

The Nez Perce Tribe Intern Program

Guidelines and Standards

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A. Mission Statement

The Mission of the Nez Perce Tribe Internship Program is to assist Nez Perce Indian college students in professional career development. This is accomplished by providing scholarships, mentoring and employment opportunities that will develop and enhance Nez Perce Human Resources.

B. Nez Perce Indian Education Background Information

The Nez Perce Tribe realizes the importance of an education and promotes education for all Indian students. Seventy percent of the Nez Perce people are high school graduates, and 7.1% have bachelor's degrees or other higher education degrees. At the present time, Nez Perce college students are unlikely to major in the sciences or mathematics. In general, Native Americans are the most under-represented minority in the scientific and technical professions. One of the prominent factors responsible for this is believed to be a cultural conflict between scientific and traditional values.

The Tribe is especially interested in education, which weaves traditional knowledge and respect for educating the whole person rather than discreet training in individual scientific disciplines. It is the Tribe's belief that cultural and spiritual values should be incorporated into the education of our people.

C. How to become a Nez Perce Tribe Intern.

These are the criteria that must be met in order to become an intern.

1. Tribal Preference will apply.
2. Must have completed at least one successful semester of college. A successful semester is defined as completion of a full-time/part time student load and a minimum 2.5 cumulative GPA.
3. Must declare major of interest to partner student with appropriate discipline/program.
4. Must submit:
 - A) Minimum of two letters of recommendation from:
 - 1) The local community (employer, pastor, etc.), or
 - 2) The academic community (professor, advisor, etc.), or
 - 3) The Indian community (tribal official, elder, etc.)
 - B) College transcript; (high school transcript if waiver granted) (A minimum 2.5 GPA must be maintained); and
 - C) Describe how internship will be relevant to their education.
5. Selection:

Intern positions will be advertised beginning in April based on funding availability and class description.

1. Program staff will select interns based on recommendation letters, letter of interest, transcripts and interviews. Students who solicit intern placements on a non-compensated basis may solicit programs directly and this policy shall apply.
2. Internships are subject to availability. Budget and workload may dictate internship openings. All criteria must be completed before student will be considered. Application for internship should be submitted to:

**Nez Perce Tribe
P.O. Box 365
Lapwai, Idaho 83540**

D) Intern Academic Eligibility Standards

Interns must meet academic standards to remain eligible for the Intern Program’s benefits. In order to remain eligible to the Intern Program:

1. Submit a quarter/semester grade report within one month after each completed semester. Reports should include how classes went, what obstacles were overcome, expected graduation date, etc.
2. Prior to each fall term, must submit a baccalaureate plan to Mentor that outlines graduation requirements and prospective fall and spring classes.
3. Support of each intern will be limited to:

Undergraduate	4 years
Graduate	2 years
Ph.D.	3 years

- Students that do not meet these requirements will be placed on a semester probation. If standards are not met during that semester, they are no longer eligible to participate.

E. Intern Employment Standards

The following are the employment standards that interns must comply with during employment as an intern:

1. Must have the responsibility to approach their internship with the professionalism of a full-time employee.
2. Each intern is obligated to conduct himself/herself in a manner that will reflect positively upon the Nez Perce Tribe. It is the policy of the tribe to take corrective measures when an intern engages in conduct or activities which detract from the effectiveness of an intern’s work or performance which is contrary to the best interest of the Nez Perce Tribe or program.
3. Must sign-in and out at the start and end of each workday.
4. Must read and follow the Nez Perce Tribal Human Resources Manual.

5. Must respect the department's chain of command. When there are problems interns will seek out assistance according to the chain of command.
6. Must be doing actual work as assigned. Interns will not be paid to do homework. Interns may need to use initiative in seeking out work from the staff if assigned tasks are completed.
7. Must be willing to spend summers away from home if employed by a hosting organization.
8. Must be able to take constructive criticism.
9. Must work with an assigned mentor to establish project(s).
10. Must keep the mentor informed on work activities and absences.
11. Must attend all staff and other meetings upon request, when available.
12. Provide written status reports as requested by mentor.
13. Must be willing to travel to training and conferences, when available.
14. Provide detailed trip reports for meetings attended, including knowledge gained and information gathered.
15. Interns will be evaluated each year by the mentor to help provide guidance to interns and to determine the disposition of future work activities.
16. Provide a written report within two months of completion of internship period and may be requested to give an oral presentation.

F. Intern Opportunities Enhancements

The following are benefits, which will be made available during the course of the internship. Benefits will be provided as long as all standards in previous sections are achieved.

1. Professional employment experience related to their educational and career goals.
 - a. Interns will have work opportunities with the tribal department during the school year when their academic schedule permits.
 - b. Interns will have work opportunities during their academic breaks.
2. Technical staff mentoring:
 - a. All mentors will provide sufficient guidance and direction to ensure that assigned tasks can be successfully completed.
 - b. Goals will be set regarding project expectations.
 - c. Improvement of technical writing skills.
 - d. Guidance on educational opportunities and career development
3. Pay scale. (based on academic standing and evaluation).
 - a. Pay will be determined according to class description, education, experience and performance.
 - b. Interns pay may change during the course of out-placement sponsors may determine the intern's salary. Stipends and scholarships awarded to interns for an out-placement will be subject to review as to whether additional funding will be required to support the placement.

Interns will be given the opportunity to participate in professional conferences such as American Indian Science Engineering Society, American Indian Physicians Association, Indians into medicine, and others.

F. The Internship Working Agreement

The guidance listed below provides the recommendations for working agreements between tribal technical staff that serve as mentors and college interns.

Technical staff have the following responsibilities:

1. Provide guidance and oversight on a project agreed to by the mentor, intern, and the manager.
2. Provide sufficient guidance and direction to ensure that assigned tasks can be successfully completed.
3. Work with intern to set goals regarding project expectations.
4. Help interns improve technical writing skills.
5. Provide guidance on education opportunities and career development.

Interns have the following responsibilities:

1. Agree upon a project or projects with mentor, and/or managers.
2. Provide written status reports as requested.
3. Provide detailed trip reports for any meetings, conferences, trainings attended including knowledge gained and information gathered.
4. Let mentor know location of work and study. Inform mentor of any absences.
5. Provide a written report within two months of completion of internship period and be prepared to give an oral presentation to NPTEC or other sponsoring agencies concerning your project.
6. Be self-motivated and be able to work independently when required.
7. Be able to take constructive criticism in a positive manner.
8. Interns are responsible for remaining alcohol and drug free during the course of their internship. In the unforeseeable event that an intern is convicted of being under the influence of alcohol or non-prescribed drugs, or any other drug/alcohol related conviction (illegal possession, DUI, etc.), the internship relationship with the Nez Perce Tribe will be terminated.
9. Compliance with Section E.

Nez Perce Tribe
Applicant Eligibility List

Applicant Eligibility Lists can be developed for programs that require periodic or annual position openings. The following is the process and requirements.

1. An approved class description must be on file in Human Resources. If one does not exist, the program must have a class description developed according to the Human Resource Manual (HRM) Sections 2.2 and 2.2.3.
2. The position must be advertised according to HRM Section 2.2.4 and 2.2.5.
3. The applications will be screened according to HRM Section 2.2.6.
4. The applicants who meet the minimum qualifications will be qualified for the Applicant Eligibility List.
5. The list will be forwarded to the programs and the applicants who do not qualify will be notified by Human Resources.
6. Interviews will be conducted with the qualified applicants. Those selected through the interview process will qualify for the Applicant Eligibility List. The list will be maintained by Human Resources.
7. As the need arises, the program will forward a written notice to Human Resources of position opening(s).
8. Human Resources will provide the applications of the applicants who made the Applicant Eligibility List to the program for review and selection for hire according to HRM Sections 2.4.3 through 2.4.6 and sections 2.6, 2.6.1 and 2.6.2.
9. Positions must be reviewed or advertised every six months. Applicants that qualify will remain on the list for six months from the date of the advertisement.

Nez Perce Tribe
Evaluation of Supervisors

Name of supervisor _____ Title _____

1. What are the strengths of this supervisor?

2. What are areas that need improvement?

3. On a scale of one (1) to five (5) with 5 being the highest, rate this supervisor on the following factors:

- A. _____ Knows and follows their class description essential tasks.
- B. _____ Knows and abides by their position expectations.
- C. _____ Has a working knowledge of the Human Resource Manual.
- D. _____ Abides by and implements the Human Resource Manual.
- E. _____ Has a working knowledge of the Finance Manual.
- F. _____ Abides by and implements the Finance Manual.
- G. _____ Provides clear and reasonable expectations for staff.
- H. _____ Oral communication skills
- I. _____ Professional treatment of staff.
- J. _____ Appropriate attire.
- K. _____ Organizational skills.
- L. _____ Leadership skills.

4. Policy, directives and information are provided from the Executive Director through the managers and the chain of command. Does your supervisor provide this information on a regular basis? How?

5. Does your supervisor set goals for your program? If so how?

6. Does your supervisor allow staff to participate in the planning process for your program? If so how?

7. Employee development includes training and education. Do you have employee training plans and are you given the opportunity to determine your training needs?

8. Do you have any recommendations for change in your program?

9. How would you describe your supervisor's knowledge of their position?

10. What do you think should be the priority your supervisor needs to address?

11. What is the most beneficial thing your supervisor has done for you?

12. What is your supervisor's most significant accomplishment?

Nez Perce Tribe
Career Development Plan

Name _____ Date _____

Career Objective: Clearly state the profession/position you would like.

Assess training, education and experience necessary.

Inventory achievements and skills.

Strategy to achieve goal: (Set time frames; Identify school, funding, childcare, transportation, etc.)

