

HUMAN RESOURCE MANUAL

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SECTION 1: OVERVIEW

1.1 INTRODUCTION

It is the policy of the Nez Perce Tribe (“The Nez Perce Tribe” or “the Tribe”), to comply with the following basic procedures and requirements in the recruitment, treatment and selection of tribal employees.

- 1.1.1 The Human Resources Manual is designed to assist the Nez Perce Tribe in resolving personnel-related issues. The primary purpose of the policies is to give maximum support to the goals and objectives of the Nez Perce Tribe. The Manual has also been prepared to provide employees with general guidelines on what the Nez Perce Tribe expects from you and what you can expect from the Nez Perce Tribe.
- 1.1.2 The Manual is designed to inform you of the policies and procedures and other general employment information. Every question cannot be answered in this format so employees are encouraged to raise any questions regarding this Manual with his or her supervisor or other appropriate management personnel and Human Resources.
- 1.1.3 All employees’ related documentation shall be submitted to Human Resources Office to be kept in the employee’s files.
- 1.1.4 This Manual contains a table of contents a glossary of terms and Appendices. All Tribal Employees shall familiarize themselves with this Manual and keep a copy for reference.

1.2 EXCEPTIONS AND VARIATIONS

This Manual shall serve as the foundation of personnel management for tribal government and tribal enterprises unless separate resource management policies have been adopted for an enterprise. Limitations in grant funding for particular departments and programs, or particular grantor agency regulations may supersede policies and procedures contained herein. Department Managers shall request, through NPTEC, citing presidential policies on tribal sovereignty and government to government relationship, request a waiver of such regulations.

1.3 MANUAL REVISION

The Executive Director is responsible for the maintenance of this Manual and the administration of the revision process with NPTEC approval by resolution.

- 1.3.1 Employees may recommend revisions to the Manual by submitting written revisions to his or her immediate supervisor with a copy to the Human Resources Office. The supervisor shall forward the recommended revisions to the appropriate Department Manager with a copy to Human Resources. The manager will evaluate the recommendation and present the recommended written revisions to the Executive Director.
- 1.3.2 The Executive Director shall be responsible for circulating Manual Revisions to Managers. Where appropriate, such revisions will be accompanied by instructions for implementing changes. Each Manager shall be responsible for documenting that each employee receives copies of revisions and training is available.

1.4 TRIBAL/INDIAN PREFERENCE

Consistent with the philosophy of Indian Self-Determination, the following policies shall apply.

1.4.1 The 1964 Civil Rights Act Title VII (42 USC 2000e2(i)), allows private and government employers on or near a Federal Trust Indian Reservation to exercise Indian preference in employment. *The Indian Self Determination and Education Act (25 USC, Section 450(c) affirms that any tribal employment or contract preference laws adopted by such tribe **shall govern**.*

1.4.2 In accordance with this provision, it is the Nez Perce Tribe's policy to publicly announce and give preferential treatment to *qualified* Tribal members before non-Tribal member Indians and non-Indians in hiring and promotions. The following order of preference shall apply:

1. Enrolled member of the Nez Perce Tribe.
2. Enrolled member of another federally recognized Tribe.
3. Others.

1.5 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Nez Perce Tribe will attempt to provide equal opportunity to all qualified employees and applicants for employment. With the exception of those situations affected by the **Tribal** Preference policy, all aspects of employment will be governed on the basis of merit, competence, and qualifications and will not be influenced by race, color, religion, sex, age, national origin, disability, or any other basis prohibited by law.

1.5.1 Additionally, the Nez Perce Tribe makes reasonable accommodation for qualified individuals with disabilities according to the American's with Disabilities Act.

1.5.2 All decisions made with respect to recruiting, hiring, and promotions for all job classifications will be based on individual qualifications related to the requirements of the position and the sole discretion of the employer.

1.6 VETERANS PREFERENCE POLICY

By law, the United States has an obligation to assist veterans of the armed forces in readjusting to civilian life and follows a policy of promoting maximum employment and job advancement opportunities for veterans. The Office of Personnel Management oversees federal agencies hiring practices and ensures that eligible veterans receive preference in federal employment. In addition, almost every state extends a preference in hiring to veterans.

1.6.1 The Nez Perce Tribe recognizes and acknowledges the sacrifices that veterans have made, and the hardships they have endured, while serving in the armed forces of the United States.

1.6.2 The Nez Perce Tribe concurs with federal and state policy in extending preference in hiring to all eligible veterans discharged from the armed forces of the United States.

1.6.3 Eligibility under this section shall apply to those veterans who receive an honorable discharge or a general discharge under honorable conditions.

1.6.4 Preference will be applied by adding five (5) percent to the total score of veterans in the interview process.

SECTION 2: HUMAN RESOURCES

2.1 CLASSES OF EMPLOYEES

Employees of the Nez Perce Tribe will fall into one or more of the following classifications. Volunteers are not considered employees under this section. However, volunteers may be subject to certain provisions of this policy. Volunteer positions may not replace currently paid employees.

- 2.1.1 Full-Time Employee: An employee who is scheduled to work at least 32 hours per week on a continuing basis.
- 2.1.2 Part-Time Employee: An employee who is scheduled to work less than full-time, but on a continuing basis.
- 2.1.3 Regular Employee: A full-time or part-time employee who has completed the introductory period.
- 2.1.4 Temporary Employee: An employee who is hired for 30 days or less on either a full-time or part-time basis not to exceed 90 calendar days may be granted by the Executive Director.
- 2.1.5 Introductory Employee: A full-time or part-time employee who has not completed the introductory period (90-days).
- 2.1.6 Trainee/Intern: A full-time or part-time employee employed by a department specifically designed for vocational training, education or skill development. Hired subject to the Intern Policy in Appendix A.
- 2.1.7 Detached Duty Employee: An employee detached from an agency such as the Bureau of Indian Affairs or the Indian Health Service, to work within the management/staff structure or Tribal Government or other Tribal operations. A detached duty employee shall work within the functional policies outlined in this Manual, but will receive compensation and personnel benefits under the personnel provisions of the employee's parent agency.
- 2.1.8 Seasonal Employee: An employee who is hired for less than one year but more than 30 days and is subject to rehire within one year to the same position within the department subject to the supervisor's evaluation.

2.2 RECRUITMENT

Each department shall be responsible for recruitment.

- 2.2.1 Recruitment shall be based on the development of a comprehensive class description for each available position. Each class description will specify the position's objectives, required work activity, required background knowledge, skills, experience and work environment.
- 2.2.2 The Nez Perce Tribe recognizes the need to hire tribal members and non-member Indians, as well as the need to focus on the best interests of the Nez Perce Tribe as a whole. When minimum qualifications are met, the Tribe will give the greatest consideration to Nez Perce tribal members and non-member Indians which, includes but are not limited to culture, family, community knowledge and experience working with Indians or Indian Tribes.
- 2.2.3 Upon NPTEC approval of the department's budget, which includes a particular position, the Department Manager shall develop a class description for each position, which shall be forwarded to

the Human Resources Office for review and approval. No changes may be made to the class description without concurrence of the Department Manager.

