



Crow Country

PERSONNEL POLICIES AND PROCEDURES

FOR THE

EXECUTIVE BRANCH OF THE CROW TRIBE

PERSONNEL POLICIES AND PROCEDURES
EXECUTIVE BRANCH OF THE CROW TRIBE

TABLE OF CONTENTS

CHAPTER 1 – GENERAL PROVISIONS

- 1.1 AUTHORITY; STATEMENT OF POLICY
- 1.2 AT-WILL EMPLOYMENT
- 1.3 SOVEREIGN IMMUNITY
- 1.4 TRIBAL JURISDICTION
- 1.5 ADOPTION & REVISIONS TO PERSONNEL POLICY
- 1.6 CHIEF EXECUTIVE OFFICER
- 1.7 PERSONNEL DIRECTOR
- 1.8 EXECUTIVE BRANCH DEPARTMENTS & UNITS

CHAPTER 2 – CODE OF ETHICS AND STANDARDS OF CONDUCT

- 2.1 CODE OF ETHICS
- 2.2 PROFESSIONAL CONDUCT
- 2.3 COURTESY AND CONSIDERATION OF OTHERS
- 2.4 HARASSMENT OF EMPLOYEES
- 2.5 USE OF TRIBAL PROPERTY FOR PERSONAL REASONS
- 2.6 IMPROPER USE OF TRIBAL FUNDS
- 2.7 DRUGS AND ALCOHOL
- 2.8 MULTIPLE POSITIONS

- 2.9 OUTSIDE EMPLOYMENT
- 2.10 RESTRICTION ON POLITICAL ACTIVITY

CHAPTER 3 – EMPLOYMENT POLICIES

- 3.1 NON-DISCRIMINATION POLICY
- 3.2 CROW & INDIAN PREFERENCE
- 3.3 SEXUAL HARASSMENT
- 3.4 UNLAWFUL ACTIONS
- 3.5 DRUG-FREE WORKPLACE POLICY
- 3.6 WORK HOURS
- 3.7 REST PERIODS AND BREAKS
- 3.8 PERSONAL PROPERTY
- 3.9 INTERNET & COMPUTER USAGE
- 3.10 E-MAIL
- 3.11 CHILDREN / FAMILY AT THE WORKPLACE
- 3.12 WHISTLEBLOWER POLICY
- 3.13 SUGGESTIONS

CHAPTER 4 – HIRING PROCESS & PERSONNEL RECORDS

- 4.1 JOB DESCRIPTIONS
- 4.2 JOB VACANCIES
- 4.3 JOB POSTING

- 4.4 OFFERS OF EMPLOYMENT
- 4.5 BACKGROUND CHECKS
- 4.6 PROCEDURE FOR NEW EMPLOYEES
- 4.7 CLASSES OF EMPLOYEES
- 4.8 PROBATION
- 4.9 TRANSFERS AND PROMOTIONS
- 4.10 EMPLOYEE ORIENTATION
- 4.11 SPECIAL ASSIGNMENTS
- 4.12 REDUCTIONS IN FORCE / LAYOFFS
- 4.13 PERSONNEL RECORDS
- 4.14 EMPLOYMENT RECORDS

CHAPTER 5 – EMPLOYEE PERFORMANCE

- 5.1 ATTENDANCE AND PUNCTUALITY
- 5.2 PERFORMANCE REVIEWS AND EVALUATIONS
- 5.3 PERFORMANCE IMPROVEMENT PLAN
- 5.4 CORRECTIVE ACTION
- 5.5 EMPLOYEE GRIEVANCE
- 5.6 TERMINATION OF EMPLOYMENT

CHAPTER 6 – COMPENSATION

- 6.1 GENERAL COMPENSATION POLICY
- 6.2 DISTRIBUTION OF WAGES

- 6.3 OVERTIME
- 6.4 EARLY RELEASE OF PAYROLL
- 6.5 TIME REPORTING / PAYROLL RECORDS

CHAPTER 7 – BENEFITS

- 7.1 ANNUAL LEAVE
- 7.2 SICK LEAVE
- 7.3 SHORT-TERM DISABILITY
- 7.4 FAMILY, MEDICAL, AND CULTURAL LEAVE
- 7.5 BEREAVEMENT LEAVE
- 7.6 MILITARY LEAVE
- 7.7 JURY OR WITNESS DUTY
- 7.8 VOTING LEAVE
- 7.9 ADMINISTRATIVE LEAVE & HOLIDAYS
- 7.10 LEAVE WITHOUT PAY
- 7.11 MANDATORY EMPLOYER/EMPLOYEE INSURANCE & BENEFITS

CHAPTER 8 – SAFETY

- 8.1 OVERVIEW
- 8.2 GENERAL HEALTH AND SAFETY RULES
- 8.3 IMPROPER HEALTH AND SAFETY PRACTICES
- 8.4 EMERGENCY EVACUATION PLANS AND RE-ENTRY
- 8.5 PERSONAL AND TRIBAL PROPERTY

8.6 PARKING

8.7 INJURY OR ILLNESS ON THE JOB

8.8 DRIVER SAFETY

8.9 LICENSED EQUIPMENT OPERATORS

8.10 LOSS / SUSPENSION / RESTRICTION OF DRIVER'S LICENSE

Chapter 1 – General Provisions
Effective: December 31, 2011
Revised:

CHAPTER 1 - GENERAL PROVISIONS

1.1 AUTHORITY; STATEMENT OF POLICY

The Executive Branch of the Crow Tribe has adopted these Personnel Policies and Procedures ("Personnel Policy") pursuant to its authority under Article IV, Section 3(b) of the 2001 Crow Constitution¹ in order to establish uniform employment practices for the Executive Branch of the Crow Tribe.

This Personnel Policy is the official employment policy of the Executive Branch of the Crow Tribe and supersedes all previous Executive Branch personnel policies and manuals as of its effective date.

This Personnel Policy applies to all employees of the Executive Branch of the Crow Tribe. Any reference to employees in this Personnel Policy include only employees of the Executive Branch of the Crow Tribe and any reference to Tribe means the Executive Branch of the Crow Tribe.

1.2 AT-WILL EMPLOYMENT

Employment with the Crow Tribe Executive Branch is at-will and voluntary. An employee of the Tribe is free to resign at any time, with or without cause. Similarly, the Tribe may terminate the employment relationship with an employee at will at any time, with or without cause. This standard policy is known as "at-will employment."

1.3 SOVEREIGN IMMUNITY

The Crow Tribe is a sovereign nation. One aspect of the Tribe's sovereign status is its immunity to private lawsuits. This means that no private legal action may be taken against the Tribe unless the Tribe consents to the action. Nothing contained in this Personnel Policy constitutes a waiver of the Tribe's sovereign immunity. However, the Tribe provides its employees due process through its internal grievance procedure, as provided in Chapter 5 of this Personnel Policy.

¹ Article IV, Section 3 of the 2001 Crow Constitution states: "The Executive Branch shall exercise the following powers and responsibilities herein provided . . . (b) administer and oversee all functions of the Executive Branch of the Crow Tribal Government including the hiring, firing, and staffing of all agencies, departments, and instrumentalities of the Executive Branch in accordance with established written policy."

1.4 TRIBAL JURISDICTION

In agreeing to work for the Crow Tribe, employees of the Tribe consent to the **exclusive** jurisdiction of the Crow Tribe, including the grievance process outlined in Chapter 5 of this Personnel Policy, and the Crow Tribal Court, for any and all disputes in connection with their employment with the Tribe. All employees, by their employment with the Tribe, also agree to the application of the Crow Law & Order Code, both substantive and procedural, regarding any and all proceedings and matters related to their employment relationship with the Tribe.

1.5 ADOPTION & REVISIONS TO PERSONNEL POLICY

As the official Personnel Policy for the Executive Branch of the Crow Nation, this Personnel Policy, and any subsequent additions and/or modifications, must be approved by the Chairman. Only the Chairman is authorized to approve the Personnel Policy and any subsequent modifications. The Chairman may receive recommendations regarding additions or modifications to the Personnel Policy from Executive Branch Officials, CEO, Personnel Director, Department Heads, and Program Directors. If the Chairman decides to modify the Personnel Policy, after consultation with the CEO and Personnel Director, the Personnel Director shall post notice of the change(s) and distribute the revision(s) of the Personnel Policy to all employees. At no time shall there be any addition and/or modification of the Personnel Policy that is inconsistent with the Crow Law & Order Code. If there is a conflict between this Personnel Policy and the Crow Law & Order Code, the Crow Law & Order Code will govern.

1.6 CHIEF EXECUTIVE OFFICER

The Chief Executive Officer (CEO) has the following responsibilities and duties:

- a. The CEO oversees the Personnel Department and Personnel Director.
- b. The CEO is designated to approve the hiring of personnel. His or her signature is required on the Personnel Action Form.
- c. The CEO may assist the Personnel Director with personnel complaints, comments or issues.
- d. The CEO must approve notices for position vacancies.

1.7 PERSONNEL DIRECTOR

The Personnel Director has the following responsibilities and duties:

- a. Implement and Enforce Personnel Policy. The Personnel Director is responsible for implementing, managing, and enforcing this Personnel Policy.
- b. Distribute Personnel Policy. The Personnel Director is responsible for maintaining copies of this Personnel Policy and distributing a copy to all current employees upon the effective date of this Policy and to all new employees hired after the effective date of this Policy. The Personnel Director is also responsible for posting and distributing any changes, additions, or modifications of this Policy to all employees.

1.8 EXECUTIVE BRANCH DEPARTMENTS & UNITS

Each department or unit of the Executive Branch may, in consultation with and the approval of the CEO, develop, implement, and revise as necessary, internal procedures and operating rules pertaining to the unique operational requirements of their department or unit for efficient and effective performance. Advance notice of internal departmental procedures shall be provided to all departmental employees and posted in public places to serve as notice to all Executive Branch employees.

Internal departmental procedures shall not conflict with this Personnel Policy. If a conflict arises between internal department procedures and this Personnel Policy, this Personnel Policy will govern.

Chapter 2 – Code of Ethics
Effective: December 31, 2011
Revised:

CHAPTER 2 - CODE OF ETHICS AND STANDARDS OF CONDUCT

2.1 CODE OF ETHICS

All Executive Branch employees are required conform to high standards of ethical conduct. Employees are judged not only by official actions and conduct, but also by personal activities that are work-related. The Tribe relies on its employees as representative of the Tribe, to properly conduct tribal business, to protect Tribal interests, and to meet the high ethical standards of public service.

The Code of Ethics applies to all full-time and part-time Executive Branch employees, including individuals who contract with the Tribe.

All employees share the responsibility for ensuring that high standards of ethical conduct are maintained within the Tribe. Employees are required to become familiar with the Code of Ethics and to exercise proper judgment to avoid misconduct and conflict of interest situations. Supervisors and department heads must become familiar with the Code of Ethics and provide advice and guidance about the Code of Ethics for all departmental employees.