Nez Perce Tribe
Position Reclassification Process

Position classification must come in writing through the Department Manager to the Human Resource Office. To expedite the review of this request, the following information shall be included in the submittal:

1. A copy of the approved class description of the affected position.
2. A detailed listing of the specific additions, deletions or modifications recommended for reclassifying the position.
3. The background material to document the change related to the job complexity, job knowledge, accountability, or supervisory responsibility of the position.
4. A narrative of the changes recommended that provides a complete rationale for the changes.

The revised recommended class description will be reviewed by Human Resources as follows:

1. The salary grade as it related to the minimum qualifications in terms of experience, education, supervisions and performance.
2. The technical level of the essential tasks as they relate to the education and experience requirements.
3. The Indian/Tribal Preference as it relates to the funding agency of the position.
4. Comparing the current and recommended class descriptions in terms of the three above listed items.

Human Resources will provide a written review and recommendation of the request to the affected employee, supervisor and department manager within sixty (60) days. The employee, supervisor and manager will review and respond to the recommendations within five (5) days. Human Resources in concert with the employee, supervisor and manager will finalize the class description within ten (10) days and submit the revised class description to the Executive Director for final approval.

Upon approval of the new class description, the incumbent will remain in the position if reclassified to a lower grade, and their salary frozen until the salary of the position reaches the current pay of the employee.

If the reclassification elevates the position, the employee's qualifications will be evaluated to determine if they qualify for the position through the Employment Action Notice and Human Resources Manual Sections 2.2.1 and 2.2.3.

Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

**Nez Perce Tribe
Wage and Salary Classification**

I. INTRODUCTION

The purpose of the Wage & Salary Classification Guideline is to provide for the uniform recruitment, selection, and compensation guidelines for employees of the Nez Perce Tribe. The three (3) major components of the classification are:

1. Class Descriptions (format of the HR Program)
2. Wage & Salary Schedule
3. Nez Perce Revised Human Resources Manual

The key point is the matching of the educational and experience requirements with the starting and ceiling (salary grade). Other qualifying factors are 1) three years of related experience = one year of college; 2) years of administrative experience; 3) years of related field experience; 4) years of experience with another tribe or agency; and 5) years of experience with the Nez Perce Tribe. Other areas of concern are to match educational requirements in the related field. Please see the classifications for example(s). The basic criteria to prepare and develop class descriptions are as follows: 1) Education (high school, technical, higher, graduate, doctorate); 2) Related experience; 3) Administration/Management experience; 4) Supervision experience; 5) Technical expertise in specialized field; 6) Experience in the unique Federal-Indian relationship; 7) Requirement of published documents, studies (i.e., technical reports); 8) Requirements to work in area of Policy Analysis/Formulation.

The MGT Study will provide the basic framework for the preparation and development of the class descriptions. Once the class descriptions are prepared and developed, the next step is to match position with the approved Wage & Salary Schedule. There are basically three (3) grades for each classification within the organizational structure. After the matching of the class description with the Wage & Salary Schedule, the position must be included in the organizational structure of the department or program.

The revised Nez Perce Human Resources Manual will provide the basic process for advertisement, recruitment, placement, discipline, and promotions for the tribal employees. The Wage & Salary Classifications will become a major element (appendix) of the revised Nez Perce Human Resources Manual.

NEZ PERCE TRIBE
WAGE/SALARY EMPLOYEE CLASSIFICATIONS

- I. The Nez Perce Tribe, to provide for the orderly recruitment, promotion, and compensation of the employees, has developed the following employee classifications. The Wage & Salary Schedule of 10/01/99, as approved and updated, provides the method of computation of compensation for the employee. The key factors of the classifications are the educational, experience, supervision, and length of employment requirements. The following are the classifications of the employees of the Nez Perce Tribe:
- A. Executive Director/Department Managers/Professionals (i.e., Lawyers, etc.). The position will direct, supervise, and coordinate programs and program areas of the Nez Perce Tribe assigned to the department.
1. Minimum Education, experience, and supervision requirements are as follows: Masters Degree in Administration, Management, or related field. Requires three (3) to five (5) years of experience in their related field and three (3) to five (5) years of supervisory experience. Also three (3) to five (5) years of experience in working with the unique Federal-Indian relationship. Must also have demonstrated grants/contracts writing skills, knowledge of compliance requirements, and knowledge of financial management.
 2. Salary Grades Grade 13 through 17 dependent upon the education, experience, supervision and length of employment requirements. The four (4) levels of classification are:
 - a. Level 1 (Grade 13) – meets the minimum qualifications (department Managers).
 - b. Level 2 (Grade 14) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) programs and seven (7) years of documented experience (department managers).
 - c. Level 3 (Grade 15) – exceeds the educational, experience, and programs and has twelve (12) years documented experience (department managers).
 - d. Level 4 (Grade 16) – meets the educational, experience, and supervisory requirements. Also supervises four (4) programs and has seven (7) years of documented experience (professional classification).
 - e. level 5 (Grade 17) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) to seven (7) programs and has twelve (12) years of documented experience (professional classification).

- B. Program Directors. The position will direct, supervise, and coordinate the assigned program of the Nez Perce Tribe.
1. Minimum Educational, experience, and supervision requirements are as follows: Bachelor of Science and/or Arts degree in their respective field, and Masters degree in lieu of experience. Requires one (1) to three (3) years of experience in their related field and three (3) years of supervisory experience. Also, requires the ability to learn and understand the unique federal-Indian relationship. Must also have demonstrated grants/contracts writing skills, have knowledge of compliance requirements and knowledge of financial management.
 2. Salary Grades Grade 9 to 11 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classifications are:
 - a. Level 1 (Grade 9) – meets the minimum requirements.
 - b. Level 2 (Grade 10) – exceeds the educational, experience, and supervisory requirements. Also supervises one (1) to four (4) personnel of the assigned program and has seven (7) years of documented experience.
 - c. Level 3 (Grade 11) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) to seven (7) personnel and has twelve (12) years of documented experience.
- C. Technical (i.e., forestry, Fisheries, Water Resources, Environmental). The position will direct, supervise, and coordinate the assigned program elements of the Nez Perce Tribe.
1. Minimum Educational, experience, and supervisory requirements are as follows: Bachelors of Science and/or Arts degree in Administration, Management, or related field (Master's degree preferred). Requires one (1) to three (3) years of experience in their related field and one (1) to three (3) years of supervisory experience. Also, one (1) to three (3) years working with the unique Federal-Indian relationship. Must also have demonstrated grants/contracts writing skills, have knowledge of compliance requirements, and knowledge of financial management.
 2. Salary Grades Grade 11 through 13 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:
 - a. Level 1 (Grade 11) – meets the minimum requirements.
 - b. Level 2 (Grade 12) – exceeds the educational, experience, and supervisory requirements. Also supervises one (1) to four (4) components and has seven (7) years of documented experience.
 - c. Level 3 (Grade 13) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) to seven (7) components and has twelve (12) years of documented experience.

- D. Technician/Office Manager/Teachers/Bookkeepers. The position will direct, coordinate, and supervise the skilled and unskilled labor. There will also be the assignment of specific tasks to be performed in the office or field.
1. Minimum Educational, experience, and supervisory requirements are as follows: Requires two (2) to four (4) years of college in a related field. Associate of Arts degree preferred (Bachelor of Arts in lieu of experience). Requires one (1) year of related experience, one (1) year of administration/management experience and one (1) year of supervisory experience. Also, must be willing to learn and understand the unique Federal-Indian relationship.
 2. Salary Grades Grade 8 through 10 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:
 - a. Level 1 (Grade 8) – meets the minimum requirements
 - b. Level 2 (Grade 9) – exceeds the educational, experience, and supervisory requirements. Also supervises one (1) to three (3) personnel of the assigned programs and has seven (7) years of documented experience.
 - c. Level 3 (Grade 10) – exceeds the educational, experience, and supervises one (1) to three (3) personnel and also has twelve (12) years documented experience.
- E. Counselors/Outreach Workers/Assistants/Secretaries. The position will not supervise but will be required to perform specific, assigned tasks.
1. Minimum Educational, experience, and supervisory requirements are as follows: High School diploma or GED equivalency and documented and certified skills in the related field. Also one (1) to three (3) years experience. Must be willing to upgrade skills on an annual basis.
 2. Salary Grades Grade 6 through 8 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:
 - a. Level 1 (Grade 6) – meets the minimum requirements.
 - b. Level 2 (Grade 7) – exceeds the educational and experience requirements and has seven (7) years of documented experience.
 - c. Level 3 (Grade 8) – exceeds the educational and experience requirements and also has twelve (12) years of documented experience.
- F. Skilled Labor (Clerks, Aides). The position will perform specific assigned tasks requiring certain skills and will require supervision.
1. Minimum Educational and experience requirements are as follows: High School diploma or GED equivalency and skills in related field. Also one (1) to three (3) years of experience in related field.

2. Salary Grades Grade 4 through 6 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:
 - a. Level 1 (Grade 4) – meets the minimum requirements.
 - b. Level 2 (Grade 5) – exceeds the minimum requirements and has (seven) 7 years of documents experience.
 - c. level 3 (Grade 6) – exceeds the minimum requirements and also has twelve (12) years of documented experience.

G. General Labor. This position will perform assigned tasks with constant supervision.

1. Minimum Education and experience requirements are as follows: High School diploma or GED equivalency and the ability and willingness to learn and follow directions.
2. Salary Grades – Range 1 through 4 dependent upon the education and experience requirements. The four (4) levels of classification are:
 - a. Level 1 (Grade 1) – minimum wage.
 - b. Level 2 (Grade 2) – meets the minimum requirements.
 - c. Level 3 (Grade 3) – exceeds the minimum requirements and also has seven (7) years documented experience.
 - d. Level 4 (Grade 4) – exceeds the minimum requirements and also has twelve (12) years of documented experience.

