

STANDING ROCK SIOUX TRIBE



PERSONNEL POLICIES AND PROCEDURES MANUAL

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The seal of the Standing Rock Sioux Tribe is a circular emblem. It features a central yellow circle with a red silhouette of a person holding a bow and arrow. Surrounding this is a blue ring with white arrows pointing outwards. The outermost ring is white with red text. The top half of the ring reads "STANDING ROCK" and "SIOUX TRIBE". The bottom half reads "JULY 1873".

STANDING ROCK SIOUX TRIBE
PERSONNEL POLICIES AND PROCEDURES MANUAL

SECTION I

GOVERNANCE POLICIES

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POLICY OBJECTIVES

The Personnel Policies and Procedures Manual establishes the principles and guidelines to be followed in recruitment, employment, retention, promotion, training, discipline, and termination of employees of the Standing Rock Sioux Tribe. Publication and use of the Manual are authorized by Title XVIII of the Code of Justice. This Manual shall be subject to periodic review by the Human Resources Office, and shall be updated as needed up approval of the Judicial Committee.

SPECIFIC POLICY STATEMENTS

APPLICATION OF POLICIES AND PROCEDURES MANUAL

1. The Tribe's Policies and Procedures governing personnel shall be in compliance with Tribal laws and federal laws and regulations as may be applicable to Tribal employees. Employee rights and responsibilities are established under these Policies and Procedures and shall be protected by the authority of the Tribal government. This compliance requirement shall include but is not limited to the following Public Laws and statutes:
 - a. P.L. 101-630 INDIAN CHILD PROTECTION AND FAMILY VIOLENCE PREVENTION ACT.
 - b. P.L. 101-647 CRIME CONTROL ACT.
 - c. OMB Circular A-130, ACCESS TO TRUST INFORMATION; and
 - d. All other applicable laws and regulations.
2. All policies, guidelines, and procedures governing personnel matters are set forth in this Policies and Procedures Manual. The Tribe's Human Resources Manager shall provide for the compilation and ongoing maintenance of this Manual. The Standing Rock Sioux Tribe Personnel Policies and Procedures Manual shall be interpreted **in pari materia**¹ with Title XVIII and Title XXVII of the Code of Justice.
3. These Personnel Policies and Procedures shall apply to all tribal employees, including politically appointed employees, and all employees operating under contracts between the Tribe and federal, state, and local governments, except for the following, who are covered under the Titles or under designated contractual arrangements:
 - a. Elected Officials of the Tribe, including the Tribal Chairman, Vice Chairman, and members of the Standing Rock Sioux Tribal Council (Title XIX);
 - b. Elected officials and employees of the district councils (Title XX);

¹ Black's Law Dictionary defines the term "in pari material" as being a "Canon of Construction [whereby] inconsistencies in one statute may be resolved by looking at another statute on the same subject."

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- c. Members of the Election Commission (Title XV);
- d. Tribal Judges, Justices, Chief Prosecutor, and Tribal Public Defender, whose employment is governed under the individual contracts setting forth the terms of employment (Title I);
- e. Any chartered entity of the Tribe or corporation owned and controlled by the Tribe, which is controlled by its own Board and receives independent funding through its corporate charter, including but not limited to:
 - i. Commission members and employees of the Standing Rock Housing Authority;
 - ii. Board members of the Standing Rock Enterprises;
 - iii. Board members of Standing Rock Farms;
 - iv. Board members and employees of the Sitting Bull College;
 - v. Board members of the JTAC Board;
 - vi. Board members and employees of the Standing Rock Grant School;
 - vii. Board members and employees of the Rock Creek Grant School;
 - viii. Board members of the Standing Rock Head Start Policy Council;
 - ix. Board members and employees of the Sitting Bull School and;
 - x. Employees of the Prairie Knights and Grand River Casinos;
 - xi. Standing Rock Utilities and its subsidiaries, including, but not limited to, Standing Rock Propane, Standing Rock Sanitation and Standing Rock Telecommunications;
 - xii. Standing Rock Water and Sewer Board members and employees; and
 - xiii. Standing Rock Development Corporation Board members and employees; and
 - xiv. Other for-profit entities of the Standing Rock Sioux Tribe.
- f. Persons who are not employees of the Tribe, and who are serving under independent contract with the Tribe.
4. Regardless of the terms of their corporate character, any program or entity that receives any funding from the Tribe, or uses the name of the Tribe to acquire federal funding, shall be covered by the terms and requirements of Title XVIII, except when that program or entity is separately established by Federal statute, and the specific governing laws conflict with the terms and requirements of that Title.

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In the event of a perceived conflict, the Tribal Administration shall request that the Tribal Attorney define and identify such conflicts or potential conflicts. The Tribal Administration shall make recommendations to the Tribal Council concerning the resolution of such conflicts.

5. Hiring and firing decisions of the Standing Rock Head Start program shall be governed by Title XVIII policies and procedures and the Head Start Performance Standards adopted by the Tribal Council and the Standing Rock Head Start Policy Council, with policies and procedures developed for the program as approved by the Tribal Council and the 0-5 Parent Policy Council.
6. Compensation for work will be based on the Tribe's compensation plan, which will be adopted as set forth in the Personnel Policies and Procedures Manual.

APPLICATION OF POLICIES AND PROCEDURES

7. The Personnel Policies and Procedures Manual shall govern personnel actions for all Tribal employees, including employees on probationary status, and for temporary employees, as specified in Title XVIII of the Code of Justice. The Manual shall also apply to employees working for the Tribe under contracts between the Tribe and federal, state and local governments. Politically appointed employees are included in the definition of "Tribal Employees" under this Manual, except for hiring and termination procedures.
8. All compensation and other personnel actions having any financial implication, including processing of payroll, shall be in compliance with requirements of the Tribe's Financial Management Policies and Procedures Manual, including requirements for budget sufficiency and proper processing of transactions.
9. Personnel action documents, including actions affecting employment, compensation, leave, and payroll deduction, will be filed in a manner that permits their reconciliation to financial records on a monthly basis and that provides fully auditable support for entries made to Tribal and program accounts. Program Directors and supervisors are responsible for maintaining the required personnel records in support of the program and contract documentation provisions, and, in conjunction with the contract representative assigned to that program or funding source, for reconciling the financial transaction generated by such personnel actions to the program budgetary and financial records.

QUALIFICATIONS AND TRAINING OF EMPLOYEES

10. Recruitment, employment, retention, promotion and training will be based on their qualifications in relation to the job or position to which they are hired or assigned.
11. Employees who may be involved in the handling of cash, approval of purchases and expenditures, or maintaining of financial records and records affecting the public trust must pass a Tribal, state and federal background check prior to being hired. Such employees shall undertake a training course within 90 days after taking office that covers the systems in use, the policies and procedures that will be following, and the assigned financial management duties. Program Directors and supervisors shall

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arrange for all of their employees to be properly trained.

12. Positions that may be created for finance support staff shall only be filled by individuals who demonstrate they meet the required qualifications of the positions. Detailed job descriptions shall be maintained in standardized format for all finance positions. A detailed listing of required qualifications shall be prepared for all new or vacant positions to be filled.
13. New employees will be provided orientation concerning the systems and processes they will utilize during their employment. The Program Director or supervisor shall conduct orientation and initial training for new employees and assure new employees understand and adhere to prescribed operating policies and procedures.
14. The Human Resources Manager shall establish a training program for all Tribal employees outlining the required training for professional career development. Such training may include but shall not be limited to the requirements of the Tribe's operating policies and procedures. Adherence to Tribal policies and procedures is a key component in evaluating an employee's performance. Program Directors and supervisors are responsible for assuring all their employees receive appropriate training and opportunities for professional career development. Failure of a Program Director or Supervisor to provide appropriate training to employees will be reflected in the supervisor's own evaluations.

RESPONSIBILITY FOR COMPLIANCE

The Standing Rock Sioux Tribal Chairman is responsible for assuring the goals and objectives of Title XVIII concerning the recruitment, employment, retention, promotion, training, discipline, and termination of employees are achieved, and will establish appropriate oversight and monitoring to assure the policies and guidelines are properly followed. The Human Resource Manager is responsible for interpreting and implementing Tribal employment policies under Title XVIII and XXVII and these Policies and Procedures.

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POLICY OBJECTIVES

This policy presents the formal definition of terms contained throughout the Personnel Policies and Procedures Manual. These definitions reflect the understanding of governing principles and requirements of federal and Tribal laws and regulations as these are applied to the Tribal operations. They are presented to provide a uniform interpretation of the language and terms used in administration of the personnel function.

SPECIFIC POLICY STATEMENTS

DEFINITIONS

The following definitions are contained throughout the Personnel Policies and Procedures Manual. No other definitions are recognized in interpretation of the Personnel Policies and Procedures.

1. Tribal employees are defined to include all individuals lawfully¹ hired or employed by the Tribe, as the terms “hired” and “employed” are generally understood in law.
2. Types of employees include those hired on a full or part-time basis, and include employees filling politically appointed positions, as well as employees filling positions that are identified by the Tribe as permanent, temporary, seasonal, contract, short-term, part-time and intermittent.
3. Tribal employees include those individuals hired or employed based on a negotiated contract, such as the key employee positions in the Tribal Court (Judges, Justices, Chief Prosecutor, and Tribal Public Defender.)
4. **Types of Employees:** Descriptions of the different employee positions authorized under the Tribal Personnel Policies and Procedures (See Policy I-2-A). Positions are categorized as permanent or temporary and according to the length of expected employment and number of hours of work to be performed by the employee in a normal work period. Benefits available to persons hired to fill individual types of positions will be limited according to the type of position.
5. **Job Description:** A document describing the scope of work, duties and responsibilities and qualification requirements of a position.
6. **Vacancy Announcement:** A formal announcement that a position is available for application by persons interested in the employment. The announcement describes the qualifications and requirements to fill the vacant position.
7. **Personnel File:** The Tribe’s official personnel file containing all official documents relating to the employment of an employee. These files are confidential and only accessible by employees of the Human Resources Office.
8. **Employment Application:** The official application form filed under the conditions and terms set forth

² This term relates to the laws, policies, procedures and regulations of the Standing Rock Sioux Tribe.

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in a Tribal vacancy announcement.

9. **Supervisor:** Tribal employee with assigned duties and responsibilities to supervise the work of other employees. Duties and responsibilities include assignment of work, review of performance, training, documenting time and attendance, performance appraisals and other necessary personnel actions.
10. **Performance Appraisal:** A form used by supervisors to periodically document the past performance and work or conduct improvement requirements of employees.
11. **Merit Increase (step increase):** A raise in pay based on satisfactory annual performance appraisals and in accordance with the Tribe's compensation plan.
12. **Probationary Period:** The period of time during which an employee must prove that he/she possess the qualities necessary to successfully perform the duties and responsibilities of the position.
13. **Position Classification:** The definition of an individual position according to the duties and responsibilities assigned to it, and the requirements of experience, education, knowledge and skills applicable to the position and to performance of the work assigned to it. The classification of the position determines the compensation grade and pay attached to each position in accordance with the Tribe's compensation plan guidelines.
14. **Reclassification:** A process of reassessing the scope of work and duties and responsibilities of an individual position to accommodate changes in responsibilities that may affect the classification of the position in accordance with the Tribe's classification and compensation guidelines.
15. **Desk Audit:** A review of an employee's actual duties and responsibilities in relation to the scope of work, duties and responsibilities assigned to the position in which the employee is employed. The results of a desk audit may lead to reclassification of the position.
16. **Qualification Requirements:** The experience, education and training background of applicants necessary to meet basic qualification requirements for individual positions.
17. **Veteran's Preference:** Preference in hiring claimed on an employment application for additional points shall be proven by the applicant through the submission of Honorable Discharge documents or other official Honorable Discharge documents from the Veteran's Administration. After the applicant qualifies for the position and the Human Resources Department determines the applicant has provided satisfactory proof of honorable military service, the applicant shall be given additional points for Veteran's Preference.
18. **Indian Preference:** Claimed on an employment application for additional points when proven through the submission of a certificate of Indian blood or certificate of Tribal membership document from a federally recognized Tribe, signed by an appropriate Bureau of Indian Affairs official.
19. **Hours of Work (Tour of Duty):** This is the regular work schedule applicable to Tribal employees and to defined positions as set by the Tribal Chairman.

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20. **Time and Attendance:** Reports and documentation of hours of work actually worked by employees during individual pay periods.
21. **Leave:** Excused absence from work (i.e. annual leave, sick leave, leave without pay and compensatory time) under authorization of the immediate supervisor or Tribal Chairman.
22. **Leave Without Pay:** Excused absence from work without compensation.
23. **Separation of Employment:** Ending of employment with the Tribe by retirement, resignation, termination or completion of Temporary Appointment.
24. **Absence without Leave:** Unexcused absence from work without authorization of the immediate supervisor.
25. **Confidentiality:** The requirement of Tribal employees to protect and maintain information/materials to safeguard the interests of the Tribe.
26. **Drug Free Workplace Policy:** The Tribe's policy to maintain an alcohol and drug free workplace environment in accordance with Drug Free Workplace Act of 1988.
27. **Nepotism:** Restrictions on the employment, promotion or advancement of a relative as defined in Title XVIII of the Code of Justice, §18-201.9.
28. **Conduct:** The manner in which Tribal employees carry out their duties and comport themselves in relation to other employees. Standards of conduct include, but are not limited to, putting forth honest effort in performance of duties, following the principles defined in the Tribal Employees Code of Ethics (Title XXVII of the Code of Justice), protecting and preserving Tribal property, and working with other individuals with respect and fairness.
29. **Character Investigations/Background Checks:** A formal investigation of current or prospective employees, in accordance with Tribal policy, which includes inquiry into areas of honesty, judgment and reliability as well as prior work history, experience and criminal records checks.
30. **Full-time Employee:** Employment of at least thirty-two (32) hours per week.
31. **Part-time Employee:** Employment that is not less than sixteen (16) hours per week or more than thirty-two (32) hours per week
32. **Consultant:** Any individual performing services for the Tribe under the provisions of a contractual arrangement. Consultants are not employees and are not eligible for any of the benefits or privileges permitted to Tribal employees.
33. **Straight-time:** A definition of compensation providing for the payment of the actual hourly rate applicable to that position, with no adjustment for overtime or other hourly rate modifications.
34. **Time and a half:** A calculation of compensation at one and one-half times the regular hourly rate

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applicable to that position.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Office is responsible for maintaining and updating definitions contained in this policy.