- 2.2.4 The Human Resources Office shall announce all position vacancies. When the position closes, applications in the “In-House” recruitment must be screened first and, if a tribal member applicant meets the minimum qualifications, those applicants must be given preference in hiring thus closing the recruitment. Only if an applicant is not selected from the In-House recruitment, external recruitment applications will be given consideration.
- 2.2.5 If the position is not filled under 2.2.4, the Human Resources Office shall announce all position vacancies, at a minimum, in the Lewiston Morning Tribune, the Clearwater Progress, the Clearwater Tribune, in the Wa-a’Yas, in the Pi-Nee-Waus, in the Teweepuu, and the Orofino, McCall and Enterprise Satellite Tribal Offices for a minimum of two consecutive Sundays or as otherwise determined by the requesting Department Manager.
- 2.2.6 The Human Resource Office will conduct the initial screening of applicants for minimum qualifications, based on the approved class description. The applicants meeting the minimum qualifications and all Nez Perce Tribal members applications (qualified or not) will be forwarded to the advertising program. All applications and the screening documentation are available to the advertising program. If the program chooses to consider an applicant who does not qualify—the class description must be revised and the position re-advertised.
- 2.2.7 The advertising department/program will conduct the secondary screening process that will consist of interviewing a minimum of three candidates and a reference check of each. The candidate selected shall be appointed under section 2.4. The Executive Director may make exception to the three-candidate minimum with sufficient cause.
- 2.2.8 Tribal preference will be applied by applying points that are 10 percent of the total score.
- 2.2.9 Indian preference will applied by applying points that are 5 percent of the total score.
- 2.2.10 Employees hired into classes/positions in which the class description essential tasks require motor vehicle operation shall possess a valid driver’s license and be insurable under the tribe’s policy. Recruitment for positions that do not require driving, shall not require a valid driver’s license”¹².

2.3 CANDIDATE ELIGIBILITY LIST

Departments or programs that have regular periodic or annual openings of positions are authorized to create a Candidate Eligibility List. All hiring guidelines established within this document will be followed. The requirements for the Eligibility List are in Appendix B.

2.4 APPOINTMENTS

After review of the candidates and their qualifications, appointments shall be made as follows:

- 2.4.1 The Executive Director, Chief of Police, Managing Attorney, Prosecutor, Chief Judge, and Gaming Commissioners shall be hired by Resolution of the Nez Perce Tribal Executive Committee.
- 2.4.2 Department Managers shall be hired by the Executive Director with concurrence by NPTEC.

¹² NPTEC Administrative Action, # 28 April 10-11, 2007

- 2.4.3 All other employees shall be hired by the Manager after consultation with the immediate supervisor.
- 2.4.4 Successful candidates shall be verbally notified of their selection to fill a position by the Human Resource Office. Such notification shall be made official by a written notice of appointment, a copy of which shall be filed with the Office of Human Resources and the Department Manager.
- 2.4.5 A copy of the notice of appointment and application shall become a part of and shall initiate an active personnel file for the newly appointed employee. Personnel files shall be maintained by the Human Resources Offices.
- 2.4.6 The applications for all unsuccessful applicants shall be maintained on file at the Human Resources Office for three years.

2.5 INTERNAL TRANSFERS/PROMOTIONS

To be considered for internal transfers, an employee must complete the application for a vacant or new position and fit within the guidelines of promotion or lateral transfer as outlined in Appendix E. All applications must be completed and submitted in accordance with the announcements to fill the position.

- 2.5.1 In the event a current employee is internally transferred to fill a vacancy or new position, placements shall be made in accordance with section 2.4 above.
- 2.5.2 The transferred employee will be in an introductory period for 90-days during which the employee is subject to the guidelines established in Section 2.6 with exceptions noted herein.
- 2.5.3 Upon approval of the transferred employee's original Department Manager, transferred employees shall retain their benefits in accordance with the benefits package available in the new position.
- 2.5.4 Transferred employees will have access to the grievance process during their introductory period.
- 2.5.5 Transferred employees will continue to accrue but will not be eligible to use their annual leave during the introductory period in the new position.
- 2.5.6 Transferred employees who have been employed three years or more will maintain their employee status and be extended the benefits of all existing regular employees.
- 2.5.7 Any transferred employee who is dismissed on or before the 90th day of their introductory period shall not be eligible for reinstatement in their former position.
- 2.5.8 Annual Leave will be paid by the Program the employee is leaving or with the approval of the Manager of the new position the employee may transfer their Annual Leave balance.

2.6 INTRODUCTORY PERIOD FOR NEW EMPLOYEES

The introductory period for new employees lasts 90 calendar days from date of hire. Employees working during the introductory period are employed "at will". This means either the employee or the Nez Perce Tribe may terminate the employment relationship at any time, with or without notice and with or without cause. Introductory employees do not have access to the grievance procedures set forth in Policy No. 5.7.

- 2.6.1 During the introductory period, employees will be rated on productivity, quality of work, punctuality,

attendance, ability to learn, initiative, attitude and conduct. Upon satisfactory completion of the introductory period, an employee will become a regular employee.

- 2.6.2 The introductory period shall begin with the date of employment and shall be effective for a ninety-day period thereafter. The Department Manager shall insure that a minimum of one evaluation will be conducted during this period. The employee shall be rated on productivity, quality of work, punctuality, attendance, ability to learn, initiative, attitude and conduct. Failure by the Department Manager to follow through with evaluations shall be subject to disciplinary action
- 2.6.3 During the introductory period, employees will accrue sick leave and will be entitled to use accrued sick leave. Introductory employees will not accrue annual leave until successful completion of the introductory period. Employees are eligible to contribute to the Retirement Plan beginning with their date of hire; however, introductory employees are not entitled to use employee benefits until successfully completing the introductory period.
- 2.6.4 Under no circumstances shall the introductory period exceed 90 calendar days. *If no official written personnel action has been taken to terminate an introductory employee during the 90 day introductory period, the employee shall automatically become a regular employee.* The employees' supervisor shall initiate written personnel action to effect the change.
- 2.6.5 Any promoted employee who is dismissed on or before the 90th day of their introductory period shall not be eligible for reinstatement in their former position.

2.7 PERFORMANCE AND EVALUATION

Each employee's job performance shall be reviewed a minimum of once each calendar year by the immediate supervisor. If a supervisor fails to complete the evaluations, disciplinary action may result. These reviews will provide a basis for rewarding good performance and for identifying performance deficiencies and taking corrective action. In addition, the review process will provide tribal management with a fair and effective tool for making personnel decisions. Staff will be involved in each supervisor's evaluation (Appendix C).

The review process is designed to meet the following goals:

- 2.7.1 Improve the employee's understanding of job duties and rate how well the employee is performing the duties set forth in the class description.
- 2.7.2 Help each employee identify and correct skill or performance deficiencies, if it is determined that such deficiencies can be corrected.
- 2.7.3 Help administrators make decisions about salary, promotions, training, corrective action and other personnel actions.
- 2.7.4 Provide a means for communicating individual employee performance to the employee and immediate supervisor.
- 2.7.5 Provide an opportunity for the employee to discuss their goals and desires for the position and the organization.

2.8 EVALUATION RESULTS

The employee's job performance evaluation may result in any of the following actions:

- 2.8.1 Employees with identified performance of skill deficiencies will receive counseling designed to help the employee correct the deficiencies, let the employee know what will be expected in the future and what the consequences will be if the employee's performance does not improve.
- 2.8.2 The employee may be given a merit increase based upon exceptional job performance ("Exceptional job performance is ratings that are in the very good or outstanding columns on the evaluation form") as demonstrated by the documentation provided by the employee and the evaluation.
- 2.8.3 The employee may be placed on a corrective action plan.
- 2.8.4 The employee may be demoted to a lower grade and salary; demoted in job responsibility or terminated.

2.9 CAREER DEVELOPMENT POLICY

The Nez Perce Tribe encourages self-sufficiency and self-government. The Tribe advocates employees to set goals for promotion. The Tribe supports career development and encourages employees to take courses that enhance their educational background in a field of their choice. The Tribe strongly encourages tribal member employees to work towards two and four year college degrees as well as graduate level pursuits. An employee must fill out a career development plan to be placed in their personnel file and reviewed on a semester basis or annual basis with their immediate supervisors. Career Development Plan is in Appendix D.

2.10 POSITION RECLASSIFICATION

All positions shall be assigned to a class. The class may include a single position, or a grouping of positions which are sufficiently alike in duties, functions, and responsibilities, so that they may be identified by the same class title, use the same class specification, and are assigned a salary grade.