The Code of Ethics requires that employees shall:

- a. Be courteous and helpful to members of the community and persons dealing with the Tribal administration.
- b. Dress in a manner appropriate to the position of employment.
- c. Observe job requirements and positions in a professional manner.
- d. Observe the proper chain of command and supervision within the Executive Branch of the Crow Tribe for all employment-related matters.
- e. Follow Tribal policies and procedures.
- f. Perform duties in compliance with all applicable laws and regulations.

2.2 PROFESSIONAL CONDUCT

All employees are expected to take personal responsibility for their actions, conduct themselves in an ethical manner, and maintain satisfactory job performance. Corrective action may be taken by the Tribe to maintain appropriate standards of professional conduct in the workplace. The following list of behaviors may involve corrective action. However, this list is not all-inclusive and corrective action may be taken for other types of misconduct not listed below.

- Failure to follow established procedures for requesting or reporting absences;
- Inappropriate handling or disclosure of confidential information or records to unauthorized individuals or businesses;
- Breach of confidentiality of personnel information;
- Pleading guilty or no contest or being convicted of a crime that is related to job performance or safety;
- Inappropriate, disruptive, discourteous, negligent or careless behavior at work that adversely affects the life or safety of co-workers or the public;
- Acts of physical violence at the workplace, including providing or participating in fighting or making threats;
- Performance of duties in an irresponsible, unsafe manner, or behavior that is not conducive to a safe and healthful work environment;
- Acts of discrimination or harassment;
- Unauthorized access, inappropriate use or abuse of the Tribe's equipment or property, such as, but not limited to: copiers, computers, internet access, e-mail, fax machines, and telephones;
- Neglect of duty or failure or refusal to perform job-related duties as assigned;
- Failure to follow the Personnel Policy;
- Violation of safety and security policies;
- Tape recording conversations without authorization;
- Failure to obtain or maintain, within a designated time, licensure or certification credentials that are necessary for a position;

- Unlawful manufacture, distribution, sale, possession or use of any controlled substance, illegal drugs or alcohol at the workplace;
- Misuse, defacement, or destruction of Tribal property;
- Falsification of forms, time and attendance records or other official records or documents, including employment, promotion, or transfer documents;
- Dishonesty, falsification or misrepresentation on one's application for employment or other work records; lying about sick or personal leave; falsifying or omitting any material information requested by the Tribe; unauthorized alteration of any of the Tribe's records or documents;
- Unauthorized possession, removal, destruction or use of property belonging to the Tribe;
- Unauthorized possession of firearms, weapons, explosives or dangerous materials on Tribal property;
- Misappropriation of departmental or Tribal funds;
- Accepting compensation for services performed during official work hours from any other source than the Tribal payroll.

2.3 COURTESY AND CONSIDERATION OF OTHERS

Employees of the Executive Branch must demonstrate courtesy, consideration, and promptness in dealing with the public while carrying out official responsibilities. Employees shall also be courteous in their day-to-day interactions with co-workers. Malicious gossip, hearsay, and lack of cooperation in the work environment are unacceptable behaviors.

2.4 HARASSMENT OF EMPLOYEES

Harassment, both overt and subtle, is a form of employee misconduct. Harassment is conduct that is demeaning to another person and undermines the integrity of the employment relationship by creating an unreasonably intimidating, hostile, and objectively offensive working environment. No employee shall be subject to retaliation or retribution for reporting harassment. Retaliation or retribution is strictly prohibited.

2.5 USE OF TRIBAL PROPERTY FOR PERSONAL REASONS

Employees have a duty to protect Tribal property and to obey all rules and regulations regarding its use. Employees may not directly or indirectly use or allow the use of Tribal property for other than work-related activities.

2.6 IMPROPER USE OF TRIBAL FUNDS

Employees are prohibited from any abuse or improper use of work-related travel, payroll, and other vouchers and documents relating to Tribal payments. Employees may not improperly take or fail to account for funds that are entrusted to an employee in his or her official capacity or misappropriate Tribal funds for personal use.

2.7 DRUGS AND ALCOHOL

The Tribe prohibits the possession, distribution, and use of alcoholic beverages, illegal drugs, and controlled substances on Tribal property and/or while on duty, including being in a Tribal vehicle.

The goal of the Executive Branch of the Crow Tribe is to maintain a drug-free workplace to protect the well-being and success of the Tribe and its employees.

2.8 MULTIPLE POSITIONS

Employees may maintain more than one position at the Tribe, but the hours worked will be limited to one full-time position (i.e. 40 hours per week).

2.9 OUTSIDE EMPLOYMENT

Employees may engage in outside employment, with or without compensation, only if it will not adversely affect the performance of their duties. Such work may include civic, charitable, religious, and community undertakings.

Employees shall not perform the following outside employment:

- Employment that tends to impair an employee's mental or physical capacity to competently perform his or her duties at work;
- Employment that creates a real or apparent conflict of interest;
- Employment that takes time and attention during work hours; or
- Employment for which an employee effectively receives double compensation from the Tribe and any other source for performing the same work.

2.10 RESTRICTION ON POLITICAL ACTIVITY

Employees have the right to vote and to express opinions on political subjects and candidates. However, employees are prohibited from actively campaigning during working hours or using official authority or influence to interfere with an election or affect its results.

Chapter 3 – Employment Policies

Effective: December 31, 2011

Revised:

**CHAPTER 3 -
EMPLOYMENT POLICIES**

3.1 NON-DISCRIMINATION POLICY

With the exception of Crow and Indian Preference in employment as set forth in Section 3.2, it will be a violation of this Personnel Policy to discriminate based on an individual's race, color, religion, national origin, sex, age, political affiliation or disability. Discrimination on the basis of any of these categories is prohibited unless it constitutes a bona fide occupational qualification that is reasonably necessary for the Tribe's business operations.

3.2 CROW & INDIAN PREFERENCE

The Executive Branch of the Crow Tribe exercises Crow Indian Preference and general Indian Preference. Crow Indian Preference is used to recruit, hire, recall and lay off tribally-funded employees of the Executive Branch and federally-funded employees in P.L. 93-638 programs administered by the Tribe. However, general Indian Preference shall be used for federally-funded positions in non-638 programs. Both Crow Indian Preference and general Indian Preference are used to distinguish among qualified candidates or applicants.

The Personnel Director is responsible for monitoring the preference policies. The Personnel Director shall, in consultation with the TERO Director, investigate any written inquiries of possible misapplication of the Crow Indian Preference or general Indian Preference policies. If the Personnel Director discovers a violation of the preference policies, the Personnel Director, in consultation with the TERO Director, shall take appropriate remedial action.

3.3 SEXUAL HARASSMENT

It is the policy of the Tribe to prohibit sexual harassment in the workplace.

a. Policy. Sexual harassment in the workplace is strictly prohibited and will be investigated for possible disciplinary action.

(1) No employee shall be subjected to unsolicited and/or unwelcome sexual overtures or conduct, either verbal or physical.

- (2) Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions that may include termination.
 - (3) No employee shall be subject to retaliation or retribution for reporting sexual harassment. Retaliation or retribution is strictly prohibited.
 - (4) An employee who believes that he or she has been subjected to unwelcome sexual conduct or that there is an objectively hostile work environment should report the situation to the Personnel Director.
- b. Prohibited Conduct. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes prohibited sexual harassment when one or more of the following criteria are met:
- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - (2) Submission to or rejection of such conduct by an individual is used as the basis for an employment decision.
 - (3) Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.
- c. Examples. Examples of prohibited conduct may include, but are not limited to:
- (1) Unwelcome sexually suggestive comments or sounds;
 - (2) Unwelcome sexual flirtation;
 - (3) Unwelcome touching;
 - (4) Unwelcome advances or propositions;
 - (5) Unwelcome jokes of a sexual nature;
 - (6) Unwelcome slurs and other verbal, graphic, or physical conduct relating to an individual's gender;
 - (7) A display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, or cartoons.
- d. Enforcement. Any employee who believes that he or she has been subjected to sexual harassment should report the alleged act immediately to the Personnel Director. The Personnel Director shall make every effort to ensure that complaints of sexual harassment are resolved promptly and effectively.

Any supervisor or employee who is found to have engaged in sexual harassment will be subject to appropriate disciplinary action depending on the circumstances, which may include termination.

3.4 UNLAWFUL ACTIONS

Employees are prohibited from participating in, planning, or otherwise assisting in any unlawful acts in connection with the performance of their duties.

3.5 DRUG-FREE WORKPLACE POLICY

- a. Purpose. The Crow Tribe has a vital interest in maintaining a safe, healthy, and efficient working environment for its employees. Drug and alcohol abuse is a problem of serious concern and one that affects all segments of the community, including the workplace. Such behavior poses risks to tribal employees and members of the public. Employees have the right to work in an alcohol and drug-free environment and the public has a right to be free from the harmful effects of alcohol and drug use in the provision of public services.
- b. Statement of Policy. The Executive Branch of the Crow Tribe is committed to ensuring a drug-free workplace and educating employees regarding the dangers of substance abuse. The Tribe is also committed to holding employees accountable for violations of this policy through appropriate discipline, up to and including termination. Employees who think they may have an alcohol or drug usage problem are urged to seek medical and other assistance.
- c. Scope. This drug-free workplace policy applies to all Executive Branch employees. In addition, those employees who are required to have a current commercial drivers license (CDL) as a condition of employment or who are in safety-sensitive positions are subject to the CDL and safety-sensitive provisions of this policy under subsection m. below.
- d. Prohibitions. The drug-free workplace policy prohibits the following:
 1. The unauthorized use, possession, manufacture, distribution, or sale of alcohol, illegal drugs, controlled substances or drug paraphernalia at the workplace or while on tribal business, in tribal vehicles, or during working hours.
 2. Storing any illegal drug, drug paraphernalia, or any controlled substance whose use is unauthorized, or any container of alcohol, in or on tribal property (including vehicles).

3. Reporting to work, or working, while under the influence of illegal drugs or alcohol.
 4. Failing to notify one's supervisor, before beginning work, that he or she is taking medications or drugs that may interfere with the safe and effective performance of his or her duties.
 5. Refusing to immediately submit to an alcohol and drug test when requested (by one's Supervisor, Department Head/Program Director, Personnel Director or CEO), in accordance with this policy.
 6. Failing to provide, by the next work day following a request, a valid prescription for any drug or medication identified when the results of a drug test are positive. If the employee is taking prescription drugs, the prescription must be in the employee's name.
 7. Refusing to submit to an inspection as described in subsection e. below when requested by one's supervisor, in accordance with this policy.
 8. Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled (i) as a condition of continued employment or (ii) pursuant to a written agreement between the Tribe and the employee.
 9. Violating any criminal drug or alcohol statute while working or testing positive on a drug test.
- e. Enforcement. Department heads and program directors shall be responsible for enforcing this policy. When there is a "reasonable suspicion" (see subsection f.) to believe that an employee's job performance is being impaired due to drugs or alcohol, the department head or program director may: (i) direct the employee to submit to a drug/alcohol test or (ii) search, with or without employee consent, all areas and property in which the Tribe maintains control or joint control with the employee.
- f. Reasonable Suspicion. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol such that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion: (1) Slurred speech; (2) Irregular or unusual speech patterns; (3) Impaired judgment; (4) Alcohol odor on breath; (5) Uncoordinated walking or movement; (6) Substantially unusual or irregular behavior such as hostility or aggressiveness; (7) Possession of alcohol or drugs.
- g. Impairment. The supervisor shall directly observe the employee's behavior and document in writing the facts constituting reasonable suspicion and complete an

incident report that is submitted to the Personnel Director. When circumstances permit, a second person shall also observe the employee to verify that there is a reasonable basis to believe that a drug or alcohol impairment may be present. If possible, the supervisor shall question the employee with regard to the situation. When a determination is made that an employee may be impaired because of drug or alcohol use, the employee shall be relieved of his/her duties and placed on paid leave status. The supervisor shall immediately notify the department head or program director. In the event that this person is not available, the supervisor shall contact the Personnel Director for review. Upon review, the department head, program director, or in his/her absence, the Personnel Director or CEO, may authorize the supervisor to require a drug test.

