes set for the in Step One and Step Two, with a decision by the Chief of Staff within seven working days of his receipt of the written grievance. (There is no Step Three with program director grievant.)

6-1-5

Appeal to Grievance Committee. If the grievance is not resolved to the satisfaction of the employee under the above Steps, the employee may file a signed written appeal to the Grievance Committee through the office of the Human Resource Director within five working days of their receipt of the decision of the program director (or decision of the Chief of Staff if the grievant is a program director). The appeal shall set forth the position of the employee and explain and document why the employee believes they are entitled to further relief from the Grievance Committee and specify the relief sought. Upon receipt of a timely and proper appeal, the Grievance Committee shall within five working days of receipt of the appeal establish a hearing date through the Human Resource Director and notify the employee of the date of the hearing which shall be scheduled not less than ten working days before the notice of hearing is issued. The following applies to the hearing:

- (a) The Grievance Committee establishes the procedures for the hearing and may require the names and telephone numbers of any witnesses to be identified in advance and supporting documents to be filed in advance of the hearing. The hearing may be informal in nature and the Grievance Committee shall have the right to question any party or witness.
- (b) The employee may be represented by an attorney or advocate, who may make opening and closing arguments on behalf of the employee, but all questioning of witnesses shall be done by the Grievance Committee or with their permission.
- (c) The hearing shall be recorded and a record kept of all evidence that is submitted. Evidence and arguments that were not presented by the employee during Step One through Step Three of the grievance should generally not be allowed unless the employee can provide good cause why the evidence or arguments were not presented in Steps One through Three.
- (d) For grievance matters that do not involve discharge of the employee or other matters of serious consequence, the Grievance Committee may adopt a more informal process that may not include a hearing if the employee consents in writing.
- (e) The decision of the Grievance Committee shall be in writing, signed, and explain the reasoning and factual basis for the decision.

Section 2. Tribal Grievance Committee

6-2-1

This hereby establishes the Tribal Grievance Committee. The Tribal Grievance Committee shall consist of three (3) permanent members and two (2) alternates. Pursuant to Section 6-2-2, the Committee shall be composed of two (2) persons who are managers or directors of a tribal program or federally funded program and one (1) who is an employee of a tribal program or federally funded program. The two alternates shall be composed of one (1) manager or director of a tribal program or federally funded program and one (1) employee of a tribal program or federally funded program. The Tribal Chairman shall select the permanent members, alternates and replacement members of the Grievance Committee. In the event that any of the three

members are disqualified pursuant to Section 6-5-2, The Chairman shall select an alternate to replace the disqualified member from the two person pool of alternates.

- 6-2-2 The terms of office for the Grievance Committee members shall be staggered terms of three (3) years each, to allow for the replacement of one (1) member each year.
- 6-2-3 To be eligible to hold the office of Committee member or an alternate, a person, (1) must be a director or manager of a tribal program or federally funded tribal program or an employee of a tribal program or federally funded tribal program; (2) must be at least 26 years of age; (3) Must have at least a high school education or its equivalent; (4) must be of high moral character and integrity; (5) must have never been convicted of a criminal offense other than traffic offenses; and (6) must be physically able to carry out the duties of the office.
- 6-2-4 On taking office, each member of the Committee shall take an oath as follows:
- “I \_\_\_\_\_, do solemnly swear that I will do equal right and faithfully and impartially discharge and perform all duties incumbent upon me as a member of the Tribal Grievance Committee according to the best of my abilities and understanding. So help me God.”
- 6-2-5 A member of the committee shall disqualify him/herself in any proceeding which his/her impartiality might be questioned, in which he/she has any personal bias or prejudice concerning any party, in which he/she or a member of his/her immediate family might be a witness or has any personal knowledge or disputed evidentiary facts concerning the proceeding in which he/she or any member of his/her immediate family is a party or has any financial or other interest in the proceeding, has acted or is acting as an attorney or lay counselor in the proceeding, or in which he might otherwise appear to be biased or prejudiced. The Chairman shall appoint an alternate to replace a disqualified member. As used in this section, immediate family shall include spouses, parents, grandparents, children, grandchildren, brothers, sisters and in-laws.

Section 3. Grievance Committee Responsibilities

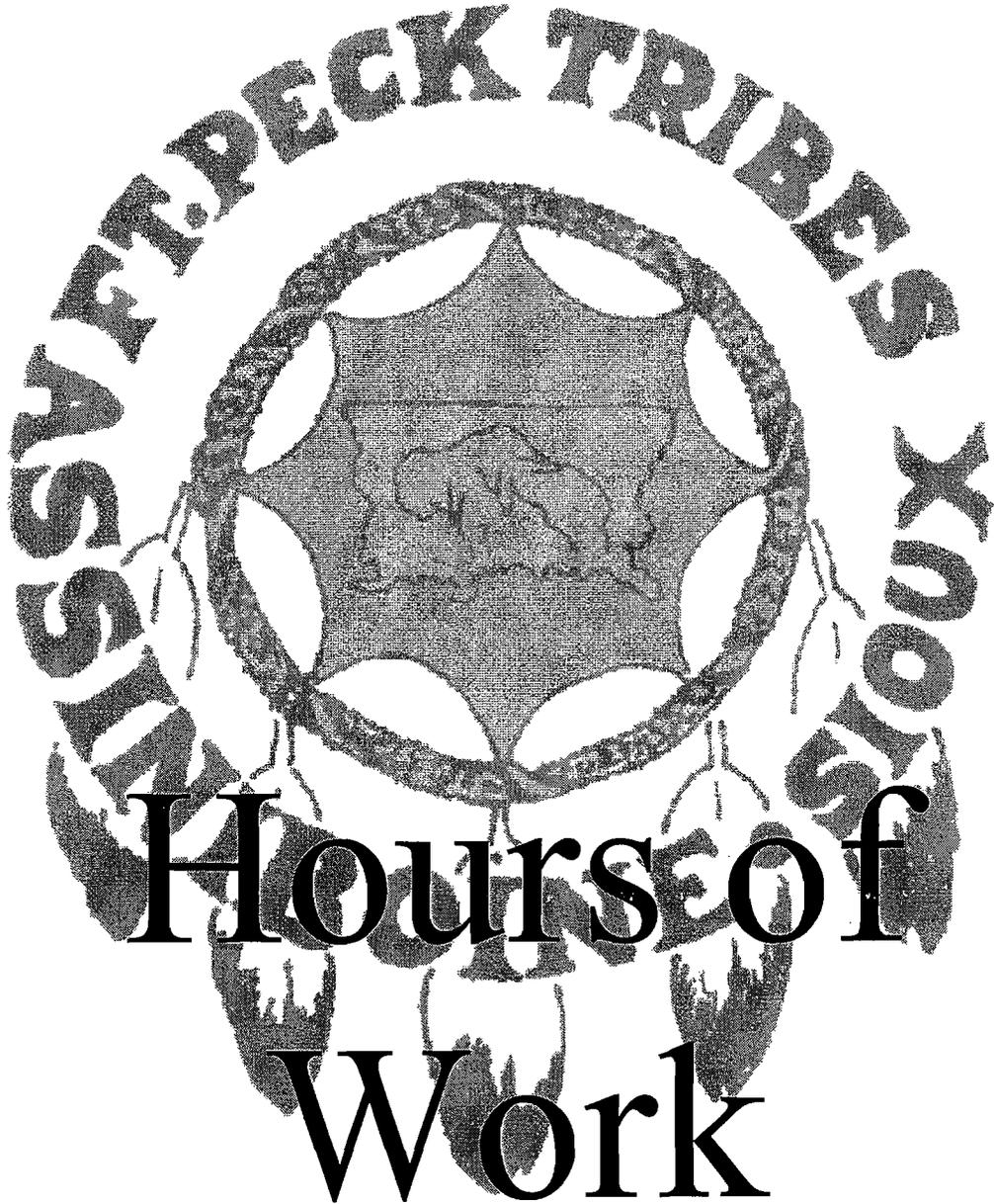
- 6-3-1 The Chairman of the Grievance Committee shall preside at the hearing and be responsible for maintaining an orderly and dignified hearing. He/she will ensure that each party is given full opportunity to exercise his/her rights under these proceedings.
- 6-3-2 Three (3) Committee members shall be present in all grievance proceedings.
- 6-3-3 After hearing all evidence and testimony, the Committee, in closed session, will make its' decision. The decision shall be based solely on the evidence and testimony brought at the hearing. The Committee shall vote by secret ballot to render a final decision. The Chairman/Chairwoman will then reopen the hearing, and in the presence of the aggrieved employee and the Program Director/ Supervisor, will announce the Committee's decision, which will be inserted in the written minutes of the hearing. If it is apparent the closed session of the Committee will be of a lengthy time period, the aggrieved employee and/or Program Director/Supervisor may choose to be informed of the Committee's decision by mail, which will

be within five (5) working days. The decision of the Committee shall be a final decision and the decision shall not be appealable to the Fort Peck Tribal Courts. In the event that an aggrieved employee is terminated from a federally funded tribal program, and the program requires that the individual be informed of his/her right to appeal the Committee's decision to an appropriate federal administrative agency, the Committee shall notify the individual of his/her right to appeal. The Chairman of the Committee will advise the aggrieved employee, the Program Director, the Supervisor and the Human Resource Director in writing of the Committee's decision within five (5) working days.

Section 4. Grievance Committee Meetings

6-4-1 All eligible employees are encouraged to use the Grievance Procedures. Employees shall be free from restraint, coercion, and discrimination when using these procedures.

# Chapter 7



## Hours of Work

CHAPTER 7  
HOURS OF WORK

Section 1. The Basic Work Week

7-1-1 The basic work week for the Fort Peck Tribes will consist of five eight (8) hour days, Monday through Friday. Saturdays and Sundays will not be considered working days.

Section 2. Basic Tour of Duty

7-2-1 The basic tour of duty will be from 8:00 a.m. to 12:00 p.m. noon, and from 12:30 p.m. to 4:30 p.m.

Section 3. Daily Check-in, Check-out and Attendance Procedures

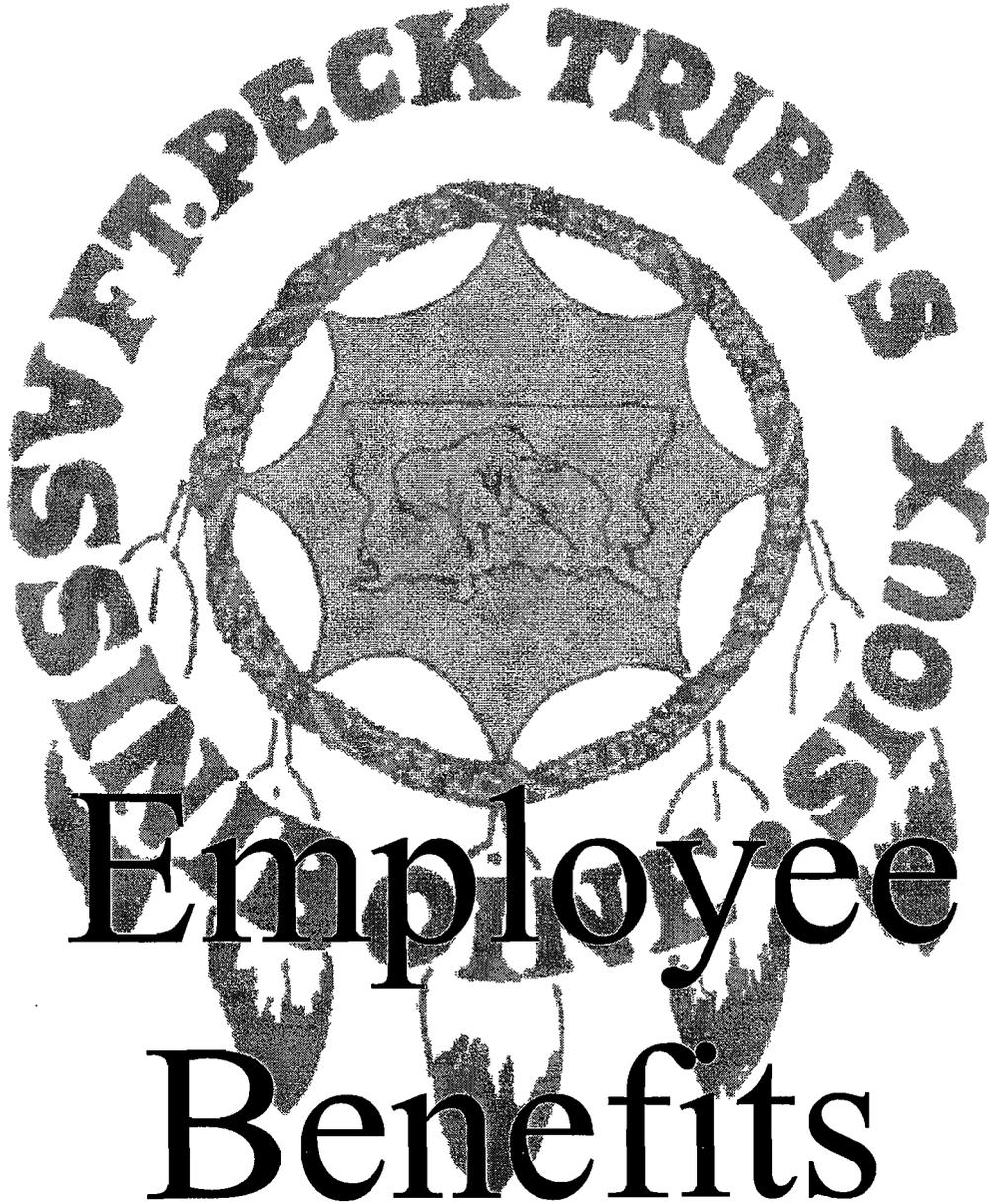
7-3-1 All employees of the Tribes are required to be on the job at 8:00 a.m. and to utilize the appropriate daily check-in and check-out procedures of the established Tribal Program.

7-3-2 Any Tribal employee who is not properly using the daily check-in, check-out attendance procedures of his/her Tribal Program, ie. Punching another employee in or out; will be subject to disciplinary action as provided in Chapter 5 of this manual.

Section 4. Tardiness

7-4-1 The Program Director shall discipline employees for repeated tardiness by the disciplinary actions provided in Chapter 5 of this manual.

# Chapter 8



## CHAPTER 8

### EMPLOYEE BENEFITS

#### Section 1. Holidays

8-1-1 The following days shall be designated as holidays for all Tribal employees:

- a) New Year's Day
- b) Martin Luther Kings Birthday
- c) Presidents Day (Res. #436-94-1)
- d) Memorial Day
- e) Independence Day
- f) Labor Day
- g) Veteran's Day
- h) Tribal Thanksgiving Day (2 days)
- i) Christmas Day
- j) Fort Peck Reservation Day (Dec.31, Res. #138-89-12)
- k) Any day designated as a holiday by an official order of the Tribal Executive Board.
- l) The hours between 12:30 p.m. and 4:30 p.m. the Friday of Native American Week

8-1-2 Any Tribal employee will not be granted holiday pay for the above holidays if he/she is on unauthorized leave the day preceding or following the holiday.