The Wage & Salary Classification System will also provide the compensation standard for personnel of the Nez Perce Tribe. The classifications are based upon the organizational structure of the Tribe.

The following are guidelines to be utilized with the classification system:

1. An employee may receive up to two (2) merit increases and one (1) cost of living increase per annum adjusts the Wage and Salary Schedule on a total basis. The total increase may not exceed two (2) salary steps per annum.
2. An employee may advance one (1) grade based upon the factors of qualifications, supervision, and experience. The employee must initiate the advance through the appropriate supervisor. The total advance may not exceed one (1) grade level per annum.
3. An employee may be promoted according to the approved and revised Human Resource Manual.

The supervisor must approve the class description in the final format as described above and as available in Human Resources.

The Nez Perce Tribe is organized based upon a departmental basis. There are ten (10) departments currently developed and approved (see organizational chart). The definitions of a department and program are as follows:

1. Department – the coordination and supervision of four (4) to seven (7) programs.
2. Program – the coordination or supervision of one (1) to seven (7) personnel and/or program elements.

The purpose of organization is to provide an effective and efficient management network and process. Each new grant, contract, or program elements will be assigned to a department during the preparation of the program element and upon approval by the grantor agency. A new department must be approved by the Nez Perce Tribal Executive Committee (NPTEC) and the organizational chart revised accordingly.

Employee Evaluation

Employee's Name: _____

Evaluator's Name & Title: _____

Evaluation Period: _____

Date Evaluation Performed: _____

Employee's Name _____ Job Title: _____

Mandatory Factors – Rate of the employee on all of the following seven (7) factors:

Factor	Improvement Needed	Satisfactory	Very Good	Outstanding
Knowledge of Job	Requires direction in performing some duties of job. Must refer to directives or instructions.	Adequate knowledge of job to proceed alone without any direction on specific duties.	Complete knowledge of job duties and appreciation of importance of job and effect of poor performance.	Complete knowledge of this and related job and the interrelationship of the jobs.
Quantity of Work	Occasionally produces volume of work below standard. May work in cycles with performance above standard and then below standard	Constantly produces volume of work at standard or above.	Consistently produces volume of work above standard. Fast and skillful worker.	Exceptionally fast and skillful worker. Always processes volume of work above standard.
Quality of Work	Apt to make mistakes. Frequently work is not in order. Work is passable without marked merit.	Produces quality work. Accuracy and neatness satisfactory.	Produces high quality and accurate work. Follows instructions exactly. Rarely makes mistakes.	Always produces exceptional, precise, orderly and well organized work.
Cooperation	Occasionally makes unfavorable impression. Inclined to be stubborn. Shows reluctance to cooperate.	Considerate of others. Willing to help others when need is apparent.	Makes favorable impression at all times. Gets along well with others. Always willing to help others.	Exceptionally willing and cooperative. Commands respect. Willing to help others.
Dependability	Attendance somewhat questionable. Frequently late for work.	Absent from work only when necessary. Needs normal supervision.	Always available during work hours. Shows sense of respect to job.	Has deep sense of respect to job. Needs minimum supervision.
Initiative	Takes things easy. Needs considerable urging. Makes few suggestions.	Usually busy. Makes suggestions about work. Does essential planning of work.	Always busy. Frequently makes good suggestions about work. Plans work and looks for additional work to perform.	Very energetic and anxious to get job done. Resourceful and exceptional planner.
Ability to Learn	Slow at understanding any but simplest tasks.	Normal instructions are readily understood and followed.	Grasps instruction of more complicated nature with minimum of repeating.	Exceptional capacity to understand job and retains complicated instructions.

Evaluators Comments

Employee's Strongest Factors:

Factors that Need Improvement:

Other Comments:

Comments by the Employee:

This evaluation was discussed with the employee on: _____
Date

Employee's Signature: _____

Evaluator's Signature: _____

Name of Employee: _____

Job Title: _____

Name of Supervisor: _____

Areas Needing Improvement	Comments
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Check One or More

1. Knowledge of Job _____
2. Quantity of Work _____
3. Quality of Work _____
4. Cooperation _____
5. Dependability _____
6. Initiative _____
7. Ability to learn _____

Recommendation: Approval: 1 Step, 2 Step or No Merit Increase

Disapproved:

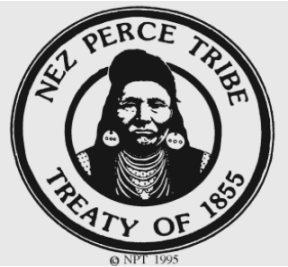
Employee's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

Nez Perce Tribe
Affiliate Entities

For purposes of calculating the longevity of tribal employees, the employee may include employment time with tribal affiliates as identified below:

1. Nez Perce Tribal Housing
2. Ni Mii Puu Health
3. Nez Perce Tribal Enterprises
4. Any or all entity under the auspices of the Nez Perce Tribal Executive Committee.



Nez Perce Tribe
Employee Confidentiality Statement

I have read and understand the Nez Perce Tribe’s Confidentiality Policy HRM 4.12. I understand and agree that I must hold in strict confidence all client information, fellow employee information, tribal financial information and financial transactions; and property acquisitions I am privy to, and any personnel information and information related to drug testing, the grievance process, employee complaints, statistical, scientific and legal information I have access to as an employee of the Nez Perce Tribe.

I understand that this prohibition applies during and after the employment relationship with the Nez Perce Tribe. I further understand that unauthorized disclosures that can be documented may be grounds for disciplinary action, including termination; or legal action.

I further understand that certain records are protected by Federal Privacy Act, .5 USC Sections 552A, federal regulations promulgated under the Act and 442CFR part 2.

Print Employee Name _____

Employee Signature _____

Date _____

Nez Perce Tribe Grievance Hearing Procedures

1. **State of Purpose.** The Nez Perce Tribal Executive Committee (NPTEC) has authorized these Grievance Hearing Procedures (“GHP”), in addition to the administrative procedures contained in Chapter 2-5 of the Nez Perce Tribal Code, for the purpose of ensuring that all Tribal employees receive fair and objective administrative hearing of grievances filed in accordance with Step Three of the grievance procedure contained in: the Nez Perce Tribe Human Resource Manual; the Human Resource Manual of the Nez Perce Tribal Gaming Enterprise; and the NiMiiPuu Health Human Resource Manual.
2. **Confidentiality.** All information pertaining to any grievance shall be confidential and shall not be disseminated beyond the involved Human Resources office, the Hearing Officer, and the Parties or their attorneys. All persons participating in a grievance are bound by this confidentiality provision.
3. **Role of the Involved Human Resources Office.** The “involved” Human Resources office is the one from the Tribal entity that employs the Grievant. The “involved” Human Resources Manual is the one from the Tribal entity that employs the Grievant. The involved Human Resources office will serve as staff for grievance proceedings involving that entity’s employees, which includes: providing a Grievant with copies of requested documents from the Grievant’s personnel files; providing the Hearing Officer with appropriately numbered copies of documents from any earlier steps of the grievance process; assisting Grievant with the preparation and numbering any additional exhibits; making the tape recording of grievance hearings; serving as timekeeper for grievance hearings; providing notice to the Parties of all hearing and conference dates; receiving all documents to be submitted to the Hearing officer and preparing the official record for appeal.
4. **Parties to the Grievance Hearing.** The Parties to a grievance hearing are the Grievant and the Grievant’s Supervisor or the Supervisor’s designee. These are the only persons who will be permitted to remain in the hearing room throughout the hearing, other than the Hearing Officer, a staff member from the involved Human Resources Office, and the Parties’ attorneys if the Parties choose to be represented by attorneys.
5. **Conduct Required.** All persons participating in a grievance proceeding must conduct themselves in an ethical and courteous manner.
6. **Conflict of Interest.**
 - a. Prior to any hearing, the Hearing Officer shall determine whether the Hearing Officer has a conflict of interest. A conflict will exist if the Grievant, the Grievant’s Supervisor, or the Supervisor’s designee is a close family member of the Hearing Officer.

Close family member include:

- i. biological mother, father, son, daughter, husband, wife, brother, sister, in-laws (mother, father, brother, sister, son, daughter), grandparents, or grandchildren; or
 - ii. adopted father, mother, brother, sister, or grandparents; or
 - iii. any other relative living in the same household.
- b. If the Hearing Officer determines that a family conflict or any other conflict of interest exists, the Hearing Officer shall promptly notify the involved Human Resources Office, and an alternate Hearing Officer shall be designated to hear the grievance.

7. Date of the Grievance Hearing

- a. The Hearing Officer will conduct hearings on the second Wednesday of each month unless there are no grievances to hear or the Parties and the Hearing Officer agree informally to a different day.
- b. The involved Human Resources office shall send notice of the date, time, and location of the grievance hearing to:
 - i. the Grievant's supervisor(s) by confidential inter-office mail; and
 - ii. to the Grievant by United States mail to the most recent home mailing address indicated in the Grievant's personnel file; and
 - iii. to the Hearing Officer.
- c. It is the responsibility of the grievant to inform the involved Human Resources Office of the Grievant's current home mailing address.

8. Failure of the Grievant to Appear at the Grievance Hearing. If the Grievant fails to appear at a scheduled grievance hearing, the Grievant waives the right to a hearing on the disciplinary action at issue, and the Hearing Officer will decide the grievance based on appropriate written materials that have been submitted by the involved Human Resources office.

