

**PERSONNEL POLICIES
(Revised)**

OF THE

New

**C. ARAPAHO TRIBES
OF OKLAHOMA**

Adopted October 11, 1996

ADMINISTRATION
&
MANAGEMENT



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MEMORANDUM

March 29, 2005

TO: Jane Tiger, Business Manager
C. Mark Miller, Personnel Director
Margaret Anquoe, Planning Director

FROM: Carol Kaulsky, ^{CK}Administrative Assistant (Business Manager's Office)

RE: Updated Personnel Policies

Please find attached an Updated Personnel Policies for your review and comments. I was advised by the Personnel Director that amendments to this policy are to be changed by the Business Manager's Office and that these policies have not been changed to include the latest amendments since 2000. The following amendments or revisions were included:

<u>Section</u>	<u>Amendment/Revision</u>	<u>Resolution No.</u>
New	Use of GSA and Program Vehicles	082102S098
Section 4.0	Hours of Work, Adjusting Work Schedule/ Flex Time and Time Records	082102S104
Section 3.2	Advance Pay	102102S145
New	Minimum Standards of Character and Suitability for Employment Policy	110102S148
New	Drug Free Workplace Policy	080203R073
New	Tribal Administration Online Systems User Agreement	110103R144

Also, the Wage Scale was provided for the year of 2003. I was provided a copy of the 2004 Wage Scale by the Finance office. Please let me know if I should include the 2004 Wage Scale.

Your input and comments are important. If you have any questions you may contact me at ext. 27541.

CHEYENNE-ARAPAHO TRIBES OF OKLAHOMA
PERSONNEL POLICIES

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1.0 INTRODUCTION

SECTION 1.1 OVERALL POLICY

These policies and procedures are designed to bring to the Tribal Service a high degree of understanding, cooperation, efficiency, and unity through systematic, uniform, application of modern personnel practices. The Cheyenne-Arapaho Tribes personnel management program shall strive to promote and increase efficiency; provide fair and equal opportunity for qualified persons; maintain recruitment, advancement, and tenure practices and promote high morale among tribal employees by fostering good working relationships and by providing uniform personnel policies.

The Tribes express their intent to abide by applicable Federal Equal Employment Opportunity Laws consistent within the concepts of Indian Preference Laws. Moreover, by applying Indian Preference principles, the Tribes evidences its attempt to meet the unique needs of American Indians who have the highest unemployment rate in the area and have experienced difficulties in attaining and retaining employment with government and private agencies.

The basis for effective and efficient employee development rests, in large measure, upon the judicious application of, and adherence to, personnel policies and procedures that are fair and impartial and are above all, clearly understood by all employees.

SECTION 1.2 EQUAL EMPLOYMENT OPPORTUNITY

The Cheyenne-Arapaho Tribes of Oklahoma are firmly committed to equal employment opportunity. No person in the service of the Tribes, or persons seeking employment by the Tribes shall be selected, promoted, demoted, removed, or in anyway favored or discriminated against because of age, sex, race, color, national origin, or their political affiliations.

SECTION 1.3 POLICY APPLICATION

These policies shall apply to any person selected to a position in the service of the Cheyenne-Arapaho Tribes of Oklahoma.

SECTION 1.4 ~~APPLICABILITY TO CONSTITUTIONAL POSITIONS~~

~~These policies are not to be applied to positions mandated by the Cheyenne-Arapaho Constitution, except where indicated.~~

Section 1.4 is inconsistent "to any extent that it might be argued to authorize the expenditure of any tribal funds except through the processes and standards established by Article VII, Section 4(b), Article VIII, Section 6(g), and [the Court's] interpretations of tribal constitutional law as a whole."

"Where the selection methods of tribal officers and/or employees are prescribed by the 2006 Constitution, those methods are controlling."

Article VI, Section 7, Legislative Procedures repealed and replaced Section 1.5

~~SECTION 1.5 POLICY AMENDMENT~~

~~These policies shall not be amended, supplemented, or superseded except by resolution of the Business Committee in accordance with the amendment procedure. No such change or amendment will apply retroactively to divest any employee of a benefit acquired under policies prior to such a change.~~

Department of Administration Director

Section 1.6 violates Separation of Powers to any extent that it interferes with the prerogatives of the Legislative, Judicial And TC to supervise, discipline, and terminate tribal employees directly working for that Branch.

SECTION 1.6 POLICY IMPLEMENTATION

It is the responsibility of the Business Manager, Personnel Director, Program Directors, and Coordinators to see that these policies are implemented in all applicable circumstances. Further, the Personnel Director will keep all employees advised of any changes in these policies, and will seek to clarify the policies to all employees.