- h. Drug and Alcohol Testing. Any individuals subject to testing shall be permitted to provide urine samples in private, and in a rest room stall or similar enclosure so that the person is not observed while providing the sample. However, collection site personnel of the same gender as the individual tested may observe the individual provide the urine sample if the collection site personnel have reason to believe that the individual may alter or substitute the urine sample to be provided. Collection site personnel may have reason to believe that an individual may alter or substitute the sample to be provided under the following circumstances:
 - 1) There is reasonable suspicion to test the individual (as described in subsection f. above);
 - 2) The individual has previously been found by the Tribe to be an illegal drug user;
 - 3) The individual has previously tampered with a urine sample;
 - 4) The urine sample has a temperature outside the range of 90.5-99.8 degrees Fahrenheit; or
 - 5) The urine sample shows signs of contaminants.
- i. Evaluation of Drug Testing. When there is a confirmed presence of an illegal drug or alcohol, or in the case of legal drugs for which no reasonable explanation or proof is provided, the subject shall be deemed to have failed the test. Evidence to justify a positive result from a drug test may include: a valid prescription (in the individual's name) or verification from the individual's physician verifying a valid prescription. If an employee disputes the results of a drug test, he or she may elect to take another drug test as soon as practicable, at his or her expense.
- j. Discipline. As with any issue of employee misconduct, an appropriate investigation and assessment of circumstances needs to be made with guidance from the Personnel Director and the Legal Department. Advice from medical professionals may be sought. A decision to refer for substance abuse evaluation,

treatment and/or discipline may be made depending on the nature and severity of misconduct, the employee's work history, and other pertinent facts and circumstances. In certain situations, follow-up drug testing may be recommended and conducted to ensure the employee remains drug and alcohol free. Violations of the drug-free workplace policy may subject an employee to appropriate disciplinary action, including but not limited to: rehabilitation, counseling, probation, demotion, suspension, or termination.

- k. Confidentiality. Laboratory reports of positive test results shall not appear in an employee's general personnel folder. Information of this nature will be placed in a separate confidential medical folder that will be maintained by the Personnel Department. The positive reports or test results shall be disclosed to the Department Head or Program Director only on a need-to-know basis. Disclosures without patient consent, may also occur when: (1) the information is compelled by law or by judicial order; (2) the information has been placed at issue in a formal dispute between the Tribe and the employee; or (3) the information is needed by medical personnel for the diagnosis or treatment of the patient (employee) who is unable to authorize disclosure.
- l. Pre-Employment Testing. All new Tribal employees, including temporary employees, are required to pass a pre-employment drug and alcohol test prior to hire. The test will be administered after a conditional offer of employment has been made and prior to the start date. All prospective hires will be tested under the procedures contained in this policy. If there is a confirmed positive test, the Personnel Director shall notify the Department Head or Program Director and the applicant shall be removed from eligibility for hire for a period of at least thirty (30) days.
- m. CDL and Safety-Sensitive Positions. Individuals who are required to maintain a current commercial driver's license (CDL) as a condition of employment or who are in safety-sensitive positions (e.g. Head Start employees, transportation employees, etc.), shall be subject to random drug testing. These employees can be required to submit to drug and alcohol testing even if there is no "reasonable suspicion" (as defined in subsection f. above) that they are under the influence of alcohol or drugs.

3.6 WORK HOURS

The standard work week is forty (40) hours Monday through Friday. Standard work hours are from 8:00 a.m. to 5:00 p.m., with one hour off for lunch. Supervisors may recommend adjusting the work schedule of an employee to the Department Head or Program Director to improve effectiveness and efficiency. Preferably, seven (7) days advance notice for any such change in work schedule should be provided to employees affected by a change in work schedule; however, advance notice is not required.

3.7 REST PERIODS AND BREAKS

In the interest of employee health and work efficiency, rest periods may be provided for purposes of rest, relaxation, refreshment and attention to personal needs. An employee may take a ten (10) to fifteen (15) minute break during each four (4) hour work period, provided that there is adequate coverage of the work area and services are maintained. Rest periods are considered working time, and employees will be paid for rest periods.

3.8 PERSONAL PROPERTY

Personal belongings brought to work are the employee's responsibility. An employee's personal belongings should be secured at all time. The Tribe cannot be held responsible for the loss or theft of employees' personal belongings. The Tribe is not responsible, nor will it reimburse an employee for lost, damaged or stolen personal property. If an employee discovers their personal property missing or damaged, he/she should report it to his/her supervisor immediately.

3.9 INTERNET & COMPUTER USAGE

This Internet and e-mail policy applies to all employees when they are using computers or Internet connections supplied by the Tribe. The Tribe expects that use of the Internet and e-mail at work to be conducted for work-related purposes during work hours.

- a. Privacy. The Tribe provides computers and Internet connections to enable employees to carry out the Tribe's governmental functions. The Tribe reserves the right to monitor and audit the operation of this system, to access and periodically review any and all of the records within it and to retain or dispose of records as it deems necessary. Employees should have **no** expectation of privacy and should expect that the system will be inspected and monitored. Any information retained by the Tribe may be disclosed to outside parties or law enforcement authorities.
- b. Internet & Computer Guidelines.
 - User IDs and passwords help maintain individual accountability for Internet usage. Employees with user IDs and passwords must keep that information confidential. Additional information on creating passwords and password security is available to employees from the Information Technology ("IT") Department.
 - The Tribe may monitor and record all Internet usage, including World Wide Web site visits, newsgroups, e-mail messages, and file transfers.

- Employees may use the Internet for non-business research, browsing, or communication during lunch or other breaks, or outside work hours, provided that all Internet usage policies are observed.
- Employees are prohibited from downloading software onto Tribal computers without authorization from the IT Department.
- Employees are prohibited from using the Tribe's Internet and computer resources to deliberately propagate any virus, worm, Trojan horse, or trap-door program code.
- Participation in Internet chat groups is prohibited during work hours.
- The Tribe reserves the right to inspect any and all files stored on the Tribal network in order to monitor compliance with these guidelines.
- The display of any kind of sexually explicit image or document on a Tribal computer is considered a violation of the Tribe's sexual harassment policy. Sexually explicit material may not be archived, stored, distributed, edited or recorded on the Tribe's network or using Tribal computers.
- The Tribe's Internet and computer resources may not be used to knowingly violate the laws of the Crow Tribe, the United States, any other nation, state, city or local jurisdiction. The use of tribal Internet or computer resources for illegal activity may be grounds for termination.
- The Tribe may comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, and archives regarding employees' Internet activities.
- Any violations of these Internet and computer guidelines may result in corrective action, including loss of computer and/or network privileges.

3.10 E-MAIL

The Tribe provides electronic mail ("e-mail") to employees as a privilege of employment for communication related to work for the tribal government. Incidental personal usage is permitted, provided that such use does not interfere with tribal operations or negatively impact an employee's job performance.

a. E-mail Guidelines.

- Employees may not use their tribal e-mail for commercial purposes, personal financial gain, to distribute chain mail, or to support organizations unrelated to the Tribe. Employees who wish to use tribal e-mail in support

of external organizations must obtain written or e-mail approval from the employee's supervisor or Department head. Such use will ordinarily be approved only when it furthers the Tribe's mission and goals.

- Employees are prohibited from sending or forwarding e-mail messages containing libelous, defamatory, offensive, or obscene remarks. Employees who receive an e-mail of this nature should notify their supervisor.
- The Tribe supports a climate of trust and respect and does not ordinarily read, monitor, or screen employees' e-mail. However, confidentiality of e-mail cannot be guaranteed due to the nature of the medium and the need for authorized staff to maintain e-mail systems. The Chairman, or his designee, may authorize access to employee e-mail in a variety of circumstances, including, but not limited to: situations involving the health or safety of people or property; possible violations of the Crow Law & Order Code, regulations or policies; possible violations of state or federal law; subpoenas and court orders; other legal responsibilities or obligations of the Tribe; or the need to locate information required for tribal business.
- The Tribe uses e-mail for both formal and informal communication with staff. The Tribe expects employees with e-mail access to regularly check their e-mail accounts for tribal communications.
- Due to the limited amount of storage space, the Tribe strongly encourages employees to regularly delete e-mail that has been read and to empty their deleted items folder. This is especially important for large e-mails, such as those with attachments.
- Tribal e-mail accounts are the property of the Tribe. If an employee is laid off or terminated, the Tribe may disable the employee's tribal e-mail account.
- E-mail use that violates the rights of others, laws, or tribal policies or regulations may subject an employee to corrective action, including termination of e-mail account privileges, disciplinary action and/or legal action.

3.11 CHILDREN / FAMILY AT THE WORKPLACE

In general, employees may not bring or permit their children or other family members to stay at the workplace due to issues of safety and productivity. However, in emergency situations, children may be temporarily permitted at the workplace, with permission from an employee's supervisor, Department Head or Program Director, in order to find alternate childcare. Annual leave may be taken if an employee must leave work due to the inability to find childcare.

3.12 WHISTLEBLOWER POLICY

A whistleblower, as defined by this Personnel Policy, is an employee of the Tribe who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures – appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal or tribal laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of illegal or dishonest, fraudulent activity, the employee is to contact the Personnel Director. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas: confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. The Tribe will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action, such as termination, compensation decreases, poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Personnel Director immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities should be promptly submitted by the Personnel Director to the CEO, who is responsible for investigating and coordinating corrective action.

Employees with any questions regarding this policy should contact the Personnel Director or the CEO.

3.13 SUGGESTIONS

Employees are encouraged to make suggestions or offer ideas that would be beneficial for the Tribe. The Tribe welcomes suggestions that may improve methods, procedures, working conditions, reduce costs or errors, and benefit employees.

Employees may submit ideas in writing and place them in the suggestion box, which is located outside the Personnel Department. Upon submission, all suggestions become

the exclusive property of the Tribe. All employees may provide suggestions; however, the Tribe will decide whether to implement any changes to existing practices.