9. Subject Matter for the Hearing. The only issue before the Hearing Officer is whether the grieved disciplinary action was an abuse of discretion under the involved Human Resource Manual. Only information relating to that issue will be heard, and the Hearing Officer will determine whether any offered evidence is relevant. It will be in the Parties' best interests to provide only information which related to that issue.

10. **Hearing Length.** Hearings will not exceed 90 (ninety) minutes and will be conducted as follows:
- a. The Hearing Officer will determine that the Parties are present and will explain the procedure to be followed during the hearing.
 - b. The Grievant will have 15 minutes to explain why the grievant believes that the disciplinary action was an abuse of discretion.
 - c. The Supervisor, or the Supervisor's designee, will have 15 minutes to ask questions of the Parties.
 - d. The Hearing Officer will have 15 minutes to ask questions of the Parties.
 - e. The Grievant will have 15 minutes for rebuttal and/or to call witness(es) to testify on behalf of the Grievant.
 - f. The Hearing Officer will have 15 minutes to ask additional questions of the Parties.
 - g. The Hearing Officer may use the remaining 15 minutes to clarify any issues and close the grievance hearing.

11. **Hearing Procedures.**
- a. The Grievant has the burden of proving that the disciplinary action taken was an abuse of discretion under the involved Human Resource Manual.
 - b. All grievance hearings are closed to the public.
 - c. If the Hearing Officer allows witnesses to testify, they will wait outside the hearing room until called to address the Hearing Officer, and they will be asked to leave immediately following their participation in the hearing.
 - d. A designated timekeeper from the involved Human Resource Office shall notify the Parties when only two minutes of their allotted times remain. Time restrictions will be strictly enforced.
 - e. The involved Human Resource Office will make an audio record of the hearing and maintain a copy of the recording. This audio recording will be the official record of the grievance hearing, and no other form of recording by either Party will be allowed. Either Party may obtain a copy of the recording, but may be required to reimburse the involved Human Resources office for copying costs.

- f. If, at the end of the hearing, the Hearing officer needs no further information in order to render a decision, the hearing record will be closed, and the Parties will be excused.
 - g. If additional information is needed in order to render a decision, the Hearing Officer has the discretion to keep the grievance hearing record open in order to: receive requested documents; schedule additional hearings; or take any other action the Hearing Officer deems appropriate to render a decision.
 - h. Official Notice. The Hearing Officer may take official notice of any facts that could be judicially noticed in Nez Perce Tribal Court. Either before or during the grievance hearing, and before entry of an order based on officially-noticed facts, the Hearing Officer shall notify the Parties of the specific facts or material noticed and the source of the material noticed and shall give the Parties an opportunity to contest and/or rebut the facts officially noticed.
12. **Exhibits.** All documents submitted for consideration by the Hearing officer shall be submitted through the involved Human Resources Office and shall be identified sequentially on the bottom of each page.
- a. All documents from any earlier steps of the grievance process shall be identified on the bottom of the page with the initials “HR” followed by a number beginning with 001, and each page shall be numbered in order thereafter. Example: HR 001, HR 002, HR 003.
 - b. Any additional documents submitted on behalf of the Grievant shall be identified on the bottom of each page with the Grievant’s initials followed by a number beginning with 001, and each page shall be numbered in order thereafter. Example: XX001, XX002, XX003, etc. At the request of the Grievant, the involved Human Resources Office will assist the grievant with properly numbering documents before they are presented to the Hearing Officer.
 - c. Any additional documents submitted on behalf of the Supervisor or the Supervisor’s designee shall be identified on the bottom of each page with the initials “NPT” followed by a number beginning with 001, and each page shall be numbered in order thereafter. Example: NPT 001, NPT 002, NPT 003, etc.
 - d. If the Hearing Officer allows the Parties to submit any other documents, those documents shall be numbered as above with the appropriate initials and beginning with the next number in order.
 - e. Exhibits identified at hearing are subject to appropriate and timely objection before the close the proceedings. Exhibits to which no object is made are automatically admitted into evidence without motion of the sponsoring Party.

- f. Any materials not capable of duplication by still photograph or reproduction on paper (such as motion pictures, slides, opaque projections, videotapes, or audiotapes) shall not be presented as exhibits without advance approval of the Hearing Officer.

13. **Participation by Attorneys Optional.** The grievance process is intended to be informal and does not contemplate that the Parties will be represented by attorneys. Grievants and Tribal staff may represent themselves. If either Party chooses to have an attorney appear and represent them during grievance hearing, the following additional procedures apply.

- a. Notices of Appearance. Attorneys for the Parties shall submit their Notice of Appearance to the involved Human Resources office which will immediately provide a copy to the Hearing Officer. The Notice of Appearance shall include the times at which the Party's attorney is available for a pre-hearing conference during the next ten (10) business days, and shall be served as follows:
 - i. Grievant's attorney shall serve a copy to the Tribe's Office of Legal Counsel: by hand delivery at 100 Agency Road, Lapwai, Idaho 83540; by facsimile at 208-843-7377; or by United State mail (postage prepaid) at P.O. Box 305, Lapwai, Idaho 83540.
 - ii. Office of Legal Counsel shall serve a copy on Grievant's counsel: by hand delivery; by facsimile; or by United State mail (postage prepaid).
- b. Pre-hearing Conference. The Hearing Officer will schedule a pre-hearing conference, which may be telephonic, within five (5) business days after receiving the Notices of Appearance from the Parties' attorneys. If the pre-hearing conference cannot be scheduled within the 5 (five) business days, the Hearing Officer shall schedule it as soon as possible taking into the consideration the Hearing Officer's schedule and the schedules of the Parties' attorneys.
 - i. The purpose of the pre-hearing conference is to: consider the scheduling of any appropriate pre-hearing motions; formulate or simplify the issues to be heard; consider any stipulations as to the facts or the applicable law; identify and/or limit the number of allowable exhibits in order to avoid irrelevant or repetitive exhibits; consider motions for discovery and schedule discovery if a discovery motion is granted; arrange for the exchange of proposed exhibits or prepared testimony; limit witnesses; establish procedures to be use at hearing; and addresses any other matters that may expedite orderly conduct and disposition of the grievance.
 - ii. Pre-hearing conferences may be held formally (on the record) or informally (off the record), at the discretion of the Hearing Officer and according to the Hearing Officer's order or notice. Agreements by the Parties to the conference may be put on the record during formal conferences or may be reduced to writing and submitted to the involved

Human Resources office after the conference.

- iii. The Hearing Officer shall issue a pre-hearing order or notice based upon the results of the agreements reached at or rulings made at a pre-hearing conference and on pre-hearing motions. A prehearing order will control the course of subsequent proceedings unless modified by the Hearing Officer good cause.
 - iv. The Hearing Officer also may convene the Parties off the record at the beginning of the grievance hearing or during a recess to discuss any matters that may facilitate orderly conduct of the hearing. The Hearing Officer shall state the results of the conference on the record.
- c. **Discovery.** No Party is entitled to engage in discovery unless discovery is authorized by the Hearing Officer after the filing of a motion requesting discovery, and opportunity to respond to the motion, and a hearing on the motion. If discovery is authorized, the Hearing Officer shall enter a written order specifying the scope of discovery, the type of discovery that may be used, and a schedule for completing the discovery.
 - d. **Evidentiary Objections and Offers of Proof.** Grounds for objection to the admission or exclusion of evidence must be stated briefly at the time the evidence is offered. Formal exceptions to ruling admitting or excluding evidence are unnecessary and need not be taken, but the Hearing Officer shall allow an offer of proof consisting of a concise statement of the substance of excluded evidence.
 - e. **Rules of Evidence and Rules of Procedure.** The Hearing Officer is not bound by the Nez Perce Tribal Rules of Evidence or the Nez Perce Tribal Rules of Civil Procedure, but the Hearing Officer may consider those rules during the grievance hearing process.
14. ***Ex Parte Communications.*** The Hearing Officer shall not communicate directly or indirectly with any Party regarding any substantive issue in the grievance, except upon notice and opportunity for all parties to participate in the communication. Any *ex parte* communications concerning procedural matters (e.g., scheduling), shall be in writing and shall be served on all Parties.
15. **Decision.** Within ten (10) business days from the date the grievance hearing record is closed, the Hearing Officer shall render a written decision containing a statement of any matters officially noticed, finding of fact, and conclusions of law. The Hearing Officer shall send the decision to the involved Human Resources office along with any other documents that are part of the official record. The involved Human Resources Office will send a copy of the decision to both Parties in the same manner as notice of the grievance hearing; if the Parties are represented by attorneys, the involved Human Resource Office will send a copy of the decision to each Party's attorney. The decision of the Hearing Officer is final, subject only to an appeal to the Nez Perce Tribal Court pursuant to Chapter 2-5 of the Nez Perce Tribal Code.

16. **Official Record.** In the event a decision of the Hearing Officer is appealed to the Nez Perce Tribal Court, the official record of the Grievance will be prepared by the involved Human Resources office.
- a. The involved Human Resources office shall submit the official record to the Tribal Court with a list of its contents and shall serve copies on the Parties addressed to:
 - i. the Tribe's Office of Legal Counsel by confidential inter-office mail; and
 - ii. to the grievant by United States mail to the most recent home mailing address indicated in the Grievant's personnel file; or
 - iii. to the Grievant's attorney by United States mail at the address indicated on the attorney's Notice of Appearance.
 - b. The official record of the Grievance shall consist of the following:
 - i. all notices of the proceedings;
 - ii. all written motions, briefs, and memoranda submitted to the Hearing officer and the Hearing Officer's written ruling on any motions;
 - iii. any evidentiary rulings made by the Hearing Officer;
 - iv. a copy of the tape recording of the hearing made and maintained by the involved Human Resource office;
 - v. all documents received or considered by the Hearing officer; and
 - vi. the written decision of the Hearing Officer.