SECTION 1.7 EMPLOYEE RESPONSIBILITY

Each employee covered or affected by this manual is responsible for knowledge of and compliance with all provisions contained herein. Violations of these policies and procedures will be corrected on a case-by-case basis depending on individual merit and circumstances, as the Cheyenne-Arapaho Tribes are fully committed to the success of every employee and the belief that all people must be willing to assume responsibility for their own actions.

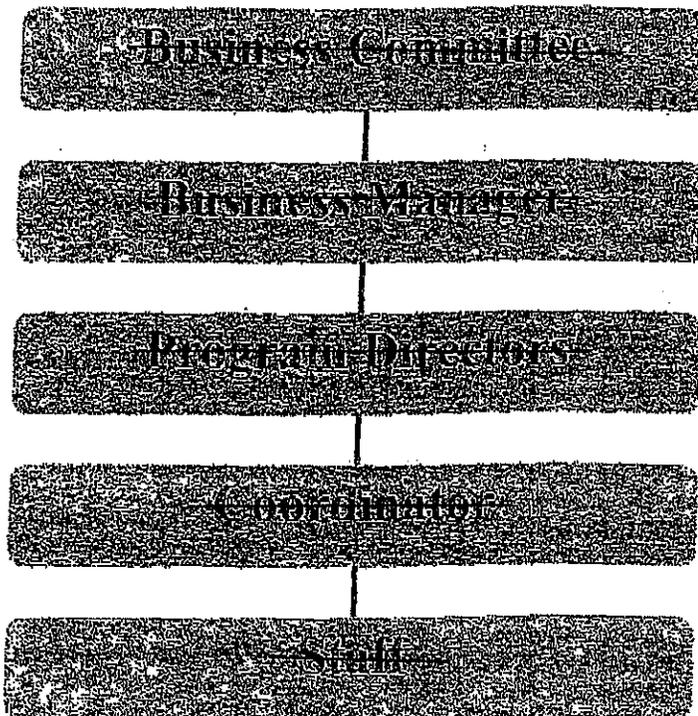
~~SECTION 1.8 CHAIN OF COMMAND~~

Each Branch may establish its own internal chain of command, specifying the "supervisor" of each tribal employee working for that Branch.

~~The Chain of Command is an organizational format an employee must follow in order to resolve problems of employment, grievances, or for informational purposes (See Figure A). In accordance with the Constitution and By-Laws, the hierarchy of the Cheyenne-Arapaho Tribes shall begin with the Business Committee, Business Manager, Program Directors, Coordinators, and Staff members at the bottom. In just this order, a staff member must start with their Coordinator, to the Program Director, to the Business Manager, and finally to the Business Committee, with the steps reversed for the Business Committee. Employees who violate the Chain of Command shall be subject to the disciplinary action. Repeated violations shall be cause for reprimand and/or immediate dismissal.~~

FIGURE A

CHEYENNE-ARAPAHO TRIBAL GOVERNMENT
CHAIN OF COMMAND



SECTION 19 DEFINITIONS

Accrued Leave - Accumulated sick or annual leave which may not be used until the successful completion of a probationary period.

Acting Appointment - The temporary assignment of a person to a vacant position in the absence of an employee who normally fills such position. Persons receiving acting assignments must possess the minimum qualifications of the position.

Administrative Leave - Leave with pay for all employees, for short periods of time, for special circumstances, that does not reduce leave balances, and can only be authorized by the Business Manager.

Advance Pay - Advances against expected salary or wages will be given with the approval of the Business Manager in emergency situations only and shall be limited to four (4) times per year (two (2) every six (6) months).

Department of
Administration
Director

Anniversary Date - The effective date of hire will be the "Official" anniversary date. The anniversary date is used to compute various conditions and benefits as described in this manual.

Annual Leave - The time off with pay which has been earned.

Applicant - Any candidate who fulfills the requirements of a given position for appointment, promotion, lateral transfer or any person who formally makes him/herself available for consideration, for examinations, and employment with the Cheyenne-Arapaho Tribes.

Armed Forces - The United States Air Force, Army, Navy, Marine Corps, National Guard or Coast Guard.

Chain of Command - The organizational format an employee must follow in order to resolve grievances or for informational purposes.

Class - A group of positions sufficiently similar as to duties performed, scope of discretion or responsibility that the same job title can apply.

Compensation - The total dollar value of pay and employment benefits that represents a direct cost to the employer to sustain an employee.

Compensatory Time - Accrued time off earned by non-exempt employees who work overtime.

Contract Employee - A contractual arrangement which identifies the scope of work, time frame, compensation, reporting requirements, fiscal and program compliance for professional services between a qualified contractor (whenever possible, a Tribal Member who resides in the service area shall be considered first) and the Cheyenne-Arapaho Tribes. These employees would not be eligible for any benefits afforded employees of the Tribes.