- 2.10.1 Class descriptions for each Tribal position will be prepared and maintained in a manner that they will accurately describe the duties and responsibilities inherent in the position. Titles will be designated by the Department Manager, with concurrence by the Executive Director and Human Resources. The Human Resources office will have authority and responsibility to research, study, and propose necessary changes to the Executive Director.
- 2.10.2 From time to time, changes occur in the responsibilities of a position that require review in order to determine whether such changes dictate a change in classification for the position. Such changes can result from gradual additions and responsibilities or department reorganization. The position reclassification process is in Appendix E.

2.11 PROHIBITION OF HARASSMENT AND DISCRIMINATION

- 2.11.1 Harassment. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

- 2.11.2 Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, or disability and (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group.
- 2.11.3 Sexual Harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- 2.11.4 Employee Complaints of Harassment. The Nez Perce Tribe has a policy of not only prohibiting, but also endeavoring to prevent, harassment. Any employee who feels that a violation of this policy has occurred should immediately report the matter to his or her supervisor. If that person is unavailable or the employee believes it would be inappropriate to contact his or her supervisor, the employee should contact the Department Manager, the equal employment officer or other appropriate management personnel.
- 2.11.5 The Office of Human Resources will investigate all complaints of harassment. When harassment is found to have occurred, remedial action taken will include action against the party engaging in the harassment and action for the recipient of the harassment. Any violation of this policy will result in immediate corrective action.
- 2.11.6 The complaining employee and any directly involved persons will be informed when a final decision is made on a complaint. If Human Resources employees are involved in such a complaint, the Executive Director will investigate. The information provided will include whether the Office of Human Resources found substantial evidence to support or not to support the complaint and, if the former, that some discipline has been imposed.
- 2.11.7 The exact discipline imposed will generally not be disclosed to the complainant or the alleged victim(s) if other than the complainant. If the Executive Director is involved in such a complaint, the Office of Legal Counsel shall complete the entire investigation and make written recommendations to NPTEC.
- 2.11.8 Individuals who lodge good faith complaints or who participate in an investigation will not be retaliated against or otherwise treated adversely related to their reporting of the situation or participation in an investigation.

SECTION 3: SALARY AND PAYROLL ADMINISTRATION

3.1 WAGE AND SALARY SCHEDULE

All employees shall receive the compensation provided in the salary schedule for the salary range of the position in which they are employed. A copy of the Salary Schedule is attached to this Manual as Appendix F.

3.1.1 New Employees: Based upon the wage and classification schedule (Appendix F), new employees shall be employed at the entry level of the range established for the position as stated in the class description, unless the Department Manager determines otherwise.

3.1.2 All Employees: The Nez Perce Tribal Salary schedule provides for merit increase based on an exceptional performance evaluation as provided in this policy in Appendix G.

3.1.3 Longevity Increase: An employee will be eligible for a ten-year (20,800 hours), one step longevity increase as well as increases in five-year increments thereafter. The employee must initiate the request to the appropriate supervisor. This increase includes service with Tribal Affiliates (Appendix H) and Military Service Time.

3.1.4 Implementation: The employee's appropriate hiring authority shall forward an Employee Action Notice with the necessary salary adjustments.

3.1.5 Interim Positions: Any employee appointed to a vacated position by the Executive Director to perform in an interim managerial or supervisory position shall be compensated accordingly; and documented with an Employee Action Notice.

3.2 SALARY INCREASES (RAISES)

All merit increases shall be subject to HRM Section 2.7 and 2.8. All salary increases shall be approved by the appropriate manager with the following exceptions:

3.2.1 Salary increases for Department Managers shall be approved by the Executive Director.

3.2.2 Cost of Living Allowance (COLA). Each September the Executive Director may recommend a Cost of Living Allowance adjustment to the entire salary schedule for NPTEC consideration. The Finance Manager will implement any COLA's approved by NPTEC by adjusting the entire salary schedule accordingly and COLA's are not considered as part of the yearly merit increase.

3.2.3 Salary increases for the Executive Director, Managing Attorney, Executive Officer, Gaming Commission, Chief of Police, Chief Judge and Prosecutor shall be approved by the Nez Perce Tribal Executive Committee.

3.2.4 Merit increases may not exceed two steps per year.

3.3 PAY PERIODS AND PROCEDURES

Shall be in accordance with the Finance Manual.

3.4 COMPENSATORY TIME

The normal work week consists of 40 hours per week. Non Exempt Employees who are authorized by their immediate supervisor to work more than 40 hours per week may take compensatory time off. Employees will receive one and one-half hours of compensatory time for each authorized hour worked

over 40 hours per week. If taking approved leave during the 40 hour work week, employees will be compensated hour for hour as authorized.

- 3.4.1 Compensatory time shall be taken within ninety (90) days in which it is worked or at the discretion of the supervisor; the employee will be compensated for the hours worked. .
- 3.4.2 Employees who are eligible to take compensatory time must arrange for the time off in advance with the employee's immediate supervisor.
- 3.4.3 The employee's immediate supervisor will maintain records of each employee's eligibility to take compensatory time and the employee's use of compensatory time.
- 3.4.4 Lunch time in the office will not be counted as compensatory time unless the employee is expressly requested by the immediate supervisor to remain at the workstation.
- 3.4.5 Exempt employees do not earn and are not entitled to Compensatory time off. Exempt employees may be allowed discretionary time off with pay as approved by their supervisor.
- 3.5 PAYMENT FOR TRIBAL BOARDS, COMMISSIONS AND GENERAL COUNCIL
- 3.5.1 Employees who participate in non-job related elective or appointed office must be on their own time; annual leave or leave without pay.

SECTION 4: GENERAL POLICIES GOVERNING PERSONNEL

4.1 WORK HOURS AND ATTENDANCE

The Nez Perce Tribe's normal work week consists of 40 hours. Any deviation from these guidelines must be approved by the Executive Director and Department Manager.

- 4.1.1 Tribal business hours shall be 8:00 a.m. to 4:30 p.m., with a 30-minute lunch break at 12:00 noon and two 15-minute breaks, one in the mid-morning and one in the afternoon.
- 4.1.2 Some employees, due to work requirements, work different hours. The daily schedule, i.e., lunch period and rest breaks, should roughly approximate the duration and timing of breaks scheduled for the standard Tribal business day.
- 4.1.3 Employees, with their supervisor's permission, may take up to one hour for lunch to participate in the Tribe's exercise program. This includes: walking, running, playing basketball, volleyball, or tennis, weight training or other athletic activities that provide exercise.
- 4.1.4 Employees, with their supervisor's permission, may take up to one hour for lunch to participate in educational activities. (i.e., language classes, public school activities, award assemblies, Head Start activities, etc.)
- 4.1.5 Employees taking advantage of the noon exercise program shall not take additional time off for lunch before, during or after the exercise hour.
- 4.1.6 "Effective October 1, 2007, employees will not be allowed to work at home and be compensated for their time".

4.2 TRAVEL

Routine travel, on or near the reservation, which is consistent with the employee's class description constitutes authorized travel. Approval for travel and travel advances shall be obtained in accordance with the procedures of the Finance Manual.

4.3 NEPOTISM

Nepotism is defined as a display of favoritism on the basis of family relationships. Because Nez Perce Tribal Members and many employees are related to one another, the nepotism policy is not drawn to exclude all family members from dealing with each other in Tribal business matters. The policy is drawn, however, to eliminate the potential for favoritism in personnel dealings between close family members who are Tribal employees. The anti-nepotism policy shall be defined by the following guidelines:

- 4.3.1 Close or immediate family members include the following relatives:
Mother, father, son, daughter, husband, wife, brother, sister, in-laws (mother, father, brother, sister, son, daughter) and biological grandparents/grandchildren, adopted father, mother, brother, sister and grandparents or any other relative living in the same household.
- 4.3.2 No person shall hold or shall be hired, promoted, demoted, or transferred to a job, which requires the employee to directly supervise or be supervised by an immediate family member.