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POLICY OBJECTIVES

This policy defines the terms and conditions that govern employment with the Standing Rock Sioux Tribe. In accepting employment with the Tribe, all employees shall acknowledge and accept the application of these terms and conditions, which have been adopted under the provisions of Title XVIII of the Code of Justice.

SPECIFIC POLICY STATEMENTS

CONDITIONS RELATED TO INDIVIDUALS

1. **Indian Preference.** Preference in hiring will be given to qualified applicants claiming Indian Preference who are enrolled in a federally recognized Tribe. Indian Preference shall be a consideration in the final hiring decision as an added factor. However, it shall not be a substitute for other qualifications of the position. Applicants claiming Indian Preference shall provide evidence of enrollment at the time their application is submitted.
2. **Veteran's Preference.** Preference in hiring claimed on an employment application for additional points shall be proven by the applicant through the submission of Honorable Discharge documents or other official Honorable Discharge documents from the Veteran's Administration. After the applicant qualifies for the position and the Human Resources Department determines the applicant has provided satisfactory proof of honorable military service, the applicant shall be given additional points for Veteran's Preference.
3. **Character Investigations Required.** Any individual who is employed or is being considered for employment by the Standing Rock Sioux Tribe with respect to a position that involves regular contact with or control over Indian or non-Indian Children, contact with elderly, handicapped, and community programs, and contact with sensitive, financial, and trust records, shall be subject to character investigation and background check, in accordance with PL 101-630, *Indian Child Protection and Family Violence Prevention Act of 1990*, as amended, codified at 25 U.S.C., §3207, et seq.; PL 101-647, Subchapter V, *Child Care Worker Employee Background Checks*, codified at 42 U.S.C. § 13401; and the requirements of OMB Circular No. A-130, *Access Screening*, and subsequent changes to those laws as may be applicable. Background checks shall be conducted in accordance with specific policies and procedures, and shall include fingerprinting. No offer of employment may be made for any covered position until the character investigation and background check has been completed. (See **Background Reference Checks**, below.)
4. **Standard for Employment.** The Standing Rock Sioux Tribe shall not employ any individual in a sensitive, financial, and/or trust position if that individual:
 - a. Has been found guilty of theft or entered a plea of *nolo contendere* or guilty of any offense under Federal, state or tribal law involving a crime of embezzlement or other financially-related crime.
 - b. Similarly, the Tribe shall not employ any individual in any position where he/she has contact with or control over children, elderly, handicapped, and tribally-funded community programs,

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if that individual has been found guilty of or entered a plea of *nolo contendere* or guilty of any offense under federal, state or Tribal law involving a crime of violence, sexual assault, molestation, exploitation, contact or prostitution or other crimes against persons.

- c. The Tribe shall not hire, or shall immediately terminate, any individual who has provided false information or failed to fully disclose required information on the Tribal employment application form or any other investigative document that is pertinent to the determination of whether the individual should be hired by the Tribe or any program the Tribe funds. Any adverse action taken by the Standing Rock Sioux Tribe under this chapter shall remain a part of the individual's permanent employment record in the event of future application for employment with the Tribe or any program funded by the Tribe.
 - d. Notwithstanding the provisions of this section, any employee or potential employee who shall have been judged to be guilty of a violation of SRST Code, § 4-1202, ***Failure to Support Dependent Persons***, shall not be automatically barred from Tribal employment, so long as the individual employee establishes and continues to pay child support or payments for dependent support by payroll deduction, in accordance with Tribal Court orders.
5. **Nepotism.** Program directors or supervisors shall not supervise a relative, Hunka relative or significant other, nor advocate for their employment or advancement. Relative means: father, mother, grandfather, grandmother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, son-in-law, daughter-in-law, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister. Significant other means a domestic partner. Hunka relative means those persons adopted by Dakota/Lakota custom or traditional practice. Program directors and supervisors shall disclose any such conflicts to the Human Resources Manager.
- a. An exception to this restriction may be made by the Tribal Chairman, in circumstances in which the program or department staff consists of only the Program Director or supervisor and an employee, and the employee who is considered for hire into the program is certified by the Human Resources Office as the only qualified applicant.
 - b. The Human Resources Manager shall monitor personnel decisions to assure there has been no violation of this policy. Requests for application of the exception to this policy shall be reviewed by the Human Resources Office to determine if there are indeed no other qualified applicants.
6. **Conflict of Interest.** Any individual who seeks to become an employee of the Tribe may not retain any interest in external personal or business affairs that would constitute or appear to be a conflict of interest with their exercise of duties as a Tribal employee, nor may they undertake a position with the Tribe that -201.9) or other personal friends to the detriment of the Tribe's interests. Specific requirements of the Tribe's Code of Ethics are set forth in Title XXVII of the Code of Justice would enable them to exercise decisions or make judgments that would benefit relatives (as defined in Code §18.
7. **Repayment of Indebtedness to the Tribe.** Any employee of the Tribe, or any individual who is

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seeking employment with the Tribe, and who is indebted to the Tribe either through direct loans and advances or through co-signing or endorsement of loans which have become delinquent, shall establish arrangements for repayment of such debt through payroll deductions. Current employees who fail to commit to such repayment shall be subject to appropriate disciplinary action, up to and including termination. Prospective employees shall make and enter into such repayment arrangements with the Tribe prior to accepting employment with the Tribe.

- a. Existing employees who fail to commit to such repayment, or who fail to submit such documents as may be required to enforce collection of the loan, shall be subject to disciplinary action.
 - b. Potential employees shall enter such repayment arrangements prior to acceptance of employment with the Tribe. Supervisors who are seeking to hire employees shall require a written and signed statement from the successful applicant regarding amounts owed or not owed to the Tribe. Such statements shall be reviewed and confirmed by the Finance Office Credit Section before the individual applicant is offered employment. Any documents required to establish and secure the repayment shall be prepared and processed by the Finance Office Credit Section before the new employee is entered into the payroll records.
 - c. All repayment arrangements shall provide for payroll deductions that are in sums no less than that recorded in the original instruments of indebtedness. The Finance Office Credit Section Supervisor shall make recommendations for repayment terms to shorten the repayment period, if the amounts owed have been outstanding for an extended period of time or if there have been periods of default on existing loans.
8. **Outside Employment.** To avoid conflicts of interest or claims of duplicate payment for services rendered, the following conditions regarding outside employment are imposed:
- a. Employees shall not engage in outside employment or private enterprise without notifying the program director or supervisor, and the Office of Human Resources.
 - b. Employees shall not work for the Bureau of Indian Affairs, Indian Health Services or other federal entity, except under authorized IPA Agreements with the Tribe at the Tribe's request or during emergencies.
 - c. Consultant or employment agreements with outside organizations (defined as businesses or organizations not owned by nor affiliated with the Tribe, or those organizations, district operations or boards excluded from Title XVIII, 18-103) may be entered into if the work is performed entirely outside the employee's Tribal working hours, or if the employee performs the work while on compensatory leave, annual leave, or leave without pay, and without use of Tribal resources or premises.

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CONDITIONS RELATED TO THE WORKPLACE

9. **Work Environment.** The Tribe shall provide a safe working environment for all Tribal employees, and employees shall be protected in their work place from hostile and coercive acts, disruptive behavior, and from sexual harassment in any form of verbal and/or physical conduct and advances.
 - a. Notwithstanding the exclusion cited in 18-104, Tribal Council members shall not be exempt from this provision, and shall not engage in any actions or behavior which would violate rights under this provision of individual employees or groups of employees. (See also the provisions of Title XIX, 19.402 (b), and Title XXVII, *Code of Ethics*.)
 - b. Candidates for Tribal or other local, state, or federal political office, their agents, or supporters shall be prohibited from campaigning or soliciting support from Tribal employees on Tribal property and during working hours.
 - c. The Human Resource Office shall establish guidelines and provide ongoing training to ensure compliance with this policy and with the governing federal laws.
10. **Defense of Employees.** Tribal employees who are exposed to sexual harassment or an intimidating or offensive working environment, as identified in Title XVIII, § 18-204, shall be protected by the Tribe against retaliation that may occur as result of the employee's formal complaint regarding such behavior. Such protection may include an outside investigator to ascertain whether there is reasonable suspicion that the complaint is valid, mediation concerning the complaint between the parties conducted by an outside mediator, a complaint to the Human Resources Manager. In the event that an individual employee has been threatened while at work, the Tribal Security Force and/or Law Enforcement officials may be called to avert further conflict; or other lawful procedures may be followed. The Human Resources Manager shall be responsible for monitoring enforcement of this policy.
11. Where the complaint for sexual harassment or an intimidating or offensive working environment is against a member of the Tribal Council, the complainant may choose to file a complaint for removal with the Tribal Council under Art. III, § 8. Thereafter, if the Tribal Council determines that the alleged harassment constitutes "misconduct in office," the Tribal Council may proceed as mandated in that section of the Tribal Constitution.
12. **Drug Free Workplace.** All Tribal employees (including contract employees) are prohibited from unlawful manufacture, distribution, disbursing, possession or use of controlled substances, as defined under the Code of Justice, Title IV, Chapter 8, Drugs and Related Offenses, Section 4-801. As a condition of employment, Tribal employees shall abide by the conditions of this section. Failure to abide by all drug and alcohol conditions contained within the policy will result in applicable disciplinary action up to and including termination of employment.
 - a. Tribal employees discovered to be distributing, disbursing, possessing, or using controlled substances in the workplace shall be subject to immediate dismissal.

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- b. Tribal employees charged with any criminal drug or alcohol statute (including Tribal, federal or state) shall notify his/her immediate supervisor within five (5) work days of such a charge. The immediate supervisor will notify the Human Resources Office of such a charge, and shall submit a recommendation on proposed work status of the employee prior to actual conviction. After notice of conviction of such charge, the immediate supervisor will submit a recommendation for appropriate disciplinary action to the Human Resources Manager for review and concurrence.
 - c. A Tribal employee who is incarcerated shall be charged as AWOL for all periods of time while incarcerated during regular work hours and will be subject to appropriate disciplinary action up to and including termination from employment.
- 13. **Alcohol-Free Workplace.** All Tribal Employees are prohibited from possession or use of alcohol while discharging the duties of the Tribe, or from being in the work place while under the influence of alcohol. Program directors and supervisors are responsible for taking actions on such violations immediately. Disciplinary action may include suspension, demotion, or termination for repeat offenses.
- 14. **Licensure to Operate Vehicles/Equipment.** All employees who may operate Tribal equipment or vehicles or who may seek reimbursement for travel in their personal owned vehicle on or off the reservation must maintain a current, valid driver's license or appropriate certification of ability to operate such equipment, and submit to the Tribe evidence of its current status at any time such license/certificate is requested. Such employees shall also provide evidence of being insured with liability insurance for their personal vehicles, or that they are eligible for coverage under Tribal policies for Tribal vehicles.
- 15. **Non-Disclosure/Confidentiality.** Tribal employees will become aware of and have access to information on Tribal members and others who may be served under Tribal programs or who may conduct business with the Tribe. Such information is considered privileged, and any such information obtained by an employee by virtue of their exercise of duties shall be maintained in strictest confidence. Violation of this policy may be grounds for suspension or dismissal.

CODE OF ETHICS

- 16. **Code of Ethics.** Title XXVII of the Code of Justice establishes a Code of Ethics that applies to all Tribal officials and employees. All personnel policy decisions shall be made within the context of the principles contained within the Code of Ethics. Violations of those principles shall be grounds for dismissal or prosecution, depending on the severity of the violation.
- 17. **Prohibited Activities.** No employee of the Tribe and no employee of any entity, corporation or enterprise, that is financed in whole or in part by Tribal funds, including funds granted or loaned to the Tribe, may, with respect to an elective Tribal office:
 - a. Use his or her official authority or influence for the purpose of interfering with, or affecting the

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result of any Tribal election or nomination for office.

- b. Serve for or on any political campaign committee.
 - c. Organize a political party or political club.
 - d. Directly or indirectly solicit, receive, collect, handle, disburse or account for contributions on behalf of candidates.
 - e. Take an active part in managing the political campaign of a candidate.
 - f. Endorse or oppose a candidate for elective Tribal office in a political advertisement, broadcast, campaign literature or similar material or media.
 - g. Address a political rally, or political meeting, or similar gather in support of or in opposition to a candidate.
 - h. Write for publication or publish any letter signed or unsigned in favor of or against any candidates or faction.
 - i. Hold an elective office on Tribal Council.
 - j. Further, no employee may circulate or sign a nominating petition on behalf of one or more candidates to any Tribal election during working hours.
18. **Notice to Seek Elective Office.** An employee wishing to seek tribal elective office shall provide written notice of the employee's intent to seek tribal elective office, to the employee's supervisor and to the Tribal Chairman, prior to the last day for filing a nominating petition and notice of candidacy. Such notice must be given prior to the day on which the employee's nominating petitions are filed, in order to remain on pay status.
- a. Employees who file the notice and remain on payroll, and who are subsequently elected to Tribal Council in the General Election, shall terminate employment with the Tribe as of the date of their election.
 - b. Employees elected to other boards and district offices, and those appointed to Tribal Committees shall notify the Tribal Chairman and the Human Resources Manager.
 - c. Nothing in this policy shall permit employees seeking tribal elective office to use Tribal facilities or resources, or to use time during working hours to campaign or to solicit support of other employees in their campaign. The Human Resources Manager shall monitor campaigning activity by employee candidates and shall provide notice to the Tribal Chairman of any violations. Employees found to be in violation of this policy shall be terminated.