Days - Calendar days unless the context states otherwise.

Demotion - A change in employment status resulting in movement from one position to another that requires fewer minimum qualifications and is assigned a lower pay scale.

Department - A separate operation of the Cheyenne-Arapaho Tribes responsible for a specified function.

Department Head - A Program Director, the top administrator for any Cheyenne-Arapaho department.

Dismissal - Involuntary separation for just cause of an employee from the Cheyenne-Arapaho Tribes.

Eligible (for Employment) - An applicant who fulfills the requirements of a given position, who has completed the required application process, and whose name has been listed as eligible for employment.

Employee Performance and Salary Review - The periodic evaluation of an employee's work performance, on forms prescribed in the Personnel Policies and Procedures Manual.

Employer - In all instances within these rules, the Cheyenne-Arapaho Tribes is the employer.

Exempt - Managerial, professional, administrative employees who are not eligible for compensatory time.

Furlough - An employee who is on a non-work and non-pay status. An employee who is hired on a permanent basis to meet reoccurring needs of less than twelve (12) months duration in any calendar year where it can be anticipated that the same employee will return (to the position) when needed.

Holiday Pay - Day off with pay for permanent employees only, on holidays recognized by the Cheyenne-Arapaho Tribes as contained in this manual or approved by the Business Manager.

Immediate Family - Father, mother, husband, wife, son, daughter, brother, sister.

Layoff/Reduction in Force - The separation of an employee due to the shortage of funds or work, or by the reason of a bona fide abolishment of a position, change in duties of the position or reorganization within the Cheyenne-Arapaho Tribes.

Loyalty - Is a situation where a staff member does everything within his/her power to resolve problems of employment throughout the proper channels and in accordance with the personnel policy manual.

Military Leave - The leave of absence status of a permanent employee who leaves a position to serve in the Armed Forces of the United States in a time of national emergency, state emergency or for military training.

Nepotism - The appointment of a relative falling within the definition of "immediate family" by an appointing authority or the appointment of individuals within an immediate family to serve in the same department.

Non-Exempt - Employees who generally occupy non-supervisory or office staff positions who are eligible for compensatory time.

Pay - The total dollar value received in wages or salary for work performed.

Permanent Full-Time - An employee who has successfully completed the probationary employee period. A full-time employee must work a total of thirty (30) hours or more per week to be eligible for insurance purposes.

Permanent Probationary Employee - An employee who was hired through the standard hiring procedure and has completed the probationary employee period. This employee will not be eligible to participate in the employee's benefit package until the probationary period of ninety (90) calendar days has been successfully completed.

Position - A job defined by specific responsibilities, title, and location of assignment, and whose full description is contained in a job description.

Position Description - A formal listing of the responsibilities, tasks and authorities of the position. This is followed by a more detailed description of exemplary duties that reflect the most frequent, difficult, and critical functions of the position, including the notation "and other related duties as may be required".

Probation - This period is an intrinsic part and extension of the employee selection process during which the employee will be considered in training and under careful observation and evaluation by supervisory personnel.

Promotion - A change in employment status from one position to another position that requires higher minimum qualifications, is assigned more difficult duties and responsibilities, and is assigned a higher pay rate.

Rate - The specific dollar amount under differing work conditions (e.g., basic rate, overtime rate, premium rate).

Resignation - Termination of employment initiated by the employee and submitted in writing.

Salary - The fixed monthly or annual amount of pay received for work performed regardless of hours worked.

Seasonal - A permanent/temporary position established to meet recurring seasonal needs of less than twelve (12) months duration during any calendar

year. Only if this employee works more than thirty (3) hours per week for more than six (6) months and has within their budget a line item that allows for benefits will this employee be eligible for insurance coverage.

Selection - The offer of employment and acceptance by a person for a position with the Cheyenne-Arapaho Tribes.

Supervisor - An employee in the Cheyenne-Arapaho Tribes who has the authority to direct/oversee the work of others.

Suspension - An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Termination - The release from employment of a temporary or emergency employee upon completion of his/her term of service or the need for his/her service.

Transfer/Lateral - The lateral movement of an employee in the Cheyenne-Arapaho tribal employment from one position to another position in the same (job) class or to a parallel (job) class at the same pay range without break in service.

Types of Employment - Categories of employment with common characteristics: i.e., permanent, temporary, part-time, full-time, permanent/furlough, seasonal, contract and probation.

Veteran - Any person who served in the U.S. Air Force, Army, Navy, Marine Corps, National Guard or Coast Guard during time of war who is eligible for benefits provided by the U.S. Veterans Administration.

Wage - The amount of pay received for work performed, usually expressed in hourly, weekly, and monthly amounts.