4.4 OUTSIDE EMPLOYMENT

The Nez Perce Tribal Executive Committee established the following policies in regard to outside or self-employment by Tribal employees:

4.4.1 Employees may engage in outside or self-employment unless the supervisor or the department or division determines that such employment:

- (A) Detracts from the employee's performance and efficiency;
- (B) Conflicts with the interest of the Nez Perce Tribe; or
- (C) Discredits the Nez Perce Tribe.

4.4.2 Employees may hold more than one (1) part-time position within the Tribe as long as they do not work over 40 hours a week.

4.4.3 No full-time employee shall hold another full or part-time job within the Tribal organization without prior written approval from their immediate supervisor, Department Manager, and the Executive Director.

4.4.4 Consulting to the Tribe is allowed by an employee as long as it does not directly relate to the position in which the employee is serving full time and is not conducted during normal working hours.

4.5 POLITICAL ACTIVITY

Employees are encouraged to assume leadership positions and citizen participation roles in tribal, public affairs and professional societies.

4.5.1 Employees who hold non-job related elective or appointed office for non-job related activities (other than NPTEC) shall deal with the requirements of the office on their own time.

4.5.2 No employee shall speak on behalf of the Nez Perce Tribe, on any policy matter without the prior express approval of NPTEC. When an employee speaks on job related activities for the organization, statements shall be accurate and show proper respect for the Nez Perce Tribe.

4.6 RECEIPTS OF FAVORS OR GIFTS

Employees may not accept favors, gifts, or other forms of compensation from vendors, contractors or any other persons who has or who proposes to have business dealings with the Nez Perce Tribe.

4.7 NO SOLICITATION

The Nez Perce Tribe does not allow employees or any other persons to solicit its employees during working time. Accordingly, the following no-solicitation policy is in effect:

4.7.1 No employee shall solicit for any cause or organization during his or her working time or during the working time of the employee or the employees solicited. For the purpose of these rules "working time" does not include meal time.

4.7.2 No employee shall distribute or circulate any electronic, written or printed solicitation material in work areas at any time, during his or her working time, or during the working time of the employees to whom such activity is directed, regardless of location.

4.7.3 Employees not on shift must not be on tribal premises except on work related business. For the purpose of this rule, “tribal premises” includes the interior and exterior of work areas. Any exception to this rule requires permission from the supervisor.

4.8 RESIGNATION

An employee may, at any time and for any reason, voluntarily terminate employment by resigning.

4.8.1 The Nez Perce Tribe requires that its employees must give ten (10) working days written notice of intended resignation. Non-compliance of this section will result in termination. Exceptions may be granted, if approved by the Executive Director.

4.8.2 Once the supervisor is given notice of resignation, the supervisor shall initiate an Employee Action Notice (EAN) that documents the effective date of the resignation. This EAN and the letter of resignation will become a permanent part of the employee’s personnel file.

4.9 DISMISSAL

When circumstances warrant, an employee may be terminated. The General guidelines governing involuntary termination are contained in section 5. The instrument of dismissal shall be an Employee Action Notice for termination signed by the appropriate officials as designated below:

4.9.1 The Executive Director, Police Chief, Managing Attorney, Chief Judge, Prosecutor, and Gaming Commissioners shall be terminated by appropriate resolution of the Nez Perce Tribal Executive Committee.

4.9.2 All terminated employees shall be terminated subject to the process as defined in section 5.4.

4.9.3 Involuntary termination is subject to the grievance procedure.

4.9.4 Should a terminated employee be reinstated prior to, or as a result of, the grievance process, the employee shall be entitled to all leave and other benefits that would have accrued and paid for all hourly wages withheld from the date of termination through date of reinstatement.

4.9.5 Any employee who is terminated “for cause” shall not be appointed to another position in the Tribal employment structure without approval of the NPTEC.

4.10 REDUCTION IN FORCE

A reduction in force or lay-off of employees may occur due to a number of reasons, including reduction in program funding.

4.10.1 When more than one employee is affected by a reduction in force, the Department Manager shall establish lay-off criteria as approved by the Executive Director. The Executive Director retains absolute discretion to decide which criteria he/she will consider and how much weight he/she will give each criteria in making these employment decisions.

4.10.2 Employees laid off during a reduction in force shall be given preference priority and rehired should their job become available again and/or for available jobs within the Tribal organization for which the laid-off employee is qualified, unless they have accepted and appointed to another position of employment with the organization. This preference shall be in effect for a period not to exceed 90 days and as outlined in Section 2.

4.10.3 The Nez Perce Tribe will give a minimum of ten (10) working days notice of a reduction in force. Exceptions may be granted, with approval of the Executive Director.

4.11 DEATH

Upon the death of an employee, all compensation and benefits due will be calculated and paid to the employee's designated beneficiary or by natural order.

4.12 CONFIDENTIAL INFORMATION

No employee shall disclose privileged information about clients, personnel actions, property acquisitions, and tribal financial transactions, policy actions prior to implementation or any other confidential information to unauthorized individuals or entities. This prohibition applies during and after the employment relationship. Unauthorized disclosures that can be documented may be grounds for disciplinary action including termination or legal action. Employee Confidential Statement is in Appendix I.

SECTION 5: EMPLOYEE RELATIONS

5.1 GENERAL CONDUCT

Each tribal employee is a representative of the Nez Perce Tribe. In this role, each employee is obliged to conduct themselves in a manner that will reflect positively upon the Nez Perce Tribe. Each employee shall be subject to the following responsibilities and constraints:

- 5.1.1 Employees shall at all times promote good relations between the Tribal government and those people in the reservation and non-reservation community by performing quality work and by displaying a positive service attitude.
- 5.1.2 A tribal employee shall not assume the role of a policy spokesman for the Nez Perce Tribe. Individuals elected or appointed to tribal office or employees who are delegated to speak on behalf of the Nez Perce Tribal Executive Committee are exempted from this policy but shall confine their activities strictly to that category in which they are assigned.
- 5.1.3 Tribal employees shall conduct themselves and shall dress according to the normal performance demands of their work stations, utilizing accepted protocol standards and safety.
- 5.1.4 Employees shall not bring children into the work stations during working hours and are required to keep social visits to a minimum during working hours. Children shall be allowed to check in with parents before and after school as long the visit is kept to a minimum. Children are not allowed to loiter in or around the Tribal offices waiting for the parent/s to complete their workday. Children are not allowed to utilize Tribal equipment in the offices or break rooms such as computer equipment, microwaves, photocopiers, etc. Nursing mothers may be afforded nursing time to nurse children if authorized by their immediate supervisor and time away from workstation is not excessive.

5.2 EMPLOYEE RELATIONS

All employees shall respect each other's basic human rights and human dignity and shall work cooperatively in performing tribal services. Appendices that relate directly to Employee Relations are the Drug Free Work Workplace (Appendix P) and the AIDS Policy (Appendix Q).

- 5.2.1 No employee shall ridicule or reprimand another employee in public or in the presence of co-workers during normal working hours or while attending a conference, meeting, training or other such function while such conference, meeting, training or other such function is in session.
- 5.2.2 All personnel shall express their occupational differences of opinion or any other difference of opinion respectfully.
- 5.2.3 No employee shall discriminate against another employee on the basis of race, religion, age, sex, or any other protected class.
- 5.2.4 Employees shall cooperate one with another in the execution of their duties.
- 5.2.5 All employees shall, when requested, share non-privileged work information or knowledge with fellow personnel during work activities.

5.3 WHISTLE BLOWER POLICY

5.3.1 Reporting of improper activities without retaliation.

An employee may file a written complaint with the Executive Director, or his designee, communicating in good faith the existence of waste of tribal finances, property or manpower, or a violation of a law, rule or regulation under the Nez Perce Tribe's Human Resource Manual, Finance Manual or Tribal Code. The complaint must be supported by documentation or other evidence. Unsupported allegations will not be considered.

5.3.2 Investigation

The Executive Director or designee shall conduct an investigation into the complaint. For complaints against the Executive Director, the NPTEC Chairman or their designee shall be responsible to conduct the investigation. A response to the complainant shall be provided within ten (10) business days. Such response will not contain any confidential personnel information. Specific findings will be reported to the appropriate supervisor within the same time frame, which shall include a determination as to whether the complaint was made in good faith or was frivolous.