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BACKGROUND REFERENCE CHECKS

19. In Accordance with P. L. 101-630, *Indian Child Protection and Family Violence Prevention Act and prevailing Tribal law*, the Standing Rock Sioux Tribe Human Resources Office shall conduct an investigation of the character of each individual who is employed or is being considered for employment in a position that involves regular contact with or control over Indian or non-Indian Children, and shall employ individuals in those positions only if the individuals have successfully passed the required background check and character investigation, which will include fingerprinting. The Standing Rock Sioux Tribe shall not employ any individual in such a position, if the individual has been found guilty of or entered a plea of *nolo contendere* (no contest) or guilty to any offense under Federal, State, or Tribal Law, involving crimes of violence, sexual assault, molestation, exploitation, contact or prostitution, crimes against persons, or offenses committed against children.
20. In accordance with P.L. 101-647, *Crime Control Act of 1990*, the Standing Rock Sioux Tribe Human Resources Office shall assure that all existing and newly hired employees undergo a criminal history background check, which will include fingerprinting, for those individuals involved with child care services of children under the age of 18 years. The Standing Rock Sioux Tribe shall not employ any individual in such a position, if the individual has been convicted of a sex crime, an offense involving a child victim, or a drug felony.
21. In accordance with the requirements of OMB Circular No. A-130 and 40 U.S.C. § 1441 (b), *Access Screening*, the Standing Rock Sioux Tribe is responsible for reducing the risk and magnitude of harm that could result from loss, misuse and unauthorized access of trust information.
 - a. The Standing Rock Sioux Tribe Human Resources Office shall conduct a background check and character investigation of Tribal employees who manage, control, process, maintain and access automated information technology, individual Indian and Tribal trust resources and/or related trust records. The Tribe shall require a favorable screening and background investigation, including fingerprinting, prior to granting access to trust information.
 - b. The Standing Rock Sioux Tribe shall not employ any individual in a position where the individual manages, controls, processes, maintains, and accesses automated information technology, individual Indian and Tribal trust resources and/or related trust records, if the individual has been convicted of criminal and/or immoral conduct, abuse of fiduciary trust, bribery, embezzlement, grand larceny, grand theft, mail theft, burglary, robbery, perjury, employment misconduct and/or negligence, disruptive and/or violent conduct, firearms and weapons violations, or drug felony.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Manager is responsible for implementing this policy. Program Managers and Supervisors shall be responsible for assuring they and their employees are fully aware of and in compliance with this policy.

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POLICY OBJECTIVES

This policy provides guidelines and identifies requirements for employees applicable to the workplace and use of Tribal property and resources. These rules regulate the conduct of Tribal employees in accomplishing the business of the Tribe and its members. In accepting employment with the Tribe, all employees shall acknowledge and accept the application of these workplace rules that have been adopted under the provisions of Title XVIII and XXVII of the Code of Justice.

SPECIFIC POLICY STATEMENTS

USE OF PROPERTY AND EQUIPMENT

1. All Tribal property and equipment made available for use by Tribal employees and Tribal officials is provided solely for use in conduct of official Tribal business. Property and equipment includes facilities, vehicles, office furniture and equipment, specialty equipment, computers and peripherals, heavy equipment, materials and supplies, and the use of any of these that have been paid for with the Tribal funds or funds administered by the Tribe under federal, state or other contracts and agreements.
2. The use of Tribal property and equipment is restricted to Tribal employees. Use of Tribal facilities or equipment may be permitted to outside contractors or others providing services for the Tribe, if such use benefits the best interests of the Tribe. All such use shall be specifically approved by Tribal employees responsible for management of the particular consultant contract or service agreement, and shall not extend beyond the limits of the contract or agreement.
 - a. Non-Tribal contractors or individuals providing services to the Tribe, who are permitted use of Tribal property or equipment in carrying out their contractual responsibilities, shall be responsible for any damage to the property or equipment during its use. Contractors and service providers shall provide acknowledgment of this liability as part of their written contract or service agreement, and may be required to provide evidence of insurance to cover this liability.
 - b. In no event shall contractors or service providers be permitted to operate Tribal vehicles. Nor shall they be permitted to operate heavy equipment or machinery belonging to the Tribe, unless they shall have been specifically contracted to operate such equipment or machinery; shall have demonstrated appropriate current certification of ability to operate such equipment; and shall have provided current proof of liability insurance and written waiver of all claims against the Tribe.
3. All employees who may operate Tribal equipment of vehicles or who may seek reimbursement for travel in their personal owned vehicle on or off the reservation, must maintain a current, valid driver's license or appropriate certification of ability to operate such equipment, and shall submit to the Tribe evidence of its current status, at any time such license/certificate is requested. Such employees shall also provide evidence of being insured with liability insurance for their personal vehicles, or that they are eligible for coverage under Tribal policies for Tribal vehicles.

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4. All 638 contract employees who are required to operate a government owned/leased vehicle or equipment, rental car or personal vehicle to accomplish duties shall complete all required forms in accordance with BIA Safe Motor Vehicle and Commercial Motor Vehicle Operation Policy. All individuals operating a motor vehicle in performance of duties in support of P.L. 638 Contracts shall comply with the requirements of this policy.
5. Tribal management, including program directors and supervisors, may require that employees using certain equipment be trained in its use before they are allowed to use or operate the equipment.
6. Accounting for the Tribe's property (fixed assets), including furniture, fixtures, and equipment, is governed by the Tribe's Financial Management Policies and Procedures. Within ten (10) business days of the receipt of new property for a program, the Program Director or his/her designee shall ensure that the property is properly tagged and inventoried. Such Program inventories shall be kept current with changes reported to the Tribal Property and Supply Department on a monthly basis, for update of property accounting records and of related property insurance records. The Employees shall become familiar with the requirements of these policies and procedures and shall create, submit, and maintain such documents and records as are required, in order to maintain an accurate accounting and inventory of the property purchased and provided by the Tribe for use in program operations.

COMPUTERS, INTERNET/E-MAIL USAGE

7. The Tribe's Information Technology (IT) resources (computers, access to the Internet, e-mail service and cell phone usage) are provided solely to Tribal employees for use in conducting the business of the Tribe and its programs. Limited personal use of computers and access to the Internet is allowed to employees, but such use is a privilege and not a right. Personal use of Tribal IT resources will be denied or restricted if employees engage in unauthorized or inappropriate use of equipment or the Internet. Such restrictions may include: limitations on use of the equipment, disciplinary or adverse personnel actions, criminal penalties, and financial liability for costs of the inappropriate use. Misuse or inappropriate personal use of Tribal IT resources includes, but is not limited to, the following:
 - a. Any personal use that could cause congestion, delay, or disruption of services to any Tribal program or function. This includes but is not limited to such Internet uses as greeting cards, video, sound or other large file attachments, audio and video streaming, download of music and music sites, and other uses that can degrade the performance of the Tribe's entire network.
 - b. Intentional creation, download, viewing, storage, copying, or transmission of sexually explicit or sexually oriented materials.
 - c. Intentional creation, download, viewing, storage, copying, or transmission of materials related to gambling websites (for monetary gain), illegal weapons, terrorist activities, and any other illegal activities otherwise prohibited.

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- d. Use for commercial purposes or in support of “for-profit” activities or in support of other outside employment or business activity (for example, consulting, sales or administration of business transactions, sale of goods or services, etc.)
- e. Engaging in any outside fund-raising activity, including non-profit activities, endorsing of any product or services, participating in any lobbying activity, or engaging in any prohibited partisan political activity.
- f. Posting agency or personal information to external newsgroups, bulletin boards, chat rooms, or other public forums without authority, and particularly where such use could create the perception that the communication was made in the official capacity as a Tribal employee.
- g. Establishing personal, commercial, and/or non-profit organizational web pages on Tribal-owned equipment, or use of Standing Rock Sioux Tribe systems as a staging ground or platform to gain unauthorized access to other systems.
- h. Creating copying, transmitting or retransmitting chain letters or other unauthorized mass mailings, regardless of the subject matter.
- i. Use of Tribal IT resources for activities that are illegal, inappropriate, or offensive to fellow employees or the public, including, but not limited to, hate speech, or material that ridicules others on the basis of race, creed, religion, color, age, sex, disability, national origin, or sexual orientation.
- j. Addition of personal IT resources to existing Tribal IT resources without the appropriate management authorization, including installation of modems on Tribal data lines, and reconfiguration of systems.
- k. Intentional unauthorized acquisition, use, reproduction, transmission, or distribution of any controlled information, including computer software and data that may be subject to the Privacy Act, copyrighted, or trademarked, or material with other intellectual property rights (beyond fair use), proprietary data, or export-controlled software or data.
- l. Use or creation of unauthorized list servers or the distribution of unauthorized newsletters, or use of e-mail for sending of anonymous messages, or messages that may undermine another person’s personal reputation.
- m. Any use that could generate more than minimal additional expense to the Tribe, in such areas as, increased communications costs for voice, data, or video image transmission, use of consumables (paper, ink, toner) in more than limited amounts, extensive wear and tear on equipment leading to added repair costs, large volumes of data storage and the cost of storage devices, and volumes of transmission that impact or impede network operations.
- n. Violation of security procedures and misuse of another employee’s digital authentication.

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8. Any use of Tribal IT resources, including e-mail, is made by employees with the understanding that such use may not be secure, is not private, is not anonymous, and may be subject to disclosure under the Freedom of Information Act (FOIA) to the extent that the IT resource is paid for with federal funds pursuant to the Tribe's contract with the BIA under P.L. 93-638 or other federal programs.
 - a. Tribal employees do not have a right to, nor should they expect, privacy while using Tribal IT resources at anytime, including accessing the Internet through the Tribal gateways and using e-mail.
 - b. The Standing Rock Sioux Tribe shall not be liable for any disclosure of personal information or pattern of use by individual employees, and reserves the right to examine logs, files, and other indicators of use of the Tribe's IT resources by employees, and to employ monitoring software, for the sake of managing its IT resource usage and costs, and to detect any violation of this policy. The use of Tribal IT resources to play games during work hours is strictly prohibited.
 - c. Telephone Use Policy. Tribal employees shall limit their personal use of the telephone during working hours. Personal telephone/cell phone use is a privilege and not a right. Personal use of Tribal phones/cell phones shall be denied or restricted if employees engage in unauthorized or inappropriate use of equipment or the Internet. Such restrictions may include: limitations on use of the equipment, disciplinary or adverse personnel actions, criminal penalties, and financial liability for costs of the inappropriate use. Non-employees may not use Tribal telephones, cell phones, computers, or internet access.
9. The purchase of IT equipment and resources shall be governed by an annual IT plan and by the annual financial budget. The IT plan shall be part of a comprehensive integrated assessment of need and direction, developed by the Tribe's Information Systems Manager, who shall report to the Executive Director. The IT plan shall be developed in consultation with Program Managers and Supervisors to reflect needs of the programs and operating departments and shall not exceed resources appropriated for IT needs within the Tribe's annual financial budget approved by the Tribal Council. The annual IT plan shall be adopted by the Tribal Council at the same time it adopts the annual financial budget.
10. The SRST IT Department will not engage in Personal Computer/Equipment Repair. Should you be experiencing software or hardware problems on your personal computer, the SRST IT Department will not agree to perform repairs to prevent any liabilities or claims, resulting from services rendered.

If your computer is under a manufacturer or extended warranty and was purchased through a local vendor (e.g. Best Buy, Staples, Office Depot, etc.), then you are encouraged to take the computer to the place of purchase for repair. Depending on the terms of your warranty, the vendor may be able to complete the repairs for free or minimal charge.

The SRST IT Department is a commonly trusted resource for personal computer repair, but is not an authorized service dealer or technician.

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11. Ongoing management of the Tribe's IT resources is the responsibility of the Information Systems Manager, who shall work in concert with the Executive Director and the Finance Officer to monitor costs and usage, and to establish planning direction for the development of the Tribe's IT structure. Abuse of IT policies shall be reported to the Human Resources Manager for review and recommendation concerning potential disciplinary action arising from such abuse.

TRAVEL REGULATIONS

12. All employees traveling on official business for the Tribe are subject to travel and reimbursement of travel regulations as determined under the Tribe's Financial Management Policies and Procedures.
13. All employees seeking reimbursement for travel in their personal owned vehicle must submit to the Tribe a current, valid driver's license and proof of insurance in order to be reimbursed for travel on or off the reservation. Specific terms and conditions of travel shall be set forth in the Tribe's Financial Management Policies and Procedures Manual.

WORK ENVIRONMENT

14. Facilities are provided by the Tribe for the conduct of Tribal programs and business. The appearance of facilities provides an image of the Tribe to the general public. Employees are to maintain their assigned working areas in an organized and clean condition. Personal decorations, including certificates and degrees as well as family photos are allowed. Displays that are offensive to other employees or the general public shall not be displayed. In addition, material of a sexual nature shall not be displayed. Employees are to limit personal use of the facilities and are to discourage excessive visitation by family and friends at the workplace.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Director is responsible for implementing this policy and for monitoring compliance. Program Managers and supervisors are responsible for compliance with the policy and are hereby directed to instruct employees on the requirements of ongoing implementation of these policies.

The seal of the Standing Rock Sioux Tribe is a circular emblem. It features a central yellow circle with a red silhouette of a person in traditional dress. Surrounding this is a blue ring with white arrows pointing outwards. The outermost ring is white with red text. The text "STANDING ROCK" is on the left, "SIOUX TRIBE" is on the right, and "JULY 1873" is at the bottom. Inside the blue ring, there are names in Lakota: "POTOMAC LONG SLEDGE CANNON", "ROCK CREEK", "BEAR SLEDGE", "SLEDGE KENEL WAKPALA", and "SLEDGE".