Workmen's Compensation - An act passed by the state which provided compensation for all employees who sustain accidental injury arising out of and in the course and scope of employment, irrespective whether the employee was at fault or not. This act does not cover cases involving drunkenness or self-infliction of injury.

2.0 CONDITIONS OF EMPLOYMENT

SECTION 2.1 PROFESSIONALISM

Employees hold a position of trust and fiduciary responsibility and are always to conduct themselves in a manner that does not betray these responsibilities.

SECTION 2.2 APPOINTMENT STATUS

Appointment status varies with the position and conditions of employment. Department Directors, working jointly with the Personnel Director, shall ensure that employees are properly designated. Tribal Government service which includes political and non-political considerations in the specification of positions, provides for three (3) categories of appointment status.

- A. General Selections - These are non-political appointments and include all employees who are selected without special designation of either political or special selection. These employees are hired through the Tribes formal hiring process competitively.
- B. Special Selections - Special selectees are non-Cheyenne-Arapaho professional, technicians, or supervisors recruited and employed with the intent of providing a service in addition to training a Cheyenne-Arapaho replacement or whose purpose is to provide a unique function or activity.
1. Hiring of special selectees shall be in accordance with the hiring, recruitment and selection policy of the Tribes.
 2. A special selectee may be required to sign an Employment Agreement which outlines the benefits, rights, privileges, terms and conditions of employment.
 3. Special selectees are eligible for all benefits, rights, and privileges afforded employees under general appointments, except those specifically excluded under these policies or the employment agreement.
- C. Tribal Government Selectee - Tribal Government Selectees are those employees who serve at the pleasure of the Business Committee and whose selection is specified by Tribal Law to serve at the pleasure of the designated authority. Tribal Government Selectees shall not serve a probationary period and are eligible for all rights, privileges, and benefits afforded employees under general and special appointments, except where they are specifically excluded.

~~The Judicial Branch of the Tribal Government is a separate Branch of the~~

Section 2.2
"Department
Directors" includes
such person as
may be designated
by the Branch in
question.
Subsection 2.2(C)
is unconstitutional,
and the Uniform
Resolution is
unconstitutional as
applied to
Subsection 2.2(C).

~~Tribal Government and all employees within this Branch shall be hired in accordance with the Title II Law and Order Code.~~

SECTION 2.3 CLASSIFICATION OF POSITIONS

A. Permanent Employee - A permanent employee must successfully complete the probationary employee period. The position will be expected to exceed six (6) months and to continue for as long as the position serves the purpose for which it was created. Subsequent filing of the employee evaluation and salary review shall be retained in the Personnel files. Attainment of a permanent full-time status does not automatically bring about a salary increase. Annual leave and sick leave is accrued starting with the date of employment. This employee shall be eligible for insurance coverage which consists of major medical coverage, life insurance, accidental death and dismemberment, long and short term disability, pension plan, and voluntary dental and vision plan, after the completion of the ninety (90) day calendar probationary period.

1. **PART-TIME** - An employee who works twenty-nine (29) hours a week or less, who is compensated on a hourly basis and whose position may or may not be a "temporary" nature. Will not be eligible for insurance coverage.
2. **FULL-TIME** - An employee who works thirty (30) hours or more per week and whose position is not considered to be temporary. Will be eligible for insurance coverage.
3. **TEMPORARY EMPLOYEES** - The position shall be not more than ninety (90) calendar days; a definite time period shall be indicated on the Personnel Action form. A temporary position is terminated at the end of the designated time period and may be terminated when work load or budget no longer justifies or supports the position. Temporary employees will not be eligible for insurance coverage.
4. **FURLOUGH** - An employee who is in a non-work, non-pay status. An employee, either full or part-time who is hired on a permanent basis to meet recurring employment needs of less than twelve (12) months duration in any calendar year where it is anticipated that the same employee will return (to the position) when needed. A furlough employee may apply for state unemployment benefits, and may receive their accrued annual leave for time worked. A furloughed employee may not accrue sick or annual leave during non-work or non-pay status. Any employee furloughed for a definite period of time, on the insurance plan, will continue to be insured during the non-work, non-pay status.

5. SEASONAL - An employee, either temporary or permanent, who is hired to meet recurring seasonal needs of less than twelve (12) months duration in any calendar year, and is compensated only for the actual time worked. Only if there is funding available for the permanent seasonal workers they will be eligible for the insurance coverage.
6. CONTRACT - A contract agreement which identifies the scope of work, time frame, compensation, reporting professional services between a qualified contractor (whenever possible, a Tribal Member who resides in the service area shall be considered first) and the Cheyenne-Arapaho tribes. Contract employees shall receive no fringe benefits, no insurance coverage and no liability.
7. PROBATION - The specified period of employment following hiring/selection used as a working test period for observation and evaluation of the employee's work which must be completed successfully before permanent status may be obtained. This employee shall not be eligible for insurance coverage until this ninety (90) calendar day period is successfully completed.
8. ON-CALL - An employee who is not permanent or temporary and is used only at the discretion of the Program Director. This employee is paid only the hours actually worked. They will accrue no annual or sick leave, nor be eligible for insurance coverage and will not be eligible for any benefits.