5.3.3 Retaliation

A supervisor or another employee may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of tribal or grant funds, property or manpower, or a violation or suspected violation of a law, rule or regulation under the Nez Perce Tribe's Human Resources Manual, Finance Manual or Tribal Code.

A supervisor or another employee may not take adverse action against an employee because an employee participates in good faith or gives information in good faith for an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review.

5.3.4 Improper complaint

An employee who makes a bad faith or frivolous complaint of improper activities shall be subject to disciplinary action in accordance with Section 5.4 and 5.5 of the Human Resource Manual. The findings shall be reported to supervisor, who will determine appropriate personnel action, if any.

5.4 DISCIPLINE-GENERAL GUIDELINES

It is the policy of the Nez Perce Tribe to take or authorize corrective measures when an employee engages in conduct or activities which detract from the effectiveness of the employee's work performance or which is contrary to the best interest of the Nez Perce Tribe. Any or all of the following progressive steps of discipline may be utilized, depending on the individual circumstances and the nature of the infraction.

All acts of discipline unless otherwise indicated under section 5.5 shall be initiated within 5 working days of supervisors knowledge of said infraction and shall be documented in writing by the disciplined employee's immediate supervisor and shall be incorporated into the employee's permanent personnel file.

This list is provided as a general guideline and does not restrict the supervisor's discretion to discipline or discharge employees for any appropriate reasons".

5.4.1 Corrective counseling. This is an informal and documented discussion between the employee and his

4th Termination

- 5.5.2 Loitering, or leaving work station during work hours without authorization. Visiting other Employees during working hours. 1st Verbal reprimand
2nd Written reprimand
3rd Termination
- 5.5.3 Willful violation of safety rules or carelessly endangering the safety of self or others. 1st Written reprimand
2nd Termination
- 5.5.4 Failure to report an on-the-job injury occurring in accordance with established guidelines. 1st Written reprimand
2nd Termination
- 5.5.5 Threatening, coercing or interfering with fellow employees during work hours, or retaliating against an individual. 1st Suspension
2nd Termination
- 5.5.6 Making false, vicious, or malicious statements about any employee of the Nez Perce Tribe. 1st Written reprimand
2nd Suspension
3rd Termination
- 5.5.7 Misusing, destroying, or damaging any Tribal property during work hours 1st Written reprimand
2nd Termination
- 5.5.8 “Employee’s failure to meet the reasonable expectations of his/her Employment”; and 1st Written reprimand
2nd Termination
- 5.5.9 Disclosing without authorization from ones immediate supervisor, Tribal or program information. 1st Written reprimand
2nd Termination
- 5.5.10 Provoking a fight or fighting during work. 1st Suspension
2nd Termination
- 5.5.11 Sleeping on the job. 1st Suspension
2nd Termination
- 5.5.12 Insubordination or refusing to carry out a valid work or task request made by one’s authorized supervisor. 1st Written reprimand
2nd Termination
- 5.5.13 By-passing the appropriate chain of authority or procedure. 1st Verbal reprimand
2nd Written reprimand
3rd Termination
- 5.5.14 Falsifying work-related records or theft of tribal property. 1st Suspension
2nd Termination
- 5.5.15 Threatening to use or Possessing dangerous weapons or explosives on 1st Suspension

Tribal administrative properties without authorization.	2 nd Termination
5.5.16 Removal of any tribal property from work premises without written authorization of one's immediate supervisor.	1 st Suspension 2 nd Termination
5.5.17 Reporting for work under the influence of alcohol or illegal drugs	1 st Suspension for three days without pay and corrective/ counseling/treatment 2 nd Suspension for five days Without pay plus probation 3 rd Termination
5.5.18 Consumption, possession or sale of alcohol or any drugs while on the job.	1 st : Suspension 2 nd : Termination
5.5.19 Violation of the Finance Manual.	1 st Verbal reprimand 2 nd Written reprimand 3 rd Suspension 4 th Termination
5.5.20 Job Abandonment, unauthorized absence from work for 5 days.	1 st : Termination
5.5.21 Computer Misuse	1 st Written reprimand 2 nd Suspension 3 rd Termination
5.5.22 Neglect or willful refusal to conform to the grievance process.	1 st Written reprimand 2 nd Suspension 3 rd Termination
5.5.23 Unauthorized access to Tribal Offices	1 st Written reprimand 2 nd Suspension 3 rd Termination
5.5.24 Harassment	1 st Suspension 2 nd Termination

5.6 GRIEVANCE PROVISION

A grievance is a formal complaint lodged by an employee regarding disciplinary action taken against the employee. Any regular employee who has been suspended, reduced in pay, demoted or dismissed shall have the right of appeal to the Grievance Process. Notice of the appeal must be filed not later than five (5) days after the effective date of the action. The employee's notice of appeal must be in writing and must set forth the reason why the disciplinary action is thought to be improper. Human Resources will promptly review and equitably address grievances of individual employees or group of employees, which have been submitted through the process. Human Resources shall furnish the Department Manager concerned with a notice of the grievance in advance of the hearing through the grievance process as outlined in section 5.8.

- 5.6.1 Only regular and seasonal employees have the right to appeal disciplinary actions. Employees who have not successfully completed the introductory period do not have access to this grievance process.
- 5.6.2 No employee will be retaliated against or subjected to discrimination for filing a grievance regardless of its disposition.
- 5.6.3 Whenever possible, employees and immediate supervisors are encouraged to resolve potential grievance issues on an informal and mutually cooperative basis. Human Resources is available to assist with this process.
- 5.6.4 Until a grievance has been settled, all parties involved shall refrain from discussing the grievance outside formal proceedings of the grievance process itself.
- 5.6.5 A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final third step.

5.7 THE NEZ PERCE TRIBAL HEARING OFFICER

- 5.7.1 If the Human Resources Office Hearing Officer has a conflict with the grievance at issue, i.e., if the grievant is a family member, an alternate Hearing Officer will be appointed.
- 5.7.2 The Hearing Officer shall conduct a hearing on the second (2nd) Wednesday of each month unless no grievance requests have been filed, in which case the Hearing Officer will conduct a hearing on the second (2nd) Wednesday of the next month in which a grievance has been filed.

5.8 GRIEVANCE PROCEDURE

Grievances filed by Tribal employees will conform to the three step procedure set forth below:

5.8.1 Step One.

- A. A written grievance statement must be presented by an employee to the immediate supervisor within five (5) days of the effective date of the action at issue. A copy must be provided to the Human Resource Manager. If the grievance involves the immediate supervisor, the employee may proceed directly to step two (2).
- B. Within five (5) working days of the presentation of the written grievance statement, the immediate supervisor shall meet with the grievant to discuss the grievance. Within five (5) working days of this meeting, the supervisor shall return in writing his/her decision for the disposition of the grievance. The supervisor will meet with the grievant to discuss and/or resolve the grievance.
- C. If a supervisor fails to arrange a grievant discussion meeting within five (5) working days of the presentation of a grievant statement, or if a supervisor fails to return a written disposition of a grievance within five (5) working days of a grievant meeting, an employee may present the grievance to the supervisor's immediate supervisor. This will initiate the second step of the grievance procedure.
- D. If the supervisor's disposition of the grievance is satisfactory, the grievant shall acknowledge acceptance of the supervisor's disposition by writing on the grievant response document "I

accept the disposition offered above” and by signing and dating the acceptance statement. The Human Resource Office will log the grievance, provide a receipt to the Grievant.

- E. If the grievant and the supervisor cannot agree on a disposition of a grievance, the grievant may file the grievance statement with the supervisor’s immediate supervisor within five (5) working days after the supervisor returns, or should have returned, written disposition on the grievance. This will take the matter to the second step of the grievance process.