STANDING ROCK SIOUX TRIBE
PERSONNEL POLICIES AND PROCEDURES MANUAL

SECTION II
EMPLOYMENT POLICIES

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POLICY OBJECTIVES

This policy defines the different types of positions that are authorized within the Standing Rock Sioux Tribe to manage the recruitment, retention, and compensation of Tribal employees. The policy establishes guidelines to be applied to employees during their probationary periods. This policy also establishes the authority for the classification of positions consistent with the adopted Tribal Classification Plan.

SPECIFIC POLICY STATEMENTS

TYPES OF POSITIONS

1. The Standing Rock Sioux Tribe identifies several different types of positions to differentiate how these positions are to be recruited and filled, how their compensation is to be determined, and what benefits they are to be provided. The type of position also identifies rights of the employees filling the positions.
 - a. **Permanent Positions:** The concept of a permanent position is applied to identify those positions that have been approved by the Tribal Council as ongoing positions, which are to be available for recruitment and hiring without need for re-approval by Council when the positions become vacant. Funding for these positions will be included in the annual program and administrative budgets. Permanent positions are normally full-time, but may be part-time with specific Tribal Council approval. Employees filling permanent positions will accrue annual and sick leave, and are entitled to all of the benefits accorded to Tribal employees.
 - b. **Temporary Positions:** Temporary positions may be authorized on occasion for certain Tribal programs, when vacant positions have occurred that are difficult to fill, and where delays in filling of the vacancies create a hardship in maintaining or achieving programmatic goals. These positions may be requested by Program Directors, with approval of the Executive Director and the Human Resources Manager, to hire temporary employees pending the filling of a vacant, advertised position. Normally, temporary appointments will not be made to fill positions with a scope of work and duties and responsibilities that can be distributed among existing staff for the duration of a vacancy advertisement. Temporary employees do not accrue annual or sick leave, and are not entitled to the benefits accorded to Tribal employees in permanent positions.
 - c. **Seasonal Positions:** Seasonal employment is defined as employment that is needed for a specified period of time that is short term in length but longer than the sixty (60) day limit used for temporary positions, and that is used to fill specific work needs that are tied to a cyclical schedule or season. Examples of such work needs include but are not limited to: snow removal, road maintenance, disaster readiness (floods) and construction related activities. Seasonal employees do not accrue annual or sick leave, and are not entitled to the benefits accorded to Tribal employees in permanent positions. The need for seasonal positions should be included in the annual program budgets. Creation of these positions within the funding limits may be requested by the Program Directors, with approval of the Executive Director and the Human Resources Manager.

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- d. **Political Appointed Positions:** Appointed positions are those that are authorized to be filled by the Tribal Chairman for the duration of the Chairman's term of office. These positions are limited in number and not subject to the hiring and termination policies that govern employees in permanent positions. Appointed employees do participate in the benefits provided to employees in permanent positions.
 - e. **Contract Positions:** Several key employee positions in the Tribal Court and the Tribal Attorney position are filled and compensated based on a negotiated contract, rather than under the Tribal Personnel Policies and Tribal Classification and Compensation Plans. Benefits afforded these employees are governed by the negotiated contract terms.
 - f. **Short-term Positions:** Short-term positions may be created to support special contracts, grants, or projects. These positions are similar to the permanent positions, [REDACTED] but they are for a fixed term designated by the contract, grant, or project that is providing the funding for the position. Short-term positions will normally be for up to one hundred eighty (180) days of employment, and may be extended for up to a year. The creation of short-term positions may be requested by the Program Directors, with approval of the Executive Director and the Human Resources Manager, and subject to the availability of budget and funding for the specified contract, grant, or project. Where the need may be anticipated, the funding request should be included in the annual budget approved by Council.
 - g. **Intermittent Employee Positions:** Intermittent positions may be created to provide for work on an as needed basis, where such work is subject to variations caused by changing work load, or needs for client service that do not support continuous employment beyond the immediate work demands. Intermittent positions do not bear an established tour of duty, and are not authorized for more than thirty-two (32) hours of work in any week, unless special permission is provided by the Executive Director for special operating conditions. Employees hired for these positions do not accrue annual or sick leave, and are not entitled to the benefits accorded to Tribal employees in permanent positions. Positions shall be created by request of the Program Directors, with approval of the Executive Director and the Human Resources Manager, subject to availability of funding for the positions.
2. **Part-time Employment:** Part-time employment is defined as employment in permanent positions that is not less than sixteen (16) hours per week or more than thirty-two (32) hours per week. Part-time positions may be requested by Program Directors or supervisors based on program operational and budgetary needs, and must receive Committee concurrence and approval by the Tribal Council. The number of hours to be worked each week will be stated on each vacancy announcement. Part-time employees will earn annual and sick leave on a pro-rata basis as established by the Tribal Finance policies and procedures. Part-time employees may participate fully in benefits provided to permanent full-time positions, unless such participation is specifically limited under the terms of the benefit.

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TEMPORARY EMPLOYEES

3. Temporary positions may be requested by Program Directors based on individual recruitment needs, as defined above. Requests are to be submitted by the Program Directors with approval of the Executive Director, and processed for concurrence by the Human Resources Manager. The requests must contain analysis of demonstrated need to support use of the temporary employees. The application submitted by the temporary employee being considered must demonstrate that the person meets minimum qualification requirements for the position and must be a candidate for the permanent position. Further, the individual must be able to satisfy all background and character investigations and licensing requirements as stipulated for the permanent position.
4. Temporary appointments will be made not to exceed thirty (30) calendar days. Temporary appointments will terminate at the end of the thirty (30) day period or upon the filling of the vacant position, whichever comes first. A Program Director or supervisor may request an extension of a temporary employee for one (1) thirty (30) calendar day period, with approval by the Executive Director and concurrence by the Human Resources Manager. Under no circumstances will appointments with extensions be approved beyond sixty (60) days.
 - a. The Tribal Chairman and/or the Executive Director at their discretion may consider temporary appointments to any Program Director level positions(s).
 - b. Short-term assignments for special contracts, grants, seasonal work or projects are not considered temporary appointments and are excluded from the Temporary hire provisions.
 - c. For those positions that involve regular contact with, or control over, children, applicant will be subject to character investigations and background checks per TITLE XVIII, 18-201.7. The Human Resources Office in conjunction with the Bureau of Indian Affairs and other federal, state and Tribal investigative agencies will conduct all character investigations and background checks. Background check will include fingerprinting.
5. Temporary employees are not afforded any benefits as pertaining to permanent employees and may be terminated at any time with or without prior notice to the employee.
 - a. Temporary employees do not earn or accrue leave that is provided to permanent employees.
 - b. Temporary employees are required to obtain prior approval from his/her supervisor to be absent from work (approved absences shall be charged to leave without pay (LWOP). Any unauthorized absences shall be charged to absence without leave (AWOL) and shall be considered as grounds for termination of his/her temporary appointment.
 - c. Temporary employees are entitled to be paid for holidays, provided they are in a full pay status the workday before the holiday and the full workday after the holiday. Temporary employees may also be paid for administrative leave, where such leave has been authorized for all other employees and the temporary employee is prevented from attending scheduled work.

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- d. Temporary employees are not authorized travel/training privileges for business purposes to off-Reservation sites, unless specifically requested in writing by his/her supervisor as travel/training that must be provided to enable the employee to perform assigned duties, and the training cannot be provided on-site or within the reservation. Such requests shall be approved by the Executive Director prior to the travel or training.
6. Temporary employees wishing to be considered for any vacant position must file a Tribal application for the vacant position(s) as well as a Tribal application for the temporary assignment. The application for the temporary appointment must be requested by the Program Director/Supervisor with the written approval of the Executive Director and the Human Resources Manager. All Tribal applications shall be filed with the Human Resources Office in accordance with application procedures specified in the Tribal Personnel Policy and Procedures.

SEASONAL EMPLOYEES

7. Seasonal employment that is needed for a specified period of time shall be established by request of the responsible Program Director, with approval by the Executive Director and concurrence of the Human Resources Manager. These positions may only be established within the existing personnel classification structure, subject to the availability of funding and budget.
 - a. Seasonal employee positions shall be advertised as seasonal, with defined termination dates or expected duration of the seasonal employment.
 - b. Seasonal employees shall be terminated at the end of the period of seasonal employment. Employees who have performed satisfactorily during their period of employment shall be granted priority position in hiring at the next seasonal hiring period, but are not guaranteed to have continuing employment.
 - c. Seasonal employees shall not earn annual leave or sick leave. Seasonal employees are eligible to work overtime hours in accumulation of compensatory time.

CLASSIFICATION OF POSITIONS

8. All Tribal employee positions shall be classified according to the structure established in the Tribal Classification Plan. The Classification Plan shall be created based on study of functions required to be carried out by each position, the responsibilities assigned to each position, the required knowledge, skills, education, and abilities associated with the positions, and on an assessment of comparative positions in similar organizations.
9. The Tribe's Human Resources Office shall be responsible for creation and update of the Tribal Classification Plan. No positions may be created unless their classification has been established within the Tribal Classification Plan structure. All updates to the Tribal Classification Plan shall be reviewed with the appropriate standing committees and shall require approval by the Tribal Council.
 - a. The Human Resources Office shall conduct periodic reviews of individual positions to assure

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the duties of the positions continue to meet the assigned classifications.

- b. The Tribal Classification Plan shall be reviewed periodically as a whole to assure it continues to reflect the needs of the Tribe and to represent the existing organizational structure.
 - c. Any reorganization of the Tribal organization structure shall be accompanied by a review and update of the Tribal Classification Plan for the positions that may be affected.
10. For new positions, Program Directors or supervisors shall work with the Human Resources Office to develop and submit accurate job descriptions so that the appropriate position classification is developed, and the salary level and scope of work are properly represented in the position classification. Program Directors or supervisors shall also provide justification to the Contracting Office to assure that the position is needed, that it falls within budget constraints, and that it meets the scope of work or objectives of the contract/grant funding the proposed position.
 11. The Program Director or supervisor shall be responsible for obtaining approval for establishing new positions. New permanent positions, either full-time or part-time, shall only be filled after the positions have been reviewed and classified by the Human Resources Office, and approved by the appropriate standing committee and by the Tribal Council. Temporary, seasonal, short-term, and intermittent positions may be created with approval of the Executive Director and the Human Resources Manager, subject to availability of funding.
 12. All vacant positions, whether new or existing, shall only be filled pursuant to the requirements of the Personnel Policies and Procedures.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Office is responsible for implementing and enforcing this policy.

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POLICY OBJECTIVES

This policy provides guidelines for the recruitment and hiring of Tribal employees.

SPECIFIC POLICY STATEMENTS

RECRUITMENT

1. All new and vacated positions shall only be filled through open competitive processes that permit the widest possible pool of applicants and fair competition for each position.
 - a. Program Directors and supervisors wishing to fill new and existing vacant positions shall submit a written request to the Human Resources Office, outlining the requirements and preferences related to the position, and identifying any particular needs that may affect the recruitment process.
 - b. The Human Resources Office shall determine the appropriate classification and position requirements to be advertised and shall make adjustments to the advertisement specifications as may be necessary to maintain comparability across types of positions. Program Directors and supervisors may not undertake any recruitment activity independent of the Human Resources Office.
2. The Human Resources Office shall issue and publicize vacancy announcements that will be opened for a minimum of fourteen (14) calendar days to permit wide response to the announcement. The announcements shall contain the following information, and shall be prominently posted in Tribal and District offices and other appropriate locations.
 - Title and location of the position;
 - Type of position (permanent, temporary, seasonal, etc.) and its classification;
 - Salary range or hourly pay;
 - Scope of work and assigned duties and responsibilities;
 - Qualification requirements and any experience preferences;
 - Alcohol and drug testing requirements;
 - Requirements for Tribal, State, and Federal background investigations;
 - Any other notification requirements applicable to the job (e.g., medical, driving, shift work requirements, etc);
 - Any applicable hiring preferences (veteran's/Indian) and document requirements;
 - Opening and Closing dates of the announcement; and
 - How and where to file a Tribal application.
3. Position advertisements may be withdrawn and reissued by the Human Resources Office if it is determined during the course of recruitment that the advertisement will not provide the optimal recruitment of candidates, or if the specifications issued do not fairly represent the desired qualifications for the position. Vacancy announcements do not represent guarantees that the position will be filled, and the Tribe shall not be liable to any applicant if a determination is made to recall an

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announcement.

4. The Human Resources Office shall establish processing procedures to assure that applications received for any open position shall be considered only if they are submitted timely and contain all required information, including supporting documents required.
5. The Human Resources Office shall be responsible for screening all applications to assure the applicant experience and qualifications meet the requirements of the position. This Office shall also determine if background checks will be required, and shall make arrangements for conduct of such tests or checks prior to scheduling applicants for interview processes. Drug/alcohol testing required for particular positions shall be scheduled after individual applicants have been recommended for the position.
6. Applications received shall be processed and controlled by the Human Resources Office to assure all qualified applicants receive full and fair consideration within the context of the Tribal Personnel Policies and Procedures.

APPLICATION FOR POSITIONS

7. Any eligible person may apply for a vacant position by completing a Tribal employment application and filing the application at the location and with person(s) designated in the vacancy announcement prior to the deadline. Resumes and other necessary documentation must be submitted as supporting documents to an official Tribal employment application. The following documentation may be required:
 - High School Diploma/GED Certificate
 - College Degree or Copy of Official Transcripts
 - Certificates of Training/Workshops Attended
 - Resume/Past and Present Work Experience
 - Three (3) Current Letters of Reference
 - Degree of Indian Blood/Indian Preference Form
 - Honorable Discharge Certificate/ Form DD-214
 - Valid Driver's License & Proof of Insurance (as required by the position)
 - Evidence of Repayment Arrangements for Indebtedness to the Tribe
 - Other information as necessary, including certification of relationship to immediate supervisors of the position.
8. It is the responsibility of each applicant to prepare, complete and submit his/her application for each job vacancy. The Human Resources Office shall not accept nor honor requests from applicants to copy or transfer application information from one vacancy to another, nor shall the Human Resources Office accept or honor requests from current or former Tribal employees to copy documents from their personnel files to complete applications.
9. Upon the closing of a vacancy announcement, only completed applications shall be rated and scored to determine whether they meet minimum qualification requirements. Qualification determinations shall be based on applicable experience, education and training relating to the position being filled.