SECTION 2.4 EMPLOYEE CLASSIFICATION

- A. Permanent - The employee, permanent probationary, shall complete a ninety (90) calendar day probation period satisfactorily, and upon successful completion of the probationary period, the employee's classification shall be shall be changed to permanent full-time. If an employee is promoted to a new position, they will be on probationary status for sixty (60) calendar days in the new position, and after successful completion of this probationary period will be classified as permanent full-time in the new position.
- B. Temporary - The employee shall work at the discretion of the Tribes.
 1. Employee so classified shall not work more than ninety (90) calendar days in this classification.
 2. Employee so classified shall not accrue sick or annual leave.
 3. All time away from the job shall be without pay.

SECTION 2.5 FUNDING OF POSITIONS

All positions dependent upon funds other than those derived from the Tribes' resources are contingent upon the availability of funds and incumbents have no further claim to employment beyond that which is thus available. Applicable statutes and regulations including the Anti-Deficiency Act shall prevail.

SECTION 2.6 HIRING PROCEDURES

Department of
Administration
Director

No person shall be hired or employed unless funding is identified, and the hiring must be cleared with the ~~Business Manager~~, Compliance Officer, and the Controller. All permanent positions within the Tribal Government whether part of the central administrative staff or part of a department (program), are subject to the standard hiring procedures as set out below and in Figure B.

Step 1. The department or staff office director must complete the "Notice of Vacancy" form and provide the necessary information to fill in the appropriate portions of the Personnel/Payroll Action form; these are forwarded, along with whatever job description information might be available to the Personnel Director.

Step 2. From the information on the completed form, the Personnel Director compares the request with the existing job description, if any, verifies the position and salary with the Compliance Officer and drafts the vacancy notice.

Step 3. For some of the positions in the tribal organization, it may be necessary to go outside of the local communities in order to find qualified applicants. Seeking such applicants requires more time than normal advertising and posting for jobs, therefore, the Director and Personnel Director should discuss the qualified local applicants, any timing considerations for filling the vacancy, and the costs for recruitment when deciding whether or not to recruit or to simply advertise for applicants.

Step 4. If the recruiting is not requested by that department or staff office director, the vacancy announcement is posted in appropriate locations in and near Tribal Government offices and is distributed by mail to organizations (including local newspapers) on the Personnel Office distribution list.

Step 5. The vacancy announcement will remain open for at least ten (10) working days from the date of the announcement is posted/advertised.

Step 6. If recruiting is requested by the department or staff office director, the announcement is distributed and publicized as in Step 4.

SECTION 2.5 FUNDING OF POSITIONS

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SECTION 2.6 HIRING PROCEDURES

Department of Administration Director

Apply same qualification of Section 2.2 to Section 2.6.

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Step 5. The vacancy announcement will remain open for at least ten (10) working days from the date of the announcement is posted/advertised.

Step 6. If recruiting is requested by the department or staff office director, the announcement is distributed and publicized as in Step 4.

Step 7. In addition, the Personnel Director will contact individuals or organizations which might serve as referral sources for qualified candidates.

Step 8. Also contacted will be any individual specifically recommended for recruiting by the requesting department or Program Director.

Step 9. Recruiting must remain open for at least fifteen (15) working days when recruiting is requested.

Step 10. The Personnel Director may conduct preliminary interviews with candidates to verify the candidates' interest and availability for the position.

Step 11. At the close of the vacancy announcement, the Personnel Director will assemble a selection package consisting of all qualified applicants received during the posting period. The Personnel Director will conduct a thorough background check on every qualified candidate to verify credentials (i.e., degrees, diplomas, certifications, physical examinations, immunizations), references (in writing), past work history, and criminal background investigations.

Department of
Administration
Director

Step 12. Where the vacant position is that of a Director, the qualified applicants are forwarded to the Business Manager. The Business Manager shall conduct interviews and present the selectee to the Business Committee presently in office and approval must be obtained within five (5) working days and/or the selection of the Business Manager becomes effective. If the vacant position is below the level of the Department Head or Program Director, the qualified applicants are forwarded to the director that originally notified the Personnel Director of the vacancy.