5 8.2 Step Two

- A. In this step, a written grievance statement must be presented to the Department Manager.
- B. Within five (5) working days of the presentation of the grievance statement, the Department Manager will meet with the grievant(s) to discuss the grievance. Within five (5) days of this meeting, the Department Manager shall return in writing their decision for the disposition of the grievance.
- C. If the Department Manager or Executive Director fail to hold the grievance meeting or to return the grievant disposition within the specified time limits, and employee may submit the presentation of the grievance to the Nez Perce Tribal Hearing Officer, thus initiating step three

of the grievance process. Presentation to the Human Resources Office must occur within five working days after the date the written decision was, or should have been presented to the aggrieved employee.

- D. If an employee is not satisfied with the Department Manager’s or Executive Director’s disposition of the grievance in Step Two, the employee may request presentation of the grievance to the Nez Perce Tribal Hearing Officer within five (5) working days. This will initiate the third step of the process.

5 Step Three

- A. In step three, the employee must present a written grievance to the Human Resources Office who will maintain all grievance records on behalf of the Hearing Officer. The Human Resources Office will immediately notify the Hearing Officer and the grievance shall then be scheduled for the next Hearing Officer hearing.
- B. Both the grievant and the involved management personnel shall be given an opportunity to present in the Hearing any additional information not in their written statement, before the Hearing Officer. (Hearing Procedures attached as Appendix J) The Hearing Officer may request additional hearing, hear witnesses, or take any other action it deems appropriate to resolve the grievance. The Hearing Officer shall render a decision of the grievance within two (2) weeks of the first hearing session on the grievance. No grievance procedure exists beyond the decision of the Hearing Office.
- C. The only action an aggrieved employee may take beyond step three of the grievance process is the filing of a legal complaint with the Nez Perce Tribal Court.
- D. No portion of the grievance process shall be construed to allow for the hearing of grievances by the Nez Perce Tribal Executive Committee (NPTEC). All grievances are restricted and limited to the three (3) step process set forth above.

5.9 OTHER EMPLOYEE COMPLAINTS.

All other employment related complaints must be taken to the Human Resources Office with a copy to the immediate supervisor. The Human Resources/Hearing Officer will meet with the employee and the immediate supervisor to discuss the issue and/or try to resolve the complaint. If no resolution is obtained, the complaint will be processed through the appropriate chain of command. The Executive Director shall have final determination based on the documentation of the complaint. (Complaint Form Appendix K) Employees directly supervised by the Executive Director shall process the complaint to the NPTEC Chairman for final determination based on the documentation of the complaint.

5.10 EMPLOYEE PHYSICAL EXAMINATION

An offer of employment may be contingent upon an applicant’s successful completion of a medical examination, and if multiple finalists are tested, contingent on an available position to fill from the list. The Nez Perce Tribe may require finalists on an eligibility list or the leading applicant to take a pre-employment physical examination. If required, this examination will be provided by the Nez Perce Tribe at its expense. Any information gathered will be treated as a confidential medical record.

In order to insure continued qualification for employment, the Nez Perce Tribe periodically may request its employees to submit to a medical examination at the Nez Perce Tribe’s expense.

5.11 BACKGROUND CHECKS

Employees in sensitive positions or where contact with children, juveniles and vulnerable adults is included in their job responsibilities shall be required to undergo a criminal history check at the employer’s expense. Any information gathered will be treated as confidential. Such investigation shall occur within the first 90 days of employment or prior to employment. The Nez Perce Tribal background check policy will apply. (Background Policy Appendix L)

5.11.1 Background checks will be conducted based on the class description for all sensitive positions or positions that provide public service prior to fulfillment of the position. Background checks conducted after hiring may warrant immediate termination.

5.11.2 Background investigations may be required for other positions, so long as such a check is reasonably related to the employee’s job or is required by any applicable law.

5.12 HEALTH PRACTICES

All personnel shall observe health practices that contribute to their own fitness and to the services effectiveness of all Tribal components. Personnel shall observe these health practices:

5.12.1 Employees should not report to work if they are ill. A sick employee performs poorly, prolongs the recovery process and endangers the health of other employees.

5.12.2 All employees shall promote a healthy working environment by cooperating with one another in keeping their work area clean. Employees shall report potential health hazards to their supervisor immediately.

5.13 SAFETY

The Nez Perce Tribe supports a general program of safety consciousness and safety practice among employees. The Safety Officer will maintain all documentation regarding the safety compliance for each employee.

- 5.13.1 Safety efforts and safety regulations shall be overall responsibility of the Nez Perce Tribal Safety Officer. All personnel shall cooperate to promote safety and to see that safety regulations are observed.
- 5.13.2 Employees shall report unsafe conditions and work practices or any safety violations to their supervisor.
- 5.13.3 All such reports shall be investigated, immediately, by the Nez Perce Tribal Safety Officer. If a report proves to be valid, corrective measures shall be taken immediately to remedy the problem.
- 5.13.4 Defensive Driving, CPR and First Aid training may be required for certain positions. Managers shall be responsible for ensuring that employees obtain the required certificates. The Safety Officer shall conduct training quarterly. All field personnel must have Defensive Driving, CPR and First Aid training annually and medical kits available in vehicles. Employees are required to notify supervisors if there are any medical conditions and/or medications that inhibit performance.

5.14 WORKERS COMPENSATION CLAIM PROCEDURES

When an on-the-job accident occurs, employees at the scene shall call for appropriate medical, police or fire assistance and then immediately report the incident to their supervisor. The supervisor shall, immediately, notify the Human Resource Office and fill out an accident report/workman's compensation form and make certain that a copy of the accident report is forwarded to the appropriate personnel file within the one day. The supervisor shall ensure that the employee(s) involved in any accident shall immediately be evaluated by an appropriate medical provider.¹³ **APPENDIX R**

5.15. NEZ PERCE CLEAN AIR POLICY

The passage of the Nez Perce Clean Air Policy is dedicated to all the Nez Perce members who suffer from commercial tobacco related cancers 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. **APPENDIX S**

SECTION 6: PERSONNEL BENEFITS AND SERVICES

6.1 FRINGE BENEFITS

All employees are entitled to the fringe benefits as outlined in Appendix M.

6.2 HOLIDAYS

All Tribal employees shall be given time off with pay for the following holidays and memorial days:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- National Indian Day
- Memorial Day
- Nez Perce War Memorial Day (Whitebird) June 17th.
- Independence Day
- Nez Perce War Memorial Day (Big Hole) Aug. 9th.
- Labor Day
- Nez Perce War Memorial Day (Bear Paw) Oct. 5th.
- Veterans Day
- Thanksgiving Day (Thur. & Fri)
- Christmas

6.2.1 The Executive Director shall post a notice of all holidays in January of each year designating the holidays for that year.

6.2.2 If a holiday falls on a Sunday, it will be observed on the following Monday. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If an employee is authorized to work (10) ten hour shifts for four (4) days, the employee is authorized to observe the holiday on the preceding Thursday.

6.2.3 Regular full-time employees receive one day of pay. Regular part-time employees will receive a prorated amount based on the number hours they are normally scheduled to work each day.

6.2.4 An employee authorized by their immediate supervisor to work, and who works on a holiday will be paid double time or will be given the equivalent in compensatory time.

6.2.5 An employee shall not be charged annual leave or sick leave for leave which occurs on a holiday.

6.2.6 To be eligible to receive holiday pay, an employee must have been in a paid status the working day before and the working day after the holiday.

6.3 GENERAL LEAVE POLICY

It is the policy of the Nez Perce Tribe to grant various kinds of paid leaves of absence and unpaid leaves of absence. All leaves must be authorized. Employees who are absent without authorization shall be considered absent without leave (AWOL). Leave records shall be maintained in each employee's payroll file.

6.4 ADMINISTRATIVE LEAVE

It is the policy of the Nez Perce Tribe to grant authorization for employees to utilize administrative leave in lieu of other types of leave absence.