Chapter 4 – Hiring Process & Personnel Records

Effective: December 31, 2011

Revised:

CHAPTER 4 - HIRING PROCESS & PERSONNEL RECORDS

4.1 JOB DESCRIPTIONS

A job description is a document that provides the nature, scope, requirements, and responsibilities of a specific job within the tribal government. Job descriptions are used for training and development, annual performance reviews, promotions, recruiting, and hiring. Department Heads and Program Directors, in conjunction with the Personnel Director, will draft job descriptions. The CEO will review job descriptions submitted by the Personnel Director.

4.2 JOB VACANCIES

A job description is required for every position advertised. If a position description is not available, one must be drafted pursuant to Section 4.1 above.

Department Heads and Program Directors are responsible for submitting a Personnel Request Form to the Personnel Director in order to fill an open position. If the Personnel Request Form is approved by the Personnel Director, CEO, and Finance Director, the open position may be advertised.

The Personnel Director shall maintain an updated list of current open positions with the Tribe. The Tribe shall follow Crow Preference and general Indian Preference pursuant to Chapter 3, Section 3.2 of the Personnel Policy for hiring.

Employees who are required to have licenses or other certification requirements for an advertised position must present proof of the licenses or verifications to the Personnel Director at the time of application.

The Tribal Chairman also reserves the right to appoint, promote, or reassign positions for the purpose of internal restructuring or other business needs. All positions that are not filled by transfer, appointment, promotion or reassignment will be posted.

4.3 JOB POSTING

Job opportunities will be posted by the Personnel Department on the Tribe's bulletin boards and other public places. Positions will be posted for a minimum of three (3) days.

Current tribal employees who wish to apply for an open position should complete a Request for Transfer Form and submit it to the Personnel Department for consideration along with any other applicants for the position.

4.4 OFFERS OF EMPLOYMENT

An applicant who completes the Employment Application Form and completes and/or passes any related interviews, screening, or testing may be considered for an open position. Department Heads or Program Directors shall make a recommendation regarding the selection of an applicant for an open position. After selection of an applicant, the Personnel Director initiates processing of a Personnel Action Form ("PAF"). The PAF must be approved and signed by the Personnel Director, CEO, and Finance Director and contain the following information:

- Employee's Name
- Department or Program and Job Description
- Salary or Wage Rate
- Effective Date
- Fund, Department, and General Ledger Line Item Coding

The original PAF is filed in the Personnel Department and a copy is submitted to the Payroll Department.

4.5 BACKGROUND CHECKS

Applicants who are made an offer of employment with the Tribe, for any position, may be subject to background checks. The following background checks may be conducted:

- Criminal Record Search
- Motor Vehicle Report Search
- Social Security Track Search
- Employment Verification Search

Depending on the position, a more extensive background check may be performed to include the following:

- Military Record Search

- Credit History
- Education/Degree Confirmation
- Professional License Check
- Personal References
- Professional References
- Sex Offender Registry Check

In addition to the above-referenced background checks, the Indian Child Protection and Family Violence Prevention Act (P.L. 101-630) requires background investigations to be conducted of each individual who is employed, or is being considered for employment, in any position that involves regular contact with, or control over, any Indian children, and to satisfy minimum standards of character for such positions in accordance with Federal law. This policy shall also include an individual who is employed, or is being considered for employment, in any position that involves regular contact with, or control over, any elders.

Unless required by law, background checks do not have to be shared with a prospective employee. Only authorized individuals, including the Personnel Director and the CEO, may initiate or receive information relating to a background check. Information gained from any background checks will be shared only on a need-to-know basis.

4.6 PROCEDURE FOR NEW EMPLOYEES

Once an individual has received and accepted an offer of employment, he or she must complete the following required paperwork, obtained from the Personnel Department:

- a. Employment Eligibility Documents. The Tribe requires that each new person hired in any employment category completes an I-9 (Employment Eligibility Verification) form attesting that he/she is either a U.S. citizen, permanent resident, or foreign national who has permission to work in the U.S. If a new employee is unable to provide the necessary documentation within three (3) business days from the date of hire, he/she must provide proof that an application has been made for the required documents.
- b. Tax Forms. Each new employee should complete the appropriate tax withholding certificates (e.g. W-4 form).
- c. Designation of Beneficiary Form. Each new employee shall complete a Designation of Beneficiary Form. The Designation of Beneficiary Form designates the individual(s) who will receive any unpaid compensation due and payable to an employee in the event of his her passing while employed by the Tribe.

- d. Job Description. Each new employee must sign a copy of the job description for the job which he/she has been hired, which will be filed in his/her personnel file.
- e. Personnel Policy Receipt. Each new employee must sign the acknowledgement form verifying receipt and acceptance of the Crow Tribe Executive Branch Personnel Policies and Procedures.

4.7 CLASSES OF EMPLOYEES

- a. Permanent Full-Time Employee.

A permanent full-time employee is an employee who works a full-time work week of forty (40) hours and whose position is not considered temporary in nature.

- b. Permanent Part-Time Employee.

A permanent part-time employee is an employee who works less than forty (40) hours per week, but at least ten (10) hours per week, and whose position is not considered temporary in nature.

- c. Temporary Full-Time Employee.

A temporary full-time employee is an employee who works a full-time work week of forty (40) hours and whose position is considered to be of a temporary nature according to the terms of the employment agreement or funding agency award, or has a duration of less than twelve (12) months.

- d. Temporary Part-Time Employee.

A temporary part-time employee is an employee who works less than a forty (40) hour work week and whose position is of a temporary nature according to the terms of the employment agreement or funding agency award, or has a duration of less than twelve (12) months.

4.8 PROBATION

All new permanent full-time and part-time employees shall be subject to a three (3) month probationary period. Transferred employees are subject to a thirty (30) day probationary period. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance. The Tribe uses this period to evaluate employee knowledge, skills, capabilities, work habits, and overall performance. If the Tribe determines that the probationary period has not allowed sufficient time to thoroughly evaluate an employee's performance, the probationary period may be extended, with notice provided to the employee.

A probationary employee may be terminated at any time during the probationary period if the quality of his or her work is judged insufficient to merit continuation in the position or when insufficient work is available to warrant the additional employee. A probationary employee shall not be eligible for payment for any accrued annual leave upon separation.

4.9 TRANSFERS AND PROMOTIONS

- a. In General. The Tribe encourages employees to apply for higher-level positions and transfers for which they qualify in order to promote their career advancement. The Tribe is committed to the professional development of its employees and will make an effort to fill vacant positions with qualified employees. Transfers and promotions are based upon an employee's knowledge, training, skills, and demonstrated ability.
- b. Transfer & Promotion Procedures.
 - i. Position vacancies shall be advertised the same as any new open position, unless sub-section vi. below applies.
 - ii. Current employees within the particular program and Tribal structure shall be given the opportunity to apply for positions which are at a higher level of responsibility and/or compensation.
 - iii. Promotions are to be based upon evaluation for past performance and the qualifications or capacity to perform duties in the position to be filled.
 - iv. No employee shall be required to accept a promotion to a position of greater responsibility.
 - v. When a position becomes vacant, the Tribal Chairman may temporarily appoint an existing staff person to the position in the interest of ensuring program activities are continued until the position is permanently filled. Such temporary appointments shall be for a specific period, not to exceed one hundred eighty (180) calendar days.
 - vi. The Tribal Chairman reserves the right to appoint, promote, or reassign positions for the purpose of internal restructuring or other business needs. All positions that are not filled by appointment, promotion or reassignment will be posted.

4.10 EMPLOYEE ORIENTATION

The employee's direct supervisor shall be responsible for providing employee orientation. Items of discussion and clarification to be included in the orientation include the following:

1. Overview of the Tribal organizational structure and functions;
2. A copy of the position description and review of the position's duties and responsibilities, working hours, and other requirements.
3. A copy of the Personnel Policy;
4. Explanation of the probationary period;
5. Introduction to co-workers; and
6. Explanation of the mission, goals, and objectives of the department; and any other information necessary to orient the new employee.

During orientation, employees should be given the opportunity to ask questions about any information contained in the Personnel Policy.

4.11 SPECIAL ASSIGNMENTS

The Tribal Chairman may in special circumstances assign an employee to perform tasks to complete one assignment to the exclusion of other normally assigned responsibilities. Special assignments shall be of a temporary nature, not to exceed ninety (90) days. A special assignment does not involve a change in employee status and does not require a Personnel Action Form, except when an adjustment in pay is required due to duties being significantly higher than the employee's regular position.

4.12 REDUCTIONS IN FORCE / LAYOFFS

On occasion, the Tribe may be forced to reduce staff. Some business reasons for this may include economic circumstances, consolidation of facilities, restructuring of operations, funding, budgets, combining departments or functions, and streamlining or eliminating departments, functions or jobs. The Tribe strives to handle these matters in a systematic and consistent manner.

Affected employees are encouraged to seek other positions with the Tribe, if available. In some cases, the Tribe may be able to transfer an employee whose position is being eliminated into another area.

The Personnel Department recommends that a Department Head provide employees with seven (7) days advance notice, if possible, prior to layoff or elimination of a position. In addition, all unused annual leave up the maximum amount allowed (but not sick leave) will be paid to the employee, minus any offsets or monies owed to the Tribe.

4.13 PERSONNEL RECORDS

Personnel files are the property of the Tribe and shall be housed in the Personnel Department to ensure that all employment information on employees is maintained in a prescribed, safe, and secure manner. The Tribe maintains a comprehensive, confidential central file of information on all employees. These files contain documents regarding all aspects of the employee's service with the Tribe.

Employee files are maintained by the Personnel Department and are considered confidential. Department heads and supervisors may have access to personnel file information on a need-to-know basis. Personnel files must be viewed in the Personnel Department and in the presence of the Personnel Director or his/her representative.

Representatives of government or law enforcement agencies, in the course of their business, may be allowed access to personnel file information. This decision will be made at the discretion of the Personnel Director, under the direction of the CEO, in response to a request, legal subpoena, or court order.

Current employees may request to view their files and will be permitted to do so within three (3) days of the request, in the presence of the Personnel Director or his/her representative.

The Personnel Department will maintain the official personnel files on employees; however, department heads and supervisors may maintain a department file as well. Materials contained in this file may include employment and attendance records and performance-tracking information. No personal identity information will be maintained in these files. Corrective action documentation is not considered official unless the original copy of the action is placed in the official personnel file in the Personnel Department.

Personnel records of former employees may be maintained in an inactive file for three (3) years after separation of employment. Access to those files shall be controlled by the same policies governing active employees.

4.14 EMPLOYMENT RECORDS

The Tribe is required to keep accurate, up-to-date employment records on all employees to ensure compliance with tribal and federal regulations and to make certain that important mailings reach all employees. The Tribe considers the information in employment records confidential.

Employees must inform the Tribe of any pertinent updates to their employment files and/or payroll files, such as a change of name, address, telephone number, emergency contact, or military status. Employees should also inform the Personnel Department of any outside training, professional certifications, education or any other change in status.

The Tribe will only verify dates of employment and job titles to outside entities inquiring by telephone. No other information will be given out about an employee without written authorization from the employee, except as is required to comply with tribal and federal law.