8-1-3 When a holiday is on a Sunday, all tribal offices and departments will be closed for business on the following Monday. When a holiday is on a Saturday, all tribal offices and departments will be closed for business on the preceding Friday.

#### Section 2. Annual Leave

8-2-1 Annual leave will accrue from the date of appointment and may be used during the ninety (90) day probationary period. The following outlines the Fort Peck Tribes Annual Leave Policy.

- a) Employees employed for three (3) years or less will accrue four (4) hours for each eighty (80) hours worked. The maximum carry-over from one (1) year to the next shall be two-hundred and eight (208) hours of annual leave.
- b) Employees employed for three (3) to fifteen (15) years will accrue six (6) hours

for each eighty (80) hours worked. The maximum carry-over from one (1) year to the next shall be two-hundred and eight (208) hours of annual leave.

- c) Employees employed for fifteen (15) years and over will accrue eight (8) hours for each eighty (80) hours worked. The maximum carry-over from one (1) year to the next shall be two-hundred and eight (208) hours of annual leave.
- d) Prior permanent service with the Fort Peck Tribes including Tribal Executive Board membership shall count toward the hours of accrued annual leave, subject to the approval of the Tribal Executive Board membership and/or Tribal Chairman. It is the responsibility of each Tribal employee to notify the Office of Human Resource Management of past permanent work history with the Fort Peck Tribes.
- e) Vacations shall normally be taken or annual leave used within one (1) calendar year from the date earned.
- f) Annual leave shall be used on normal working days during which an employee would otherwise work exclusive of holidays and other non-work days.
- g) Tribal employees, who complete an intertribal transfer of employment may transfer any unused accrued annual leave, subject to the approval of the Tribal Executive Board.
- h) Annual leave must be approved of by the Program Director/Supervisor prior to annual leave being taken. The Program Director/Supervisor has the discretion to deny using annual leave if utilization would interfere or hamper the Program's operations or if the employee fails to give adequate notice of intent to utilize annual leave. If the employee does not report to work or does not get prior approval of annual leave, the Program Director/Supervisor may require the employee to take Leave Without Pay.
- i) A Program Director's request for annual leave shall be approved by the Tribal Chairman.
- j) Employees appointed temporarily to a position are not entitled to annual leave benefits.
- k) Tribal employees will be required by their Program Director/Supervisor to take annual leave when conducting personal business with the Tribal Executive Board and Committees, ie. Lobbying Board members. If they are conducting business for their program they will be on the agenda, except in emergency cases.

8-2-2 Separation and lump sum payments for accrued and unused annual leave will be completed in the following manner:

- a) Entitlement: An employee who has unused annual leave to his/her credit and is

separated from employment with the Fort Peck Tribes shall receive payment for such annual leave in a lump sum, less any appropriate payroll deductions and debts owed to the Tribes by the employee, provided that the respective Tribal Program has sufficient finances to complete transaction. The maximum payout for accrued and unused annual leave is two-hundred and eight (208) hours. Such funds may come from the Fringe Benefits: "Accrued and Unused Annual Leave" Program account or excess program funds. (Indirect costs, etc.)

- b) Computation of Payment: The lump sum payment to which an employee is entitled will be equal to the compensation which would have been received until the expiration of the period and compensation for such holidays to which the employee would have been entitled.
- c) Death of an Employee: An employee shall be separated from his/her employment upon the date of death. All compensation and accrued annual leave payments may be paid to the estate of the decedent or to the surviving spouse in accordance with the law.

### Section 3. Sick Leave

8-3-1 Sick leave shall not be considered as a privilege which an employee may use at his/her discretion. It must be used only when the employee is physically incapacitated to perform his/her daily job duties and responsibilities. Sick leave shall be allowed only for the following uses:

- a) Actual sickness or disability of the employee.
- b) To see a licensed physician or Medicine man/woman.
- c) To complete various medical, physical, optical or dental exams and treatments.
- d) Pregnancy, with written verification from the employee's physician that the employee is physically unable to perform the duties and responsibilities of his/her position. (See Section 4 of this Chapter)
- e) Exposure to contagious disease which would endanger the health of co-workers.
- f) The presence of an illness within the employee's immediate family which requires personal care.
- g) A Program Director's request for sick leave shall be approved by the Tribal Chairman.
- h) Employees appointed temporarily to a position are not entitled to sick leave benefits.

8-3-2 Permanent employees of the Tribes shall earn sick leave benefits at the rate of four (4) hours for each bi-weekly pay period. Sick leave benefits shall be accrued during the 90-day probationary

employment period for new employees. New probationary status employees may use any of their accrued sick leave.

- 8-3-3 Unused sick leave benefits may be accumulated and carried over from year to year without limit. Tribal employees, who complete an inter-tribal transfer of employment, may transfer any unused accrued sick leave. However, upon discharge of employment with the Fort Peck Tribes, all unused sick leave will be forfeited. No financial compensation shall be made for any unused sick leave benefits.
- 8-3-4 An employee may be granted up to three days of sick leave by notifying his/her supervisor or timekeeper that he/she is sick. However, if the illness requires that the employee use sick leave in excess of three days for any one illness, he/she must furnish to his/her supervisor a written statement from a licensed physician or medicine man/woman stating the nature of the illness and the need to be away from one's position for more than three days.
- 8-3-5 Any employee diagnosed with a terminal disease may, at the discretion of the Tribal Executive Board, may work from their respective place of residence. A medical certification from the employee's physician is required prior to approval.

Section 4. Maternity Leave

- 8-4-1 Employees may be granted up to three (3) months for maternity leave. Maternity leave shall constitute leave-without-pay in accordance with this Chapter, Section 5. The Tribal Executive Board shall have the authority to temporarily appoint an employee to perform the duties and responsibilities of any employee on maternity leave.
- 8-4-2 Permanent female employees will be allowed two (2) weeks maternity leave with pay, in addition to accrued annual and sick leave.

Section 5. Leave Without Pay

- 8-5-1 Leave without pay is a temporary unpaid status when an employee is absent from duty. Leave without pay shall be granted in accordance with this Section when the circumstances warrant.
- 8-5-2 Leave without pay for not more than two (2) weeks may be granted by the Program Director. Leave without pay for more than two (2) weeks but less than six (6) weeks, shall required approval of the Tribal Chairman. Leave without pay in excess of six (6) weeks may be granted only by the Tribal Executive Board.
- 8-5-3 Leave without pay shall not be granted for the purpose of outside employment or for other purposes that are not in the best interest of the Fort Peck Tribes.
- 8-5-4 No employee shall be granted leave without pay until all accrued annual leave has been used. No employee shall be granted leave without pay for a reason set forth in subsection 8-3-1 until all accrued sick leave has been used.
- 8-5-5 Leave without pay shall not exceed a maximum of one (1) year for illness or disability without

resulting in separation from his/her employment with the Fort Peck Tribes.

8-5-6 No employee shall accrue annual leave or sick leave while on leave without pay status.

Section 6. Administrative Leave

8-6-1 Employees may be granted administrative leave for any of the following reasons at the discretion of the employee's Supervisor, Program Director and/or the Tribal Chairman:

- a) Taking a physical examination required for entry into the Armed Forces or when required by the local draft board.
- b) Any approved out-of-town or out-of-state travel to conduct Tribal and/or Tribal Program business and/or attending Training Workshops or Seminars.
- c) Donating blood to the American Red Cross or in emergencies to individuals for the time necessary for such donation, not to exceed four (4) hours, providing that the employee does not receive pay for the donated blood.
- d) Participation in public activities in which the Fort Peck Tribes participate or are interested in, provided the employee or employees can be spared without detriment to the completion of their daily duties, provided further that it would not require the employment relief worker or the payment of overtime.
- e) Participating in emergency rescue or protective work under the same provisions in subsection (d) above.
- f) Participation in federally recognized civil defense programs for a reasonable amount of time up to forty hours in a calendar year.
- g) Any tribal employee who is a registered voter may on the day of an election, whether Tribal, Federal and State be granted administrative leave with pay for a period of not to exceed two (2) hours during a regular work day for the purpose of voting.
- h) When administrative leave is granted for half days for pow-wows, funerals, etc., an employee must be on work status for the first half or remaining half of the day that administrative leave is granted, to qualify for the administrative leave. If the employee is utilizing sick, annual or comp time for that day, the employee must use eight (8) hours of leave and will not be allowed to use the administrative leave for that day.
- i) Tribal employees who are members of Board of Directors shall be required to take administrative leave on the day of a scheduled Board meeting and will not receive compensation in addition to or above their regular pay.
- j) The Tribal Chairman's office shall grant administrative leave with pay for those tribal employees who are associated with "Sun Dance" ceremonies and other

religious ceremonies such as retreats, camp meetings, and revivals, and limits one ceremony per year for up to five days.

- k) Administrative leave shall be granted with pay to those tribal employees participating in the Tribal Fitness Program three (3) hours per week.
- l) Tribal employee's are to use their Annual and Sick leave first, for Family Treatment Programs, if unavailable, administrative leave will be authorized.
- m) Tribal employee's seeking alcohol/drug treatment, are subject to concurrence of the Program Director and administrative leave with pay will be subject to successful completion of a certified Alcohol Treatment program center.

Section 7. Funeral Leave

8-7-1 Funeral leave may be granted up to three (3) days with pay, three (3) days funeral leave with an optional two (2) days sick leave by the Program Director to an employee in case of a death of a family member. Immediate family shall include spouses, parents, grandparents, children, grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, in-laws, and first cousins.

8-7-2 Funeral leave not to exceed three (3) hours with pay may be granted by the Program Director to an employee who participates as an active pallbearer or functions in a direct capacity during a funerals.

Section 8. Court and Jury Leave

8-8-1 When any employee presently employed by the Tribes is subpoenaed or summoned to appear in a Federal or Tribal Court as a juror or as a witness in connection with the employee's official duties or capacity, such employee shall be entitled to court or jury leave with pay, the entire period required, regardless of the number of hours per day or days per week. Fees received as a witness or compensation for jury duty, not including reimbursement for transportation and per diem in lieu of subsistence expenses, shall be paid to the Fort Peck Tribes.

8-8-2 If an employee is subpoenaed or summoned to appear in any of the above mentioned courts of law as a witness in a matter not related to the employee's official duties or capacity, it will be the responsibility of the employee's Program Director/Supervisor to determine:

- a) Whether the employee shall be entitled to court leave with pay.
- b) If entitled to court leave, the disposition of the fees and/or reimbursements received over and above the travel and subsistence expenses.

Section 9. Military Leave

8-9-1 Permanent employees of the Fort Peck Tribes who are members of a reserve component of the Armed Forces, shall be granted military leave, with pay, not to exceed fifteen (15) calendar days in any calendar year when they are called to active duty, training or State and National

emergencies.

- 8-9-2 Applications for military leave, in writing, must be supported by a military certification from an official officer of the Armed Forces or reserve component of which the employee is a member.
- 8-9-3 Military leave granted to permanent employees in excess of fifteen (15) calendar days in any calendar year shall be first charged to the employee's credited and accrued annual leave, with pay, until the annual leave is exhausted. Permanent employees who have exhausted all accrued annual leave may be granted Administrative Leave, without pay, for the remainder of his/her service time, subject to the concurrence of the Tribal Chairman.
- 8-9-4 Upon returning to duty with the Tribes, the employee will be required to furnish a copy of a certification of attendance and completion from his/her commanding officer to his/her immediate supervisor showing the days and which the employee was engaged in military training in service.
- 8-9-5 Temporary employees of the Tribes who are members of a reserve component of the Armed Forces shall use leave without pay in accordance with Section 2 and 5 of this Chapter when called to active duty or training.

Section 10. Absence Without Leave

- 8-10-1 Any unauthorized absence of an employee from his/her position shall be considered as absence without leave (AWOL) and be without pay. Any employee who is absent from one or more days without authorized leave shall be subject to disciplinary action. (See Chapter 5) If extenuating circumstances which are found to have existed, such an absence may be allowed by the employee's Supervisor with a subsequent grant of leave with or without pay. An employee absent without leave in any part of a pay period shall not accrue annual or sick leave or be entitled to other employee benefits in that pay period.

Section 11. Compensatory Time

- 8-11-1 As a general administrative procedures, there will be specific instances when an employee or employees may be required to work in excess of the eight (8) hour working day. In such instances, overtime pay is not provided, but when employees are required to work extra hours to complete work activities, they may be granted compensatory time.
- 8-11-2 The administration and usage of compensatory time shall be governed by the following guidelines:
- a) All compensatory time work performed must have been previously authorized by the appropriate employee's Program Director/Supervisor.
  - b) Accurate and up-to-date records of all accrued, available and unused/used compensatory time shall be maintained by the designated timekeeper for each Tribal Program.
  - c) Employees will be allowed to utilize accrued compensatory time benefits, with

prior approval of the appropriate Program Director/Supervisor, when the absence of the employee will not adversely affect the daily completion of his/her duties and responsibilities and the daily operations of his/her tribal program.

- d) Employees will not be allowed to accrue in excess of sixty (60) hours of compensatory time benefits. The maximum carry-over from one (1) year to the next shall be forty (40) hours of compensatory time.
- e) No payment of accrued compensatory time shall be granted to any employee while employed with the Tribes or upon the employee's separation of employment with the Tribes.
- f) No compensatory time shall be granted to employees on official travel status, ie. to delegations, conferences, training or meetings.
- g) When an employee is on official work status, compensatory time shall be given for estimated travel time to destination on week-ends, holiday and after hours. Compensatory time will not be allowed for meals and lodging. Official work status is interpreted to cover transporting clients.
- h) If an employee's job forces them to be at work during administrative leave, the employee may accrue comp time. There must be prior approval from the employee's Supervisor in order to earn comp time on administrative days.

Section 12. Educational Leave

8-12-1 Educational leave may be granted to tribal employees by their Program Director/Supervisor. This leave may not exceed five (5) hours per week and must not interfere with that employees job performance. Courses taken must pertain to or enhance job requirements.

8-12-2 Leave without pay may be granted by the Tribal Executive Board for the purpose of extended educational leave with length of absence and stipulations set by the Tribal Executive Board by resolution.