6.4.1 The NPTEC Chairman may, under certain circumstances and at his discretion, declare the Tribal Offices closed. All Tribal employees will be authorized administrative leave for those working hours affected by the closure.

6.4.2 NPTEC may under certain circumstances authorize administrative leave for employees to participate in certain events and/or activities such as, but not limited to; cultural activities, memorials, work shops, donating blood, community clean up, etc.

6.4.3 An employee shall be authorized to utilize administrative leave not to exceed sixteen (16) hours per calendar year. The sixteen (16) hour limitation shall not apply to administrative leave granted under Section 6.4.1.

6.5 ANNUAL LEAVE

Annual leave is a benefit for Tribal employees.

6.5.1 Annual leave shall be accrued according to the following:

(A) Full-time and seasonal employees who have successfully completed the introductory period will accrue four (4) hours of annual leave each pay period.

(B) Honorable active duty, military service (evidenced by honorable discharge or appropriate documentation) shall be considered as employment by the Nez Perce Tribe for the purpose of computing annual leave.

(C) Full-time and seasonal employees with the equivalent of three years of service shall accrue six (6) hours of annual leave each pay period.

(D) Full-time employees and seasonal with the equivalent of fifteen years of service shall accrue eight (8) hours of annual leave each pay period.

(E) Temporary employees do not accrue and are not eligible to take annual leave. Seasonal and Part-time employees who become regular employees will accrue benefits on a pro-rated basis.

6.5.2 Employees begin to accrue annual leave after successfully completing the introductory period.

6.5.3 Employees may accumulate up to 240 hours of annual leave benefits. An employee may not carry over more than 240 hours into the next calendar year.

6.5.4 An employee must arrange annual leave in advance with his immediate supervisor. The employee must request leave in writing designating the dates requested. "Appaloosa Express Transit system drivers are required to submit their annual leave requests, in writing, two weeks in advance", to keep the service operating at all times with adequate coverage by all drivers. The supervisor must approve the request in writing.

6.5.5 Employees may be allowed to receive pay for accrued unused annual leave for up to 120 hours per calendar year.

6.5.6 Upon resignation or layoff, an employee shall be paid for all unused annual leave

6.6 SICK LEAVE

Regular full-time and seasonal employees shall accrue four (4) hours of sick leave per pay period. Regular part-time employees shall accrue sick leave on a pro rated basis, based upon the number of actual hours worked each pay period.

- 6.6.1 Sick leave shall be used only when the employee is ill and cannot come to work or when employee's dependents have medical appointments.¹³
- 6.6.2 An employee shall notify his or her immediate supervisor within one (1) hour before the scheduled starting time. Employees who use sick leave for a reason which qualifies under family medical leave must meet the notice requirements of the family leave policy. See Policy 6.7.
- 6.6.3 Employees who use five consecutive (5) work days of sick leave must submit medical certification support of the leave. Employees who qualify may use the FMLA to take sick leave.
- 6.6.4 Employees shall not receive payment for unused sick leave under any circumstances.
- 6.6.5 An employee who has depleted all sick leave may, with the employee's supervisor's approval, take annual leave. If the employee has no annual leave available the employee may be placed on an unpaid leave of absence.

6.7 FAMILY MEDICAL LEAVE POLICY

Employees are required to file a FMLA form with the Human Resources Office at the first medical notification of serious health illness, long term care, or other types of family medical leave. The Policy is attached as **Appendix N**. This policy outlines the Nez Perce Tribe's **voluntary** compliance with the federal Family Medical Leave Act (FMLA).

6.8 UNIFORMED SERVICES LEAVE AND REEMPLOYMENT

6.8.1 General.

This policy applies to all employees within the Nez Perce Tribe and is intended to be in full conformance with all federal and local laws regarding the rights of military personnel and re-employment of veterans. Nothing in this policy shall subjugate those rights under the applicable federal or local laws.

6.8.2 A full-time employee who is a member of a reserve component of the United States Armed Forces shall be allowed leave for required annual military training or duty for a period not exceeding 15 working days per year. If the time of the training period is optional, the employee and his immediate supervisor shall mutually arrange a military leave time that is most compatible with the employee's work requirements.

6.8.3 Military leave shall be accounted as leave without pay. An employee on military leave shall continue to accrue annual leave and sick leave credits during the military leave period.

6.9 CONTINUING EDUCATION LEAVE

6.9.1 Regular employees may attend accredited classes to pursue formal college degrees during work hours under the following conditions.

- (A) That the employee's absence be approved by his supervisor, in writing as Leave Without Pay or some other form of employment arrangement is set up with the employee's supervisor, such as part-time employment or flexible work schedules.

¹³ Approved by Administrative Action - # 21 August 26, 2003

- (B) That the proposed schooling be processed through the appropriate channels, including obtaining Department Manager and Executive Director's approval prior to the start of the schooling;
- (C) The employee shall make their own financial arrangement for such schooling;
- (D) That proof of successful completion of the classes be provided within thirty (30) days of the last date of the schooling for inclusion in the employee's personnel file; and
- (E) That the employee signs a letter of commitment or contract stating that he fully intends to continue working for the Tribe.
- (F) Failure to successfully complete classes in which continuing education leave has been authorized shall result in termination of any continuing education leave authorized.
- (G) Requests must be submitted at least one month in advance with review and approval of the department manager and Executive Director.

6.9.2 An employee's request to attend formal schooling will not be approved if the result is to reduce services to tribal members.

6.9.3 Employee's requests to attend formal schooling will be determined on a case-by-case basis. Factors that will be considered are:

- (A) The length of employment;
- (B) Benefit to the Tribe;
- (C) Benefit to the employee, employees demonstrated commitment toward achieving higher education goal;
- (D) Past job performance;
- (E) Availability of advancement within the tribal system and grade point average.

6.10 JUDICIAL DUTY

Leave of absence for jury duty or to respond to a valid subpoena will be granted. An employee shall be granted a leave of absence with pay. During any paid period of leave, the employee will be required to sign over any payment the employee receives from the court for sitting on jury duty. An employee on jury duty will be expected to work as much of his or her regular scheduled shift as his or her jury schedule permits.

6.11 EMERGENCY LEAVE

All employees may be eligible for a paid leave of absence for a death or serious illness in the employee's immediate family, attendance at funerals, and inability to report to work because of unusually severe weather or natural disasters. Eligibility for emergency leave for death, serious illness or attendance at funerals shall be determined by the employee's immediate supervisor. Eligibility for emergency leave because of unusually severe weather or natural disasters shall be determined by the Executive Director.

6.11.1 Emergency leave not to exceed five (5) days or forty (40) hours per calendar year may be granted to an employee due to death, life threatening injury or life threatening illness in the employee's immediate family. Immediate family members are defined in sub-section 4.3.1 of this policy. Absence of more than five (5) days for the purposes specified in this sub-section shall be unpaid or the employee may be allowed to utilize accrued annual leave.

6.11.2 Up to 16 hours of the 40 hours of emergency leave per calendar year may be used to attend memorials and /or funerals for members of the employee's extended family. This leave is not in addition to the

leave granted in section 6.11.1.

6.11.3 Emergency leave shall be granted to employees during the time that extreme weather conditions or such natural disasters as fires or floods prevent them from working or reporting to work. Such conditions of emergency shall be determined by the Executive Director and announced by suitable means of communication.

6.11.4 Each employee shall report emergency leave circumstances to his or her immediate supervisor as soon as the employee becomes aware of such circumstances.

6.11.5 If the reason for the emergency leave qualifies as family medical leave, the employee will be required to meet the notice and medical certification requirement of the family medical leave policy. Section 6.7 or Appendix N.

6.12 LEAVE WITHOUT PAY

Under circumstances, when other forms of leave are not available, leave without pay may be granted by the employee's immediate supervisor.

6.12.1 Under no circumstances shall leave without pay be authorized for more than three (3) weeks (120 hours) per calendar year without specific written authorization from the Executive Director. Under no circumstances shall leave without pay is authorized in order that an employee may fill another position within or outside the organization.