Chapter 5 – Employee Performance
Effective: December 31, 2011
Revised:

CHAPTER 5 - EMPLOYEE PERFORMANCE

5.1 ATTENDANCE AND PUNCTUALITY

Because the Tribe heavily depends on its employees, it is important that employees arrive at work as scheduled. Attendance, punctuality, dependability and commitment are essential. As such, employees are expected to work on all scheduled work days and during all scheduled work hours.

The Tribe recognizes the need for employees to be absent from work due to illness or the need to take care of personal business during the normal work day. The Tribe provides sick leave and annual leave to address these needs as they arise.

Employees who are going to be absent, tardy or leave early from work are responsible for notifying their supervisor as soon as possible, regardless of whether they have sufficient sick or annual leave to cover the absence. Employees who are absent and fail to notify their supervisors may be subject to corrective action.

Reliable and consistent attendance is required of all employees. Most departments have a specific time by which employees are required to notify the supervisor of an absence and/or tardiness prior to reporting to work. It is the employee's responsibility to know and understand his/her department's call-in procedure. Supervisors and/or department heads are responsible for implementing these procedures and approving time off. Failure to comply with established departmental attendance guidelines may result in corrective action. If departments do not have a call-in procedure, an employee should contact his/her supervisor or department head within the first thirty (30) minutes of the scheduled work period or earlier, if possible.

5.2 PERFORMANCE REVIEWS AND EVALUATIONS

Through the performance review and evaluation process, employees can receive a constructive work review designed to address performance and skill development. Department Heads and Directors are encouraged to assess employees at the end of the three (3) month probationary period. Afterwards, Department Heads and Directors are encouraged to complete an annual performance review for all employees in their department.

The performance review and evaluation process is an opportunity for the employee and

supervisor to mutually identify, discuss and document the employee's accomplishments and job performance. In addition, the review process helps the employee establish goals to improve future performance and understand the expectations set by the supervisor, which may include:

- Development of a detailed performance improvement plan to correct identified deficiencies within a specified time;
- Placement on a performance improvement plan during which the employee's performance will be closely monitored and evaluated; and
- Reclassification or transfer, where appropriate.

In the case where an employee's performance is unsatisfactory, the supervisor and/or department head may consult with the Personnel Director regarding the method(s) chosen to address unacceptable performance.

The written report of an employee's performance review and evaluation shall be placed in the employee's personnel file.

5.3 PERFORMANCE IMPROVEMENT PLAN

Open communication between the Tribe and its employees and the establishment of a comfortable work environment assists in correcting deficiencies and eliminating serious disciplinary problems. If discipline problems arise, the Tribe may initiate a process in which the employee is notified of the specific rule, policy or performance expectation that is being addressed and the employee is given an opportunity to correct the problem. A performance improvement plan may be implemented to encourage and direct employees to correct problematic issues demonstrated in the workplace.

The supervisor or department head should ask the employee to sign the performance improvement plan, indicating that he/she has read and understands the plan. If an employee refuses to sign the plan, the Personnel Director or his/her representative must sign as a witness in the employee's presence verifying the employee's refusal to sign next to the employee's signature line. A copy of all performance improvement plans must be forwarded by supervisors and department heads to the Personnel Department to be filed in an employee's personnel file.

The purpose of this policy is to provide for employee guidance and corrective action. This policy is not intended to cover each and every policy or rule violation and is not intended to grant to an employee any contractual rights. Application of these guidelines should, as far as possible, be consistent to ensure that all employees receive similar treatment for similar offenses.

a. Positive Discipline

Positive Discipline means that the supervisor or department head shall guide an

employee and aide him/her to achieve and maintain the status of being a competent employee through the use of a performance improvement plan.

The issues listed below are not intended to be all-inclusive and are used only as examples of situations in which a performance improvement plan may be utilized. The following examples of conduct may also result in corrective action, ranging from a verbal or written warning to immediate discharge, depending on the seriousness of the incident and the history and extent of prior offenses.

- Tardiness or absenteeism
- Interfering or refusing to cooperate with security personnel in the performance of their duties
- Any negligent or careless act that results or might have resulted in property damage or personal injury to him/herself or others
- Wasting time, material and/or supplies
- Contributing to unsanitary conditions or poor housekeeping
- Failure to properly and specifically document situations when it is required or professionally responsible to do so
- Marginal or poor job performance due to attitude or lack of interest
- Failure to work effectively and/or in harmony with supervisors and/or co-workers
- Smoking in areas where smoking is prohibited
- Failure to follow the Tribe's job instructions, verbal or written
- Vending, soliciting or collecting contributions for any purpose during work time in work areas, unless authorized by the administration
- Leaving work prior to the completion of a shift without supervisor or department head approval
- Failure to report to work without notifying supervisor or department head
- Disorderly conduct
- Reporting for work under the influence of alcohol or drugs
- Insubordination
- Actions that have the effect of reducing or restricting productivity
- Disregard for tribal policies
- Noncompliance with grant or contract program standards outlined in funding agreements

Department Heads and Supervisors who:

- Fail to adequately instruct subordinates regarding obligations
- Fail to detect violations and/or noncompliance with applicable policies and legal requirements that with reasonable diligence should have been discovered
- Fail to take corrective action upon discovery of violations

5.4 CORRECTIVE ACTION

When it becomes necessary to address an employee's actions in the workplace, corrective action may be taken. Depending on the nature and seriousness of an employee's actions, corrective action may begin at any step in the Corrective Action Process. In other words, serious infractions may result in immediate termination without any verbal or written warnings. The purpose of this process is to ensure that an employee is informed of what behavior needs to be corrected and what measures the employee must take to correct unacceptable behavior and to give the employee an adequate opportunity to correct the situation. In the corrective action process, a performance improvement plan may also be utilized. All completed forms must be forwarded to the Personnel Department to be filed in the appropriate employee personnel file.

The supervisor or department head must ask employees to sign all corrective action documents, indicating that they read and understood the document. If an employee refuses to sign the document, the Personnel Director or his/her representative must sign as a witness, next to the employee's signature line, in the employee's presence, verifying the employee's refusal to sign.

The following illustrates the Corrective Action Process that may be taken to address an employee's behavior in the workplace:

a. Step 1: Verbal Warning

An employee's immediate supervisor shall meet with the employee and inform him/her of the specific behavior that is unacceptable. The supervisor will identify the behavior and set a time by which the situation must be rectified. A written record of this verbal warning should be forwarded to the Personnel Department to be placed in the employee's personnel file.

b. Step 2: First Written Notice

The same procedure as in Step 1 is followed, in which an employee's supervisor will meet with the employee and inform him/her of the behavior that is unacceptable and set a time when the situation must be rectified. In addition, the supervisor will ask the employee to sign a written record indicating that he/she has read the First Written Notice. This step shall also include utilizing a performance improvement plan in addition to the written notice. All documents shall be placed in the employee' personnel file in the Personnel Department.

c. Step 3: Final Written Notice

The Final Written Notice follows and includes all of the provisions in Step 2. In addition, the Final Written Notice, which is signed by the employee, must specify

to the employee that the consequences for failing to remedy the behavior may be demotion, suspension or termination of employment.

d. Step 4: Suspension

Employees may be placed on suspension when they commit serious acts, but not so severe as to warrant immediate termination. Discretion should be used in applying suspension as a management tool.

Suspension may occur at any time during the Corrective Action Process. A supervisor or department head may, with the approval of the Personnel Director and CEO, place an employee on suspension with or without pay for no longer than fifteen (15) business days.

e. Step 5: Termination

An employee who does not correct his/her behavior after three warnings (one verbal, two written) may be terminated if the behavior continues. All documentation may be considered to establish an overall conduct record.

On certain occasions, an employee may be terminated for a single occurrence of behavior or violation of policy without having been previously warned. Such action may be justified if the offense is so severe to make a warning unnecessary, such that any employee would normally know that such behavior is unacceptable. In these cases, supervisors should suspend the employee pending a complete investigation of the situation before termination. Any proposed terminations must first be reviewed by the Personnel Director and CEO before the termination takes place.

In cases where a supervisor believes that an employee should be terminated immediately, the supervisor should:

- (1) Advise the employee that he/she is immediately suspended;
- (2) Request that the employee immediately leave the premises;
- (3) Inform the Personnel Director and CEO of the circumstances with a recommendation for termination; and
- (4) Meet with the employee to advise him/her of his/her employment status after suspension.

f. Other Corrective Action. Other corrective action may be taken depending on the facts and circumstances, including, but not limited to: demotion, reduction in pay, or reassignment.

g. Possible Immediate Termination

The list below provides examples of conduct that may subject an employee to immediate termination. This list is not intended to be all-inclusive, but is illustrative of employee conduct that could result in immediate termination.

- Actions that put in danger the safety of him/herself or others
- Unauthorized use or possession, within the Tribe's facilities or on its grounds, of narcotics, drugs, alcohol or substances that alter one's mental and/or physical condition so as to impair or impede normal function
- Unauthorized possession of firearms, knives, or explosives on the work premises
- Any willful act that is injurious to the Tribe or its reputation
- Physical or verbal abuse toward any patron, visitor or fellow employee
- Violation of the harassment and/or discrimination policies

Employees who disagree or are dissatisfied with the Corrective Action Process have the right to appeal any corrective action through the Tribe's Employee Grievance Process under Section 5.5 below.

5.5 EMPLOYEE GRIEVANCE

A grievance is a formal complaint lodged by an employee. Any employee who has been suspended, reduced in pay, demoted, dismissed, or has an unresolved complaint (e.g. allegation of discrimination or harassment), shall have the right of appeal through the Grievance Process. Grievance forms are available from the Personnel Department. Notice of the appeal must be filed no later than five (5) business days after the effective date of the corrective action or the last action on an unresolved complaint. The employee's notice of appeal must be in writing and set forth the reason why the corrective action is thought to be improper or why the unresolved complaint requires review through the grievance process. The Personnel Director will promptly review and equitably address grievances of individual employees or groups of employees that have been submitted through the process. The Personnel Director shall furnish the department head and the CEO with a notice of the grievance in advance of the hearing through the grievance process.

Only permanent employees have the right to appeal corrective action. Employees who have not successfully completed their probationary period do not have access to the grievance process.

Whenever possible, employees and supervisors are encouraged to resolve potential grievance issues on an informal and mutually cooperative basis.

Until a grievance has been settled, all parties shall refrain from discussing the grievance

outside the formal proceedings of the grievance process.

A decision becomes binding on all parties whenever an employee fails to file a timely appeal or when a decision is made in the third step of the grievance process, which is detailed below.

If the Personnel Director or CEO has a conflict with respect to a particular grievance (e.g. if the aggrieved employee is a family member), an alternate representative will be appointed.

The Grievance Procedure for employees is as follows:

a. Step One

A written grievance statement must be presented by an employee to his/her supervisor within five (5) business days of the effective date of the corrective action at issue or the last action on an unresolved complaint. The employee must provide a copy to the Personnel Director. If the grievance involves the employee's immediate supervisor, the employee may directly proceed to Step Two.

Within five (5) business days of the presentation of the written grievance statement, the immediate supervisor shall meet with the employee to discuss the grievance. Within five (5) business days of this meeting, the supervisor shall return in writing his/her decision for the disposition of the grievance.