Section 13. Family and Medical Leave

8-13-1 Policy

- (a) A permanent employee who has worked for the Tribes for at least a total of twelve (12) months and 1,250 hours during the previous twelve (12) month period may take up to twelve (12) weeks of unpaid family and medical leave in any succeeding twelve (12) month period for the following purposes:
  - (i) to care for the employee's child after birth, or placement for adoption or foster care;
  - (ii) to care for the employee's immediate family member who has a

serious health condition; or

- (iii) for a serious health condition that makes the employee unable to perform his/her job.
- (b) An employee taking family and medical leave to care for the employee's child after birth or placement:
- (i) may only take family and medical leave within the one (1) year period beginning with the date of the child's birth or placement;
  - (ii) may be granted special leave by the Program Director prior to the birth or placement of the child if the employee is physically unable because of pregnancy or other cause to perform the duties and responsibilities of her position.

8-13-2

Approval and prior notice

- a) (i) A request for family and medical leave must be approved by the Program director before taking leave.
  - (i) A Program Director's request for leave shall be approved by the Tribal Chairman, and the Tribal chairman shall make all determinations normally made by the Program Director under this Subchapter 8, where a Program Director is considered for family and medical leave.
- a) (i) If the need for leave is foreseeable because of the birth or placement of a child or planned medical treatment for a serious health condition of the employee or the employee's immediate family member, an employee must advise the Program Director of his/her intent to take family and medical leave at least thirty (30) days prior to the date the family and medical leave will be taken.
- (ii) An employee who requests leave shall meet with the Program Director and make a reasonable effort to plan such treatment so as not to unduly disrupt the tribal operations.
- b) If the need for family and medical leave arises less than thirty (30) days prior to notice, an employee must advise the Program Director of his/her intent to take leave as soon as practicable under the circumstances.
- c) In the absence of a reasonable excuse, failure to provide the Program Director with thirty (30) days advance notice shall constitute grounds for delaying the commencement of an employee's leave for an amount of time equal to the difference between the amount of notice provided and thirty (30) days. The Tribal Chairman may deny a Program Director's request for leave in accordance with this subsection.
- d) A Program Director requesting family and medical leave shall provide the Tribal

Chairman with notice in accordance with subsections (b) and (c).

- e) All employees on family and medical leave must contact his/her Supervisor periodically to report their status and intent to return to work.
- f) A Program Director on family and medical leave must contact the Tribal Chairman periodically to report his/her status and intent to return to work.
- g) Upon an employee's request for unpaid leave and based on the information provided by the employee, the Program Director shall determine whether the leave shall constitute family and medical leave. If the Program Director designates the leave as family and medical leave, the employee will be provided with written notice (1) that the leave will count against the twelve weeks of family and medical leave; (2) that the employee must substitute paid accrued leave for part of the leave period (see subsection 8-13-6); (3) that the employee must provide medical certification and the consequences for failing to do so (see subsection 8-13-5); (4) that the employee shall be restored to his/her regular position or a position that is equivalent in pay, benefits, and conditions of employment upon returning from leave (see subsection 8-13-7 (a)); (5) the employee is a "key employee" and that status may permit the Program Director to deny restoration to prevent substantial economic injury to the Program (see subsection 8-13-7(b)); (6) that the employee must periodically inform the Program Director of his/her status and intention to return to work (see subsection 8-13-1 (f) or (g)).

#### 8-13-3 Policy where spouse is tribal employee

If both a husband and wife are employed by the Tribes, they are entitled to a combined total of twelve weeks of family and medical leave if the leave is because of the birth or placement of a child or to care for a parent who has a serious health condition.

#### 8-13-4 Intermittent leave

- (a) An employee taking family and medical leave because of a serious illness of the employee or the employee's immediate family member may take leave intermittently or on a reduced leave schedule when medically necessary. To obtain leave on either of these bases, the employee must have a medical need for the leave that can best be accommodated through an intermittent or a reduced leave schedule.
  - (i) The leave actually taken intermittently or on a reduced leave schedule shall count against the twelve (12) weeks of family and medical leave.
  - (ii) If an intermittent or a reduced leave schedule is foreseeable and necessary because of planned medical treatment, the Program Director may temporarily transfer an employee to an available alternative position for which the employee is qualified and which better accommodates the employee's schedule. The employee shall receive the same benefits and compensation.
- (a) An employee taking family and medical leave because of the birth or placement of a child may not do so on an intermittent or a reduced leave schedule unless the Program Director

consents. If the employee's request under this section relates to a serious health condition of the employee or his other child, the Program Director cannot deny the request for family and medical leave, but the employee must provide medical certification (see subsection 8-13-5 (a)) and substitute all accrued sick leave and annual leave prior to taking unpaid leave. (see subsection 8-13-6 (c) or (d)).

8-13-5

Medical Certification

- (a) Upon the written request of the Program Director, all employee's requesting leave because of a serious health condition of the employee or the employee's immediate family member shall have a licensed physician or medicine man/woman complete and sign the Tribes medical certification form. The medical certification form is available in the Office of the Human Resource Director.
  - (i) If the leave under this subsection is foreseeable, the employee must submit a complete medical certification form to the Program Director within fifteen (15) days of his/her request.
  - (ii) If the leave under this subsection is unforeseeable, the employee must provide a complete medical certification form as soon as reasonably possible under the circumstances.
- (a) The Program Director reserves the right to request re-certification of a serious health condition of the employee or the employee's immediate relative if:
  - (i) an employee requests an extension of leave;
  - (ii) circumstances described in the original certification have changed; or
  - (iii) the Program Director receives information that gives it reasonable grounds for questioning the validity of the original certification.
- (b) A request for re-certification may not be made in less than thirty (30) days from the previous certification.
- (c) Upon the request of the Tribal Chairman, a Program Director requesting leave shall furnish medical certification in accordance with subsections (a)-(c).

8-13-6

Exhaustion of paid leave

- a) An employee taking family and medical leave to care for the employee's child after birth or placement must use all accrued annual leave (see Section 1 of this Chapter) and maternity leave (see Section 4 of this Chapter) prior to taking the remainder of the twelve weeks as unpaid family and medical leave. Once paid leave has been used, the employee is entitled to take the difference between the paid leave and twelve weeks as unpaid family and medical leave.

- b) If a pregnant female employee obtains medical certification (see subsection 8-13-1 (b)(ii)) that she is physically unable to perform the duties and responsibilities of her position she must also substitute accrued sick leave prior to taking unpaid family and medical leave.
- c) Any employee taking family medical leave to care for an immediate relative who has a serious health condition must use all accrued annual leave (see Section 1 of this Chapter) and sick leave prior (see Section 3 of this Chapter) to taking unpaid family medical leave. Once paid leave has been used the employee is entitled to take the difference between the paid leave and twelve weeks as unpaid family and medical leave.
- d) Any employee taking family and medical leave for a serious health condition that makes the employee unable to perform his/her job must substitute all accrued annual leave (see Section 1 of this Chapter) and sick leave (see Section 3 of this Chapter) prior to taking unpaid family and medical leave. Once paid leave has been used the employee is entitled to take the difference between the paid leave and twelve weeks as unpaid leave.

8-13-7

Restoration to employment

- a) Upon returning from family and medical leave, an employee shall be restored to the position he/she held at the time the leave began or to a position that is equivalent in benefits, pay, and other terms or conditions of employment. An employee does not have a right to the same position.
- b) A “key employee” may be denied restoration upon completion of family and medical leave if the Program Director makes a good faith determination that the denial is necessary to prevent substantial and grievous economic injury to tribal operations.
  - (i) A “key employee” is an employee who is among the highest paid 10 percent of all tribal employees.
  - (ii) The determination of whether an employee is a “key employee” will be made at the time the Program Director receives an employee’s request for leave. If the Program Director determines that an employee requesting leave is a “key employee”, they will inform the employee of his/her status and the potential consequences regarding his/her restoration.
  - (iii) If the Program Director decides that denial of restoration to a “key employee” is necessary to prevent substantial and grievous economic injury to tribal operations, the Program Director will, in a timely manner, deliver written notice to the employee stating that the Program Director cannot deny the family and medical leave and that the Program Director intends to deny restoration following leave and explaining the reasons for the Program Directors determination that substantial and grievous economic injury to the tribal operations will result.
  - (iv) If the employee is already on leave, he/she must be given a reasonable time to

return to work.

- (v) If, upon receiving notice of the Program Director's determination, the employee does not return to work, he/she may request reinstatement upon returning from leave. At that time, the Program Director must determine whether denial of restoration is necessary to prevent substantial and grievous economic injury.
- (vi) If the employee informs the Program Director of his/her intent not to return to work or the Program Director provides the employee with written notice of its decision denying reinstatement at the end of the leave period, the employment relationship ends.
- c) In the case of a Program Director's request for family and medical leave, all relevant determinations made by the Program Director under subsection (b) shall be made by the Tribal Chairman.
- d) The taking of family and medical leave shall not result in the loss of employment benefits accrued prior to taking leave.

8-13-8

#### Definitions

- a) An "immediate family member" is defined as an employee's spouse, child or parent.
- b) A "serious health condition" is defined as: an illness, injury, impairment, or physical or mental condition that involves:
  - (i) Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility;
  - (ii) Any period of incapacity requiring absence from work, school, or other regular daily activities, of more than three calendar days, that also involves continuing treatment by (or under the supervision of) a licensed physician or medicine man/woman; or
  - (iii) Continuing treatment by (or under the supervision of) a licensed physician or medicine man/woman for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days; or for prenatal care.

# Chapter 9



## Transfer, Reassignment and Demotion

## CHAPTER 9

### TRANSFER, REASSIGNMENT AND DEMOTION

#### Section 1. Definitions

9-1-1 A transfer is a change of employment status from one position in one tribal program to another position in another tribal program having the same or similar qualifications, duties and responsibilities, which may or may not result in a reduction of pay, benefits, and other privileges depending upon years of service. A transfer may be voluntary or involuntary.

#### Section 2. Transfers

9-2-1 A position may be filled by transferring an employee from one position in a tribal program to another position in another tribal program. The Tribal Chairman shall have the final authority to approve transfers that are not management or professional level positions.

9-2-2 To be eligible for transfer the following conditions must be met: (1) a vacancy must exist; (2) only regular employees can apply or request a transfer; (3) regular employees must have worked in their present positions for a minimum of one year; (4) the employee must be qualified as determined by an evaluation by the Human Resource Director; (5) both supervisors must agree, except in situations where the transfer is involuntary.

9-2-3 Employees who are transferred into another position must also complete a probationary period of ninety (90) days.

#### Section 3. Reassignment

9-3-1 An employee may be reassigned to another position at the discretion of the Chairman after consultation with the Program Director, as a result of the following:

- a) Lay off procedures
- b) Failure to satisfactorily complete the probationary period.
- c) The employee's own request
- d) Being assigned to the position of another employee on leave without pay or suspension.

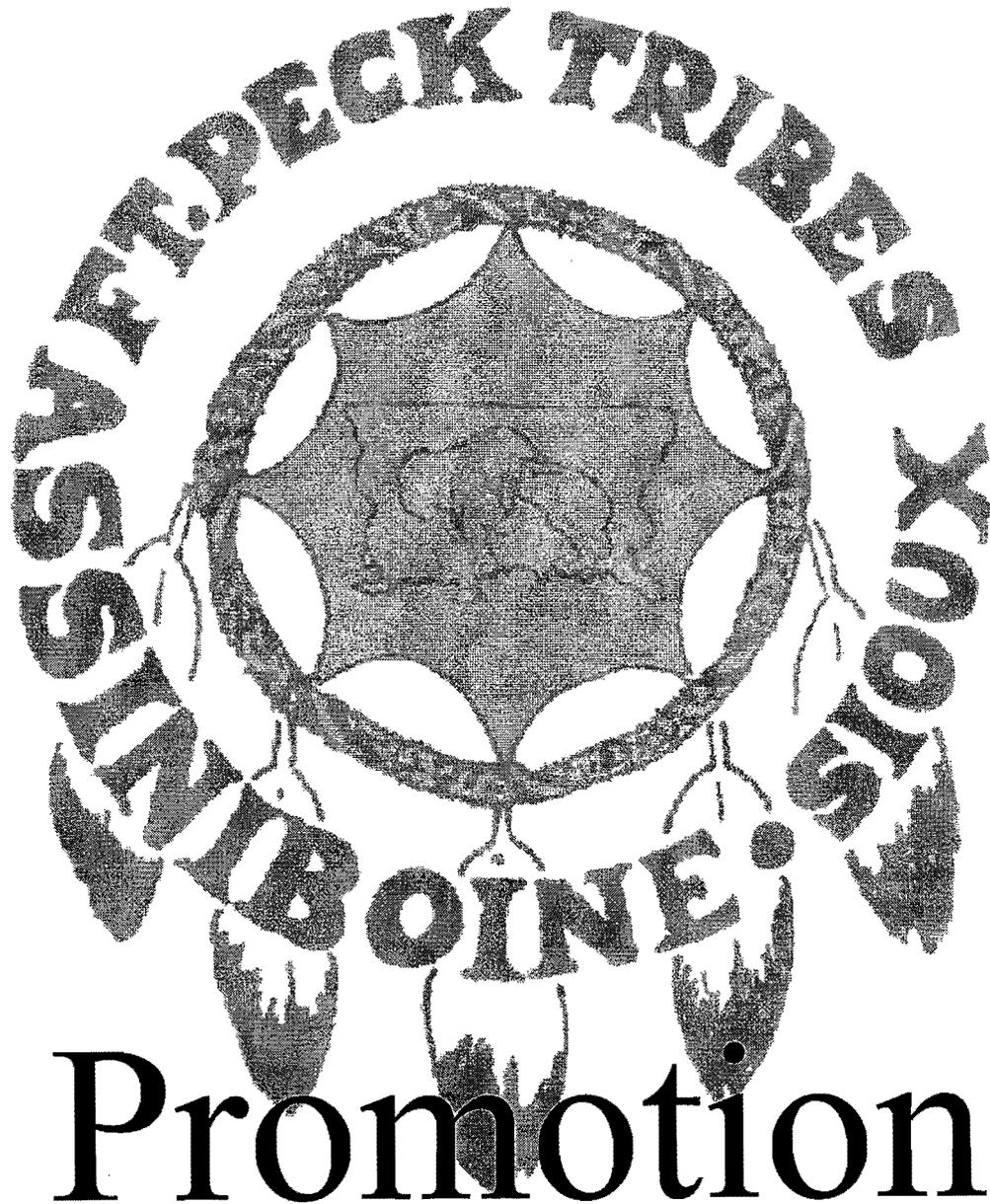
#### Section 4. Demotion

9-4-1 An employee may be demoted at the discretion of the Chairman after consultation with the Program Director for any of the following reasons:

- a) Lay off procedures

- b) When his/her position is reclassified to a lower organizational level.
- c) When he/she requests a lower organizational level.
- d) As a disciplinary measure under Chapter 5.