6.12.2 The Executive Director may grant a full time employee leave without pay for a period not to exceed one year or 2,080 hours.

6.12.3 The Nez Perce Tribe has no obligation to hold an employee's position or pay level during a leave without pay, over the authorized period as stated in 6.12.1 or 6.12.2, and the Nez Perce Tribe cannot guarantee the employee a job if federal law does not require reinstatement. Employees lose any reinstatement rights they may have when the period of leave exceeds the authorized period of leave.

6.13 FURLOUGHS

When continued and expected funding for a tribal program is delayed for lack of an approved federal budget or otherwise, employees within that program may be placed on furlough by the Executive Director. Seasonal employees may also be furloughed at the end of the field season. Employee Furlough Statement is in Appendix O.

6.13.1 The purpose of a furlough is to relieve employees of their responsibility to perform their jobs when funds are temporarily not available to pay their salaries/wages and benefits. During a furlough, an employee will continue to accrue time for the purposes of calculating continuous service as a tribal employee.

6.13.2 A furlough is a temporary action in which an employee is notified that he or she will not be required to report for work beginning on a specific date until further notice. Throughout the furlough period, the employee does not lose status as an employee and the employee's position remains in place. An employee shall be given as much advance notice of a furlough as possible and shall be notified of the end of the furlough period as soon as possible.

6.13.3 A furlough will end when the expected funds are available to the Tribe for the affected program. Notice to an employee that a furlough has ended may be in person, by telephone or in writing to the

employee's home address. Notice shall be given to any furloughed manager by the Executive Director. Managers shall be responsible to give notice to furloughed employees from their respective programs.

- 6.13.4 During a furlough, an employee will continue to accrue time for the purposes of calculating continuous service as a tribal employee. No actions by the employee is required to return to work after a furlough. The supervisor shall initiate an Employee Action Notice (EAN) that documents the effective date of employee's return, the employee's pay status and budget classification".¹⁴
- 6.13.5 Employees on furlough will not be eligible to accrue or use any paid leave benefits. Medical, Life, and Retirement benefits will be determined on a case-by-case basis.
- 6.13.6 Employees will not be paid their salary/wages while in furlough status. However, in anticipation of continued Program funding, employees may voluntarily report to work after being placed on furlough.
- 6.13.7 Employees who voluntarily report for work during a furlough period must sign a form provided by the Finance Department confirming that they understand that should their position of employment not be funded, they will not be compensated for work performed, or reimbursed for expenses incurred, while on furlough.
- 6.13.8 The Finance Department shall provide appropriate special forms to document the dates and hours worked by employees on furlough. Furloughed employees and their supervisors shall maintain records of hours worked on a daily basis. The form is Appendix O.
- 6.13.9 If the Program is funded/refunded and retroactive payment is authorized by the funding agency, those employees who voluntarily worked during the furlough period will be paid their salary/wages, will be reimbursed for any legitimate expenses incurred and will also be credited for sick and annual leave that would have normally accrued during the furlough period.
- 6.13.10 Employees who did not voluntarily work during the furlough period will not receive any type of payment or benefits regardless of whether retroactive payment is authorized when Program funding becomes available.

¹⁴ Approved Administrative Action – September 23, 2003

SECTION 7: GLOSSARY

This glossary will apply throughout the Human Resources Manual unless otherwise specified.

- 7.1 **ADVANCEMENT:** A promotion in career development and a salary increase granted to an employee by advancing him/her in job step.
- 7.2 **CONFLICT OF INTEREST:** A situation wherein the best interests of the employer, the Nez Perce Tribe, do not coincide with the personal interests of the employee, thus creating a situation which could impair the employee's loyalty to the employer or could create the appearance of the possibility of such impairment.
- 7.3 **DATE OF EMPLOYMENT:** The date of hiring approved by the Executive Director.
- 7.4 **DEPARTMENT/PROGRAM:** A main unit of Tribal Government assigned one large responsibility or a number of related responsibilities.
- 7.5 **DEPENDENT:** A minor or adult who relies on an employee for care and/or support.
- 7.6 **DETACHED DUTY EMPLOYEE:** An employee detached from an agency such as the Bureau of Indian Affairs or Indian Health Service to work within the management/staff structure of the Nez Perce Tribe.
- 7.7 **DISCIPLINARY ACTION:** Imposition of sanctions to correct or punish employee conduct detrimental to the Nez Perce Tribe.
- 7.8 **DISMISSAL:** Involuntary termination of an employee's employment from the Nez Perce Tribe.
- 7.9 **EMPLOYEE:** Any person employed by any component of the Nez Perce Tribe.
- 7.10 **EXTENDED FAMILY:** Biological aunt, uncle, first and second cousins, foster mother, father, brother, sister-in-law, grandfather, grandmother, and step children.
- 7.11 **FURLOUGH:** A temporary action in which an employee is notified that he or she will not be required to report for work beginning on a specific date until further notice usually because of a temporary unavailability of funds.
- 7.12 **GRIEVANCE:** An employees formally lodged complaint regarding disciplinary action subject to the grievance process.
- 7.13 **GRIEVANT:** An employee who has formally lodged a complaint regarding disciplinary action subject to the grievance process.
- 7.14 **HUMAN RESOURCES MANAGER:** If this position is not filled, the Executive Director has the authority to serve as the Human Resources Manager.
- 7.15 **IMMEDIATE FAMILY MEMBER:** An employee's mother, father, son, daughter, husband, wife,

brother, sister-in-laws (mother, father, brother, sister, son, daughter) and biological grandparents/grandchildren, adopted father, mother, brother, sister and grandparents or any other relative living in the same household.

- 7.16 **IMMEDIATE SUPERVISOR:** The person responsible for directly supervising the work of other personnel. This is a role and not a title. Thus, an immediate supervisor may be anyone with supervisory responsibility.
- 7.17 **INDIAN:** A person of at least one-quarter Indian Blood or a member of a federally recognized tribe.
- 7.18 **INDIAN PREFERENCE:** A policy of giving preferential treatment to Indian individuals in hiring and job upgrading.
- 7.19 **CLASS DESCRIPTION:** A comprehensive written description of the objectives to be accomplished in a position, the work activities required to fulfill those objectives, and the background knowledge, skills and experience required to effectively carry out those work activities.
- 7.20 **LEAVE:** Authorized release of an employee from work obligations for a specific purpose and within a fixed time frame. Leave may be paid or unpaid.
- 7.21 **NEPOTISM:** Favoritism shown in official business on the basis of family relationships.
- 7.22 **NEZ PERCE TRIBAL EXECUTIVE COMMITTEE (NPTEC)** The nine (9) person board elected by the General Council of the Nez Perce Tribe. The official governing body of the Nez Perce Tribe.
- 7.23 **PAYROLL DEDUCTIONS:** Employee financial obligations deducted by the employer from the employee's pay.
- 7.24 **PROMOTION:** Assignment of an employee to a position involving greater responsibility. A promotion is usually accompanied by an advancement in pay.
- 7.25 **REDUCTION IN FORCE:** Laying-off employees due to reorganization, reduction in program funding and scope or other-administrative realignments.
- 7.26 **REPRIMAND:** A verbal or written corrective warning issued by a supervisor to an employee for employee conduct which violates Tribal Government policy or is detrimental to the Nez Perce Tribe.
- 7.27 **SENIORITY:** Length of service which may entitle an employee to priority consideration in filling some job openings.
- 7.28 **SUSPENSION:** A disciplinary action which temporarily removes an employee from work.
- 7.29 **TERMINATION:** Discontinuation of an employee's employment.
- 7.30 **TRANSFER:** Change of an employee from one position to another, usually in the same job group classification.

- 7.31 **TRIBAL MEMBER:** An enrolled member of the Nez Perce Tribe.
- 7.32 **WORK DAY:** A daily work shift consisting of eight (8) hours.
- 7.33 **WORK WEEK:** A five-day working period which consists of 40 hours.