**Nez Perce Tribe
Complaint Form**

Please answer the following questions, explaining the concern you have in filing this complaint and file a copy with the Human Resources Office. (Please type or print)

Name: _____

Address: _____

Home Phone: _____

Work Extension: _____

A written complaint statement must be presented by an employee to the immediate supervisor within (5) working days of the effective date of the action at issue. A copy must be provided to the Human Resource Office. If the complaint involves his/her immediate supervisor, the employee may proceed directly to Step Two.

Please provide the following information pertinent to this complaint:

1. Name of your immediate supervisor and title _____

2. Date of incident: _____

3. Name of the individual(s) involved with this complaint: _____

4. Specifically, please state the issue of the complaint and exactly how the incident transpired:

5. What results/disposition are you requesting:

A signed copy must be returned to the complainant on the day filed, or a copy of submission to supervisor must be received in the Human Resources Office on the day of delivery to the supervisor. The supervisor must meet with complainant within five (5) business days of submission of complaint and respond, in writing within five (5) business days to complainant after this meeting.

Both supervisor and complainant must comply with time lines in regard to filing and response times. If time lines are not met by either party, the complaint will go to the next step in accordance with the Human Resources Manual.

Complainant Signature _____ Date _____

Supervisor Signature _____ Date _____

**Nez Perce Tribe
Background Check**

Purpose

The major focus of the investigation will be to determine the suitability of the applicant/employee to the position. Specific criteria and expectations for each position must be defined by the program director and manager. The criteria include but are not limited to stability, trustworthiness, past performance, criminal record and federal requirements.

Process

Background checks will be conducted on all employees in positions that have contact with children, elderly, vulnerable adults, and persons in fiduciary or key management positions, (i.e., program directors and managers). Background checks will also be conducted as required by a funding agency. Program directors will be responsible to notify Human Resources of this requirement in their contract.

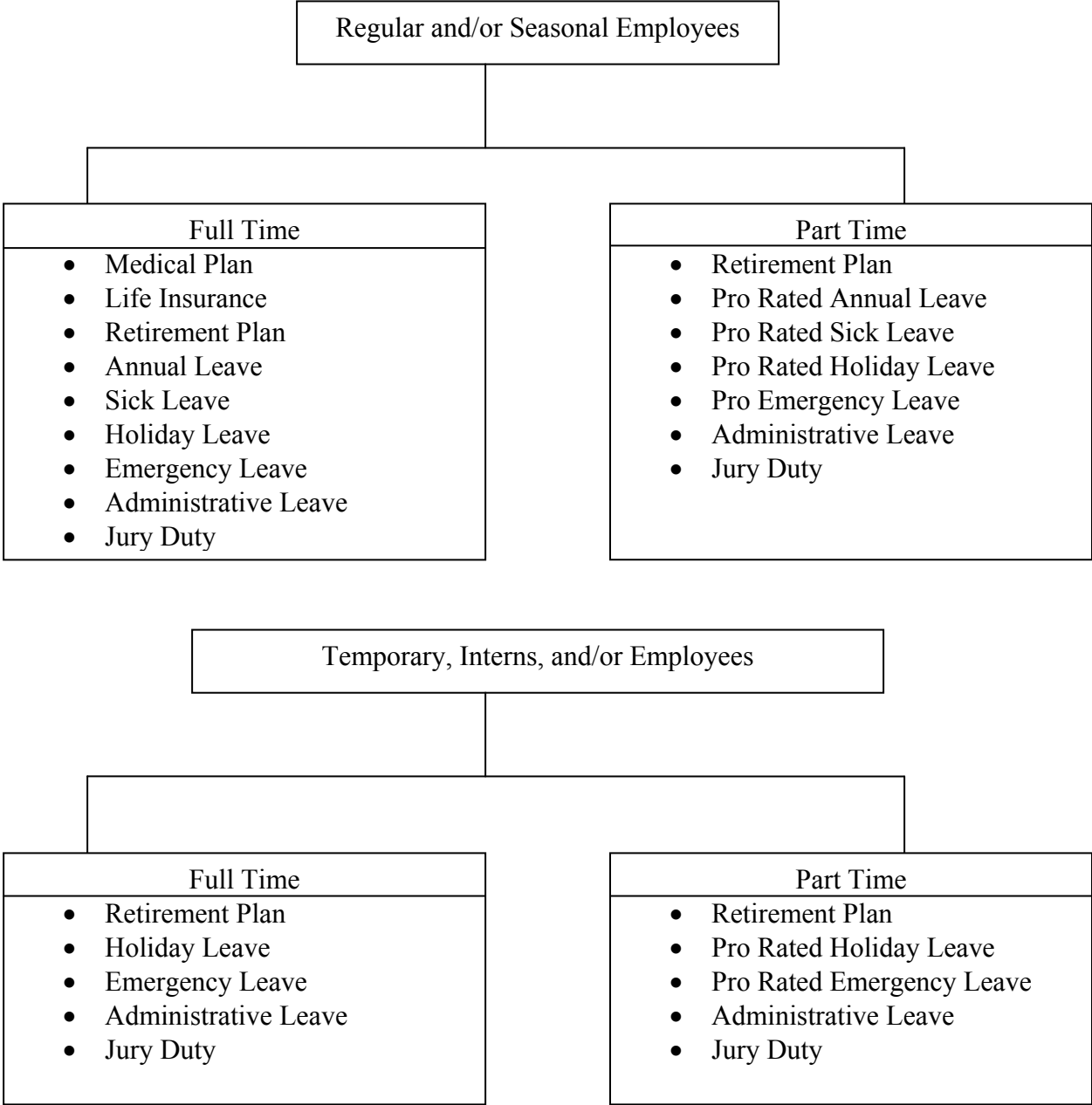
The Employment Application form shall include the questions “Have you ever been convicted?” All applications must provide an answer to this question. If the applicant does not answer this question, the application packet will be considered incomplete. If the applicant answers “yes” that will be a disqualifying factor for further consideration for positions as listed in A.

The Department Managers will be responsible to provide Human Resources with the names of individuals in positions as defined above. Human Resources will process the background investigation at the level as defined by the essential tasks of the class description that require contact with children, vulnerable adults, key positions, etc. (i.e., education, financial, criminal, etc.). Employees/applicants must complete the background investigation form. This information is held strictly confidential.

The immediate supervisor and manager will be provided written determination of the suitability of the employee/applicant for the position they have applied for. The confidential results of the investigation will be retained by Human Resources for three years.

**Nez Perce Tribe
Fringe Benefits by Employee Category**

Employees may be entitled to Nez Perce Tribal Fringe Benefits as listed below:



*Family Medical Leave (FMLA) is available provided qualifications as outlined in Policy 6.7 are met.

NEZ PERCE TRIBE FAMILY MEDICAL LEAVE POLICY

Basic Leave Entitlement: It is the policy of the Tribe to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care of child birth;
- To care for the employee's child after birth, or placement for adoption or foster care (if both parents are employed by an entity of the Nez Perce Tribe, each shall be entitled to six (6) weeks of FMLP leave);
- To care for the employee's immediate family member (as defined in the applicable HRM) or other dependent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements:

- Eligible employees may use their 12-week leave entitlement to address certain qualifying exigencies for an immediate family member on active duty or call to active duty status in the National Guard or Reserves. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.
- Eligible employees are entitled to up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections:

- During FMLP leave, the Tribe will maintain the employee's **health coverage** under any "group health plan" on the same terms as if the employee had continued to work.
- Upon return from FMLP leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- Use of FMLP leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee's leave.

Eligibility Requirements: Employees are eligible,

- They have worked for the Tribe for at least one year; and
- They have worked 1,250 actual work hours over the previous 12 months.

Definition of Serious Health condition: A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by:

- A period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider;
- One visit to a health care provider and a regimen of continuing treatment;
- Incapacity due to pregnancy; or
- Incapacity due to chronic condition.
- Other conditions also may meet the definition of continuing treatment.

Use of Leave: An employee does not need to use this leave entitlement in one block. Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for unpaid Leave: Family Medical Leave is not in addition to an employee's accrued sick leave and annual leave. Employees must use any sick leave and annual leave they have accrued at the same time they are using Family Medical Leave. If an employee exhausts his or her paid leave before the end of the applicable job-protected period, then the balance of the job-protected period will be unpaid Family Medical Leave.

Employee Responsibilities: Employees must provide 30 days advance notice of the need to take FMLP leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and in accordance with the Tribe's normal call-in procedures. Employees must provide sufficient information for the Tribe to determine if the leave may qualify for FMLP protection and the anticipated timing and duration of the leave. Sufficient information may include:

- That the employee is unable to perform his or her job functions;
- The family member is unable to perform daily activities;
- The need for hospitalization or continuing treatment by a health care provider; or
- Circumstances supporting the need for military family leave.
- Employees must inform the Tribe if the requested leave is for a reason for which FMLP leave was previously taken or certified.
- Employees may also be required to provide certification and periodic recertification supporting the need for leave.

Notice: The Tribe will notify employees requesting Family Medical Leave whether they are eligible.

- If the employee is eligible for Family Medical Leave, the Tribe will:
 - Inform employees that the leave will be designated as FMLP protected;
 - Specify any additional information required as well as the employee's rights and responsibilities; and
 - Inform the employee how much sick leave and annual leave will be counted toward the employee's Family Medical Leave entitlement.
- If the employee is not eligible for Family Medical Leave, the Tribe will inform the employee that the leave is not FMLP protected and provide the reason for ineligibility. Employees may appeal the denial of Family Medical Leave to the Tribe's Grievance Hearing Officer, who shall conduct the appeal using the Grievance Hearing Procedures contained in Appendix T, and who decision shall be final.