# Chapter 10



# Promotion

## CHAPTER 10

### PROMOTION

#### Section 1. Definition

10-1-1 A promotion shall be a change of assignment to a job with higher pay or greater duties and responsibilities.

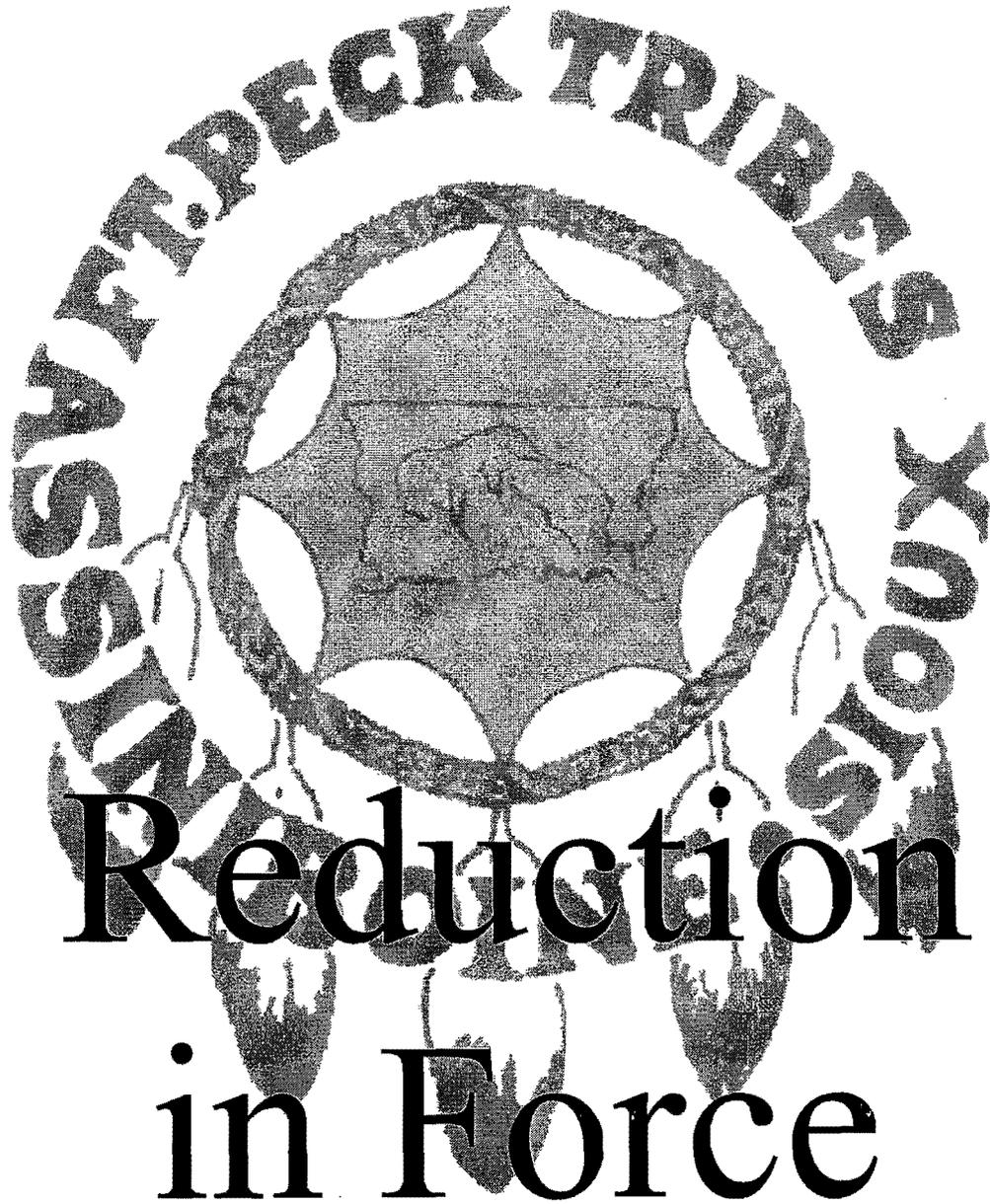
#### Section 2. General

10-2-1 It is the policy of the Tribes to promote qualified regular employee's to new or vacant positions of greater responsibility and authority.

#### Section 3. Requirements Before Promotion

10-3-1 Employees may apply for a vacancy or promotion only if they have completed one fully year in their regular position, except where a lesser period is prescribed by the Tribal Chairman in writing and if they have a satisfactory or higher performance rating.

# Chapter 11



## Reduction in Force

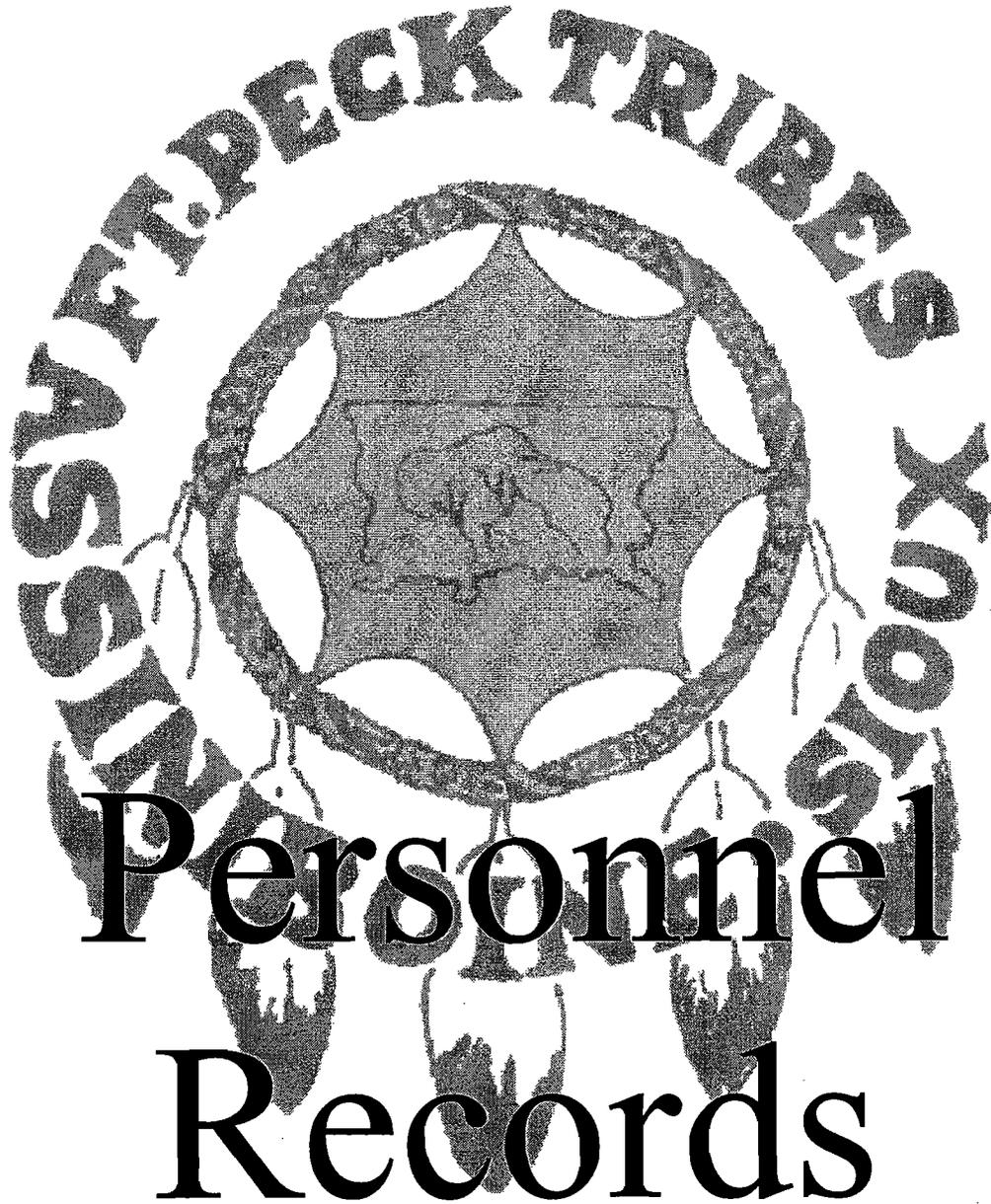
## CHAPTER 11

### REDUCTIONS IN FORCE

#### Section 1. Reduction in Force

- 11-1-1 The Tribes may lay off an employee when it is considered necessary because of a shortage of funds, work, abolishment of a position or reorganization of a tribal program. The employee shall be notified at least 14 days prior to the effective date and shall be given written notice of the reasons for the layoff.
- 11-1-2 The Tribal Human Resource Director shall establish a uniform procedure for reduction in force. Seniority, job performance and type of appointment shall be considered in determining the order of layoffs in a manner approved by the Tribal Executive Board.
- 11-1-3 The Chairman and the Human Resource Director shall place any laid off employee in another position, if any is available, for which the employee is qualified.
- 11-1-4 A new date of employment shall be established for employees who return to duty after a layoff for more than one year.
- 11-1-5 Layoffs of 40 hours duration or less do not require the 14 days notice prior to layoff.
- 11-1-6 An employee may be given intermittent time limited furlough in lieu of a layoff.

# Chapter 12



## Personnel Records

## CHAPTER 12

### PERSONNEL RECORDS

#### Section 1. Administration

12-1-1 The Tribal Human Resource Director shall establish and maintain a complete set of records on each employee.

12-1-2 All Personnel documents in the Employee's Personnel Folder shall be maintained in confidence and except with the consent of the employees, shall be used only for legitimate tribal personnel activities.

#### Section 2. Employee Personnel Folder

12-2-1 This folder shall be used as the regular Employees Personnel File and include, but not be limited to the following:

Employment Application, Notification of Employment, Orientation Interview, Position Description, Notification of Permanent Employment, Medical or Physical Examination (if needed for job), W-4, Letters of Commendation, Incentive/Merit Award, Performance Evaluation, Disciplinary Action, Grievance, Exit Interview, Discharge Notice, Training Certifications.

12-2-2 Upon discharge of employment, the employee's entire personnel file shall be placed in the "Inactive Personnel Files"

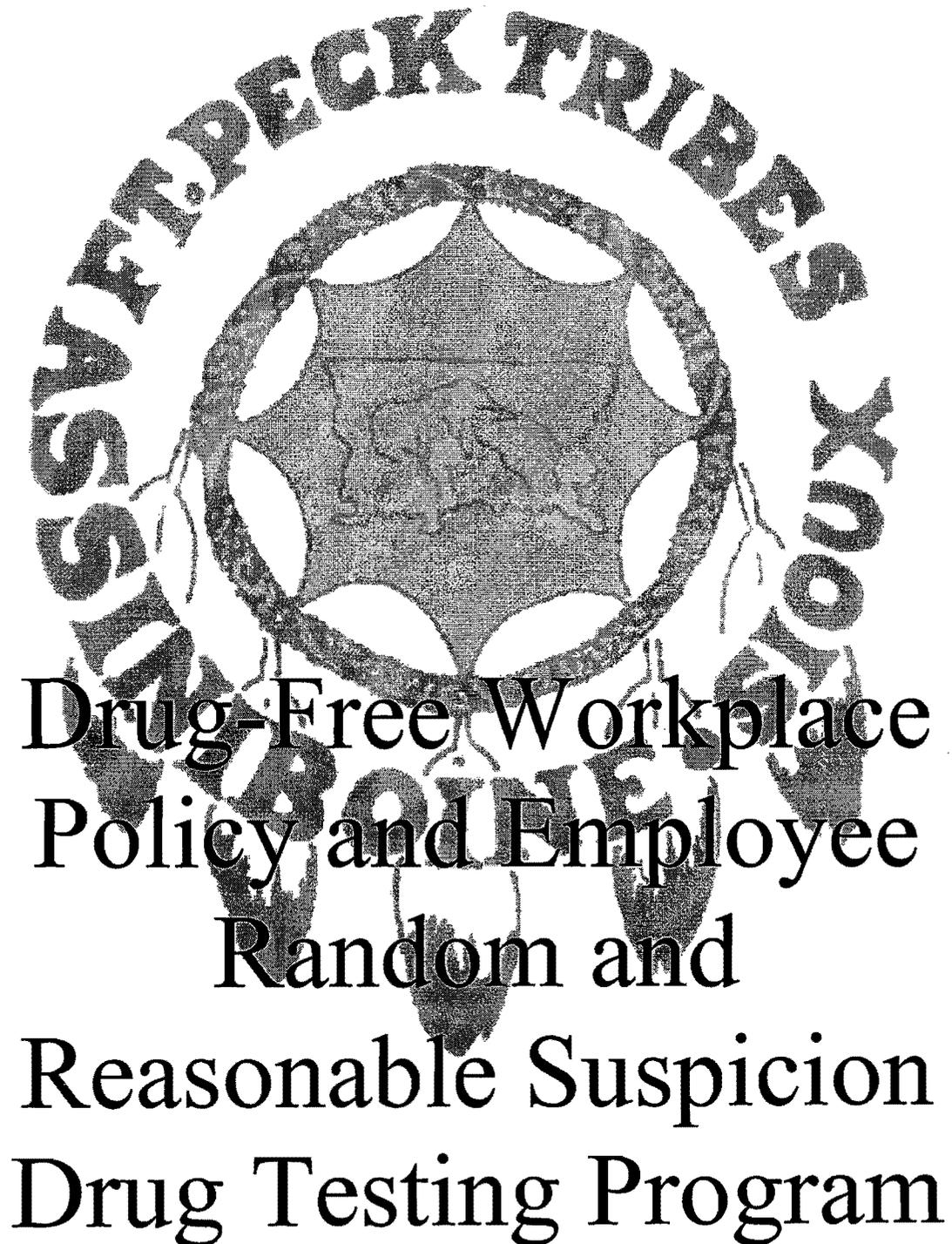
#### Section 3. Availability

12-3-1 Each employee is entitled to review the contents in their own Personnel File.

#### Section 4. Annual Review

12-4-1 Annually, each employee's Personnel File shall be reviewed and materials that are three (3) years or older and adverse to the employee shall be removed and destroyed, if such material serves no useful purpose to the Fort Peck Tribes, in the judgement of the Human Resource Director and approved by the Tribal Chairman.