If an employee is not satisfied with the disposition, the employee may present the grievance to the Department Head or the person who is next in the chain of command within five (5) business days. This will initiate the second step of the process.

If the supervisor fails to hold the grievance meeting and/or to return a written decision on the disposition of the grievance within the specified time limits, the employee may submit the grievance to the Department Head or the person who is next in the chain of command, thus initiating Step Two of the grievance process. Presentation of the written grievance to the Department Head or the person who is next in the chain of command must occur within five (5) business days after the date the written decision was, or should have been, presented to the aggrieved employee.

b. Step Two

In this step, the employee must present the written grievance statement to the Department Head or the person who is next in the chain of command.

Within five (5) business days of the presentation of the written grievance statement,

the Department Head or the person who is next in the chain of command will meet with the grievant to discuss the grievance. Within five (5) business days of this meeting, the Department Head or person who is next in the chain of command shall return in writing the decision for the disposition of the grievance.

If an employee is not satisfied with the disposition of the grievance in Step Two, the employee may present the grievance to the Personnel Director and CEO within five (5) business days. This will initiate the third step of the process.

If the Department Head or the person who is next in the chain of command fails to hold the grievance meeting and/or to return a written decision on the disposition of the grievance within the specified time limits, the employee may submit the grievance to the Personnel Director and CEO, thus initiating Step Three of the grievance process. Presentation of the written grievance to the Personnel Director and CEO must occur within five (5) business days after the date the written decision was, or should have been, presented to the aggrieved employee.

c. Step Three

In Step Three, the employee must present the written grievance to the Personnel Director and CEO. The grievance shall be scheduled to be reviewed with the Personnel Director and CEO.

Both the grievant and the involved management personnel shall be given an opportunity to present any additional information and written statements to the Personnel Director and CEO. The Personnel Director and CEO may request an additional meeting or hearing, hear witnesses, or take any other action that is appropriate to resolve the grievance.

The Personnel Director and CEO shall render a written decision within two (2) weeks of the final meeting or hearing on the grievance. This decision is final in the Tribe's internal grievance procedure.

No portion of the grievance process shall be construed to allow for the hearing of a grievance by the elected officials or other individuals. Furthermore, the grievance process shall not be construed to allow for a hearing of a grievance about the elected officials or individuals who are not employees of the Tribe. All grievances are restricted and limited to the three-step process set forth above.

5.6 TERMINATION OF EMPLOYMENT

a. Types of Termination

The following list represents different types of termination of employment:

- A permanent separation of employment initiated by the Tribe without cause
- A permanent separation of employment initiated by the Tribe due to unsatisfactory job performance
- A permanent separation of employment initiated by the Tribe due to misconduct or disciplinary reasons
- A voluntary, permanent separation of employment initiated by an employee
- A temporary separation of employment initiated by the Tribe due to economic reasons or business conditions
- A permanent separation of employment initiated by the Tribe due to economic reasons or business conditions
- A separation of employment due to an employee's death or mental or physical disability

b. Termination Procedures

When termination of employment is initiated by the Tribe, the Tribe will provide the terminated employee with at least one (1) week advance notice in writing, unless extenuating circumstances prevent a full one-week notice. If an employee terminates employment with the Tribe, the employee shall provide the Tribe at least one (1) week advance notice in writing. It is expected that a terminated employee will be available to work during the one (1) week notice period. A terminated employee's last day physically at work is considered his/her last day of employment with the Tribe.

Prior to the last day of employment with the Tribe, the terminated employee should provide the Personnel Department with a forwarding address and contact information and participate in an exit interview with the Personnel Director, if requested. The Personnel Director shall provide the employee a separation of employment form, and the employee must complete the separation of employment form and all requirements before the final paycheck will be issued.

Terminated employees are required to surrender all tribal property in their possession (e.g. keys, computer equipment, etc.) on or before the last day of employment.

The Tribal Payroll Office shall deduct any amounts owed to the Tribe by a terminated employee from the terminated employee's final paycheck, including, but not limited to the following:

- any outstanding travel advances and reconciliations;
- the value of any missing or damaged tribally-owned equipment that was in the employee's possession;
- outstanding credit loan balances up to 50% of the remaining net paycheck balance after all other deductions

Chapter 6 – Compensation
Effective: December 31, 2011
Revised:

CHAPTER 6 - COMPENSATION

6.1 GENERAL COMPENSATION POLICY

In establishing its compensation program, the Tribe strives to:

- Attract and retain competent employees; and
- Maintain internal equity among employees based on similar education, skills and responsibilities.

The procedure for establishing pay scales involves, but is not limited to, the following:

- Evaluating each job objectively;
- Establishing a salary range for each job, taking into account its relative importance to the Tribe;
- Determining a job's worth in comparison to other jobs at the Tribe;
- Determining a job's worth in comparison to the marketplace;
- Setting salaries within the job range by using factors such as performance, length of time in specific job, individual's education and skills; and
- Taking into account the Tribe's financial condition.

The Personnel Department shall maintain salary and pay scales for all classes of employees within their respective programs. The salary and pay scale for each position is determined by taking a number of factors into account, such as a survey of the pay range for a particular job, related education and work experience, and pay rates of other employees in similar jobs.

6.2 DISTRIBUTION OF WAGES

It is the policy of the Tribe to pay employees for wages earned and to comply with the Crow Law & Order Code and any applicable federal laws regarding the payment of wages and deductions.

Most employees are paid bi-weekly or twenty-six (26) times per year. Paychecks are confidential and will be issued and available only to Department Heads or authorized individuals.

Employees are responsible for their own wage information, personal withholding and

deductions.

The Tribe reserves the right to change, alter or reduce wages of any employee, as allowed by tribal law, due to the Tribe's financial condition.

All current and new employees shall complete a Designation of Beneficiary Form upon accepting an offer of employment or upon the effective date of this Personnel Policy. The Designation of Beneficiary Form designates the individual(s) who will receive any unpaid compensation due and payable to an employee in the event of his her passing while employed by the Tribe.

6.3 OVERTIME

In accordance with applicable provisions of the Crow Law & Order Code, non-exempt employees will be compensated at the rate of one and a half times the regular rate of pay for hours worked over forty (40) in a work week. Exempt employees, such as executive, administrative, professional, and computer employees do not qualify for overtime.

Nothing in this Personnel Policy shall restrict a supervisor or Department head from adjusting a non-exempt employee's hours of work to preclude the employee from working in excess of forty (40) hours in a work week. In addition, a supervisor or Department head must verify that their department has sufficient funds before allowing an employee to work overtime hours.

Paid leave (such as holidays, administrative leave, or sick leave) and leave for vacation are not included in calculating the hours worked in a work week. The work week is considered to begin at 12:01a.m. on Sunday morning and end at 12:00am (midnight) on Saturday night.

The Tribe discourages overtime; however, if a supervisor or Department head requires or permits a non-exempt employee to work overtime, prior approval must be obtained from the CEO and Finance Director in order to verify that there are sufficient budgetary funds. Supervisors or department heads who authorize overtime without prior approval from the CEO may be subject to disciplinary action.

Solely at the Tribe's discretion, it may provide compensatory ("comp") time in lieu of cash payment for overtime hours worked. Comp time must be used within four (4) weeks after it is earned. Comp time may not be carried forward and is forfeited if not used within the four-week period. Comp time is calculated at the rate of one and a half times the non-exempt employee's regular rate of pay for actual hours worked over forty (40) in a work week. Prior written approval by an employee's supervisor and the CEO is required before an employee can earn comp time, in addition to completing any related forms or documentation.

6.4 EARLY OF RELEASE OF PAYROLL

The Chairman may, solely at his discretion, allow for early release of payroll for all employees from time to time. However, individual employee requests for early release of payroll will not be granted.

6.5 TIME REPORTING / PAYROLL RECORDS

All employees must complete time sheets to record their daily hours worked. Every employee must sign his/her time sheet for each bi-weekly period. In signing his/her time sheet, an employee certifies that the time recorded on the time sheet is an accurate reflection of the actual hours worked during the two-week period. Supervisors or department heads must also sign all time sheets before forwarding to the Payroll Office for processing. It is the responsibility of supervisors or department heads to carefully review time sheets before submitting them to the Payroll Office. Supervisors or department heads are also responsible for monitoring his/her department to ensure that each employee's time is being accurately recorded.

The Payroll Office records annual leave, sick leave, administrative leave, holiday leave, military leave, leave without pay, bereavement leave, and any other time period for which an employee is not at work.

Payroll is processed by the Payroll Office according to policies and procedures documented in the Crow Tribal Financial Management System.

Completed employee time sheets shall be maintained on file by the Payroll Office.

Department heads and program directors must immediately notify the Personnel Director and the Payroll Office of personnel actions that may affect payroll.

Employees shall report as soon as possible to their supervisors, Personnel Director and Payroll Office any changes in personal status such as name, address, telephone number, marital status and number of dependents.

When an employee separates from employment with the Tribe, the employee's final paycheck will be issued on the next pay period, but only after all separation of employment requirements and documentation are completed.

**CHAPTER 7 -
 BENEFITS**

7.1 ANNUAL LEAVE

a. Annual Leave Accrual

Permanent full-time and permanent part-time employees are eligible to accrue paid annual leave. Temporary or seasonal employees are not eligible to earn annual leave. Annual leave is accrued based on an employee's length of service with the Tribe. Permanent full-time employees accrue annual leave benefits according to the chart below. Permanent part-time employees accrue annual leave benefits at a rate of one-half the annual leave accrual of permanent full-time employees based on length of service.

Annual Leave Accrual for Permanent Full-Time Employees

Years of Service	Annual Leave Per Pay Period
Less than 3 Years	4
3 Years to 15 Years	6
More than 15 Years	8

Annual Leave Accrual for Permanent Part-Time Employees

Years of Service	Annual Leave Per Pay Period
Less than 3 Years	2
3 Years to 15 Years	3
More than 15 Years	4

Annual leave is earned when a permanent employee is in pay status and is earned on a pro-rata basis for hours worked during the first pay period. No annual leave is earned on hours worked by permanent full-time employees in excess of eight (80) hours during any given pay period. No annual leave is earned on hours worked by permanent part-time employees in excess of forty (40) hours during any given pay period.

Employees accrue annual leave from the starting date of their employment with the Tribe, but may not use annual leave until they successfully complete their probationary period. Should an employee not successfully complete his/her probationary period, no annual leave will accrue or be payable to that employee.

b. Annual Leave Policy

Employees requesting to use accumulated annual leave must make their request in advance with their supervisor or department head. No advances on annual leave are permitted.

Accumulated annual leave that is not used may be carried forward from one calendar year to the next, not to exceed a maximum of 160 hours. Any unused hours over 160 hours of annual leave will be forfeited if not used within the calendar year.

Employees who are terminated for cause by the Tribe will not be paid for accrued annual leave. Employees who separate from employment with the Tribe in all other instances will be paid accrued annual leave upon separation, not to exceed a maximum payout of 160 hours.