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All applicants are required to provide proof of qualifications with their applications prior to the closing deadline of the vacancy announcement. Applications and any other documents submitted by the applicant after the closing deadline will not be accepted nor considered.

10. Additional points shall be provided to all qualified applicants claiming Indian or Veteran's Preference. To claim Indian Preference, applicant must provide proof of Tribal enrollment from a federally recognized Tribe (including Alaskan Natives). To claim Veterans Preference, applicants must provide proof through submission of a copy of his/her DD-214 (clearly indicating Honorable Discharge or Discharge under honorable conditions) and/or an official copy of his/her Honorable Discharge Certificate from the Veteran's Administration.
11. The Human Resources Office shall provide a ranked list of all qualified applications that have been rated and scored as meeting the minimum requirements of the positions. These listings shall provide the official documentation of qualified candidates who may be scheduled for interviews. Candidates receiving the lowest rankings on the listings may not be interviewed.

INTERVIEW AND SELECTION OF APPLICANTS

12. The interview of applicants for individual positions is the responsibility of the hiring Program Director or supervisor and the Human Resources Office. The Human Resources Office, in consultation with the Program Director or supervisor, shall convene an interview panel to conduct interview of the qualified applicants. The Human Resources Office shall provide guidance on the number of applicants that may be interviewed from the ranked listing provided, and on the questions that may be asked during the interviews.
 - a. The Human Resources Office shall participate in all of the interviews as a non-voting party to monitor the conduct of the interviews, and shall provide documentation of information presented in the applications or obtained as result of tests or background checks. The Human Resources Office representative shall also lead the conduct of any reference checks.
 - b. Other members of the interview panels shall be selected to provide a broad assessment of the candidates, consistent with the needs of the particular position. Interview panels shall include the hiring Program Director or supervisor and at least two other individuals, in addition to the representative of the Human Resources Office. For the Head Start program, the interview panels shall include sufficient representation from the 0-5 Head Start Policy Council to enable the Policy Council to approve the hiring selection.
 - c. Interviews shall be completed within ten (10) days after receipt of the ranked listing of applicant candidates from the Human Resources Office. Where the position being recruited is for a supervisory or highly technical or specialized position, interview timeframes may be extended to permit longer interviews or multiple levels of interviews.
 - d. Interviews may also be extended to include testing on use or operation of equipment that may be essential to the performance of the work being recruited, for example, testing on the operation of heavy equipment.

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13. The interview panel(s) shall submit a written recommendation of a candidate (and an alternate) for the position based on results of the interviews and the review of references/background checks. Where multiple levels of interviews are conducted, the recommendations of each lower-level panel shall be rendered to the next level panel in the process. The Human Resources Office shall coordinate with the Program Director or supervisor on the final selection, and shall establish an applicable start date and level of starting compensation, and shall notify the candidate of his/her selection.
14. All new employees and current employees selected for other positions shall be processed into the Tribal payroll system following the procedures contained in the Tribal Financial Management Policies and Procedures and applicable Tribal Personnel Policies and Procedures. These policies include requirements for submission of appropriate documentation related to payroll, payroll deductions, insurance and other benefit programs, and for repayment of indebtedness to the Tribe. No employee will be established on the payroll system until all such documentation has been submitted.

PROBATIONARY PERIOD

15. All applicants hired into permanent positions are required to serve a probationary period. The purpose of this probationary period is to provide the employee an opportunity to demonstrate his/her knowledge, skills and ability to perform the duties and responsibilities of his/her position and conform to the Tribe's Personnel Policies and Procedures. In addition, this probationary period provides the supervisor an opportunity to evaluate the performance and conduct of the employee and to make a determination whether or not the employee is suitable for retention to permanent status.
 - a. Supervisors are required to provide a program orientation to new employees within the first week of hire. Performance expectations should be established and discussed with the new employee during this period. The Human Resources Office will provide a copy of the Personnel Policies and Procedures Manual to new employees at the time of their orientation.
 - b. Newly hired applicants into non-supervisory permanent positions or current Tribal employees hired into another non-supervisory permanent position shall be required to serve a probationary period of ninety (90) calendar days. The ninety-day probationary period will commence on the starting date of the employee's appointment. The position supervisor may request one (1) extension of the probationary period for not more than thirty (30) calendar days. Any requests for an extension of the probationary period must be for cause as determined by the supervisor and shall be approved by the Executive Director.
 - c. Newly hired applicants into supervisory permanent positions or Tribal employees hired into vacant Program Director or supervisor positions are also required to serve a probationary period of ninety (90) calendar days. The ninety-day probationary period will commence on the starting date of the employee's appointment. The position supervisor may request one (1) extension of the probationary period for not more than thirty (30) calendar days. Any requests for an extension must be for cause as determined by the supervisor and shall be approved by the Executive Director or by the Tribal Chairman if the extension request is

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made by the Executive Director.

- d. Current, fulltime, permanent Tribal employees who transfer from one position to existing or new vacant positions under the in-house transfer provisions, shall also be required to serve a new probationary period of ninety (90) calendar days, which shall commence on the starting date of the employee's new position appointment. Similar provisions may be pursued to extend the probation period for an additional thirty (30) calendar days.

16. Expiration of Probationary Period: The supervisor is responsible for evaluating the overall performance and conduct of the probationary employee at least once each month, and for providing the Human Resources Office an overall performance and conduct evaluation prior to the end of the probationary period, with a recommendation to either convert the probationary employee to permanent status or to terminate for cause. Performance evaluations shall be submitted in accordance with Personnel Policy I-3-A, paragraph 5.

- a. A probationary employee may be terminated at any time during his/her probationary period.
- b. Probationary employees, including current employees who have transferred or been hired into a new position, are considered to be candidates for permanent hire and therefore have no appeal rights to any termination action before the appropriate standing committee or to appeal to Tribal Council.

17. Limitation of leave during the Probationary Period: Newly hired employees, during their probationary period, are not eligible for the full range of leave usage afforded to permanent status employees. Similarly, current employees who are hired into new positions and enter a probationary status may not use accumulated leave until they have completed their probationary period.

- a. Supervisory and non-supervisory probationary employees are eligible to earn and accrue annual leave, sick leave and compensatory time. In accordance with Tribal Financial Management Policies and Procedures, Tribal employees are eligible to retain accrued leave balances while on probation; however, employees are not eligible to use annual leave while on probation.
- b. All requests for sick leave or for use of accrued compensatory must be in accordance with applicable leave procedures (see Policy I-2-E).
- c. All leave benefits afforded to permanent employees will take effect when the employee converts from probationary status to permanent status. If a probationary employee does not attain permanent status or is terminated, all accumulated leave shall be forfeited.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Office is responsible for implementing and enforcing this policy.

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POLICY OBJECTIVES

This policy establishes the guidelines for promotion, transfer, or reclassification of current Tribal employees. The policy is consistent with and supports the standards established for classification of positions as defined in the Tribal Classification Plan. It also establishes Tribal policy governing transfers from within and temporary promotions.

SPECIFIC POLICY STATEMENTS

PROMOTIONS

1. A promotion is defined as the movement of an employee from an existing Tribal position to a vacant position of higher classification. Promotions involve a change of duties and assignment to a position that involves broader responsibilities with a corresponding increase in qualifications for the position. Promotions shall only be offered to an employee who has attained and held permanent employee status, for a period of not less than one continuous year.
2. Employees may only be promoted to vacant positions based on open competitive processes that consider the employee along with other qualified applicants for the position.
3. Employees shall not be promoted to an open position if they do not meet the qualifications established for the position. Applications submitted by qualified Tribal employees shall be subject to the level of review required by Tribal selection process.

TEMPORARY PROMOTIONS AND ASSIGNMENTS

4. Tribal employees may be temporarily assigned to fill vacant positions in a higher classification through the official designation as serving in an Acting Assignment. Such assignments shall exist only for as long as needed to properly fill the vacant position through normal advertising and recruitment. Acting Assignments are different from designations of “delegated authority” which are provided to leave an employee “in charge” during temporary absences of supervisors.
 - a. Program Directors shall nominate the employee who will receive the Acting Assignment; however, the Executive Director shall approve the employee actually given Acting Assignments, considering the needs of the program and the individual employee’s qualifications to fill the position.
 - b. Assignments that exceed ninety (90) days in duration must obtain the advance, written approval of the Executive Director to extend the assignment past ninety (90) days.
5. Tribal employees on Acting assignments in vacant positions shall have the normal authority of the position. Provided, that disciplinary actions request by employees on Acting assignments shall first obtain the concurrence of the Executive Director and the Human Resources Manager to assure that such discipline is necessary and proper under Titles XVIII and XXVII and this Policies and

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Procedures Manual. Tribal employees on Acting assignment may only be authorized travel to off-Reservation sites for business purposes necessary to fulfill the duties of the position. Tribal employees on acting assignments in vacant positions are **not** authorized travel to off-Reservation sites for training purposes, unless they obtain the advance, written approval of the Executive Director for such travel.

6. The Human Resources Manager shall review all temporary assignments to assure they are only used for short-term assignments during the pendency of the Tribal selection process for the vacant position. The Human Resources Manager shall monitor these positions to assure Program Directors or supervisors are exerting their best efforts to timely fill the vacancy.
7. Employees in Acting Assignments may receive additional compensation or benefits applicable to the position they are filling. Such adjustments in compensation shall end when the employee returns to their regular position.
8. Employees in Acting Assignments who apply for and are appointed to the vacant position through open competitive selection shall be required to serve the probationary period defined for all positions (see **Policy I-2-B**). The Executive Director may waive the probationary period requirement if the employee has satisfactorily performed in the Acting Assignment position longer than the defined probation period.

IN HOUSE TRANSFERS

9. Title XVIII, *Code of Justice*, Section 18-201.3 establishes authority for transfer of fulltime permanent Tribal employees to vacant positions, when such a transfer is deemed by the Executive Director, by the Human Resources Manager, and by the supervisor of the vacant position to be in the best interest of the Tribe, Department, and office in which the vacant position is located. Similar authority is provided for transfer of employees who are being subjected to a Reduction in Force. Such in house transfers are an exception to open competitive recruitment, and shall be used sparingly.
 - a. Employees who wish to apply for an in house transfer must be fulltime, permanent employees, who have been in their current position for at least one (1) continuous year. The employee shall submit an application for the transfer to the Office of Human Resources, and provide sufficient evidence and documentation to demonstrate that he/she meets all the qualifications for the vacant position. The employee shall also submit a copy of their most recent annual performance evaluation with their application.
 - b. The employee shall also submit a letter of intent to apply for the transfer to their current supervisor, indicating in the letter that the employee acknowledges they will give up all rights to their current position, and that they will be entering a new probationary period if accepted into the new position. A copy of this letter shall be submitted to the Office of Human Resources along with the employee's application for the transfer.
 - c. The Office of Human Resources shall screen the employee's application to assure the employee meets all of the position qualification requirements, shall determine if drug/alcohol

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testing or background checks will be required, and shall make arrangement for such tests or checks prior to obtaining final approval for the transfer.

- d. The transfer of qualified applicants shall be approved by the Human Resources Manager, by the Executive Director, and by the supervisor of the vacant position. Transfers of Program Directors, Managers, or Coordinators shall not be permitted.
- e. When the transfer is related to a Reduction in Force, details of the transfer shall be incorporated in the written plan of action prepared by the Program Director of the department making the force reduction. (See **Policy I-2-G.**)

RECLASSIFICATION OF POSITIONS

10. Reclassification of positions refers to change of classification of the position following a review of functions performed consistent with the Tribal Classification Plan. Reclassifications are required when it can be demonstrated that duties of the position have grown or broadened to an extent that the prior classification is no longer reflective of the duties and functional responsibilities. A reclassification is applicable to the position itself and is not based on the qualifications of the incumbent employee.
11. Requests for reclassification of positions shall be submitted to the Human Resources Manager, who shall initiate the appropriate review and evaluation of the position functions and its classification, following the guidelines contained in the Tribal Classification Plan. Requests for reclassification shall be submitted with a completed Position Assessment Questionnaire, with detailed descriptions of the functions and responsibilities of the position and its placement within the organization to which it is assigned.
12. The Human Resources Office shall complete assessment of reclassification requests within thirty (30) days, unless the reclassification is being considered in periodic updates of the Tribal Classification Plan. The Human Resources Manager may also initiate consideration of position classifications independent of the program requests as part of the periodic updates to the Tribal Classification Plan.
13. Adjustments to the Tribal Classification Plan shall not immediately or automatically result in changes to the Tribal Compensation Plan. The Human Resources Manager shall make determination if positions that are reclassified shall require compensation adjustments, and shall provide such determination to the Executive Director and the appropriate Council Committees.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Manager is responsible for implementing this policy and for monitoring compliance. Program Directors and supervisors are responsible for compliance with this Policies and Procedures Manual as well as for ongoing cooperation with the Office of Human Resources in applying its provisions.

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I-2-D, 1, 2, 3 Personnel Policies: Compensation Has been intentionally left out until Compensation Plan is approved.

TEMPORARY CHANGES IN ASSIGNMENT

10. Employees may be requested to undertake temporary changes in assignment for the benefit of the Tribe until there is no longer a need for the temporary change or the position for which the temporary assignment was made is filled. Such assignments shall be made only upon approval of the Executive Director. Such assignments shall not be considered promotions and shall not give rise to promotional increases in compensation. Employees in Acting assignments may receive additional compensation applicable to the position they are filling. Such adjustments in compensation shall end when the employee returns to their regular position.