# Chapter 13



Drug-Free Workplace  
Policy and Employee  
Random and  
Reasonable Suspicion  
Drug Testing Program

CHAPTER 13

DRUG-FREE WORKPLACE POLICY AND  
EMPLOYEE RANDOM AND REASONABLE SUSPICION  
DRUG TESTING PROGRAM

Section 1. Drug-Free Workplace Policy

- 13-1-1 a) Employees are prohibited from:
1. Possessing, selling, trading or offering for sale illegal drugs or otherwise engaging in the use of drugs on the job.
  2. Reporting to work under the influence of illegal drugs.
  3. Using prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications).
- b) Employees must comply with this policy as a condition of employment.
- c) Employees must notify the Approval Office (as defined by Section 13-4-1 (a) of this Chapter) in writing of any conviction or a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- d) The Tribes will provide written notice of any employee's conviction under subsection (c) of this Section, to the funding agency, in writing, within ten (10) calendar days after receiving notice from an employee or otherwise receiving actual notice of such conviction.
- e) Any employee convicted of a drug-related offense occurring in the workplace or found in violation of this policy involving the use of illegal drugs shall be subject to the disciplinary action as provided by Section 13-7-1 of this Chapter.
- f) Fort Peck Tribal Health shall maintain any employee records produced under this Section in accordance with Sections 13-4-1 (f)-(g) and 13-5-1 (f) of this Chapter.
- g) The Tribes shall furnish a copy of the Drug-Free Workplace Policy Statement to all Tribal employees.

Section 2. Drug-Free Awareness Program

13-2-1 a) Policy Statement:

The Fort Peck Tribes recognized that addiction to drugs is an illness and whenever possible, a drug abuse problem is best handled through treatment rather than punishment.

b) Drug-Free Awareness Program

In conjunction with the Drug-Free Workplace Policy (Section 13-1-1), the Fort Peck Tribes' Drug-Free Awareness Program provides the following:

1. On a quarterly basis, the Tribal Office of Human Resource Management and Tribal Health staff will conduct, during employee staff meetings, a drug education program to employees about the dangers of drug use in the workplace.
2. Any employee may, with the Program Director's permission, take leave without pay to seek professional treatment for drug related problems.
  - (i) An employee's decision to voluntarily seek professional treatment in a professional treatment program will be documented in accordance with Section 13-4-1 (f)-(g) and 13-5-1 (f) of this Chapter.
  - (ii) Any employee taking leave pursuant to this policy for a drug related problem shall upon returning to work be subject to follow-up testing in accordance with Section 13-12-1 of this Chapter.

Section 3. Fort Peck Tribes Employee Drug Testing Program

13-3-1 The Fort Peck Tribes are committed to maintaining a high level of public confidence in our ability to deliver services safely, efficiently and competently. The use of illegal substances by Tribal employees is inconsistent with these goals and will not be tolerated. The Tribes strongly believe that instituting a drug testing program will serve its goal of maintaining a workplace free of illegal drugs. The Tribes' Employee Drug-Testing Program shall be conducted in accordance with the policy and procedures set forth in Section 13-3-1 through Section 13-13-1 of this Chapter.

Section 4. General Procedures

- 13-4-1
- a) Unless otherwise stated, the Procedures set forth in this Section shall apply to all **employees** subject to drug testing pursuant to this Chapter.
  - b) The **Approval Officer** shall serve any notice required under this Chapter in accordance with Title IV, Section 102 (b), (d) of the Comprehensive Code of Justice.
  - c) The **Approval Officer** shall serve written notice to any employee required to be drug tested under this Chapter. The **Approval Officer** shall serve the notice to the employee in person and immediately escort the employee to the collection site for testing. The notice shall indicate the time and place to report for a drug test, and inform the employee of the basis for the test under this Chapter and the right to offer documentation regarding drug use under Subsection (d) of this Section prior to testing.

- d) Upon receiving notice from the **Approval Officer** to report for a drug test pursuant to this Chapter, an employee may **prior** to testing, provide the Approval Officer with a list of all prescriptions and non-prescription drugs he/she has used and explain the circumstances surrounding the use of such drugs. The Approval Officer shall forward this documentation to the Medical Review Officer.
- e) Compliance with the notice to report for drug testing under this Chapter shall take precedence over any other duties to be performed at the time designated for testing.
- f) The Tribes shall maintain for 5 years records of drug test results and rehabilitation for each employee. Documents to be maintained include:
  - 1. Notice of positive results by Medical Review Officer.
  - 2. Notice of negative results by Approval Officer.
  - 3. Written material justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen, and
  - 4. Other documents the Approval Officer deems relevant.
  - 5. Fort Peck Tribal Health Department shall maintain the records required under this section separate from other employee records.
- g) Any employee tested pursuant to this Chapter has the right to obtain copies of any records relating to his/her drug test. The employee must submit a written request for these records to the Approval Officer.
- h) The Tribal Executive Board shall select the collection site for drug tests performed under this Chapter. The name and address of the collection site will be included in the Approval Officer's notice to an employee required to report for testing.
- i) The Tribal Executive Board shall select the laboratory that will perform the drug testing.
- j) The Approval Officer may require an employee to provide the urine sample in the physical presence of a Medical/Clinical staff member, if the Approval Officer has reasonable suspicion that the applicant or employee has previously altered or tampered with a urine sample.
- k) The Tribal Executive Board shall select the Medical Review Officer, who will verify the test results pursuant to Section 13-6-1 of this Chapter.
- l) An employee maybe required to submit to re-testing if the original sample is not sufficient to permit the laboratory to conduct a complete analysis or if the analysis indicates evidence of dilution of the sample or other problems. The following procedures shall be followed in such cases:

1. The employee will be given 24 hours written notice of the problem by the Approval Officer.
2. The notice shall indicate the time and date of the test, and that refusal to submit to re-testing under this Section will result in discharge of the employee.
3. After two samples indicating evidence of dilution, an employee will be discharged. (See Section 13-7-1 (f)(5)).

Section 5. Confidentiality of Test Results

- 13-5-1
- a) All test results will be held in the utmost confidence.
  - b) The laboratory shall report positive drug results only to the Medical Review Officer and Approval Officer.
  - c) Upon verifying a drug test result in accordance with Section 13-6-1, the employee will be given 24 hours written notice of the problem by the Approval Officer.
  - d) The Approval Officer shall provide the employee with written notice of the positive or negative test result.
  - e) The Approval Officer shall notify the Program Director and the Chairman of an employee's positive test result. The employee shall be informed that the Program Director and Chairman have been notified.
  - f) The collection site, laboratory, the Medical Review Officer, and the Approval Officer shall not disclose the test results to any source except as provided in this Section, without the employee's written consent.

Section 6. Verifying a Positive Test Result

- 13-6-1
- a) The Medical Review Officer shall review and confirm a positive test result prior to providing a written report to the Approval Officer. The Medical Review Officer shall examine alternate medical explanations for any positive test result. This examination may consist of conducting a medical interview of the employee, a review of the employee's medical history, or review of any other relevant medical facts.
  - b) The employee will be provided with an opportunity to explain the test result in writing. The Medical Review Officer shall determine whether the employee's explanation provides a legal basis for the use of any drug of which the employee tested positive. If the Medical Review Officer confirms that a legal basis for the positive result exists, he/she shall report the result as negative.

Section 7. Disciplinary Action

- 13-7-1
- a) Except as provided by Subsection (e) of this Section, employees:
    1. who refuse to submit to a drug test required under this Chapter shall be discharged.
    2. who test positive for illegal drugs shall be suspended without pay for ten (10) working days and required to enroll in a rehabilitation program pursuant to Subsection (c) of this Section;
    3. who violate the Drug-Free Workplace Policy (Section 13-1-1 of this Chapter) may be suspended or discharged depending on the facts and circumstances surrounding the violation.
  - a) Disciplinary action pursuant to this Section shall be taken by the Program Director or if the employee is a Program Director, the Chairman in consultation with the Approval Officer.
  - b) An employee required to seek rehabilitation pursuant to this Section shall provide the Approval Officer with proof of entrance into a rehabilitation program within ten (10) days of suspension.
    1. An employee required to seek rehabilitation pursuant to this Section must meet the following conditions in order to return to work:
      - (i) Complete a rehabilitation program and provide the Approval Officer with a written certification of completion of rehabilitation signed by an authorized representative of the rehabilitation program.
      - (ii) Enroll in an aftercare program approved by an appropriate rehabilitation facility in consultation with the Program Director, and
      - (iii) Refrain from Drug use.
    2. All records relating to an employee's rehabilitation shall be held in the utmost confidence and in accordance with Section 13-4-1 (f)-(g) and 13-5-1 (f) of this Chapter.
  - c) Any employees who test positive for drugs and is disciplined pursuant to this Section, shall be subject to follow-up testing in accordance with Section 13-12-1 of this Chapter.
  - d) Any employee convicted of a drug related offense under Tribal, federal or state law shall either:
    1. Be suspended without pay for not more than six (6) months or less than three (3)

months depending on the facts and circumstance surrounding the offense, or

2. Be discharged.
- f) Good cause for discharged exists if an employee:
1. Fails or refuses to report, or submit to, for a drug test required under this Chapter;
  2. Refuses to enroll in a rehabilitation program as required by this Section.
  3. Fails to complete a rehabilitation program after testing positive for illegal drugs in accordance with Section 13-7-1 (c).
  4. Tests positive for illegal drugs in this Chapter;
  5. Has tampered with, diluted, or altered a urine sample as provided by Section 13-4-1 (1)(3); or
  6. Has been convicted of a drug related offense under Tribal, Federal, or State law.
- g) An employee discharged for a violation under this Chapter shall not be eligible for Tribal employment, or work for any Tribal program under contract or other employment for six months after date of discharge. If rehired, the individual shall be subject to follow-up testing pursuant to Section 13-12-1 of this Chapter.
- h) The Program Director, or if the employee is a Program Director, the Chairman shall serve the offending employee with a written notice of the Disciplinary action imposed pursuant to this Section. The notice shall be served during normal business hours. The notice shall:
1. indicate the date, hour, and minute of service on the employee;
  2. explain the disciplinary action imposed.
- i) Disciplinary action imposed pursuant to this Section shall take effect immediately.

Section 8. Voluntary Testing

- 13-8-1
- a) Tribal employees are encouraged to volunteer to be tested for illegal drugs. Employees volunteering for testing shall be tested as soon as possible.
  - b) Prior to participating in voluntary testing, an employee must certify in writing that he/she freely consents to the test with full knowledge that a decision not to volunteer will not jeopardize in any way the employment status of the employee or be interpreted as an admission of illegal drug use.
  - c) Any employee who tests positive under this provision, prior to being identified through

other means, shall be subject to the disciplinary action set forth in Section 13-7-1 of this Chapter.

- d) All volunteers shall remain participants in the random drug testing program unless they notify the Approval Officer in writing of their intent to withdraw from voluntary testing at least 48 hours prior to a scheduled test.
- e) An employee's participation in voluntary testing under this provision does not prevent the Tribes from conducting additional drug test of that employee as provided in this Chapter.

Section 9. Random Alphabetized testing of Employee's

- 13-9-1
- a) The Tribes have determined that all Tribal employee's occupy sensitive positions that either have direct impact on public health and safety, handle confidential information, or require a high degree of public confidence and trust to perform their duties and that use of illegal drugs is a serious problem on the Reservation, including among Tribal employee's. Therefore, the Executive Board designated all Tribal position as "safety-sensitive" and subject to the Random Alphabetized Program in this Section and the Post-Accident or Incident Procedures in Section 13-11-1 of this Chapter. The Tribes shall conduct all drug testing of all employees. Alphabetized testing will ensure that all employees will be subjected to at least one drug test per year.
  - b) The Tribes shall provide employees with written notice that they have been subject to be drug tested under this Section.
  - c) Each employee receiving notice that he/she is subject to the testing shall, after reading their letter, accompany the Drug Testing Officer to the designated building for their testing. Refusal to submit to testing constitutes good cause for discharge from his/her employment pursuant to Section 13-7-1 (a)(1) and (f)(1).
  - d) To ensure that the individuals being tested is valid, the Approval Officer and Verification Officer, along with the Tribal Chairman/Vice-Chairman will sign a letter to prove that the list is valid.
  - e) An employee served with notice to report for the testing may obtain a deferral from testing if the Approval Officer finds a compelling reason that necessitates a deferral on the grounds that the employee is:s selected on a random basis and is not suspected of drug use.
    - 1. On leave status (annual, sick, administrative or leave without pay);
    - 2. Travel or about to embark on travel scheduled prior to an unannounced test.

Section 10. Reasonable Suspicion Testing

- 13-10-1
- a) Any tribal employee may be required to submit to a drug test based on reasonable suspicion that the employee's work performance is impaired by drug use. The facts giving rise to reasonable suspicion must be related to conduct or activities that occur while the employee is on duty.
  - a) Reasonable suspicion is a determination, supported by specific and particularized facts and reasonable inferences from those facts, that an employee has illegal drugs.
  - b) Reasonable suspicion of drug use may be supported by:
    1. Evidence of specific, personal observations concerning job performance, appearance, behavior, or speech;
    2. Direct observation of drug use, physical symptoms of being under the influence of a drug, admission, or any combination of the foregoing; or
    3. Newly discovered evidence that the employee has tampered with a previous drug test.
  - c) Reasonable suspicion cannot be based on unsupported rumors, hunches, or anonymous reports.
  - d) The Approval Officer shall immediately prepare a written statement of the grounds for reasonable suspicion of an employee's illegal drug use.
  - e) The Approval Officer shall immediately deliver the statement prepared in accordance with Subsection (e) to the Verification Officer (as defined by Section 13-4-1).
    1. The Tribal Executive Board shall designate a Verification Officer with appropriate educational and professional experience in identifying the signs of illegal drug use to verify the Approval Officer's determination of reasonable suspicion under Section 13-10-1 (e).
    2. The Verification Officer shall immediately but not less than two hours of receipt of the statement prepared in accordance with subsection (e) agree or disagree with the reasonable suspicion determination, and so notify the Approval Officer.
    3. Immediately upon receiving notice of agreement by the Verification Officer, the Approval Officer shall serve notice on the employee indicating the time and place to report for the drug test.
  - f) Any Tribal employee having a reasonable suspicion that another employee is using illegal drugs while on duty may immediately, or as soon as practical, report such drug use to the Approval Officer. The report must be in writing and shall contain the name of the employee, the Tribal Program, the time, date, nature and extent of the drug use.

Section 11. Post-Accident or Incident Testing of Employees

- 13-11-1
- a) Pursuant to Resolution No. 2285-97-2, designating all Tribal employees as safety-sensitive. Any employee who apparently causes an on-the-job accident or incident as defined in Subsection (b) shall be required to submit to a drug test.
  - b) This section applies to an accident or incident which results in:
    - 1. A fatality;
    - 2. A serious personal injury; or
    - 3. Property damage in excess of \$5,000.
  - c) A serious personal injury includes a condition requiring hospitalization or immediate medical attention away from the scene of the accident.
  - d) The Approval Officer shall serve employees required to submit to a drug test under this section with written notice of the time and place to report for testing.