If an employee transfers to a different department or program without any break in service (i.e. continuous service), he/she will continue to accrue annual leave at the same rate, but may be paid out his/her annual leave balance at the time of the transfer depending on the funding source of the department or program.

If an employee separates from employment with the Tribe, in which there is a break in service, the rehired employee will begin accruing annual leave at the rate of a new employee, under the category of "Less than 3 Years" of service.

Annual leave may not be used to pay for debts or obligations related to tribal travel or to the Crow Tribe Credit Department. Employees may not transfer or donate annual leave to another employee unless the recipient is classified and paid from the same funding source.

7.2 SICK LEAVE

a. Overview

An employee may use sick leave when he/she is unable to perform the duties of his/her job as a result of personal illness, an appointment with a health care provider, or to care for an immediate family member who is sick. Sick leave may be taken by an employee if he/she notifies his/her immediate supervisor by 9:00 a.m. of the day that sick leave is requested. The immediate supervisor may waive the 9:00 a.m. deadline under extenuating circumstances.

b. Sick Leave Accrual

Sick leave will be earned at the rate of four (4) hours for each two-week pay period for permanent full-time employees and two (2) hours for each two-week pay period for permanent part-time employees. Home care employees do not accrue sick leave. Temporary or seasonal employees also do not accrue sick leave.

Employees shall earn sick leave during their probationary period, and employees may use any accrued sick leave during the probationary period.

c. Sick Leave Policy

A limited amount of sick leave may be carried over into the next calendar year, up to a maximum of 40 hours. An advance on sick leave not yet earned is not permitted and employees may not transfer or donate sick leave. Sick leave may not be used to pay any debts to the Tribe (e.g. credit department). If an employee separates from employment with the Tribe for any reason, no cash payment or other compensation will be made for unused accrued sick leave.

If an employee is transferred to a different department or program without any break in service (i.e. continuous service), he/she will retain his/her sick leave balance. If an employee separates from employment with the Tribe, in which there is a break in service, the rehired employee will lose any accrued sick leave and shall begin earning sick leave at the rate stated under Section 7.2(b).

7.3 SHORT-TERM DISABILITY

An employee who has used all of his/her sick leave may request short-term disability if the employee is medically unable to work due to illness or injury. Short-term disability applies to permanent employees only, and does not include summer or temporary employees. The paid time off is available for up to 1 work week or 40 hours per instance or request. An employee's sick balance must be used first. To qualify for short-term disability, an employee must provide written medical certification forms from his/her Doctor verifying the existence of a serious health condition that prevents the employee from working. Female employees on maternity leave qualify for this leave without a written form from their doctor.

Employees shall be responsible for initiating the request in a timely manner, as well as providing all necessary documentation needed to review the request. Each request for short-term disability will be considered on a case-by-case basis and will be reviewed by a committee comprised of the CEO, Chief of Staff, Personnel Director, and Payroll Officer.

7.4 FAMILY, MEDICAL, AND CULTURAL LEAVE

The Crow Workforce Protection Act (WPA) provides eligible employees with up to 12 weeks of unpaid leave for certain family, medical, and cultural reasons during a rolling 12-month period. At the conclusion of the leave, subject to some exceptions, an employee has a right to return to the same, or an equivalent, position.

a. Employee Eligibility

To be eligible for family, medical, cultural leave, an employee must have worked at least 12 consecutive months for the same employer.

b. Reasons for Leave

Family, medical, and cultural leave may be taken for the following reasons:

- The birth and care of a newborn child of an employee;
- For placement with an employee of a son or daughter for adoption or foster care;
- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- To take medical leave when an employee is unable to work because of a serious health condition; or
- To attend or participate in a religious or cultural activity or event.

A "serious health condition" is an injury, illness, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

The use of family, medical, cultural leave to attend or participate in a religious or cultural activity is granted at the discretion of an employee's supervisor and Department head, and approval is subject to the business needs of the department.

c. Notice and Certification

When seeking family, medical, cultural leave, an employee will be required to provide:

1. Thirty (30) days advanced notice of the need to take family, medical, cultural leave, if the leave is foreseeable, or notice as soon as practicable in the case of unforeseeable leave;
2. Medical certification forms from the employee's doctor supporting the need for leave due to a serious health condition affecting the employee or an immediate family member must be returned before leave begins, or if not possible, within 15 days of the department's request to provide the certification. Alternatively, if the leave is for cultural reasons, the event or activity must be documented in

writing and accompanied by other written documents verifying the event. If the employee fails to comply with the foregoing, the Tribe may delay commencement of the leave or withdraw designation of family, medical, cultural leave, in which case the leave of absence would be unauthorized, subjecting the employee to discipline, up to and including dismissal. Second or third medical opinions and periodic re-certifications may be also be required;

3. Period reports as deemed appropriate during the leave regarding the status and intent to return to work;
4. Medical certification of fitness for duty may be required before returning to work, if the leave was due to a serious health condition.

Failure to comply with the foregoing requirements may result in delay or denial of leave.

d. Duration of Leave

If an employee is eligible, he/she may receive up to 12 work weeks of unpaid leave during any rolling 12-month period, measured backward from the date on which the family, medical, cultural leave commences. Leave for the birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement and may not be taken intermittently or on a reduced work schedule.

If an employee is eligible, he/she may take the leave intermittently (in blocks of time) or by reducing his/her normal weekly or daily work schedule when medically necessary for his/her own or an immediate family member's serious health condition. If the employee requires intermittent leave or reduced-schedule leave, he/she must try to schedule leave so that it will not disrupt the department's operations.

At the beginning of the leave, the employee must elect one of two options:

Option 1: Elect to use accrued sick leave, and/or annual leave, and/or short-term disability (if approved) and receive his/her regular rate of pay, for up to 10 weeks.

Option 2: Elect to have unpaid leave without reducing balance of accrued sick leave or annual leave.

Family/medical/cultural leave, sick leave, annual leave, and approved short-term disability run concurrently. Any paid leave used for family, medical, cultural leave will be charged against an employee's entitlement to family, medical, cultural leave. This includes leave for disability, injury, illness, or cultural events provided that the leave meets family, medical, cultural leave requirements. The substitution of paid leave for unpaid leave does not extend the 12 work-week leave period.

e. Request for Extension

An employee may request an extension of leave beyond the 12-week period because of his/her own serious medical condition. This request must be submitted by the end of week 10 of the leave. Each extension requested will not exceed a 30-day time period. The employee shall be responsible for initiating the request in a timely manner, as well as providing all necessary documentation needed to make a determination.

Each request will be considered on a case-by-case basis by the CEO in order to determine whether the Tribe can reasonably accommodate such a request. Reinstatement is not guaranteed if extended leave is granted and will depend on the business needs of the Tribe.

f. Job Restoration

Upon returning from family, medical, cultural leave, he/she will be restored to his/her original job or an equivalent job with equivalent pay, benefits and other employment terms and conditions. Exceptions are permitted if the original position is abolished during the leave period due to a reduction in force, reorganization, or if the employee would not otherwise have been employed, even if leave had not been taken.

If an employee does not return to work following the conclusion of family, medical, cultural leave, the employee will be considered to have voluntarily resigned.

7.5 BEREAVEMENT LEAVE

Employees may take leave with pay up to five (5) business days related to bereavement for "immediate family." Limitations on total paid bereavement leave per year is determined on an individual basis by the CEO. In order to take bereavement leave, an employee must provide notice to his/her supervisor and the leave must be approved by the CEO. Bereavement leave does not require use of annual or sick leave. "Immediate family" means parents, spouse, siblings, and biological and legally adopted children. Bereavement leave for extended family not included within the definition of "immediate family" may be taken using annual leave or leave without pay.

7.6 MILITARY LEAVE

The Tribe supports and respects an employee's decision to serve and protect our country. If an employee enters active duty in the Armed Forces, voluntarily or

involuntarily, the employee is entitled to return to the previous or equivalent position after discharge or release from active duty, as long as the employee meets the basic eligibility criteria of the federal Uniformed Services Employment and Re-Employment Rights Act (USERRA), the cumulative period does not exceed five (5) years, and the employee must be discharged honorably. An employee may take leave for activities such as military reserves, active duty, and annual training.

a. Military Reserves / Annual Training

An employee must provide his/her immediate supervisor with an advance written notice of military service, either from the employee or the appropriate officer of the branch of the military in which the employee will be serving. The employee will report hours away from work under military leave on the timesheet. Upon return from military leave of absence, the employee must submit the military pay voucher to the Personnel Department and Payroll Office. If the employee's regular pay from the Tribe is greater than the wages received from the military, the Tribe will pay the difference to the employee, not to exceed 15 days. Employees who request military leave for inactive duty training will accrue 15 days (120 hours) of military leave in a fiscal year. Military leave will be prorated for part-time employees.

b. Active Duty Leave

Under USERRA, the Tribe must receive advance written notice of military service, either from the employee or by an appropriate officer of the branch of the military in which the employee will be serving. While on active duty, the Tribe will not provide a pay differential.

7.7 JURY OR WITNESS DUTY

If an employee is summoned during regular business hours to serve on a jury or as a witness, in which he/she is subpoenaed, the employee is provided with paid jury duty leave. The employee must notify his/her supervisor by submitting a Request for Leave Form with a copy of the summons or subpoena attached. The employee will receive the regular rate of pay for jury duty hours away from work, in accordance with the employee's respective work schedule. However, an employee's pay will be reduced by any monies received for jury duty issued by the court.

Employees are expected to return to work any day or half-day they are not required to serve. In order to receive regular rate of pay, one must present a statement (issued by the court) of jury or witness service to their supervisor, which must be submitted to the Personnel Department.

If the employee is a plaintiff or defendant and/or voluntarily appears in court as a witness, he/she is not entitled to jury duty leave pay, and the absence from work must be pre-approved through the request for annual leave or leave without pay.

7.8 VOTING LEAVE

Employees who wish to vote in any tribal, federal, state or local election are encouraged to do so. Since the polls are open for long periods of time, employees are encouraged to vote before or after regular working hours.

If necessary, employees may take up to four (4) hours paid leave from work to vote in a government election. Employees will be expected to notify their supervisors in advance if they will need to take voting leave.

7.9 ADMINISTRATIVE LEAVE & HOLIDAYS

The CEO (under the Chairman's direction) may, for purposes such as inclement weather and holiday extensions, grant administrative leave with pay. Administrative leave does not require the use of annual or sick leave.

Employees are provided with paid holidays, including federal holidays and other days specified by the Chairman. The specific dates for the observance of official holidays will be announced each year. This schedule may be changed throughout the year as approved by the Chairman or his/her designee.

Employees may use other leave (for example, annual leave) consecutively with administrative leave or observed holidays.

If an employee is required to work on a day when paid administrative leave is granted, the employee shall receive eight (8) hours paid time off to use within thirty (30) days, with the date approved from his or her supervisor. The eight (8) hours of paid time off is forfeited if not used within the thirty (30) day period. An employee will not be paid double-time for a day that the employee works for which administrative leave was granted.

7.10 LEAVE WITHOUT PAY

Leave without pay may be granted to an employee at the discretion and prior approval of his/her immediate supervisor. Leave without pay may not exceed thirty (30) days per calendar year.