PAYROLL DEDUCTIONS

11. The Finance Office Central Payroll shall automatically make applicable deductions from employee paychecks according to law. Employees may also authorize in writing to the Finance Office to have other deductions made according to Tribal Financial Management guidelines. All deductions from wages shall be based on documentation submitted to Central Payroll, properly signed by the employee and approved by the employee's supervisor.
12. **Voluntary payroll deductions** shall only be made if the types of deductions requested have been authorized by the Tribal Finance Officer as acceptable deductions. The Finance Officer shall have authority to limit or restrict the number of payroll deductions where there are only a few participants in the type of deduction.
13. **Tribal Court Order for Garnishment** – Pursuant to the Code of Justice, Title II, 2-211, Garnishment of Wages for Satisfaction of Judgments, the Tribal Finance Office shall withhold the wages of employees for whom the Standing Rock Tribal Court enters an Order withholding wages of the employee.
14. **Federal or Federally Guaranteed Defaulted Student Loans** – Pursuant to the Higher Education Act of 1965, and its amendments, 20 U.S.C. 1095a, the Tribal Finance Office shall withhold the wages of tribal employees, when it is in receipt of an Order of Withholding From Earnings issued by the United States Department of Education or from a Guaranty Agency. Provided however, that the Guaranty Agency must have an agreement with the U.S. Department of Education that it is authorized to issue "*Administrative Wage Garnishment Withholding Orders to Employers*," pursuant to 488A of the Higher Education Act, to recover Federal Family Education Loan debts owned by individuals who have defaulted on their student loan repayment obligations.

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- a. The amount deducted by the Tribal Finance Office for defaulted student loans, as provided above, for any pay period, may not exceed ten percent (10%) of disposable pay, except that a greater percentage may be deducted with the written consent of the employee. For purposes of this Policy the term “disposable pay” means that part of the compensation of the employee remaining after either deduction of any amounts required by law to be withheld.
15. **Other Request** – Any other outside administrative or court ordered requests for wage withholding or garnishment shall first be processed through the Standing Rock Tribal Court.
 16. **Repayment of Delinquent Debts Owed to the Tribe** – Any employee of the Tribe, or any individual who is seeking employment with the Tribe, and who is indebted to the Tribe either through direct loans and advances or through co-signing or endorsement of loans which have become delinquent, shall establish arrangements for repayment of such debt through payroll deductions. Current employees who fail to commit to such repayment of such debt through payroll deductions. Current employees who fail to commit to such repayment shall be subject to appropriate disciplinary action, up to and including termination. Prospective employees shall make and enter into such repayment arrangements with the Tribe prior to accepting employment with the Tribe.

HOURS OF WORK

17. **The standard tour of duty** (workday) for Tribal employees in Monday through Friday from 8:00 a.m. to 4:30 p.m. with a one-half hour break for lunch. Changes to the standard tour of duty or day may be directed by the Tribal Chairman (e.g. summer working hours).
 - a. All tribal employees not assigned to an alternate tour of duty or flexible schedule shall report for work with the standard tour of duty.
 - b. Employees are expected to work a full eight-hour day. In case of unavoidable absence or delay, the employee shall immediately inform the Program Director or immediate supervisor. Employees failing to call in when absent or late may be placed on leave without pay status, be subject to disciplinary action, and in case of repeated offenses, shall be subject to termination.
18. **Tribal Police Officers** – the tours of duty for Tribal Police Officers are set as follows:
 - Day shift from 8:00 a.m. to 4:30 p.m.
 - Evening shift from 4:00 p.m. to 12:00 a.m.
 - Night shift from 9:00 p.m. to 5:00 a.m.
 - Night shift from 12:00 a.m. to 8:00 a.m.
 - a. Schedule of work and shifts shall be set and determined by the Captain of Police. A one-half hour lunch/dinner break shall be allowed and shall be taken at the discretion of the Police Office when time and duties permit during his/her shift.
 - b. The Bureau of Indian Affairs Police Officers shall provide Police Officer coverage on all Holidays unless otherwise determined by the Tribal Chairman (i.e.) to cover unforeseen emergencies, disasters or other circumstances deemed applicable.

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19. **Flexible Schedules** – Hours of work for non=Police Officers position in Departments with position requiring performance of duties beyond the standard 8:00 a.m. to 4:30 p.m. tour of duty stated above shall be established by the Program Director with Committee concurrence and approved by the Tribal Chairman. These flexible hours are as follows (but not limited to):

- 6:00 a.m. to 2:30 p.m. with a one-half hour break for lunch
 - 7:00 a.m. to 3:30 p.m. with a one-half hour break for lunch
 - 8:00 a.m. to 4:30 p.m. with a one-half hour break for lunch
 - 9:00 a.m. to 5:30 p.m. with a one half hour break for lunch
 - 10:00 a.m. to 6:30 p.m. with a one-half hour break for lunch
 - 2:00 p.m. to 10:30 p.m. with a one-half hour break for lunch
- a. Employees on flexible schedules are expected to work a full eight-hour day. In case of unavoidable absence or delay the employee should immediately notify the director or supervisor. Employees must be present at work or on approved leave status during the core work hours from 10:00 a.m. to 2:00 p.m.
 - b. The employee shall maintain a minimum of one full pay period on a particular tour (e.g. 7:00 a.m. to 3:30 p.m.) before a different tour of duty can be authorized.
 - c. Late arrival or tardiness shall not be allowed. Tardiness each day will require a deduction of applicable leave. If leave without pay or absence without leave is charged to the employee, the employee will not accrue annual leave or sick leave hours. An employee will be paid actual time worked. Leave for all tardiness will be charged in one (1) hour increments.

COMPENSATORY TIME

20. The Standing Rock Sioux Tribe shall not provide payment for time worked in excess of the normal workweek (40 hours). If overtime work is necessary, compensatory time shall be earned and accrued in lieu of overtime pay. All overtime work must be authorized in advance by the employee's immediate supervisor. Compensatory time may be authorized under the following conditions:

- To meet emergencies and unexpected circumstances not normally encountered by the program;
- To cover additional work assignments as a result of vacancies in the department;
- To cover periodic heavy workloads;
- To cover other emergencies deemed appropriate and necessary by the Chairman.

21. The following guidelines shall be following when considering authorizing compensatory time:

- a. Program directors and supervisors must authorize overtime work in advance. Compensatory time shall be authorized only as needed under the guidelines stated above and not on a routine basis to perform work that can or should be done during regular work hours.
- b. Compensatory time may be authorized for working on a holiday when there is an emergent need in accordance with the guidelines stated above and job duty requires it.
- c. Compensatory time may be authorized for an employee who is required to travel by motor

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vehicle to or from another work location, and the time of travel is required to occur beyond normal business hours, after completion of an entire full workday. The supervisor must approve after-hours travel and compensatory time for the employees prior to their engaging in the travel.

- d. Compensatory time shall not be authorized to perform work during excused time off (administrative leave).
- e. Compensatory time shall not be authorized to work extra hours to make up time or catch up on work or to cover anticipated future leave.
- f. Program Directors and supervisors shall encourage staff to use compensatory time during the pay period in which it is earned, or within the following work period to avoid excessive accumulation of unused compensatory time. Program Directors and supervisors shall authorize use of earned compensatory time in lieu of annual leave and/or sick leave.
- g. Use of compensatory time shall be under the same conditions as applied to use of annual leave or sick leave. Use of compensatory time must be request and approved by the employee's immediate supervisor at least twenty-four (24) hours in advance.
- h. Compensatory leave shall not be authorized or approved for employees incarcerated at any time during business hours. Incarcerated employees during business hours will be charged with AWOL.
- i. The maximum carry over into the next leave year (January 1 through December 31) shall be two hundred forty (240) hours of compensatory time.
- j. The Tribe shall provide all eligible and covered tribal employees with compensatory time at a rate of one and one-half (1½) hours per each hour worked in excess of forty (40) hours per week.

RESPONSIBILITY FOR COMPLIANCE

The Human Resource Manager is responsible for implementing this policy and for monitoring compliance. Program Directors and supervisors are responsible for compliance with the policy and for cooperating with the Office of Human Resources in applying its provisions in seeking compensation for positions. Provisions related to authorization and use of compensatory time shall be further monitored by the Finance Office Payroll Supervisor.

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POLICY OBJECTIVES

This policy contains guidelines for the granting of leave for Tribal employees. Leave benefits are granted to employees by authority of the Tribal Council, through its policies related to Tribal employment. Benefits may be eliminated or modified by the Tribal Council, particularly where there is abuse of leave policies.

SPECIFIC POLICY STATEMENTS

GENERAL AVAILABILITY OF LEAVE BENEFITS

1. All permanent Tribal employees, including employees in political appointed positions, are afforded leave benefits. Limited leave benefits are available to part-time employees, including prorated annual and sick leave, and other prorated benefits, as described below. Temporary employees are not entitled to leave benefits afforded to permanent employees.
2. Leave benefits provided to employees include annual leave, sick leave, holidays, and an assortment of leave granted for maternity/paternity absences, military reserve, jury duty, bereavement, and for educational purposes.

ACCRUAL/AVAILABILITY OF ANNUAL LEAVE

3. The accrual of annual leave shall be based on the length of consecutive and continuous service of individual employees, according to the following schedule:
 - a. Full-time permanent employees employed less than two (2) consecutive years will earn and accumulate four (4) hours of annual leave per pay period.
 - b. Full-time permanent employees employed for more than two (2) but less than ten (10) consecutive years will accumulate six (6) hours per pay period.
 - c. Employees employed more than ten (10) consecutive years will accumulate eight (8) hours per pay period.
 - d. Annual leave for permanent part-time employees will be prorated based on the percentage of full-time equivalent they are employed.
 - e. Probationary employees will earn and accumulate four (4) hours of annual leave per pay period; however, they may not use any of the accumulated leave until they have passed their probationary period. Employees failing to reach permanent status or those terminated while on probation shall forfeit all accumulated leave.
 - f. No annual leave will be earned during a pay period during which the employee is in a non-pay status for any part of the pay period.
4. Annual leave may be accumulated and carried forward from year to year if the employee is unable to

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take the accrued time off. The maximum carry over into the next leave year (January 1 through December 31) shall be 240 hours of annual leave. At the end of each leave year, accumulated leave balances in excess of 240 hours shall be eliminated from the employee's record.

5. An employee who separates from employment during any fractional part of the pay period will not accumulate any leave for that pay period.

ACCRAUAL/AVAILABILITY OF SICK LEAVE

6. Full-time permanent and probationary employees shall earn four (4) hours of sick leave per pay period, unless he/she takes any leave without pay or is charged with any absence without leave (AWOL) during that pay period. Sick leave for permanent part-time employees will be prorated based on the percentage of full-time equivalence they are employed.
7. Sick leave shall be available for use by employees who are unable to report for work due to illness or injury and for medical, dental or optical diagnosis or treatment, or when an employee's presence at work jeopardized the health or other employees. Employees shall only be able to use sick leave hours they have already accumulated in prior pay periods.
8. Supervisors may authorize sick leave to an employee for medical care of their immediate family and others for whom they are legally responsible. Supervisors may authorize annual leave to employees requesting to be absent from work due to illness and who do not have accrued sick leave to cover the requested period of absence.
9. Employees may carry over all accumulated sick leave hours into the new leave year.

HOLIDAYS

10. All tribal employees will be entitled to holidays with pay and will observe the following days as holidays. Holidays occurring on Saturday will be observed on the preceding Friday. Holidays occurring on Sunday will be observed on the following Monday.

- New Year's Day
- Martin Luther King Day
- President's Day
- Traditional Memorial Day (May 30)
- Little Big Horn Victory Day (June 25)
- Independence Day (July 4)
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Christmas day
- American Indian Day (last Friday of each September)
- Tribal Elections
- Chief Sitting Bull Day (December 15)

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11. In order to receive pay for designated holiday, the employee must be in a work or paid leave status on his/her scheduled workday immediately preceding the holiday and immediately following the holiday. Pay for holidays for employees working other than a full-time schedule shall not exceed the number of hours for which the employee would be paid if they were on a normal work day.
12. Employees who are required to work on a holiday shall receive compensatory time at one-and-one-and-a-half times the number of work hours scheduled and worked for that holiday. Work on holidays must be authorized in advance and in writing by the employee's supervisor.

OTHER TYPES OF LEAVE

13. **Maternity Leave** – Permanent employees shall be authorized administrative leave not to exceed eighty (80) hours (two weeks) for maternity purposes. The mother and her doctor shall determine the best and most appropriate use of the maternity leave, depending in individual circumstances of the pregnancy and birth.
14. **Paternity Leave** – Permanent employees shall be authorized administrative leave not to exceed eighty (80) hours (two weeks) for paternity purposes. Paternity leave must be taken in consecutive hours not to exceed the eighty (80) hours authorized either immediately before the birth, with a Doctor's statement, or immediately after the birth. Employees claiming leave for paternity purposes must provide proof of legal relationship to the child either through submission of a marriage license or other legal documentation attesting to the parental relationship to the child.
15. **Military Leave** – Permanent employees who are members of any reserve component of the United States Armed Forces will be allowed leave without pay for required training or duty not to exceed ten (10) working days during one calendar year. In the event the time required for such duty is longer than ten (10) working days, the additional time off with leave without pay will be allowed at the discretion of the Tribal Chairman based on the recommendation by the immediate supervisor. Permanent employees on military leave may request to take annual leave or request to use compensatory time to cover the length of time absent from work for military leave reasons provided that the employee has an accumulated balance to cover the time requested.
16. **Jury Duty and Subpoena** – Tribal employees (including Temporary employees) will be granted administrative leave for (actual hours) if their presence is required by subpoena or direction by proper authority to appear for jury duty in Tribal or Federal court.
17. **Bereavement Leave** – All Tribal employees shall be granted administrative leave for bereavement purposes, following the death of a member of their immediate family.
 - a. Immediate family members are defined as follows: wife, husband, daughter, son, mother, father, sister, brother, grandson, granddaughter, grandmother, grandfather, daughter-in-law and son-in-law.
 - b. For leave granted to full-time employees, the total leave granted shall not exceed forty (40) consecutive hours. Leave granted to part-time employees shall not exceed the number of hours that would be worked by the employee in a normal work week.