Section 12. Follow-up Testing

- 13-12-1
- a) An employee who tests positive for drugs under this Chapter and is disciplined under this Chapter, or is discharged and rehired as provided by Section 13-7-1 (g) shall be subject to unannounced testing for a period of one year from the date of the positive test result.
  - b) All employees tested pursuant to this Section shall be tested each time random drug tests take place under Section 13-9-1 of this Chapter and shall be tested in addition to individuals subject to random testing at that time.
  - c) Testing under this Section does not prevent the Tribes from requiring an employee to be tested pursuant to other Sections of this Chapter.
  - d) Positive test results under this Section shall constitute good cause for discharge under Section 13-7-1 (f)(4).

Section 13. Training in the Detection of Drug Use

- 13-13-1
- a) The Approval Officer shall receive training in the detection and evaluation of the signs of drug impaired behavior on an annual basis.
  - b) The training required under Subsection (a) of this Section shall be conducted by an individual or entity with appropriate educational professional experience in identifying the signs of illegal drug use.

Section 14. Definitions

- 13-14-1
- a) **Approval Officer or Designates:** Means a person designated by the Tribal Executive board to implement this Chapter.
  - b) **Collection Site:** A place designated by the Tribal Executive Board where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
  - c) **Drug Test:** A medical analysis of a urine sample for the presence of drugs.
  - d) **Illegal Drugs:** Means substances listed in Title III, & 405 of the Comprehensive Code of Justice, but does not include any chemical substance prescribed by a licensed physician and used by the individual in whose name the prescription is written and in accordance with the prescription.
  - e) **Medial Review Officer (MRO):** A physician who is selected by the Tribal Executive Board to review the test results and interpret them. The MRO shall examine positive results for possible alternate medical explanations.
  - f) **Negative Test Result:** A test result that indicates an employee's urine sample does not contain illegal drugs.
  - g) **Positive Test Result:** A test result that indicates an employee's urine sample contains illegal drugs.
  - h) **Random Testing:** A system of testing of safety-sensitive employees imposed without individual suspicion of illegal drug use whereby each employee has the same chance of being selected for a drug test as all the other employees.
  - i) **Verification Officer:** Means the person or entity appointed by the Tribal Executive Board to review the Approval Officer's determination of a reasonable suspicion.

# Chapter 14



## CHAPTER 14

### CONFLICT OF INTEREST

#### Section 1. Policy

14-1-1 No member of the Tribal Executive Board or employee of the Tribes shall participate in selection or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

#### Section 2. Definitions

14-2-1 A real or apparent conflict of interest is defined to take place where a potential or actual contractor of the Tribes employs, is considering employing, is owned in whole or in part by, or has offered anything of value to:

1. a member of the Tribal Executive Board or employee of the Tribes; or
2. a person in the immediate family of a member of the Tribal Executive Board or employee of the Tribes; or
3. a business partner of a member of the Tribal Executive Board or employee of the Tribes.

14-2-2 As used in this Section, immediate family shall include spouses, grandparents, parents, children, grandchildren, brothers, sisters, and in-laws.

# Chapter 15



# Sexual Harassment

## CHAPTER 15

### SEXUAL HARASSMENT

#### Section 1. The Tribes' Policy

15-1-1 The policy of the Tribes is that all tribal employees be secure in a work-place environment free of sexual harassment in any form. Employees shall be entitled to respect, dignity and security in the work place. Employees shall be protected from retaliation by their superiors for filing complaints based on sexual harassment.

#### Section 2. Definitions

15-2-1 **Business Day.** All days except Saturday, Sunday and legal holidays.

15-2-2 **Complaint:** means a written statement or letter signed by the employee setting out the facts in support of a charge of sexual harassment.

15-2-3 **De novo:** means hearing the complaint anew as if it had not been previously considered.

15-2-4 **Director:** means the Director of Human Resource Management.

15-2-5 **Employee:** means a person on the tribal payroll, other than Constitutional officers of the Tribes.

15-2-6 **Grievance Committee:** The Committee established by the Tribal Personnel Policies and Procedures.

15-2-7 **Retaliation:** means threats, direct or indirect as by suggestion or inference, that an employee's job, advancement, work assignments, wages, benefits or rights may be lost, diminished or impaired, unless the employee submits to the sexual demands of the offender, or if the employee threatens to file or files a complaint under this Chapter.

15-2-8 **Review panel:** Means the panel of three persons, not all of the same gender, to review or try sexual harassment complaints in certain circumstances.

15-2-9 **Scope of sexual harassment policy:** Sexual harassment as hereafter defined is limited to tribal employee in the work place.

15-2-10 **Sexual harassment:** Means:

1. Uninvited or unwelcome sexual relations or other physical contact with other employees of the Tribes in the work place.
2. Uninvited or unwelcome attention of a sexual nature, by voice, body language, or other overt physical action, such as kissing, degrading suggestions, offensive or off-color comments or jokes, propositions, teasing, off-color tricks;

3. An offensive or hostile environment resulting from the continued use of vulgar language, expletives, displaying sexually explicit or provocative photographs or illustrations, or generally suggestive material.

15-2-11 **Supervisor:** Means any employee to whom the complainant is subordinate.

15-2-12 **TEB:** means the Tribal Executive Board.

15-2-13 **Work place:** means the place or places and environments where an employee performs all matters relating to the employee's work assignment.

Section 3. Procedures Governing the Filing and Resolution of Sexual Harassment Complaints

15-3-1 **Who may file a complaint.** Any tribal employee or any employee-witness to sexual harassment may, except as provided in Section 15-3-4 and Section 15-3-5, file with the Director a written, signed complaint charging another employee or employees with sexual harassment in the work place. If the charge is against the Director, or any member of the Grievance Committee, the complaint shall be filed with the Secretary of the TEB. The complaint may be in the form of a letter, or on a form provided by the Director. The complaint shall supply in detail the basis for the charge with specific attention to dates, time, identify of person or persons.

15-3-2 **The duties of the Director.** The Director shall maintain under security special files for complaints. Promptly upon receipt of a complaint the Director shall investigate the subject of the complaint by interviews, conferences, inquiry and production of evidence, affidavits or testimony of the person or persons charged by the complaint and persons other than the complainant with knowledge of facts concerning the complaint.

15-3-3 **Complainant's right to representative.** A complainant shall have the right to be accompanied by a representative or person of the complainant's choice other than a member of the TEB, at any conference or hearing under this procedure.

15-3-4 **The Director's decision.** Within ten (10) business days of the receipt of a complaint, the Director shall prepare and issue a decision and serve the same upon the complainant. The decision shall list the findings of fact and the Director's holding sustaining or rejecting the complaint in whole or in part. If the decision is for the complainant, the decision shall state the sanctions or penalty to be imposed on the offender, guided by the penalties prescribed in Chapter 5 of the Tribal Personnel Policies and Procedures or such other sanction or penalty, such as a fine, as the Director deems appropriate.

15-3-5 **Limited appeal from the Director's decision.** A complainant aggrieved by the Director's decision, may within five (5) business days receiving the Director's written decision, file with the Secretary of the Tribes a written request that the Chairman appoint a panel to review the adverse decision and enter the appropriate decision. Whether a panel should be appointed, is solely in the discretion of the Chairman, except as provided in Subsection 5, below.

15-3-6 **Complaints against the Director or any member of the Grievance Committee.** If the Director or any member of the Grievance Committee is charged with sexual harassment, the complainant shall file the complaint with the Secretary of the Tribes. The Chairman then must appoint a review panel to investigate and render a decision on the complaint.

Section 4. **Composition of the Review Panel**

15-4-1 The Panel shall consist of three members, not all off one gender, appointed by the Chairman. The members appointed may be from within the Tribal Executive Board, or employees of the Tribes, or other neutral persons from the community, as the Chairman in his discretion determines to be appropriate. Members of the Grievance Committee and the Director shall not be eligible to serve on a Panel. Each Panel shall select from its own members a presiding officer.

Section 5. **Panel's Scope of Authority**

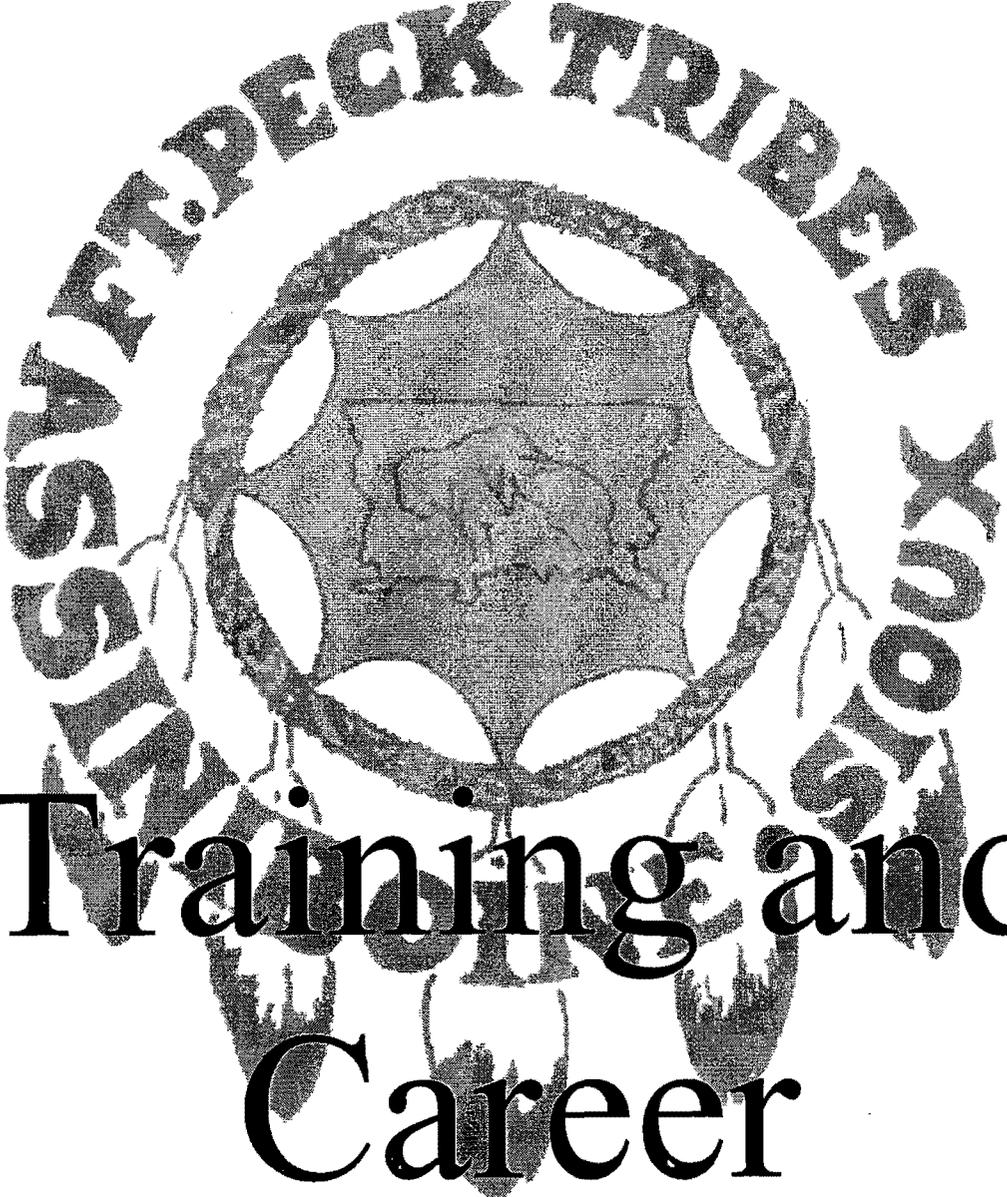
15-5-1 A Panel, in its discretion, is empowered to hear the case de novo or by review of the findings and recommendations of the Director, to determine whether the findings and recommendations are supported by the preponderance of the evidence. All proceedings shall be conducted in closed session and in as complete confidence as possible.

15-5-2 If a Panel determines to hear the case de novo, it shall proceed as speedily as possible but in not less than 15 days after appointment of the Panel. A Panel may take sworn testimony and receive other evidence. For the purposes of carrying out the duties of the Panel, the presiding officer of the Panel is authorized to administer the oath.

15-5-3 All hearings de novo shall be reported stenographically or by tape recorder.

15-5-4 Within ten (10) business days after hearing a case de novo, the Panel shall submit to the Chairman, its final decision, including findings of fact and a determination sustaining or rejecting the complaint. If the complaint is sustained, the Panel shall order sanctions in accordance with Section 15-3-4, above.

# Chapter 16



Training and  
Career  
Development

## CHAPTER 16

### TRAINING AND CAREER DEVELOPMENT

#### Section 1. Objective

16-1-1 This policy is established to assure consistent approval of training and career development requests which follow the intent of the Tribe to provide skill building and enhancement for tribal employees. Training can be in the form of a workshop, formal college course work, correspondence courses, and/r conferences. Training is the process of providing for, making available to, and placing or enrolling an employee in a planned, prepared, and coordinated program, course, curriculum, system or routine of instruction or education in order to increase knowledge, proficiency, ability, skill, experience, and qualification in a field which is or will be directly related to their performance of official duties. In an effective organization, training and employee developmental needs must be identified and addressed. Developing in this instance means increasing the capacity to perform through training, giving assignments that introduce new skills or higher levels of responsibility, improving work processes, or other methods. Providing employees with training and developmental opportunities encourages good performance, strengthens job-related skills and competencies, and helps employees keep up with changes in the workplace. It is with these elements in mind, that the Fort Peck Tribes established the following process which will foster training and career development activities for its employees in manner which is cost-efficient, uniform, and equitable.

#### Section 2. Training Priorities

16-2-1 **First Priority-** the training of employees in order to obtain or maintain licenser or certification, or completion of specific training identified as a contract/grant requirement.

**Second Priority** - the training of employees to update or obtain skills necessary for the operation of the individual employee's job at all levels and to carry out the mission of the Fort Peck Tribes. This type of training **must** be identified in the employee's Individual Development Plan (IDP) in order to be approved.

#### Section 3. Individual Development Plan

16-3-1 The annual Individual Development Plan is completed by the employee and the immediate supervisor by the beginning of each fiscal year (October 1<sup>st</sup> regardless if the program is on a different funding cycle). All tribal employees must have an IDP in place prior to any training to be approved. The plan provides an outline of all training and developmental activities proposed to prepare the employee to perform required functions of their position. The plan can also be used to identify the training that will provide the employee with skills and knowledge required for official duties which the employee may **not** be performing in his/her current position but which the employee may reasonably be expected to perform in the near future. The plan identifies courses/training needed, sources of the training, period of training, estimated costs, and tentative training completion date. This serves as justification for providing training as it relates

to the employee's official duties. Preparation of a plan does not guarantee or commit the Fort Peck Tribes to carry out all activities listed in the plan. It is a statement of what employee development activities are needed to reach stated objectives. The form to be used for all employees is identified as **Exhibit A**.