Step 13. Reviewing the applicants should be used as an opportunity for screening out some of the applicants that appear significantly less qualified than others. Once a decision has been reached to interview one or more candidates, the Personnel Director should be notified in writing of the candidates' names and the schedule for the interviews. Occasionally all the applicants may be lacking in some regard. In such an instance the Personnel Director and the Director may decide to re-post or re-advertise for the position or to cancel the announcement and fill the vacancy by some other means.

Step 14. For positions below a director's level, no candidate may be employed without having first been interviewed by the immediate supervisor of the position. The Personnel Director may participate at the request of the interviewers.

Step 15. Once interviews are completed, the Personnel Director must be provided a written list indicating the name of the preferred candidate and any alternate to the candidate should he/she refuse the offer of employment.

Step 16. Upon receipt of the list of preferred candidates and alternates, the Personnel Director will send the selected individual written notification of the selection specifying the terms of employment.

Step 17. Upon receipt of the notification of selection, the preferred candidate may accept the Tribes' offer of employment whereupon that individual will report to the Personnel Office on the date stated in the job offer to complete the employee sign up forms.

Step 18. After the position has been filled, the Personnel Director will notify the unsuccessful applicants. In the event of a decision to re-advertise or cancel the effort of filling the vacancy, the Personnel Director will notify all applicants of such action.

Step 19. ~~The exception to these hiring procedures would be the JF Work Experience/Training Participants and Tribal Government Appointees. The Work Experience/Training Participants, upon satisfactory completion of program would become eligible for full-time or part-time employment with the Tribal Government and required to serve a ninety (90) calendar day probationary period. The Tribal Government Appointees would be selected by the hiring authority and would serve no probationary period, but would be effective as permanent full-time employees upon hiring.~~

Step 20. An addition to these hiring procedures would be for the Head Start Program which must have the approval for the hiring and firing of each employee below the grantee level by the Parent Policy Council.

SECTION 2.7 PROBATIONARY PERIOD

Every person entering or receiving a promotion in a tribal service position, under a permanent appointment shall be required to successfully complete a probationary period. All new hires will complete a probationary period of ninety (90) calendar days from the effective date of hire. Those receiving promotions will serve a sixty (60) calendar day probation beginning with the effective date of promotion.

The probationary period shall be used by the supervisor to closely observe and evaluate the work and fitness of employees to encourage adjustments to their jobs. Only those employees who satisfactorily meet performance standards

during the probationary period shall be retained in their positions.

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Probationary periods may be extended by the Program Director, with the concurrence of the ~~Business Manager~~, for a limited additional period where it is determined that such an extension is necessary to thoroughly evaluate the employee's ability to perform the full scope of assigned duties. In these cases, the Personnel Director and the employee will be advised of the extended duration of the probationary period at least five (5) working days prior to the conclusion of the initial probationary period. The probationary period shall be extended no more than thirty (30) calendar days after the conclusion of the initial period. Since probationary periods are to evaluate performance, employees on leave status during their probation will not count, and must be extended for the time on leave status.

A probationary employee may be separated or transferred at any time during the probationary period when the quality of his/her work is judge insufficient to merit continuation in the position or when insufficient work is not available to warrant the additional employee. A new employee failing probation shall have no right to appeal except on grounds of illegal discrimination as set forth in Section 1.2, in which case the employee may appeal to the ~~Business Manager~~ within five (5) working days following notice of failure of probation and must follow the regular appeals procedure outlined elsewhere in these policies.

An employee who fails to successfully complete his/her probationary period can either be demoted to another position or terminated/dismissed from the service of the Cheyenne-Arapaho Tribes. If terminated/dismissed, the employee cannot be re-hired for twelve (12) months following effective date of release.

SECTION 2.8 TEMPORARY SELECTIONS

Temporary positions in the service of the Cheyenne-Arapaho Tribes may be filled without adhering to the established hiring procedures. The requesting Director may request the assistance of the Personnel Director or he/she may recruit for the position personally. All temporary selections, however, must be documented with a complete Personnel Payroll Action form and a completed application form; the selected candidate must report to the Personnel Office to complete the employee sign-up forms. The ~~Business Manager~~, finance Controller and the Compliance Officer shall approve all selections under this section.

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Most temporary positions or emergency hires fill a permanent position that has been recently vacated and must be advertised before a permanent employee can be selected. If the temporary employee is not selected, he/she would be treated as a termination/dismissal, but would be eligible for re-hire.

This would not apply to summer youth workers or positions that are definitely not permanent.

SECTION 2.9 ACTING STATUS

An acting status assignment usually involves assigning an employee to a supervisor position for an area of a Tribal Program during an extended absence of an incumbent or a position vacancy.