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- c. Administrative leave, not to exceed eight (8) hours may be granted to a Tribal employee who is a veteran and actively participates as a pallbearer, a member of a firing squad or honor guard in military ceremonies for deceased veterans.
 - d. Other employees other than immediate family members shall be required to use annual leave or compensatory leave for attendance at funeral services.
18. **Educational Leave**– Permanent employees may be granted educational leave with pay at their request to attend classes that are work related and of benefit to the Tribe, with approval by the Program Director or immediate supervisor and at the discretion of the Tribal Chairman. Educational leave shall not exceed four (4) hours per week, and is only applicable to class time, not for travel to and from class. Educational leave shall be reviewed/approved under the following guidelines:
- a. The employee must request approval for the educational leave in writing in advance of the classes. The Educational Leave form may be used for this purpose. The employee shall not be entitled to educational leave if approval has not been granted prior to the start of classes.
 - b. The employee's supervisor shall review requests review requests for educational leave and provide a recommendation on the request to the Human Resource Manager. The supervisor must certify that the class is work related and of benefit to the Tribe, and indicate that work assigned to the employee will not be assigned to another employee and that the employee's work performance and program services will not be affected by their absence from work.
 - c. The Human Resource Manager will review and provide recommendation on all educational leave requests, and submit the requests to the Tribal Chairman for authorization or denial.
 - d. Employees approved for education leave must submit evidence of attendance in the classes from their teacher/counselor at the end of each pay period to his/her supervisor. If such evidence is not submitted, the administrative leave shall not be granted.
19. **Absence Without Leave (AWOL)** – Employees who are absent from work without authorized or approved leave will be charged with absence without leave (AWOL). Employees who are charged with AWOL will be subject to disciplinary actions, up to and including termination. Unauthorized tardiness will be documented on time and attendance sheets as AWOL. Employees charged with AWOL for any part of the pay period will not accrue annual leave and sick leave for that pay period.

LEAVE WITHOUT PAY

20. When recommended by an employee's immediate supervisor, and approved by the Executive Director an employee may be granted **leave without pay** for justifiable personal reasons (as stated in writing to the employee's immediate supervisor) for a period up to thirty (30) calendar days. Leave without pay is authorized leave. A supervisor may not authorize more than one workday's leave without pay in any pay period. Leave without pay will not be granted until all accumulated annual leave and compensatory time has been exhausted. No type of leave will be earned or accrued during the pay period(s) in which leave without pay is taken. The period of leave without pay shall not be

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counted or credited as service time for salary increases or any other service benefit.

FMLA PROVISIONS

21. Tribal employees shall be entitled to leave without pay in accordance with the provisions of the Federal Family Medical Leave Act (FMLA), without loss of employment and with no adverse effect on their employment history. FMLA leave shall require a physician's certification of medical need and recommendation of the employee's supervisor. The supervisor must ensure that the employee has exhausted all available leave balances (including annual leave, sick leave, and compensatory time) prior to submitting the request and recommendation to the Executive Director. All FMLA requests shall be reviewed for concurrence with the Employee Benefits Coordinator, and shall require approval by the Executive Director. Maximum leave without pay under FMLA provisions is twelve weeks.
22. Employees may request leave without pay due to illness beyond the FMLA limits for an extended period of time not to exceed six (6) months in a leave year, but without the protections offered under the FMLA guidelines. Extended leave granted by the Tribe under this policy shall not guarantee retention of the employee's position or previous level of compensation if the employee is rehired. Any approved extended absence shall be based on physician's certification that the employee cannot return to work, and shall be solely at the discretion of the Executive Director. If such absence is approved, the immediate supervisor shall be responsible for maintaining time and attendance records of the leave without pay and for notifying the Human Resource Manager of the expiration date of the approved leave.

USE/APPROVAL OF LEAVE

23. Employees requesting annual leave must complete a leave slip and obtain approval to be absent on annual leave from his/her immediate supervisor at least twenty-four (24) hours in advance of being absent. Failure to follow this procedure without just cause or reason will result in the employee being charged with AWOL. Supervisors will schedule and authorize annual leave for his/her employee(s) so as to minimize undue interference and disruption of the program operations.
24. Annual leave and sick leave will not be authorized or approved for employees who are incarcerated at any time during business hours. Employees incarcerated during business hours will be charged with AWOL. Extended periods of incarceration may lead to suspension or termination.
25. Employees must personally contact his/her supervisor to report all absences due to illness no later than the first hour of the first day of illness, and each day thereafter. An employee failing to contact his/her supervisor without just reason will be charged with AWOL. Supervisors may authorize up to twenty-four (24) hours (three workdays) of sick leave with requiring a physician's statement. Periods of illness exceeding twenty-four (24) hours of sick leave will require a physician's statement to be submitted by the employee to his/her supervisor.
26. Employees requesting other types of leave shall submit a written request to their immediate supervisor stating the requested leave and justification for the request. No leave may be taken without the proper authorization as provided in this policy.

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27. Program Directors and supervisors shall monitor use of leave by employees and shall document patterns of use that may indicate abuse of the leave, especially in use of sick leave. Employees who are found to be abusing leave shall be denied further use of leave and may be subject to further disciplinary action.

COMPENSATION FOR ACCUMULATED LEAVE

28. Employees leaving Tribal employment shall be eligible to receive compensation for the unused balance of his/her accrued annual leave, up to a maximum of two hundred forty (240) hours. No other leave balance shall be compensated by the Tribe. Employees may receive such compensation in a lump sum payment, net of tax and other deductions. Arrangements for this compensation shall be made through the Tribe's Payroll Supervisor, with approval of the Chief Financial Officer.
29. Employees who are leaving Tribal employment and who have an outstanding indebtedness to the Tribe shall not be entitled to receive the full value of compensation for accumulated leave. The compensation for accumulated leave shall first be applied to reduction of the indebtedness. Only the balance remaining after payment of the debt may be distributed to the departing employee. The employee shall make arrangements with the Chief Financial Officer for settlement of the Tribal debt before final checks to the employee are released.

RESPONSIBILITY FOR COMPLIANCE

The Human Resource Manager is responsible for implementing this policy and for coordinating any transactions related to the processing of payroll with the Tribe's Payroll Supervisor. Supervisors shall be responsible for assuring their employees are aware of the requirements of the leave policies and for monitoring compliance with the policies.

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POLICY OBJECTIVES

This policy defines conditions under which employees may be separated from employment without prejudice, due to furloughs, reductions in force, voluntary resignation, or due to medical or mental inability to perform the required duties. These conditions are not due to disciplinary causes, and do not reflect negatively on the employee's employment record. Rights of employees separated under these circumstances are also defined.

SPECIFIC POLICY STATEMENTS

SEPARATION DUE TO PHYSICAL/MENTAL IMPAIRMENT

1. An employee may be separated for disability reasons when he/she is unable to perform required duties and responsibilities because of physical or mental impairment. All cases of separation for physical or mental reasons must be supported by written medical documentation and be approved by the Human Resources Manager and the Executive Director.
2. Employees who cannot report for work, perform required duties and responsibilities, and/or require extended periods of time away from work for medical reasons, shall submit proof (Doctor's statements) to his/her immediate supervisor supporting the reason for these absences. Where possible, such employees shall be granted leave as provided in the Personnel leave policies.
 - a. Permanent employees shall first use accumulated balances of sick leave to cover the length of approved absence, as outlined in sick leave procedures.
 - b. Permanent employees may use accumulated annual leave and accrued compensatory time to cover periods of absence due to illness or medical reasons that are not covered by sick leave.
 - c. Permanent employees who have exhausted leave benefits are eligible for twelve (12) weeks of unpaid leave under the Family Medical Leave Act, provided all acceptable medical documentation has been provided to the immediate supervisor and the employee is authorized to be absent under this act.
3. In addition to considering granting leave as stated above, program directors and supervisors may also consider separating an employee for documented physical and mental reasons when the employee's absence or extended absence causes delays in program requirements, cessation of work while the employee is absent or otherwise jeopardizes program compliance and work assignments.

FURLOUGH AND OTHER TEMPORARY LAY-OFFS

4. There may be occasions when employees must be laid off from work due to administrative reasons such as lack of work; lack of funds or summer breaks from school. Under these circumstances, permanent employees shall be placed on furlough status. Temporary employees shall be immediately separated. Notification to furloughed employees may be on the same day as furlough status takes effect. Furloughed employees are not eligible for continued benefits during this period but resume all

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benefits upon their return to duty.

REDUCTIONS IN FORCE

5. There may be occasions when employees must be separated from employment due to administrative reasons such as loss of funds, termination of contract or grant, reorganization of a department or program or a change in duties of an occupied position. Under these circumstances the following reduction in force guidelines shall apply:
 - a. When a position must be abolished for an administrative reason as stated above, the Program Director of the department will submit a written plan to the Executive Director regarding any employee(s) affected by a reduction in force. The Program Director and the Executive Director shall review the proposal with the appropriate Standing Committee to obtain the Committee's approval for the plan for carrying out the reduction in force. The approved plan shall be submitted to the Tribal Chairman for concurrence, then shall be submitted to the Human Resources Office for execution.
 - b. The order of the employees affected by reduction in force will be determined on the basis of relative suitability for the remaining jobs (if any) and length of continuous Tribal service. Any employee subject to separation by reduction in force shall be notified in writing at least two (2) calendar weeks prior to the effective date of the separation. Temporary employees shall be immediately separated.
 - c. Employees to be separated under reduction in force shall be provided consideration for in house transfer upon his/her application for other vacant positions for which he/she is qualified. Employees who are separated under reduction in force shall be provided preference consideration for rehire, assuming the employee meets qualification specifications and has had a record of satisfactory performance prior to termination. Preference consideration is not a guarantee of automatic rehire.

RESIGNATIONS AND OTHER VOLUNTARY SEPARATIONS

6. Any employee may voluntarily resign by filing a written resignation with his/her immediate supervisor. Non-supervisory employees are required to give at least a two (2) weeks' notice prior to leaving. Program Directors and supervisors are required to give at least a thirty (30) days notice prior to leaving. The resignation shall contain the date that the resignation will become effective, reason(s) for leaving and a forwarding address.
 - a. The supervisor shall formally accept the resignation letter, and submit the resignation letter to the Human Resources Manager, who shall notify the Tribal Chairman of the resignation.
 - b. The supervisor and the resigning employee are responsible for completing the Employee Clearance Report and for all final processing of the resignation, including submitting the Employee Clearance Report to the Office of Human Resources for further processing. Failure of the employee to comply with all clearance requirements may be cause for denial of future employment and possible legal action for failure to return Tribal assets.

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7. Tribal employees who are hired into another vacant position must submit a written resignation from their current position before they may accept the new position. The immediate supervisor must complete and submit an Employee Clearance Report in the same manner as stated above. Failure of the employee to comply with all clearance requirements may be cause for delaying reporting to the new position.
8. Employees newly hired to positions may not seek transfer to other Tribal positions until they shall have completed their first anniversary. Qualified employees shall first apply for the position, following standard application procedures, including submission of their most recent annual performance evaluation. If the employee is selected as the most qualified for the new position, the employee shall obtain permission to transfer from the Human Resources Manager, the Executive Director, and the supervisor of the vacant position to which the employee is seeking to transfer.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Manager is responsible for implementing and enforcing this policy.

The seal of the Standing Rock Sioux Tribe is a circular emblem. It features a central yellow circle with a red silhouette of a person holding a bow and arrow. Surrounding this is a blue ring with white arrows pointing outwards. The outermost ring is white with red text. The top half of the ring reads "STANDING ROCK" and "SIOUX TRIBE". The bottom half reads "JULY 1873".

STANDING ROCK SIOUX TRIBE
PERSONNEL POLICIES AND PROCEDURES MANUAL

SECTION III
PERFORMANCE EVALUATIONS

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POLICY OBJECTIVES

The basic principle under which the Tribal Personnel policies have been developed is that all personnel actions (recruitment, employment, retention, promotion, training, discipline, or termination of Tribal employees) shall be based on the qualifications of the applicant or employee in relation to the job or position, and to their performance in carrying out the assigned duties of the job or position. A further principle applied to Tribal employees is conformance with Title XXVII, the Code of Ethics, and with the principles and guidelines contained in Title XVIII. The evaluation of performance and conduct is the essential tool to implement and enforce the objectives of the Tribal Personnel management policies.

SPECIFIC POLICY STATEMENTS

STANDARDS

1. All Tribal employees shall be subject to periodic formal evaluation of their conduct and performance in the positions to which they are hired or assigned. The conduct of the evaluations shall be the responsibility of the employee's immediate supervisor. The evaluations shall be conducted in accordance with the standards established in the Personnel policies, and following such form and process instructions as may be provided by the Office of Human Resources.
2. Non-probationary permanent employees shall be provided at least one performance review annually. Annual performance appraisal time frames begin on the start date of the employee in his/her current position and are due every year thereafter, on or before their anniversary date. Employees in political appointed positions shall also receive annual evaluations.
3. Supervisors shall be responsible for maintaining and tracking performance reviews of their employees. Failure by the supervisor to complete performance evaluations of employees on a timely basis shall be noted as a deficiency in the supervisor's own performance evaluation. There shall be no reason for not completing an annual performance evaluation for all employees.
4. Permanent employees whose performance is below satisfactory, as determined by the annual performance review, shall be notified of his/her deficiencies by their immediate supervisor in writing. This notification shall specify which job elements the employee needs to improve, how the supervisor will assist the employee to improve, and that the employee will be re-evaluated at the end of six (6) months. Failure by the employee to improve his/her performance shall result in an appropriate personnel action up to and including termination.
5. Probationary employees shall be provided a review of performance and conduct each month while on probation. The normal probationary period of 90 days may be extended for an additional thirty (30) days, at the request of the supervisor and with approval of the Human Resources Manager, if needed to provide an accurate evaluation of the probationary employee. Prior to the end of the probationary period, the supervisor shall submit all of the probationary employee's performance reviews to the Human Resources Manager, and make a recommendation to either convert the employee to permanent status or to terminate the employee for cause. Employees converted to permanent status may be further subject to a mid-year performance review six (6) months from the start date of their employment. The first annual review shall be performed at the end of the twelve months from the

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employee's start date.