Section 4. Annual Training Priority Listing

16-4-1 After Individual Development Plans have been completed for all employees, the Human Resource Office must prepare an Annual Training Priority Listing (ATPL). The ATPL is used to consolidate all IDP's and to prioritize training needs for the coming year. Requests for training will not be approved if they do not appear on the ATPL unless it is for **priority training** which could not have been foreseen and for which the Tribal Chairman is willing to make a substitution for on the ATPL.

Section 5. Short-term Training

16-5-1 Short-term training is a full-time training course of 90 days or less. Temporary employees are **not** eligible for short-term training unless the program will be adversely affected without the training. The training nomination form must include a written justification by the program director for such training and the approval will depend on program needs and available funds.

Section 6. Long-term Training

16-6-1 Long-term training is training of over 90 days which is preparing an employee to obtain a certificate or degree in a field directly related to the performance of official duties. In order to assure equitable and justifiable expenditure of tribal, contractual or grant funds, and/or official work time for training purposes, the following requirements must be taken into account when considering such training for employees:

- a) All training must be in a field which is or will be directly related to the performance of official duties by the employee being trained and for the purpose of increasing that employee's knowledge and skills in the performance of official duties.
- b) Long-term training requires the employee to sign and enter into a "written contract" with the Fort Peck Tribes as outlined in **Exhibit B**.
- c) Any employee approved for long-term training as defined above must have a minimum of three (3) years of current continuous employment with the Fort Peck Tribes. The exception to this requirement is for law enforcement personnel attending an approved law enforcement program.
- d) The availability of funds must exist and be specifically budgeted for training purposes. Such funding should be considered "gap" funding and must only be authorized based on financial need as determined by the educational institution. Other funding sources such as guarantee student loans, PELL grants, Tribal Higher Education grants, scholarships, etc., must be applied before funding will be authorized.

Section 7. Training Nomination and Authorization Form, HR-350

- 16-7-1 The employee prepares and submits a HR-350 to his/her supervisor when requesting training at **least two (2) weeks before** the training is scheduled. All items on the form must be completed in accordance with instructions. Incomplete or incorrect nominations will be returned for correction. If the training requested is categorized as long-term training, the written contract must be also submitted and signed. A copy of the training brochure/announcement must be attached to the HR-350. The employee makes his/her own arrangements for acceptance and admission to the training courses as well as travel arrangements **after** the training request has been authorized by the Tribal Chairman. When requested, the employee pays any registration fees and/or tuition and submits a voucher for reimbursement upon completion of the training. The employee must notify the supervisor of any cancellation or change in the training request. The Training Nomination and Authorization Form, HR-350 is identified as **Exhibit C**.
- 16-7-2 The supervisor reviews all training requests for completeness, assures the training is related to the employee's official duties, and signs as the initiating official if he/she concurs with the employee's request for training. The training form is then submitted to the Human Resource office for review. In the event the employee does not complete the training course or it is canceled, the supervisor will require the employee to submit a memorandum to explain the circumstances that prevented the employee from completing the training or the cancellation.
- 16-7-3 The Human Resource Office maintains a log of all HR-350's received for the purpose of tracking progress, late actions, and compiling reports. The designated personnel specialist reviews the training request for completeness and compliance with the employee's Individual Development Plan (IDP) and the Annual Priority Training List (APTL), signs as the recommending official, obtains the approval signature of the Finance Officer, and the final authorization by the Tribal Chairman. After authorization of the training request by the Tribal Chairman, the Human Resource Office will record it in the log, and distribute the copies of the HR-350 as follows: Original - Official Personnel File; Yellow Copy - Program; Pink Copy - Employee. Upon completion of the training the employee must return the pink copy of the HR-350 to the Human Resource Office with a copy of a training certificate, transcript, or other documentation on substantiate attendance and completion.

Section 8. Penalties

- 16-8-1 If the employee is on-site at the training location and cannot attend due to illness, he/she must immediately contact their supervisor, Personnel Officer, or Tribal Chairman and request approved sick leave. Time in training during duty hours is official duty time. It is not administrative, education, or any other form of leave. Any employee who fails to attend a training session during duty time is absent without approved leave (AWOL), may be liable for reimbursement of training and travel funds to the Tribes, and may also be subject to disciplinary action unless the leave has been granted.

# Chapter 17



## CHAPTER 17

### PERFORMANCE APPRAISAL SYSTEM

#### Section 1. Objective

17-1-1 The purpose of this chapter is to provide information and guidance regarding a performance management system for all Tribal employees that encourages and supports individual and team efforts in accomplishing the Tribes' mission and goals. It is the policy of the Fort Peck Tribes to develop and continually refine a performance appraisal system that allows for effective and clear communication between managers and employees about organizational goals and expected outcomes. The performance appraisal system must clearly define the individual accountability for achieving the goals and outcomes. The process developed for management to measure and provide feedback to the employee regarding performance must be an uncomplicated system of documentation.

#### Section 2. Coverage

17-2-1 This policy applies to all **permanent** (full-time or part-time) employees; temporary employees whose appointments have been at least 120 consecutive calendar days during the rating period; appointees to the position of Chief Judge, Associate Judge, Juvenile Judge, Tribal Prosecutor, and Public Defender; and, Federal employees on IPA or MOA assignment to the Fort Peck Tribes.

#### Section 3. Responsibilities

17-3-1 The Tribal Chairman through the Tribal Executive Board shall:

- a) Determine the performance appraisal configuration to be used within the organization;
- b) Delegate authority to implement the appraisal system;
- c) Ensure that Tribal goals and priorities are reflected in appropriate performance plans.

17-3-2 The Tribal Personnel Officer shall:

- e) Ensure that the appraisal system is administered; all employee performance plans, progress reviews and final appraisals are completed in a timely manner; performance-related actions are timely completed; and that required records are maintained;
- f) Provide orientation and training for supervisors and employees in the purpose and procedures of the appraisal system;
- g) Assure that Tribal goals and objectives are reflected in the performance plans;

- h) Actively support managers and supervisors by providing guidance and assistance as necessary or as requested;
- i) Ensure that managers and supervisors prepare performance improvement plan (PIP) when an employee is at an unacceptable level of performance;
- j) Maintain files of all required performance appraisal documents.

17-3-3 Rating Officials (First Level Supervisor) shall:

- a) Develop performance plans based on organizational goals and the requirements of the employee's position description, within 30 calendar days of the beginning of the appraisal period, ensuring that the employee has input into the development of the performance plan;
- b) Monitor performance to identify progress and/or deficiencies, conduct and document progress reviews, modify performance plans when warranted, maintain performance records, and to provide employee feedback;
- c) Prepare a Performance Improvement Plan (PIP) when the employee is at an unacceptable level of performance;
- d) Rate employee's performance in comparison to their performance plans and provide written comments to substantiate the rating level assigned;
- e) Secure approval of the final rating from the next higher level supervisor;
- f) Communicate approved ratings to employees and furnish them signed copies;
- g) Take appropriate action with subordinates whose performance is unacceptable.

17-3-4 Reviewing Officials (Second Level Supervisor), if applicable, shall:

- a) Review, comment on, and approve final ratings for employee whose rating is "Unacceptable".

17-3-5 Employees shall:

- a) Provide input in the development of his/her performance plan;
- b) Ensure he/she has a clear understanding of the rating official's expectations with regard to the performance plan and/or the PIP, if applicable;
- c) Perform the responsibilities of the position to meet identified expectations/goals; communicate changes in circumstances or conditions that may affect performance; and

- d) Conduct a self-review of their own performance in preparation for meetings with supervisors to discuss progress or final performance ratings.

Section 4. Definitions

- a) Acceptable performance - when the employee has performed at an acceptable level on all performance elements under their performance plan.
- b) Appraisal - the process by which performance is reviewed and evaluated.
- c) Appraisal period - the established period of time for which performance will be reviewed and a rating fo record is prepared. The appraisal is based on the fiscal year, from October 1 to September 30.
- d) Performance element - a work assignment or responsibility of such importance that unacceptable performance on the element would result in a determination that an employee's overall performance is unacceptable.
- e) Minimum appraisal period - the minimum period for which an employee can be rated 120 calendar days.
- f) Performance plan - all of the written or otherwise recorded performance elements that set forth expected performance.
- g) Performance rating - the documented appraisal of performance that is obtained by comparison to the performance standards for each performance element.
- h) Performance standard - the management approved expression of the performance threshold, requirement, or expectation for an element that must be met to the appraised at a particular level of performance. All performance elements must have a performance standard prepared at the "Acceptable" level.
- i) Progress review - communicating with the employee about their performance compared to the performance standards of the elements established in the performance plan. A progress review is not in itself a rating.
- j) Rating of record - the summary performance rating prepared at the end of the appraisal period.
- k) Rating official - the supervisor who establishes an employee's performance plan, conducts progress reviews, rates the employee's performance, and prepares a final rating.
- l) Reviewing official - the higher level management official who reviews and approves the rating of record. This review is mandatory.

- m) Unacceptable performance - a rating of “unacceptable” for the purpose of personnel actions is administered when the employee has not performed acceptably on one or more performance elements under their performance plan.
- n) Performance Improvement Plan (PIP) - the document that identifies the element(s) for which performance is not acceptable. This plan also identifies acceptable performance, the length of time allowed for improvement, the type of assistance the rating official will provide and actions that may result if performance is not improved.

Section 5. Performance Plan

17-5-1 Performance plans (performance elements and standards) are developed and communicated to the employee within 30 days following either the beginning of the appraisal period for current employees or when an employee begins a new position that will last at least 120 days. This includes details and temporary promotions.

17-5-2 Each performance plan will consist of 2-6 critical performance elements. The performance elements will be tailored to each employee’s specific major job duties and responsibilities as described in the employee’s position description. For supervisory employees, the performance elements will include mandatory elements regarding supervision/human resource management **and** budgeting. The performance elements are developed by the rating officials, with employee input, as appropriate. If team elements are used, employees must be rated for their individual contributions to the success of the team rather than rating the team as a whole.

17-5-3 A performance standard is established at the “Acceptable” level for each performance element. To the maximum extent feasible, standards should include specific performance measures used to assess success. This may include measures of timeliness, quantity, quality, and accuracy. The “Acceptable” standard will describe the minimum level needed to fully accomplish the job element. It does not include criteria for exceeding expectations. Employees must meet all of the requirements specified in each standard to be credited as “Acceptable”.

17-5-4 Both the employee and the rating official must sign the performance plan at the time the plan is implemented. Changes made to performance standards during the performance period are initialed by both parties prior to implementation. The lack of a signature by the employee does not invalidate the performance plan or changes to the plan provided the change has been communicated to the employee. Elements and standards are implemented and effective at the time of signature by the supervisor and when communicated to the employee.

Section 6. Performance Rating Levels

17-6-1 Two distinct levels will be used for rating performance on each performance element: “Acceptable” and “Unacceptable”.

- a. Acceptable - An “Acceptable” rating on a given performance element reflects the level of performance needed to meet or exceed the job requirements specified in the performance standard. A rating of “Acceptable” means the organizational goals and objectives were

efficiently and effectively attained by accomplishing expected results.

- b. Unacceptable - Performance that fails to meet the established performance standards for a given performance element.

17-6-2 Final rating are derived as follows:

- a. Acceptable - A final rating is derived at this level when the employee is rated at the “Acceptable” level on ALL performance elements.
- b. Unacceptable - A final rating at this level is issued when the employee is rated at “Unacceptable” on ONE OR MORE performance elements.

17-6-3 Final ratings prepared at the end of the rating period address performance over the entire rating period and are referred to as ratings of record.

## Section 7. Progress Review Requirements

17-7-1 Supervisors will communicate with employees about their performance during the appraisal period. This will include at least ONE mid-year progress review to discuss performance related to established performance elements and standards. Written comments by the rating official are required.

17-7-2 Progress reviews provide an opportunity for both the employee and the rating official to:

- a. Ensure a common understanding of performance standards, discuss changing responsibilities, and revise standards if appropriate.
- b. Monitor or review performance to determine progress or problems, and provide information on how performance may be improved.
- c. Initiate a PIP when performance is “Unacceptable” in ONE OR MORE performance elements.

17-7-3 If at any time during the rating period an employee’s performance is determined to fall below the “Acceptable” level in one or more performance elements, the employee will be given a PIP and an opportunity to demonstrate acceptable performance. If the employee’s performance does not improve to the “Acceptable” level during the opportunity period of the PIP, action will be initiated to either demote, reassign or remove the employee from their position.

17-7-4 The employee and the rating official must sign and date the performance form following the progress review.

## Section 8. Preparation of the Final Appraisal

17-8-1 Supervisors will evaluate each employee’s performance, provide feedback, and complete the appraisal forms within 30 days after the end of the annual appraisal period. Documentation

(written comments by the rating official) regarding the employee's accomplishments is required. Supervisors may consider input from customers/clients, high level management officials, and/or peers to objectively assess each employee's performance and ensure consistent application of standards across organizational lines. Supervisors must provide feedback and complete a final appraisal rating if the minimum 120-day appraisal period has been met. The rating(s) will be considered with any other rating completed at the end of the appraisal period and a rating of record will be issued. In the event a supervisor should leave his/her position, the supervisor should finalize the performance appraisal for all employees under their supervision prior to their departure.

- 17-8-2 The annual performance appraisal meeting at the end of the appraisal period is an opportunity for the employee and the rating official to discuss how well the performance standards were met. At this point the need for training or other developmental activities in order to enhance performance should be discussed, as appropriate. Supervisor should set aside sufficient time to allow for a thorough and meaningful discussion. Advance arrangements to provide convenient and private accommodations for the meeting should be made. Both parties should prepare for the meeting by reviewing all pertinent information including the performance elements and standards, progress review, and job accomplishments.
- 17-8-3 Performance in all positions held during the appraisal period (temporary and permanent employees) will be considered in final rating of record. Therefore, performance plans/ratings must be prepared for employees who will be rated while detailed for extended periods (i.e. 120 days or longer) or temporarily promoted, provided that he/she meets the 120 day requirement.
- 17-8-4 The rating official signs and dates the appraisal block on the performance form to indicate that the rating was discussed and a copy given to the employee. If the final rating is "Acceptable", the rating official has the employee sign and date the form. The reviewing official's signature is not required on the ratings of "Acceptable". If the rating is "Unacceptable", it must be reviewed and signed by the reviewing official. After the reviewing official has signed and finalized the rating, the employee is asked to sign and date the appraisal form.
- 17-8-5 A rating official may postpone the appraisal of an employee in the following circumstances:
- a) At the date of the appraisal, the employee has served LESS than 120 days under an approved performance plan;
  - b) The employee has been or is in a leave status which has not permitted the rating official to observe his/her performance for a period of at least 120 days;
  - c) A performance improvement period under a PIP for "Unacceptable" performance has not been completed;
  - d) There is not sufficient time left in the appraisal period to complete a Performance Improvement Plan (PIP); OR
  - e) Termination or removal proceedings are pending.