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An acting status assignment requires a memorandum from the Business Manager which outlines:

- A. The nature, time period, and expected results of the assignment;
- B. Assigned duties and responsibilities;
- C. Reporting relationships and signatures of the appropriate supervisors and the employees;
- D. Compensation for the acting status assignment which shall be optional and shall be based upon the assigned duties and the employee's qualifications.

An employee who completes an acting status assignment will return to their previous position and assume their regular duties.

SECTION 2.10 FOLLOW UP

All new employees, whether permanent or temporary must complete a W-2 form, I-9 form, Drug Free Policy form, orientation check list form, fill out appropriate group insurance forms (if applicable to position), and sign a statement attesting that they have read the current Cheyenne-Arapaho Personnel Policies. An employee's file will then be created by the Personnel Office containing at least the following documents:

- Application form
- Personnel/Payroll Action form
- Job description
- Personnel Policies statement
- W-2 form
- I-9 form
- Drug Free Policy statement
- Insurance forms
- Orientation form
- All evaluations of performance
- Copies of all license required for the position

A copy of the job description and Personnel/Payroll Action form will be given to the employee. Additional copies of the Personnel/Payroll Action form will be provided on request to the Director and to the Controller's Office.

SECTION 2.11 INDIAN PREFERENCE

The Cheyenne-Arapaho Tribes are committed to employing individuals whose qualifications are most suited to the requirements of positions offered. In all situations, however, hiring will be done as per the Cheyenne-Arapaho Tribal Constitution in that preference will be given to Cheyenne and Arapaho tribal members, to members of other Indian Tribes or Native American groups and finally to non-Indians.

SECTION 2.12 JOB DESCRIPTION

As provided in the hiring procedure shown on preceding pages, up-to-date job descriptions, written in standard format, will be generated as vacancies occur. Since the directors are knowledgeable of each of their employee's duties, each director shall be responsible for the preparation and maintaining of an up-to-date job description of each employee with the assistance of the Personnel Director.

SECTION 2.13 CLASSIFICATION SYSTEM

As job descriptions are accumulated, the Personnel Director and the Program Directors will group similar jobs together, eliminating as much overlap as possible; when complete, this process will have all employees classified within a standard set of Tribal Government job descriptions. As new job descriptions become necessary, the Personnel Director will work with the prospective director to write descriptions. These standardized job descriptions will serve as the basis for determinations of the job difficulty and scope of responsibility. Factors for classification are as follows:

Education

2 years	=	Master's Degree (must be in related field)
2 years	=	Certifications over a B.S. or B.A. (i.e., CPA, if required by job qualifications)
1 year	=	Master's Degree (not in related field)
1 year	=	Bachelor's Degree (must be in a related field)
1 year	=	Technical or Educational Vocational certification (must be in a related field and a two year program)
½ year	=	Bachelor's Degree (not in a related field)
½ year	=	Associates of Arts (must be in a related field)

½ year	=	College credits (must be in a related field)
¼ year	=	College credits (not in a related field)
¼ year	=	Vocational training (must be in a related field)

Experience

1 year x 1	=	Must be verifiable, job compatible/same job classifications or actual time in position with the Tribes;
½ year x 1	=	For all other employment listed as experience, but must be directly related to present positions

All employment that does not pertain or convey a necessary skill to the present position will not be counted as a weight.

These determinations will, in turn, place every employee within an established position of the pay scale. (FIGURE B)

All classifications of employees must be prepared and recommended by the directors and will have final approval by the Business Manager.

SECTION 2.14 CLASSIFICATION OF JOB DESCRIPTIONS

A. <u>Appointment Status</u>	Acting
General	
Special	D. <u>Eligibility Status</u>
Tribal Government	Exempt
	Non-Exempt
B. <u>Position Status</u>	E. <u>Occupational Description</u>
Permanent	Director
Temporary	Professional
	Coordinator/Administrative
C. <u>Employment Status</u>	Assistant
Full-time	Para-Professional
Part-time	Supportive Staff
Probationary	Work Experience
Furlough	
Seasonal	
On-Call	

"In the "no-2009-Budget" situation, [the Court holds], consistent with the Uniform Policies and Procedures Resolution, that all tribal employees who were employed during 2008 or before who have continued to work for the tribes in their previous positions, and all 2009-filled but 2009-budgeted positions and employees are entitled to receive pay for their 2009 work at their 2008 budgeted and appropriately classified rates of compensation." "The governor may and must cause such salaries to be paid[.]"