MANDATORY EMPLOYER/EMPLOYEE INSURANCE & BENEFITS

a. Social Security Taxes

All employees are required to contribute social security taxes at the rate set by federal law. The Tribe pays the employer's contribution for employees' social security taxes at the rate set by federal law.

b. Medicare Taxes

All employees are required to contribute Medicare taxes at the rate set by federal law. The Tribe pays the employer's contribution for employees' Medicare taxes at the rate set by federal law.

c. Unemployment Compensation

All employees, full-time or part-time, permanent or temporary are covered by unemployment compensation insurance as determined by the State of Montana. This coverage is offered at no cost to the employee. Summer youth workers are excluded from unemployment compensation coverage.

Chapter 8 – Safety and Health
Effective: December 31, 2011
Revised:

CHAPTER 8 - SAFETY AND HEALTH

8.1 OVERVIEW

It is the policy of the Tribe to provide a safe and healthful work environment for all employees. It is expected that all employees will comply with all safety and health requirements established by the Tribe as an employer, tribal law, and applicable Federal, state, and local law.

Supervisors shall be constantly alert to protect the safety and health of employees. The supervisor's responsibilities under this policy include inspection of the work area under his/her control, familiarity with all safety and health procedures, and training of employees in matters of health and safety.

The Personnel Director shall have responsibility for the following:

- Assuring compliance with the applicable safety and health laws by investigating, correcting, and eliminating unsafe and unhealthful working conditions;
- Posting notices and records pertaining to employee safety and health as required by law;
- Conducting periodic informal safety and health inspections of all work areas;

All employees are encouraged to submit suggestions to management concerning safety and health matters. No employee shall be discharged or discriminated against in any manner because he/she has exercised any right afforded by law.

8.2 GENERAL HEALTH AND SAFETY RULES

Although some safety rules apply to only specific positions and functions, all employees are expected to comply with the following rules:

- Smoking is not permitted in work areas.
- Report any work injury or illness to your supervisor.
- Report unsafe working conditions to your supervisor.

- Do not use any equipment, vehicles, or materials when overly tired, nauseated, feverish, or under the influence of any substance that may affect judgment.
- Keep work areas neat and tidy.
- Use mechanical devices or request assistance in lifting heavy loads.
- Wear seat belts when operating any tribal or rented vehicle or driving own personal vehicle while on tribal business.
- Be sure that aisles and exits are kept clear; do not let cords interfere with walkways.
- Keep paper clips, tacks, pins, and other objects off the floors.
- Store all sharp objects properly when not in use.
- Open and close doors cautiously and use extra caution at blind hallway intersections.
- Open only one file cabinet drawer at a time to avoid it tipping over. Cabinets should be loaded from bottom to top and emptied in reverse order.
- Report or clean up all spills immediately.
- Use stepstools, platforms, or ladders for climbing – do not use chairs.
- Report or replace frayed electrical cords.

8.3 IMPROPER HEALTH AND SAFETY PRACTICES

All employees are expected to abide by safe work practices and adhere to general safety rules to ensure their safety as well as the safety of co-workers. Infractions of the Tribe's health and safety practices will be dealt with by investigation and possible corrective action based on the following factors:

- Severity of the infraction
- Whether the infraction endangered only the employee or included other co-workers and/or the public
- Whether the infraction was a first or repeat violation

8.4 EMERGENCY EVACUATION PLANS AND RE-ENTRY

In any emergency, employees should follow alerts to evacuate the building and/or area near the premises. Always follow the basic evacuation procedures, but remember that personal safety is paramount and takes precedence.

- Check the work area for anything needing to be secured and store it quickly.
- Secure locks on all secured containers and cabinets.
- Leave the work area and report to the designated evacuation area.

The CEO and/or Personnel Director will coordinate with fire, police, or other emergency preparedness personnel to determine when the building may be re-entered.

8.5 PERSONAL AND TRIBAL PROPERTY

a. Personal Property

The Tribe will assist its employees in safeguarding their personal property while at work. However, the Tribe cannot assume responsibility for the loss or theft of personal belongings, and employees are advised not to carry large sums of cash or other valuables with them when they come to work.

Articles of personal property found on the premises should be returned to the owner, if known, or turned into the Personnel Director. Inquiries regarding lost property should be directed to the Personnel Director.

The Tribe is not responsible for any damage to an employee's personal vehicle that is used for tribal business.

b. Tribal Property

Employees shall be held accountable for the loss of tribal monies or property for which they are responsible, where the loss is due to negligence or carelessness.

All employees shall be responsible for safeguarding, protecting and exercising reasonable care of tribal property. Any loss, damage, or theft of tribal property shall be reported immediately to the employee's supervisor, the Personnel Director, and the CEO.

8.6 PARKING

The Tribe provides parking facilities for the convenience of its employees. In the interest of safety, fire protection, and conservation of available spaces, employees are expected to observe the parking rules, such as parking only in designated spaces and observing posted speed limits.

It is recommended that employees keep their car locked while in the parking lot. The Tribe assumes no responsibility for any damage to, or theft of, any automobile or personal property left in the automobile in the parking lot.

8.7 INJURY OR ILLNESS ON THE JOB

It is the responsibility of all employees to report on-the-job injuries and illness to their supervisor, regardless of how insignificant or minor the injury or illness may appear at the time. Incident report forms are provided for this purpose and may be obtained from the Personnel Department. The employee and his/her supervisor should complete the form and send it to the Personnel Department.

When employees sustain an injury or illness that requires outside medical treatment, they may also be subject to completing a screening for the presence of drugs and/or alcohol. When employees are involved in a mobile equipment accident that result in significant damages, they will be subject to completing a screening for the presence of drugs and/or alcohol.

In the event that an employee's injuries are of the nature that require immediate outside medical treatment, the employee will be paid for the rest of his/her shift. If subsequent medical visits are necessary, employees should try to schedule those during non-working hours, if possible. If employees must miss work in order to receive medical follow-up treatments for a work-related injury or illness, they must take sick leave for the time missed.

8.8 DRIVER SAFETY

The safety and well-being of tribal employees is of critical importance to the Tribe. Therefore, employees have the responsibility to not only protect themselves when on the road, but also should do their part to protect those around them. Employees that are required to drive for tribal business will be expected to follow the procedures below.

- All employees are expected to wear seat belts at all times while in a moving vehicle being used for tribal business, whether they are the driver or a passenger.
- The use of cell phones while driving is strongly discouraged; however, the use of hands-free devices may be used if necessary. Under no circumstances should an employee be texting or performing any other task using an electronic device while driving.
- Engaging in other distracting activities, including, but not limited to: eating, putting on make-up, reading, adjusting the radio or music, is also strongly discouraged while driving, even in slow-moving traffic.
- The use of alcohol, drugs, or other substances that impair driving ability, including certain over-the-counter cold or allergy medications, is strictly prohibited.
- All employees are expected to follow all driving laws and safety rules, such as adhering to posted speed limits and directional signs, using turn signals and avoiding confrontational or offensive behavior while driving.
- Employees should not allow anyone to ride in any part of the vehicle that is not intended for passenger use and/or any seat that does not include a working seat belt.

- Employees must promptly report any accidents to local law enforcement, as well as to the CEO and the Personnel Director.
- Employees are expected to report any moving or parking violations received while driving on tribal business and/or in tribal vehicles to the Personnel Director.
- Employees are required to complete log sheets for miles traveled for tribal business.

Failure to adhere to the policies and procedures above may result in disciplinary and corrective action.

8.9 LICENSED EQUIPMENT OPERATORS

To provide a safe working environment, all employees who will operate a powered industrial truck (any mobile power-propelled truck used to carry, push, pull, lift, stack, or tier materials) must be properly trained and certified. It is a violation of federal law for anyone under 18 years of age to operate a powered industrial truck or for anyone over 18 years of age who is not properly trained and certified to do so.

Any unsafe actions by a licensed operator will lead to corrective action, up to and including termination. Similarly, employees who operate equipment without the proper training, license, and consent of their supervisor will be subject to corrective action, up to and including termination.

Employees must have a Commercial Driver's License (CDL) to operate the following:

- A single vehicle with a gross vehicle weight rating (GVWR) of more than 26,000 pounds.
- A trailer with a GVWR of more than 10,000 pounds, if the gross combination weight rating is more than 26,000 pounds.
- A vehicle designed to transport more than 15 persons (including the driver).
- Any size vehicle that requires hazardous materials placards.

Individuals who are required to maintain a current commercial driver's license (CDL) as a condition of employment or who are in safety-sensitive positions shall be subject to random drug testing (see Chapter 3, Section 3.5).

8.10 LOSS / SUSPENSION / RESTRICTION OF DRIVER'S LICENSE

Employees who occupy positions that require a valid driver's license and/or special driving certification (for example, CDL), as a condition of employment, shall adhere to the following:

- An employee who has been charged with a violation of law that affects his/her driver's license or who has his/her driving privileges suspended, revoked or barred for violating such laws, including, but not limited to: operating a vehicle while intoxicated, vehicular homicide, or habitual violation, shall not be permitted to operate a vehicle on behalf of the Tribe. The suspension of tribal driving privileges shall take effect upon the Tribe's notice of the charge against the employee.
- An employee whose job classification or position requires the possession and maintenance of a driver's license and/or any required special driving certification in order to perform the essential functions of the job and who subsequently has his/her license revoked, rescinded, suspended, or renewal denied, may be, after the exhaustion of all proceedings before the licensing agency, terminated from employment for failure to maintain the necessary qualifications required for that position.
- The Tribe reserves the right to determine if an employee's behavior is such that he/she should not be allowed to operate a tribal vehicle on behalf of the Tribe.

**RECEIPT OF THE PERSONNEL POLICIES AND PROCEDURES
FOR THE EXECUTIVE BRANCH OF THE CROW TRIBE**

I acknowledge that I have received a copy of the Personnel Policies and Procedures for the Executive Branch of the Crow Tribe. I agree to read it thoroughly, and agree that if there is any policy or provision in the Personnel Policy that I do not understand, I will seek clarification from the Tribe's Personnel Director or CEO. I understand that the Crow Tribe is an "at-will" employer and, as such, employment with the Crow Tribe is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause. In addition, I understand that this Personnel Policy states the Tribe's policies and procedures in effect as of the date of adoption. I understand that nothing contained in the Personnel Policy may be construed as creating a promise of future benefits or a binding contract with the Tribe for benefits for any other purpose. I understand that nothing contained in the Personnel Policy constitutes a waiver of the Tribe's sovereign immunity. I also understand that these policies and procedures may be evaluated, amended, and modified at any time by the Tribal Chairman.

As an employee of the Crow Tribe, I hereby consent to the exclusive jurisdiction of the Crow Tribe, the Tribe's employee grievance process, and the policies and procedures in this Personnel Policy in connection with my employment with the Crow Tribe. I also consent to the exclusive application of Crow tribal law, both substantive and procedural, regarding any and all proceedings, matters, and issues related to my employment with the Crow Tribe.

Employee's Printed Name: _____

Employee's Signature: _____

Date: _____