The Tribe Will Not:

- Interfere with, restrain, or deny the exercise of any right provided under FMLP; or
- Discharge or discriminate against any person for opposing any part of the FMLP.

**ALTHOUGH NOT REQUIRED TO COMPLY WITH
FAMILY MEDICAL LEAVE ACT (FMLA) 29 U.S.C. 2601, et seq., THE NEZ PERCE
TRIBE CHOOSES TO OFFER FMLA-LIKE BENEFITS AND HEREBY ADOPTS THE
DEFINITIONS OF TERMS SET FORTH IN THE FMLA AND THE CORRESPONDING
SECTIONS OF THE CODE OF FEDERAL REGULATIONS. 29 CFR § 825,ET SEQ.**

**USE OF FEDERAL FMLA FORMS SHALL NOT BE CONSTRUED
AS A WAIVER OF THE TRIBE'S SOVEREIGN IMMUNITY.**

FMLP applications and other related forms are available from Human Resources.

Nez Perce Tribe
Furlough Form

Employees may be placed on unpaid status due to delayed funding. Employees are not required to report to work while on furlough. However, an employee may choose to report to work on a voluntary basis.

I, _____, understand that furlough status is an unpaid status and that, if I choose to voluntarily report to work, I may not be compensated for the hours worked.

Employee Signature

Date

Supervisor Signature

Date

NEZ PERCE TRIBE
DRUG AND ALCOHOL POLICY
HRM 5.2 Employee Relations

Purpose and Goal

The Nez Perce Tribe is committed to provide a safe and healthy work environment for our valued employees and recognize that alcohol and drug abuse pose a significant threat to our goals. To strengthen our commitment and balance our respect for individuals' health rights the Nez Perce policy provides the assurance required by some federal agencies which fund our programs. The destructive and dangerous impacts of drugs and alcohol are recognized and we strive to deter employee involvement with alcohol and drugs in our workplace. Our objective is to decrease injuries on the job, decrease absenteeism, decrease the financial burden on tribal health and benefit costs, decrease workplace theft, increase employee morale, increase productivity, and elevate the quality of employee production and services. As a condition of employment, employees are required to adhere to this policy. Employees are encouraged to voluntarily seek help with drug and alcohol problems.

Covered Entities

Any individual who is conducting business for the Nez Perce Tribe or on the organization's property is covered by our policy. Our policy includes, but is not limited to executive management, managers, directors, supervisors, full-time employees, part-time employees, seasonal employees, temporary employees, off-site employees, volunteers, interns, Nez Perce Tribal Executive Committee and all elected officials on the Tribe's boards and commissions. The policy applies during all working hours, including delegation, whenever conducting business or representing the Tribe; while on-call or paid standby.

Notice

Communication of our policy is critical to our success. Supervisors and employees must know their role and responsibility. The policy is an appendix to the Human Resource Manual Section 5.2 "Employee Relations".

- It will be the Manager's responsibility to ensure each employee is provided a copy of the policy.
- This policy shall be distributed by Human Resources as a part of "new employee orientation" and serve as notice to employees of this policy.
- Each Employee shall sign and have notarized the "Declaration of Compliance with Alcohol and Drug Policy" form which becomes part of their personnel file.
- Employee education on alcohol and drugs and available treatment resources will be provided by Human Resources at least twice annually.
- Supervisor training will be provided annually to recognize and provide assistance and guidance to their employees as necessary.

- The Supervisor will ensure that the Rehabilitation Plan is initiated and followed. Failure, by the supervisor, shall result in a violation of the Human Resource Manual, section 5.4.8 “Employee restriction of performance and incompetence” under the “Supervisors are responsible to” section 5.3.6.

Testing

The Nez Perce Tribal Executive Committee has implemented Resolution NP 90-113 Drug and Alcohol Testing Policy to maintain a Drug Free Workplace. This policy applies to all tribal programs, tribal boards and Commissions elected by General Council and the Nez Perce Tribal Executive committee unless a more stringent requirement is mandated by the funding agency. Managers are responsible to notify Human Resources of such requirement to Human Resources.

Testing shall occur during or immediately after the regular work hours and shall be deemed work time for purposes of compensation and benefits. The Nez Perce Tribe will be responsible for all testing costs under this policy (including employee transportation when necessary). Human Resources will coordinate all testing and testing will be according to applicable health and safety codes. Testing of employees at the satellite offices will be contracted with providers in their area (if available). Testing procedures will ensure there is no contamination of the specimen.

The following are types of drug and alcohol “testing” employees are required to participate in as a condition of employment:

- **Pre-employment:** Applicants selected for “critical” positions will be tested as a condition of employment. Critical positions are those that require driving or operation of any equipment as an essential task of the class description; management and fiduciary positions or other positions as defined by the department manager. Job announcements will include this requirement where applicable.
- **Management:** All employees who are designated as managers and directors; and elected board, commissions and NPTEC shall be tested at least once annually.
- **Random:** All employees shall be subject to the ten percent random selection by the consultant testing agency. The employee listing shall be updated quarterly for the testing agency by Human Resources. The procedure permits no “safe periods” for employees. Each workday presents a new opportunity for each employee to produce a sample, regardless of samples previously produced by them.
- **Reasonable Suspicion:** A supervisor may request testing if they have “reasonable suspicion” that their employee is under the influence of alcohol and/or drugs. The reasonable suspicion is based on the observation of the employee’s drug use; apparent drug intoxication; abnormal or erratic behavior; drug and/or alcohol odor; investigation, arrest or conviction of drug/or alcohol-related offenses; workplace theft; reports of reliable and credible sources.
- **Specific condition testing:** Supervisors may require testing for employees involved in on-the-job accidents or unsafe work practices.
- **Follow-up:** Employees who have had positive test results will be subject to random testing for a year following completion of their Rehabilitation Plan.

- **Baseline:** NPTEC, managers or program directors may request testing of an entire department or program. Justification must be provided to and approved by the Executive Director.

Compliance Issues

- Employees who refuse to provide a sample for testing will be subject to HRM 5.5.17
- 1st Three day suspension; 2nd Five day suspension; 3rd Termination.
- Employees who contaminate the test sample will be terminated.
- Applicants who refuse to provide a sample or contaminate the sample will be disqualified for employment, for that recruitment; and for the following 60 days.

Positive Test Results

The Nez Perce Tribe values our employees and encourages them to seek help for them or their families. Regular employees will be provided with options to rehabilitate as a condition of continued employment. The Tribe recognizes that alcohol and drug abuse and addiction are treatable illnesses and that early intervention and support improve the success of rehabilitation.

An Employee Assistance Program will be available for regular employees that will:

- Provide employees education on alcohol and drugs;
- Provide their families an opportunity to participate in their counseling.
- Provide supervisors opportunities to assist their employees toward wellness;
- Provide employees the opportunity, information and skills to assume responsibility for their wellness;
- Provide employees the opportunity to rehabilitate

Treatment may be covered by the employee benefit plan; however the ultimate financial responsibility for treatment belongs to the employee.

Confirmed positive drug or alcohol test results will require that the employee:

- Be provided the opportunity to provide legitimate medical explanation, such as a physician's prescription, and a documented chain of custody.
- Participate in a certified in-patient or intensive out-patient drug and alcohol counseling/treatment program.
- Provide a *Rehabilitation Plan* that includes participation in a certified in-patient or intensive out-patient rehabilitation/treatment program within ten business days of the positive notice to their immediate supervisor and Human Resources. The plan must be signed by the employee, the supervisor, department manager and counselor/provider.
- Maintain an alcohol and drug-free life-style.
- Be subject to HRM 5.5.17 Alcohol and Drug Policy Compliance:
First confirmed positive alcohol or drug test – 1st Three day suspension.

Relapse or Further Positive Test Results

- If an employee has a relapse in their rehabilitation program; or has a second confirmed positive drug or alcohol test result, the employee will be subject to:

HRM 5.5.17 2nd offense – Five day suspension and requirements as outlined in the first adverse result.

- Any further relapses or positive test results will be subject to:
HRM 5.5.17 3rd offense - Termination.
- Employees may request a “level of drug” test if they test positive in the follow-up random; if it is determined that the employee has not “used” since the first drug test. The cost of this test will become the employee’s responsibility if it determined that the level of the drug is the same as the first test.

Abort Treatment

An employee who is in in-patient or intensive out-patient treatment must complete the timeframe of the treatment plan as prescribed by their counselor/provider. Employees who abort their treatment program without just cause will be terminated.

Documentation

The supervisor responsibility is to:

- Ensure that this policy is implemented and that employees under their supervision comply with this policy;
- Ensure that a rehabilitation plan is developed with the employee and their counselor with appropriate signatures within ten business days.
- Secure a “client release of confidential information authorization” to discuss the rehabilitation plan with the counselor.
- Forward all documentation to Human Resources within 15 business days.
- Human Resources will maintain a separate confidential records management system for alcohol and drug testing documents as required by Employment Law.

Self Disclosure

Employees who come forward and disclose to their supervisor that they have a drug and/or alcohol problem and request assistance and support to rehabilitate will be offered the opportunity to enter into a Rehabilitation Plan and will not be subject to disciplinary action, random or other testing.

Employees who disclose their use of drugs when they have either been drug tested or notified that they will be drug tested will be subject to the procedures outlined under 1st positive drug/alcohol test result.