17-8-6 Employee who wish to comment on their rating may record their comments on the form itself or as an attachment to it for submission to the rating official. Employees who receive an “Unacceptable” rating and disagree with their final rating of record can file a grievance in accordance with the Fort Peck Tribal Personnel Policies and Procedures.

Section 9. Performance Improvement Plans (PIP)

17-9-1 When the employee’s performance is “Unacceptable”, the rating official is required, at any time during the performance cycle prior to the official rating, to provide an employee with a Performance Improvement Plan (PIP) that documents deficiencies, and provides assistance when the employee’s performance is unacceptable in one or more performance elements.

17-9-2 The following information is included in all Performance Improvement Plans:

- a) The performance element(s) for which performance is at the “Unacceptable” level.
- b) The “Acceptable” performance standard(s) for the performance element(s).
- c) A reasonable period of time during which the employee can be expected to attain the “Acceptable” performance level.
- d) Examples of those aspects of work that are deficient and what must be done to overcome those deficiencies.
- e) What may result if performance is not improved in the performance element(s) specified at the “Acceptable” performance level, and
- f) The type of assistance the rating official will provide to the employee to improve performance.

17-9-3 During the PIP period, counseling is provided regularly to the employee by the supervisor noting where improvement has and has not been made. The counseling sessions must be documented and include the date, nature of assistance given, and how the employee is progressing. A copy of the documentation is provided to the employee. If at the end of the PIP period, the employee’s performance has not improved to the “Acceptable” level, an adverse action (demotion or removal) may be initiated. Alternatively, the employee may be reassigned to a position where it is believed his/her performance would be “Acceptable” in all performance elements. Any pay increase due the employee can be denied.

17-9-4 If the employee is retained in his/her present position for an additional period of time, the PIP may be extended for one (1) additional period to allow the employee more time to improve performance. The extension of the PIP must be prepared in written format and will contain the following information:

- a) Justification and/or reasons for the PIP extension.

b) The beginning and ending dates of the PIP extension.

c) The performance element(s) as contained in the original PIP, that are being extended.

17-9-5 The employee must maintain an acceptable level on the performance elements contained within the PIP for the next twelve month period upon completion of the PIP. If the employee's performance falls back to the unacceptable level on any performance element contained in the PIP within the twelve month period, the supervisor can automatically initiate adverse action without placing the employee on another PIP.

17-9-6 Pay Increases: An employee's performance must be at an acceptable level to earn advancement in pay. If an employee becomes eligible for a pay increase while under a PIP, the pay increase must be delayed and withheld. If an acceptable level of competence determination is made upon completion of the PIP, the employee's pay increase may be granted effective the beginning of the next pay period following successful completion of the PIP.

Section 10. EFFECTIVE DATE

This chapter of the Fort Peck Tribal Personnel Policies and Procedures is effective

# VOLUNTARY LEAVE TRANSFER PROGRAM

## Fort Peck Tribes

Section 1.	Purpose
Section 2.	Coverage
Section 3.	Definitions
Section 4.	Application Procedures
Section 5.	Retroactivity
Section 6.	Processing Applications
Section 7.	Notification
Section 8.	Soliciting Leave Donations
Section 9.	Accrual of Annual and Sick Leave
Section 10.	Donating Leave
Section 11.	Responsibilities
Section 12.	Prohibition of Coercion
Section 13.	Effective Date

1. **PURPOSE** - The purpose of this supplement to Chapter 8, Employee Benefits, is to provide the Tribes' requirements, responsibilities, and procedures for the voluntary leave transfer program. Under this program, unused sick leave of one Tribal Officer or employee may be transferred for use by another Tribal Officer or employee, as needed because of a medical or family medical emergency.
  
2. **COVERAGE** - All permanent employees of the Fort Peck Assiniboine & Sioux Tribes, whose official position is fully funded by Tribal funds, Bureau of Indian Affairs contract/grant funds, Indian Health Service contract/grant funds, or a combination of such funds. This excludes temporary employees as they are not eligible for leave benefits, those employees who are on an Intergovernmental Personnel Act (IPA) assignment to the Fort Peck Tribes, and those permanent tribal employees whose position is funded by other federal/state/local agencies than specified.
  
3. **DEFINITIONS** -
  - a. Medical emergency means a medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave. This does not include maternity leave for a normal pregnancy or normal postnatal care.
  - b. Family member means the following relatives of the employee: (a) spouse; (b) children including adopted children; (c) parents; (d) brothers and sisters;

- (e) any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- c. **Leave recipient** means an eligible employee for whom the Tribal Chairman has approved an application to receive sick leave from the sick leave accounts of one or more leave donors.
- d. **Leave donor** means an employee whose voluntary written request for transfer of sick leave to the sick leave account of a leave recipient is approved by the employee's leave approving official (immediate supervisor).
- e. **Personal representative** means another employee or family member acting on behalf of an employee in the process of obtaining approval for leave transfer status.

#### 4. APPLICATION PROCEDURES -

- a. Current employees affected by a medical or family medical emergency must apply in writing to become a leave recipient. In the event that an employee is not capable of making application on his or her own behalf, some other employee, such as the supervisor, or a family member may make the application. However, if another individual plans to make the application, he or she must have reasonable assurance that it is the wish of the potential leave recipient to have an application made on his or her behalf.
- b. Each application (HR-630, Leave Recipient Application Under the Voluntary Leave Transfer Program) is to be initially submitted to the immediate supervisor of the potential leave recipient for consideration and must include:
  - (1) The employee's name and position title.
  - (2) A brief description of the nature, severity and anticipated duration of the medical or family medical emergency affecting the applicant.
  - (3) A statement from a physician or other appropriate expert, i.e. chiropractor, psychologist, etc., and any additional information, as appropriate, that shows the nature, severity and duration of the medical or family medical emergency. In the case of the a family medical emergency, the potential leave recipient must provide additional information and documentation to establish that the potential recipient is required to be absent from duty to care for the family member. This documentation must also establish the projected duration of the absence due to needed care.

**5. RETROACTIVITY**

- a. Transferred sick leave may be substituted retroactively for periods of leave without pay (LWOP) to cover absences during a medical or family medical emergency.
- b. The leave recipient must apply for transferred leave within 30 days after the end of the medical emergency to be eligible for retroactive coverage to the beginning of the medical emergency.
- c. The leave recipient must provide a doctor's statement certifying the beginning and the duration of the medical or family medical emergency, as stated in Section 4 (b) (3).

**6. PROCESSING APPLICATIONS -**

- a. An employee who desires to become a leave recipient should submit a request to his/her immediate supervisor who reviews and recommends that it be approved or disapproved.
- b. The request is submitted to the Human Resource Office so that it can be determined as to the employee's eligibility for the program, proper documentation is submitted, and that the request is in accordance with approved policies and procedures. Requests for additional documentation will be made to the leave recipient by the Human Resource Office. Upon final review, the request shall be forwarded to the Office of the Tribal Chairman for final approval.
- c. The actual approval or disapproval of an application shall be based on the determination by the Tribal Chairman as to whether the potential leave recipient's absence from duty without available leave because of the medical emergency is (or is expected to be) at least 80 hours. In the case of a part-time employee or an employee with an uncommon tour of duty, the determination should be made on the average number of hours of work in the employee's biweekly scheduled tour of duty. In making a determination as to whether a medical or family medical emergency is likely to result in a substantial loss of income, the Tribal Chairman should not consider factors other than whether the absence from duty without available paid leave is or is expected to be at least 80 hours.

**7. NOTIFICATION -**

- a. If the application is approved, the applicant or his/her personal representative shall be notified of the approval as soon as possible but in any event, within five (5) working days from the date the application was

received in the Human Resource office. The recipient shall also be advised that Tribal employees may now request to transfer their sick leave to the recipient's leave account.

- b. If the application is disapproved, the applicant or his/her personal representative shall be notified of the disapproval as soon as possible but, in any event, within five (5) working days from the date the application was received in the Human resource Office. The applicant shall be advised of the reasons for its disapproval and that he or she may have the disapproval reviewed through the Tribal Grievance Procedure.
- c. In either instance, the Tribal Human Resource Office shall prepare the approval or disapproval document for the Tribal Chairman's signature.

#### 8. SOLICITING LEAVE DONATIONS -

- a. In some cases, a leave recipient may already have received an indication from other employees about their willingness to donate sick leave to the recipient. In such instances, it may not be necessary to seek donations through public announcement of the recipient's medical or family medical emergency.
- b. More likely, however, an approved applicant will need to have the medical or family medical emergency announced in order to obtain donations. When this is the case, other employees will be made aware of such emergency situations and to whom and where donations of annual leave may be made on a voluntary basis.
- c. Approved recipients, who are looking for assistance from management to obtain leave donors, should be encouraged to allow management officials to reveal information about the recipient's emergency situation in sufficient detail so that the general nature, severity and duration of the medical emergency is made known. Such consent for the release of this information must be in writing. However, should the approved recipient not want such information revealed, those assisting may reveal only the employee's name, position title, tribal program, and that the Tribal Chairman has approved his/her request to be a recipient of leave donations. Potential donors are also to be advised where and to whom the donations are to be made for specified recipients.
- d. If it is a retroactive situation, the announcement should state that the donated leave is necessary to substitute for LWOP.

#### 9. ACCRUAL OF ANNUAL AND SICK LEAVE -

- a. Once the employee is using the transferred leave, he/she will be again eligible to accrue annual and sick leave.

**11. RESPONSIBILITIES -**

- a. **The Tribal Human Resource Office is responsible to establish local procedures to announce medical or family medical emergency situations. Announcements must include at a minimum:**
  - (1) **Name of the recipient, position title, Tribal program, and geographical location.**
  - (2) **Nature of the medical emergency with the extent of disclosure sensitive to the potential recipient's privacy.**
  - (3) **Who may donate.**
  - (4) **Limitations with respect to the amount of leave that may be donated and procedures to obtain a waiver from these limitations.**
  - (5) **Name and address of the official, usually the timekeeper, to whom the donations are to be sent.**
  - (6) **Need for a verification from the donor's leave approving official that he or she has approved the donor's request to transfer leave. This will be documented by the completion of Form HR-71, Application for Leave.**
- b. **Timekeepers who record leave transfer transactions must be properly trained to accurately record and track leave donations.**
- c. **Supervisors are responsible to monitor the recipient's medical or family medical emergency so that the donated leave is not used for purposes that are not allowed, i.e. retention of transferred leave after the emergency situation is terminated.**

**12. PROHIBITION OF COERCION -**

**No employee or management official may, directly or indirectly, intimidate, threaten coerce, or attempt to intimate, threaten, or coerce any other employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using sick leave. The terms "intimidate, threaten, or coerce" includes promising to confer any benefits, such as an appointment, promotion, or compensation, or effecting or threatening to effect any reprisal, such as deprivation of appointment, promotion, or compensation.**

**13. EFFECTIVE DATE -**

**The effective date of this policy is November 23, 1998, per Tribal Resolution # 1054-98-11.**

- b. Any leave recipient who returns to work on a part-time schedule while still in a medical emergency situation, i.e. therapy, gradual return to work under doctor's orders, family member's therapy, etc., he/she will earn annual and sick leave on a prorated basis dependent on the number of hours worked.
- c. If an employee who is in a leave transfer status terminates his/her employment, the transferred leave account balance will be returned to the appropriate leave donor.

**10. DONATING LEAVE -**

- a. An employee may submit a voluntary written request (Form HR-71, Application for Leave is acceptable) that a specified number of hours (but not less than one hour) be transferred from his or her accrued sick leave account to the sick leave account of a specified leave recipient, subject to the provisions indicated below:
  - (1) Leave donors may NOT request the transfer of sick leave to their immediate supervisor.
  - (2) A leave donor may NOT donate leave that has not been earned and is not already in his or her accrued sick leave account.
  - (3) Without a waiver, a leave donor may NOT donate more than one-half of the total amount of sick leave he or she has in their sick leave account.
  - (4) The leave donor may submit a written waiver to exceed the one-half limitation based on circumstances such as the: a.) The donor is a family member of the leave recipient; b.) The amount of leave donated is not sufficient to cover the emergency; c.) The nature of the recipient's medical emergency and desire for privacy support lifting restrictions to provide for more hours from fewer donors, assuring minimal publicity.
  - (5) The donor's leave approving official must approve the waiver request in writing to the donor.
- b. Donors shall submit their request to the appropriate leave approving official (usually the immediate supervisor). The leave approving official shall:
  - (1) Ensure that the donation is proper and consistent with the provisions covered above.
  - (2) Assure that the appropriate timekeepers make deductions from the accrued sick leave account of the donor and that the transaction to the sick leave account is properly documented.
  - (3) Assure that the specified recipient's program is notified about the donation.

**Leave Recipient Application  
Under The Voluntary Leave Transfer Program**

**HR-630**

1. Applicant's Name (Last, First, Middle)		2. Social Security Number	
3. Position Title			
4. Name of Organization (Department, Office, Division, Branch, etc.)			
5. Nature and Severity of the Medical Emergency			
6. Individual Affected by Medical Emergency (Check One) Employee's <input type="radio"/> Employee <input type="radio"/> Family Member		7. Date Medical Emergency Began	8. Date Medical Emergency Ended (or is Expected to End)
9. Name of Physician Who will Verify the Medical Emergency (Attach documentation from the physician (or other appropriate expert) showing the diagnosis, prognosis and duration of the illness.)			
10. What is the Applicant's Leave Balance as of End of Last Pay Period?		11. How Many Hours of Leave Without Pay Have Been Used for This Medical Emergency?	
12. Does the Applicant Want a Description of the Medical Emergency Distributed to Employees so that Other Employees May Donate Leave to the Account?  <input type="radio"/> No <input type="radio"/> Yes      If "YES", provide the description Below.			
Check, If the Applicant Does Not Wish to Have Name Used With the Description or Disclosed to Anyone Except Supervisor, the Supervisory Channel and the Deciding Official, and Individuals Who Maintain the Program.			
13. Name of Individual Completing the Application (If applying on behalf of the applicant)		Relationship to Applicant	Telephone Number
14. I Certify That the Above Statements are True. Signature of Applicant or Individual Applying on Behalf of the Applicant			Date Signed
15. First Level Supervisor's Recommendation, Signature, and Date Signed  <input type="radio"/> Approve <input type="radio"/> Disapprove		16. Tribal Chairman's Decision. Signature and Date Signed  <input type="radio"/> Approve <input type="radio"/> Disapprove	