MEASURE OF PERFORMANCE

6. The evaluation of employee performance shall be based on and guided by two measures: First, conformance with Title XXVII, the Code of Ethics, and with the principles and guidelines contained in Title XVIII, and, second, the performance expectations related to the duties and responsibilities of the employee's assigned position or job. The principles and guidelines of Titles XXVII and XVIII are objective and applicable to all employees. The duties and responsibilities of the individual positions are defined by each position and represent operating expectations for each program.
7. Performance expectations related to the duties and responsibilities of each position shall be defined on the basis of position requirements contained in the Job Descriptions, and shall be reviewed with and accepted by each employee at the start of the evaluation period. The employee and supervisor shall conduct an annual discussion of expectations as the basis for continuing understanding of results the employee is required to achieve to be considered as performing at a satisfactory level.
8. Performance evaluations shall measure whether the employee has performed in a satisfactory manner in relation to the performance expectations, whether the employee's performance is deemed less than satisfactory and needing improvement, or whether the employee has exceeded expectations and performed in a manner that has improved the operation of the program in which the employee is employed. As follow-up to the performance appraisal process and review, desk audits, and reclassification may be requested to allow for changes, additions or deletions in job descriptions.

BASIS FOR PERSONNEL ACTIONS

9. The results of performance evaluations shall be the primary consideration in matters of employee retention or compensation adjustments, and in initiating corrective or disciplinary action related to lack of performance. Merit pay raises (step increases) for employees shall be granted only to employees who have achieved an annual overall performance evaluation that is satisfactory or better. Employees receiving an overall evaluation that is less than satisfactory shall not be eligible for any compensation adjustments until they have successfully completed any corrective improvements in performance.
10. Permanent employees whose annual performance evaluations are less than satisfactory, and who do not complete corrective actions as required in their evaluations, may be subject to further disciplinary actions. The employee's supervisor shall review the evaluation results and recommended actions with the next higher supervisor and the Human Resources Manager prior to processing disciplinary actions.
11. An employee may be separated for disability reasons when he/she is unable to perform required duties and responsibilities because of physical or mental impairment. All cases of separation for physical or mental reasons must be supported by written medical documentation and demonstrated evaluations showing the employee's inability to perform the assigned duties and responsibilities. (Refer to Personnel **Policy I-2-G** for further guidance.)

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PERFORMANCE IMPROVEMENT PLANS

12. Performance improvement plans shall be developed for permanent employees whose performance is below satisfactory, as determined by the annual performance review. The plans shall be created by the employee's supervisor and reviewed with the employee at the time of the evaluation. The plan shall define at a minimum which job elements the employee needs to improve, and specific actions the supervisor will take to assist the employee to improve. The performance improvement plans shall be reviewed and approved by the employee's next immediate supervisor and become part of the program documentation for follow-up reviews.
13. Supervisors shall maintain documentation of performance reviews and noted improvements or lack of improvement in the employee's performance. The employee shall acknowledge follow-up reviews and documentation of performance evaluations by signing documents prepared by the supervisor. Review documentation shall become part of the employee's personnel files.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Manager is responsible for implementing this policy and for oversight on adherence to the policy by Tribal supervisors. Supervisors failing to complete timely evaluations of employees shall be reported to the Executive Director. The Office of Human Resources shall monitor the quality of the performance evaluations performed and provide training as required to improve quality of reviews.

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POLICY OBJECTIVES

This policy provides guidelines on the application and processing of employee disciplinary actions, as these have been authorized in Title XVIII, Chapter 3, and in Title XXVII, *Code of Ethics*.

SPECIFIC POLICY STATEMENTS

CAUSE FOR DISCIPLINARY ACTION

1. All Tribal employees shall be subject to ongoing supervisory review of their performance and conduct. Performance shall be evaluated in relation to the assigned duties of the job or position. Employee conduct shall be evaluated in relation to the specific operating requirements of the assigned job and of the program requirements in which the job exists, and in relation to the employee's conformance with Title XXVII, the Code of Ethics, and with the principles and guidelines contained in Title XVIII.
2. Temporary employees who are charged with misconduct or lack of performance are subject to termination without appeal rights and are not covered by this section. Probationary employees are considered as applicants for permanent positions and are also not covered by this section. Probationary employees who are charged with misconduct or lack of performance are subject to termination in the same manner as temporary employees, and without rights of appeal.
3. The Program Director and/or immediate supervisor, or the Executive Director if the employee to be disciplined is a department director or supervisor, with Human Resources Manager's concurrence, may take any of the following disciplinary actions with respect to a non-probationary permanent employee whose performance and/or conduct is deemed unsatisfactory. None of the disciplinary actions listed shall be a prerequisite to termination for cause and/or if the interests of the Tribe require it.
 - a. Denial of the use of annual leave
 - b. A written warning (filed in the employee's Tribal personnel file)
 - c. A verbal warning (documented by the supervisor in the program files)
 - d. An Official Reprimand (filed in the employee's Tribal personnel file)
 - e. Suspension without pay for a period not less than five (5) workdays and not exceeding ten (10) workdays.
4. In each instance where a disciplinary action is considered as stated above, the supervisor shall first submit relevant documentation and reasons for the proposed disciplinary action to the Human Resources Manager for review and concurrence.
 - a. If the Human Resources Manager concurs with the proposed action, the Human Resources Manager shall prepare a written notification to the employee, which shall be signed by the employee's supervisor and delivered to the employee by the supervisor.

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- b. If the Human Resources Manager does not concur with the recommended disciplinary action, the Human Resources Manager shall notify the supervisor in writing of the reasons for the denial, and provide recommendations to the supervisor for mediation or alternate resolution of the disciplinary action.

SUSPENSIONS, DEMOTIONS AND TERMINATIONS

5. Non-Probationary permanent employees may be terminated for cause, based upon a written recommendation by the Director or supervisor, providing two-week notice of the termination. The notice of termination shall receive concurrence by the Human Resources Manager. In the case of a termination action on a Program Director or supervisor, a written recommendation by the Executive Director, with concurrence by the Human Resources Manager, shall be forwarded to the Chairman for action.
6. If the interest of the Tribe requires it and for serious infractions, an employee who has been given a notice of termination may be suspended immediately or terminated from duties by the Program Director, with concurrence of the Human Resources Manager. A suspended employee under termination action shall not receive pay during the period of suspension.
7. Non-Probationary permanent employees may be demoted for cause as a disciplinary action, based upon a written recommendation by the Director or supervisor. Such recommendations shall be supported by documentation of poor performance or conduct in the position from which the employee is being demoted. The documentation shall include performance evaluations, and other evidence of non-performance. Demotions may also be given in a non-disciplinary mode, if the employee's job or position has been reclassified downward because of reduced duties and responsibilities caused by funding cuts, program contraction, or permanently reduced workload.

CORRECTIVE ACTIONS

8. An employee who is suspended shall be required to attend an internal suspension review at the end of the suspension period. The internal suspension review shall be attended by the employee, by the immediate supervisor and/or Program Director, and by the Human Resources Manager. The immediate supervisor and/or Program Director must be in attendance at the suspension review. The purpose of the suspension review is to impose conditions that the employee must comply with upon reinstatement. Failure by the suspended employee to attend the review or to agree with the conditions of reinstatement, shall subject the employee to further discipline, including termination.
9. The employee under suspension is entitled to appeal the reasons and basis for the suspension and the conditions of his/her reinstatement to the Administrative Review Committee. Employees reinstated to work from suspension by the Program Director are not entitled to receive back pay for the period of time under suspension, unless the suspension is reversed by the Administrative Review Committee as an improper suspension, and this is approved by the Tribal Chairman. In no event may an employee take personnel issues directly to Standing Committees or Tribal Council.

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APPEALS

10. Appeals for disciplinary actions are only permitted when the discipline being imposed is that of suspension or termination. Such appeals shall be heard by the Administrative Review Committee (see Title XVIII, 18-302, Code of Justice).
11. The employee may appeal his or her suspension or termination in writing within five (5) days, to the Human Resources Manager, with notification to the supervisor. The Human Resources Manager shall schedule a hearing before the Administrative Review Committee within two (2) weeks, and give the employee the right to appear before it and present any relevant materials and information for the committee's review and determination. The immediate supervisor of the employee must be present at this hearing.
 - a. The Human Resources Manager will notify in writing the Administrative Review Committee, the employee and the employee's immediate supervisor of the time and place of the hearing. The immediate supervisor of the employee and the employee must be present at this hearing, as well as, members of the Administrative Review Committee.
 - b. The Administrative Review Committee shall hear all oral testimony and review all relevant material and information submitted by an employee appealing his/her termination. The Committee shall render a final decision and forward it to the Human Resources Manager. The decision of the Administrative Review Committee shall be final. Decisions may include conditions of reinstatement, which shall be binding. If the suspension or termination action is reversed by the Administrative Review Committee, the Committee may recommend to the Executive Director that the employee be compensated for lost pay.
12. **Composition.** The Administrative Review Committee shall be comprised of five (5) members, who shall serve a term of one (1) year. Members shall be selected from a pool of employees, who shall have been employed by the Tribe a minimum of five (5) consecutive years, and with at least two members being in a supervisory capacity. The Tribe's Human Resources Manager shall be the sixth member and shall serve as the non-voting Chairperson for the Committee. A quorum of at least three (3) of the Committee members, not including the Human Resources Manager, may conduct business of the Committee.
13. **Authority.** The Administrative Review Committee shall follow the Tribe's Personnel Policies and Procedures in conducting its hearings.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Manager is responsible for implementing this policy.

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POLICY OBJECTIVES

Tribal policy encourages open communication between employees and their supervisors. An employee who is dissatisfied with any aspect of his/her employment may present a grievance in writing to his/her immediate supervisor. If the grievance is not resolved by and between the employee and supervisor, the employee may request review of the grievance by the Grievance Committee. This policy provides guidelines on the filing and review of grievances.

SPECIFIC POLICY STATEMENTS

RIGHTS AND RESPONSIBILITIES

1. Employees are afforded the right to file grievances against other employees or against their supervisors to address issues of employment or conflicts in relations among employees. Employees shall make efforts to work with their supervisors to resolve issues or conflicts without need for formal grievances, and shall consider filing of a grievance as a last resort.
2. Supervisors and program directors are responsible for addressing and resolving issues and/or concerns within their assigned areas of responsibility that may lead to filing of grievances. Issues may include those between the supervisor and employee(s), or conflicts among employees under their supervision. Failure or unwillingness by supervisors to address and resolve conflicts shall be reflected on the supervisor's performance evaluation, and may lead to disciplinary action against the supervisor.

PROCESS AND DOCUMENTATION

3. The employee shall file a written grievance to his/her supervisor on a timely basis, to permit resolution of the issues/conflicts within a reasonable period. Normally, grievances shall be filed within five (5) workdays of the issue or incident giving rise to the grievance. Failure by the employee to file a timely grievance may minimize the ability of the supervisor to resolve the issue/conflict.
4. The supervisor and employee shall meet within five (5) workdays after the supervisor receives the filed grievance to attempt to resolve the matter at the first level. The supervisor shall provide a written response to the employee and the Human Resources Manager within that five (5) workday period. The Human Resources Manager shall review the response with the supervisor to assure the supervisor has made all appropriate attempts to resolve the grievance. Recommendations or decisions agreed to by the supervisor and employee in resolution of the grievance at the first step shall be binding on both the supervisor and employee. The grievance is then closed.
5. If the grievance response is unsatisfactory to the employee or if the matter cannot be resolved at the first level, the employee may request that the Human Resources Manager submit his/her grievance to the Grievance Committee. The employee shall make the request within three (3) workdays of receipt of the first level response. The Human Resources Manager shall convene the Grievance Committee and schedule the presentations by the employee and the supervisor and any supporting testimony that may be required.

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6. The Grievance Committee shall meet with both the employee and supervisor to hear both sides of the matter being grieved. A response from the Grievance Committee shall be provided within three (3) workdays after completing hearings on the grievance. Recommendations or decisions by the Grievance Committee, including any recommendations for corrective action, shall be final and shall be binding on the employee and the supervisor. The Committees' response shall be compiled by the Human Resource Manager, but shall be signed by the Committee members.

GRIEVANCE COMMITTEE HEARINGS

7. **Composition.** The Grievance Committee shall be comprised of five (5) members, who shall serve a term of one (1) year. Members shall be selected from a pool of employees, who shall have been employed by the Tribe a minimum of five (5) consecutive years, and with at least two members being in a supervisory capacity. The Tribe's Human Resources Manager shall be the sixth member and shall serve as the non-voting Chairperson for the Committee. A quorum of at least three of the Committee members, not including the Human Resources Manager, may conduct business of the Committee.
8. The Grievance Committee shall meet with both the employee and supervisor to hear both sides of matter being grieved. Although the Committee may seek further testimony on matters of the grievance, hearings on the grievance shall be confined to the issues raised in the grievance document. The Human Resources Manager shall monitor the work of the Committee to assure the hearings follow a consistent process of review.
9. Committee review hearings shall be attended by all voting members of the Committee. If a member of the Committee cannot attend the hearing, they shall not participate in the deliberation and writing of the Committee response or decision.

RESPONSIBILITY FOR COMPLIANCE

The Human Resources Manager is responsible for implementing this policy.