Confidentiality

The privacy of our employees must be respected and compliance with federal and other contractual assurances must be maintained. This policy will comply with HRM 4.12 Confidentiality and Appendix I Confidentiality Statement. Human Resources will ensure compliance with applicable employment laws. All Drug and Alcohol information on employees will be kept in a separate confidential file. Access to this information is limited to those with a

legitimate need to know and when necessary the appropriate signed authorization for release of information.

Shared Responsibility

Employees and management have important cooperative roles to play to achieve a safe and productive drug-free workplace.

Employees are encouraged to:

- Be concerned about working in a safe environment
- Support fellow workers in seeking help
- Utilize the Employee Assistance Program and other available resources
- Report dangerous behavior to their supervisor.

Supervisors are responsible to:

- Inform employees of the policy
- Observe employee performance and behavior
- Investigate reports of dangerous practices and accidents
- Counsel employees as to job expectations and performance improvement
- Refer employees to the Employee Assistance Program, tribal Drug and Alcohol Program and other resources.
- Clearly state the consequences of policy violations.

Employees shall not report to work or be subject to duty while their ability to perform is impaired to on-or off duty use of alcohol or other drugs. In this case, employees are subject to:

HRM 5.5.17 *Reporting to work under the influence of alcohol or other illegal drugs:*

1ST Offense

- *Suspension for three days without pay*
- *Required to participate in a certified in-patient or intensive out-patient drug and alcohol counseling/treatment program.*
- *Provide a rehabilitation Plan with appropriate signatures within ten business days to their supervisor and Human Resources.*
- *Submit to random testing during and for one year after completion of their Rehabilitation Plan.*

2nd Offense

- *Suspension for five days without pay*
- *Same requirements as first offense*

3rd Offense

- *Termination*
- *Ineligible for employment for the following 60 business days.*

Notification of Convictions

Any employee who is convicted of a criminal drug violation, loses their license or driving under the influence of alcohol or other drugs must notify their supervisor within five days of the conviction or loss of driving privileges. Supervisors must take immediate action if the class description essential tasks require driving and the employee has lost their driving privileges or become uninsurable under the tribes policy; and no later than five days as per HRM 5.4.7.

Nez Perce Tribe Drug and Alcohol Policy

REHABILITATION PLAN

Purpose: The employee has tested positive for drugs or reported to work under the influence of drugs/alcohol thus violating the Drug and Alcohol Policy. The Nez Perce Tribe values our employees and endeavors to provide assistance and support in the rehabilitation of employees as a “last chance” to overcome their drug/alcohol problem and become productive, healthy employees.

Acknowledgement: The employee acknowledges receipt and understanding of the Nez Perce Tribe Drug and Alcohol Policy by their signature to this document.

As a condition of continued employment the employee voluntarily authorizes “Release of Information” for the employer to receive and request information from medical providers regarding continuing treatment recommendations and to monitor employee compliance. The employee will maintain and provide documentation of attendance to their supervisor and Human Resources.

The employee will comply with all aspects of the medical providers treatment recommendations.

The employee will be subject to random follow-up testing for one year following completion of their Rehabilitation Plan. The employee agrees to abstain from the use of alcohol and or other drugs except when prescribed by a physician who has been informed of the employee’s difficulty with substance abuse.

The employee agrees that all costs of treatment and monitoring not covered by the employee’s insurance is the responsibility of the employee. If absence from work is required as a part of rehabilitation, it will be regarded as Family Medical Leave, sick leave, annual leave or some combination thereof depending on leave availability.

The employee understands this is their last chance to successfully address their problem with alcohol and/or other drugs. The employee must satisfactorily comply with their Rehabilitation Plan and have no positive follow-up testing results for the duration of their employment with the Nez Perce Tribe.

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____

Manager Signature _____ Date _____

Counselor/Provider Signature _____ Date _____

Copies: Employee, supervisor, Counselor/Provider, Human Resources

*Revised Drug and Alcohol Policy – HRM, Section 5.2., Employee Relations Approved July 13 & 14, 2004 Administrative Action.

**Nez Perce Tribe
AIDS Policy Statement**

The Nez Perce Tribe recognizes the importance of protecting the health of employees and the public of the Nez Perce Reservation from the spread of Acquired Immunodeficiency Syndrome (AIDS).

AIDS is a major public health problem in the United States. The causative organism is a blood borne virus (Human Immunodeficiency Virus – HIV) which is transmitted primarily through sexual activity and also through sharing equipment in intravenous (IV) drug use.

The modes of transmission for Hepatitis B virus (HBV) are similar to those of HIV. However, the risk of contacting HBV through incidental contact is greater than for HIV infection. General practices to prevent transmission of HIV will also minimize the risk of HBV infection.

The following policy statement will be reviewed and revised as necessary, to reflect the latest medical research and legal opinion.

Definitions

As used herein, the following terms shall have the meaning indicated:

- (A) HIV positive: serology that is positive for either specific HIV viral antigens or the antibodies to HIV.
- (B) HIV infection: persons who are HIV positive with or without signs and symptoms of infection as defined by the Centers for Disease Control in Atlanta, Georgia.
- (C) Infected employee or person: any person who has HIV infection.
- (D) Occupational exposure: employee contact with blood or visible bloody body fluids through percutaneous inoculation, direct contact with an open wound, mucus membrane or non-intact skin during the performance of job duties.

Employees

- (A) HIV Testing: HIV testing will not be required as a prerequisite for employment. HIV testing will be provided for any employee who requests it. Testing will be performed according to North Central District Health Department policies.
- (B) Persons with impaired immune systems resulting from HIV infection or other causes are at increased risk of acquiring serious complications of infectious diseases. Of particular concern is the risk of severe infection following exposure to other persons with contagious diseases such as measles or chicken pox.

In order to maintain protection for infected employees and the public, the infected employees are encouraged to inform their Department Manager of their status (see section 2.13.5 Confidentiality).

- (C) The Department Manager, in consultation with the employee and the attending physician, will make a determination as to whether or not the infected employee can safely and adequately perform the functions according to the employee's class description without endangering the employee's health or the health of the public. The determination shall include findings of fact based on reasonable medical judgments given the state of knowledge about the nature of the disease.

Outside medical consultation may be obtained with the consent of the employee. If the infected employee can perform the functions of the job without risk to clients, to workers, or self or without endangering the public health, no action will be taken. The performance and health of the infected employee will be monitored to assure that the essential functions of the job are carried out.

If it is determined that the infected employee is not able to perform the essential functions of the job without endangering the public or employee's own health, the Department Manager will notify the employee of that determination.

When it is determined that the infected employee is not able to perform the essential functions of the job safely, consideration will be given as to whether any reasonable accommodations by the Tribe would enable the infected employee to perform those functions or other functions within the Tribe's work structure.

Accommodation is not reasonable if it either imposes undue financial and administrative burdens on the Tribe or requires a fundamental alteration in the nature of the job.

If an HIV infected employee is determined not to be qualified for continued employment even with reasonable accommodations and declines to resign, the Nez Perce Tribe may take appropriate steps to terminate the employment of the infected employee due to physical or mental incapability. Appropriate procedural requirements as established in the personnel policies of the Tribe shall be observed in all cases in which they are applicable. Any infected employee desiring to separate voluntarily shall be permitted to do so.

Employees who refuse to work with another employee who has AIDS or HIV infection may be terminated in accordance with personnel procedures.

Occupational Exposure

United States Public Health Service Recommended Precautions for Health Care Workers and Allied Professionals Regarding AIDS will be followed when handling or disposing of all specimens, secretions and excretions, including prosecutions and court personnel handling items of evidence.

Tribal employees will follow the universal precautions when exposed to blood or any body fluids visibly contaminated with blood. Those who elect not to follow these precautions do so at their risk.

In the event of accidental or occupational exposure, a baseline HIV serology will be drawn from the employee as soon as possible unless a negative HIV has been documented previously. Serologies should be repeated again at three (3) months and six (6) months after exposure in the following cases:

Exposure is from a person known to be HIV positive or having AIDS.

Exposure is from a person where HIV status is unknown.

The person from whom the exposure occurred should be provided information about HIV testing and serology for HIV is **STRONGLY** recommended.

If the HIV antibody test of the exposed person is positive, routine epidemiologic follow-up will take place.

No follow-up is needed if exposure has been to persons considered at low risk (i.e. infants, children) unless these persons are known to have HIV infection.

Documentation will record the date of exposure, name and address of the person from whom the exposure occurred if possible, name of person exposed, and type of exposure.

Specific guidelines have been developed for employees who share offices where the risk of transmission is minimal. The following guidelines will be followed by employees:

Prosecution and Court Personnel:

Sharp items (needles, knife blades and other sharp instruments) should be considered as potentially infective and be handled with extraordinary care to prevent accidental injuries.

Disposable syringes and needles, knife blades and other sharp items should be placed into puncture resistant containers located as close as practical to the area in which they are used. To prevent needle stick injuries, needles should not be recapped, purposely bent, broken, removed from disposable syringes or otherwise manipulate by hand.

When the possibility of exposure to blood or other body fluids exists, routinely recommended precautions should be followed. The anticipated exposure may require gloves, as in handling items soiled with blood or equipment contaminated with blood or other body fluids. Hands should be washed thoroughly and immediately if they accidentally become contaminated with blood.

To minimize the need for emergency mouth-to-mouth resuscitation, mouthpieces, resuscitation bags or other ventilation devices should be strategically located and available for use in areas where the need for resuscitation is predictable.

Pregnant employees are not known to be at greater risk of contacting HIV infections than employees who are not pregnant; however, if an employee develops HIV infection during pregnancy, the infant is at increased risk of infection resulting from prenatal transmission. Because of this risk, pregnant employees should be especially familiar with precautions for preventing HIV transmission.

Food Service Workers:

All FSW's should follow recommended standards and practices of good personal hygiene and food sanitation. All FSW's should exercise care to avoid injury to hands when preparing food. Should such an injury occur, both aesthetic and sanitary considerations would dictate that food contaminated with blood be discarded. FSW's known to be infected with HIV need not be restricted from work unless they have evidence of other infection or illness for which any FSW should also be restricted.

Routine serologic testing of FSW's for antibody to HIV is not recommended to prevent disease transmission from FSW's to consumers.

Other workers sharing the same work environment:

No known risk of transmission to co-workers or public exists from HIV infected workers in other settings. This infection is spread by sexual contact with infected persons, injection of contaminated blood or blood products and by prenatal transmission. Workers known to be infected with HIV should not be restricted from work solely based on this finding. Moreover, they should not be restricted from using telephones, office equipment, toilets, showers, eating facilities and water fountains. Equipment contaminated with blood or other body fluids of any worker, regardless of HIV infection status, should be cleaned with soap and water or a detergent. A disinfectant solution or a fresh solution of sodium hypo chlorite (household bleach) should be used to wipe the area after cleaning.

Evaluation of On-The-Job Exposures

Any employee who has direct exposure (needle stick injury, splash of blood into eye, etc.) to potentially infectious body fluids while performing their assigned duties shall report the exposure to their supervisor immediately. If medical evaluation is necessary, it will be conducted at the Tribe's expense.

Confidentiality

All notices, reports, actions, hearings and decisions concerning an HIV infected person or a person suspected of being infected in which the name or any personally identifiable characteristic of the person is communicated shall be strictly confidential and shall not be released without the consent of the individual to anyone except those with a legitimate need to know including health care personnel, doctors, nurses, dentists, persons providing emergency medical services, morticians, lab technicians and school authorities. All confidential medical information is protected by statutes and any unauthorized disclosure by employees may lead to immediate dismissal.

Reporting

All positive HIV serologist, AIDS Related Complex (HIV infection with symptoms) and AIDS among employees will be reported unless the employee resides in a state when positive serology's are not reportable (i.e. Washington).

Education

The Nez Perce Tribe will provide AIDS education and updates to all employees on a regular basis.

**NEZ PERCE TRIBE
RETURN-TO-WORK POLICY
and
WORKER'S COMPENSATION CLAIM PROCEDURES**

I. INTRODUCTION

The Nez Perce Tribe is genuinely concerned about the safety and well being of its Employees and has implemented a comprehensive safety and loss prevention program designed to reduce the potential for work-related injuries and illnesses. All employees are expected to participate in this program. In the event an employee does experience a work-related injury or illness, the Tribe also is dedicated to bringing that employee back to productive employment as soon as possible. Therefore the Tribe has implemented a Return-To-Work (RTW) program for employees who are absent from work for more than five days because of work-related injury or illness.

The goals of the RTW Program are to:

- 1) provide an opportunity for the employee to become productive while recovering from an injury or illness through assessment of the employee's individual situation and creation of a plan to get the employee back to work;
- 2) accelerate reintegration of the employee into full productive employment; and
- 3) provide a means for the employee to feel positive about contributions to the work place during medical recovery and with appropriate medical supervision.

The function of the RTW Program is not to provide job placement for those employees whose disabilities are considered permanent or "long term." It is primarily designed to keep the lines of communication open between a covered employee, the medical care provider(s), the Tribe, and the claims office that administers the Tribe's worker's compensation benefits in order to return employees to work as soon as possible and to maintain a safe, supportive, and productive work environment.

II. RETURN-TO-WORK TEAMS

A Return-to-work team will be established for: management of cases involving a compensable, work-related injury or illness causing, an employee to be absent from work for more than five days; and to maintain communication between the employee, medical care provider(s), the Tribe, and the claims office. The RTW team will consist of the

treating physician and the Tribe's safety officer. The team leader will be the Safety Officer who will set a meeting schedule to coordinate the team's RTW activities.

Consultants to the team, could include the employee's supervisor, other medical care providers, the Tribe's insurance broker, and a representative from the claims office as needed. The primary responsibility of the RTW team is to return employees to their regular job, a part-time, job, a light-duty job, or a modified job meeting the employee's medical capabilities as soon as practically possible.

The employee's return to work will occur only after written approval by the employee's physician, which shall specify the level of work employee will be released to perform. The physician will continue to take the lead, as the RTW team makes its determinations.

III WORKER'S COMPENSATION CLAIM PROCEDURES

The method in which a claim is handled can affect the progress and resolution of a worker's compensation claim as well as the severity of dollar loss. Well-established and timely claims procedures are of primary importance in any RTW effort.

Claim Procedures

1. Employees must immediately report all injuries and accidents to their supervisor. Supervisors must immediately notify the Safety Officer and fill out the first report of injury form.
2. Upon receipt of the first report of injury form, the Safety Officer will explain worker's compensation procedures including any documentation required for medical appointments, treatment, and lost work time.
3. Safety Officer will promptly provide a copy of the first report of injury form to the Human Resource Department and to the Safety Committee.
4. Employee may be referred to preferred medical providers.

This communication system will alert the employer in advance of an employee's readiness to return to work. Specific plans for an employee's return to work will be determined by the RTW team based on recommendations made by the physician and the adjuster.

All cases should be reviewed at least monthly by the RTW. The RTW team will establish follow-up plans on a case by case basis. Cases can be considered resolved after 4 weeks of symptom-free work activity at normal duty.

Nez Perce Clean Air Policy

PREAMBLE:

The passage of the Nez Perce Clean Air Policy is dedicated to all the Nez Perce members who suffer from commercial tobacco related concerns and diseases or have respiratory distress conditions. The Nez Perce Clean Air policy is enacted to protect the public health of the Nez Perce Tribe, now and in the future.

Section 1. Authority

The Nez Perce Tribe enacts this policy pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting commissioner of Indian Affairs on June 27, 1961.

- (1) All person who work or visit any Nez Perce Tribal facilities are subject to the Nez Perce Clean Air Policy. Compliance with this Policy is a condition of use of tribal facilities.

Section 2. Findings

The Nez Perce Tribal Executive Committee finds that:

- (1) Nez Perce cultural, spiritual, and ceremonial use of tobacco is an inherent immutable component of the Nez Perce Cultural Landscape. The Nez Perce Clean Air Policy does not ban, prohibit or restrict in any manner the traditional, cultural, spiritual, and ceremonial sacred tobacco use of the Nez Perce people.
- (2) The Nez Perce cultural tobacco use was for healing and does not support abuse of tobacco in any way that can lead addiction and illness.
- (3) The Nez Perce Clean Air Policy is intended solely to protect and restore the health and welfare of the Nez Perce people by regulation of secondhand tobacco smoke.
- (4) Based upon scientific studies, no safe levels of ventilation for secondhand smoke exists that can ensure the protection and prevention of secondhand smoke health related illnesses.
- (5) The Nez Perce Clean Air Policy is enacted to protect children, adolescents, adults and elders, especially those affected by chronic respiratory distress conditions, from secondhand smoke that results from the use and addiction to commercial tobacco products.
- (6) Commercial tobacco is highly addictive and all available support resources will be offered to daily commercial tobacco users.

Section 3. Policy

- (1) This Nez Perce Clean Air Policy is an addition to the existing Nez Perce Tribe Tobacco Policy, adopted January 10, 1995, that recognizes the dangers of secondhand smoke and bans smoking and use of smokeless tobacco in all tribal facilities, buildings, vehicles.
- (2) The Nez Perce Clean Air Policy expands the existing Nez Perce Tribe Tobacco Policy, which covers enclosed public places, i.e. indoors. The Nez Perce Clean Air Policy is enacted to protect the public from health hazards of secondhand smoke on the Nez Perce reservation in locations where it is usual that the public is allowed to enter. Those public places include but are not limited to the following:
 - i. Buildings and Offices where the public is allowed
 - ii. All areas within 25 feet of all facility doorways, open windows, enclosed walkways and ventilation systems to prevent exposure to secondhand smoke to general traffic and to prevent smoke from entering enclosed buildings and facilities.
- (3) All facilities under the Nez Perce Clean Air Policy must designate a “smoking area”, outside of the facility and in compliance with sub-paragraphs i or ii of paragraph 2 of section 3 of this Policy. Further signs designating areas as “smoke free” or “smoking permitted” must be posted in conspicuous places to areas applicable under this policy.
- (4) Existing ash trays will be moved outside of the 25 feet range, will provide an overhead cover for smokers at the expense of the Nez Perce Tobacco Coalition.
- (5) Alternate “smoking permitted” sites, outside the 25 feet range, will provide an overhead cover for smokers at the expense of the Nez Perce Tobacco Prevention Coalition,
- (6) The Nez Perce Clean Air Policy is not intended to regulate commercial tobacco use in:
 - i. Private residences
 - ii. Privately owned vehicles
 - iii. Non-Tribal Facilities

Section 4. Definitions

- (1) Enforcement of the Nez Perce Clean Air Policy will be carried out by the Nez Perce Tribe’s Executive Director’s Office, including tribal Administration.
- (2) The Nez Perce Clean Air Policy will become a permanent addition to the Nez Perce Tribe’s Human Resource Manual (HRM). Adherence to HRM policies are required by all tribal employees and contractors.

Section 5. Effective Date

The Nez Perce Clean Air Policy shall be effective March 1, 2008, to allow for plant maintenance changes and employee and public awareness of implementation of the policy. The Nez Perce Clean Air Policy is passed by NPTEC Resolution, NP 08-066, December 11, 2007, in accordance with the Nez Perce Tribal Constitution and By-Laws.