(FIGURE B)
2003 PAY SCALE

YRS	DIRECTORS				PROFESSIONAL CLASSIFICATION				ADMINISTRATIVE ASSISTANT/COORDINATOR			
	Yearly/Hourly		Yearly/Hourly		Yearly/Hourly		Yearly/Hourly		Yearly/Hourly		Yearly/Hourly	
0	26,894	12.93	27,700	13.32	25,028	12.63	25,779	12.39	19,504	9.38	20,089	9.66
1	27,864	13.40	28,699	13.80	25,755	12.38	26,527	12.75	20,134	9.68	20,738	9.97
2	28,856	13.87	29,722	14.29	26,482	12.73	27,276	13.11	20,764	9.98	21,367	10.28
3	29,849	14.35	30,745	14.78	27,208	13.08	28,025	13.47	21,369	10.27	22,011	10.58
4	30,819	14.82	31,743	15.26	27,935	13.43	28,773	13.83	21,999	10.58	22,659	10.89
5	31,812	15.29	32,766	15.75	28,662	13.78	29,522	14.19	22,629	10.88	23,308	11.21
6	32,805	15.77	33,789	16.24	29,389	14.13	30,271	14.55	23,259	11.18	23,957	11.52
7	33,774	16.24	34,788	16.72	30,116	14.48	31,019	14.91	23,889	11.49	24,606	11.83
8	34,768	16.72	35,811	17.22	30,285	14.56	31,194	15.00	24,519	11.79	25,255	12.14
9	35,737	17.18	36,809	17.70	31,594	15.19	32,541	15.64	25,125	12.08	25,879	12.44
10	36,730	17.66	37,832	18.19	32,321	15.54	33,290	16.00	25,755	12.38	26,527	12.75
11	37,734	18.14	38,853	18.68	33,048	15.89	34,039	16.36	26,385	12.68	27,176	13.07
12	38,693	18.60	39,854	19.16	33,774	16.24	34,788	16.72	27,015	12.99	27,825	13.38
13	39,686	19.08	40,877	19.65	34,501	16.59	35,536	17.08	27,645	13.29	28,474	13.69
14	40,679	19.56	41,900	20.14	35,228	16.94	36,285	17.44	28,250	13.58	29,098	13.99
15	41,649	20.02	42,898	20.62	35,955	17.29	37,034	17.80	28,880	13.88	29,747	14.30
16	42,642	20.50	43,921	21.12	36,682	17.64	37,782	18.16	29,510	14.19	30,395	14.61
17	43,611	20.97	44,919	21.60	37,409	17.98	38,531	18.52	30,140	14.49	31,044	14.93
18	44,604	21.44	45,943	22.09	38,135	18.33	39,280	18.88	30,770	14.79	31,693	15.24
19	45,598	21.92	46,966	22.58	38,862	18.68	40,028	19.24	31,400	15.10	32,342	15.55
20	46,590	22.40	47,988	23.07	39,589	19.03	40,777	19.60	32,030	15.40	32,991	15.86
21	48,031	23.09	49,472	23.78	40,814	19.62	42,038	20.21	33,021	15.88	34,011	16.35
22	49,517	23.81	51,002	24.52	42,076	20.23	43,338	20.84	34,042	16.37	35,063	16.86
23	51,048	24.54	52,580	25.28	43,377	20.85	44,678	21.48	35,095	16.87	36,147	17.38
24	52,627	25.30	54,206	26.06	44,719	21.50	46,060	22.14	36,180	17.39	37,265	17.92
25	54,255	26.08	55,882	26.87	46,102	22.16	47,485	22.83	37,299	17.93	38,418	18.47
26	55,935	26.89	57,611	27.70	47,528	22.85	48,953	23.54	38,453	18.49	39,605	19.04

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(FIGURE B)
2003 PAY SCALE
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YRS	PARA-PROFESSIONAL				SUPPORTIVE SERVICE STAFF			
	Yearly/Hourly		Yearly/Hourly		Yearly/Hourly		Yearly/Hourly	
0	18,050	8.68	18,592	8.94	12,478	6.00	12,852	6.16
1	18,632	8.96	19,191	9.23	12,986	6.24	13,376	6.43
2	19,213	9.24	19,790	9.51	13,495	6.49	13,900	6.68
3	19,795	9.52	20,388	9.80	14,004	6.73	14,424	6.93
4	20,376	9.80	20,987	10.09	14,561	7.00	14,998	7.21
5	20,958	10.08	21,586	10.38	15,070	7.25	15,522	7.46
6	21,539	10.36	22,185	10.67	15,579	7.49	16,046	7.71
7	22,121	10.63	22,784	10.95	16,088	7.73	16,570	7.97
8	22,702	10.91	23,383	11.24	16,596	7.98	17,094	8.22
9	23,283	11.19	23,982	11.53	17,105	8.22	17,618	8.47
10	23,865	11.47	24,581	11.82	17,614	8.47	18,142	8.72
11	24,446	11.75	25,180	12.11	18,123	8.71	18,667	8.97
12	25,026	12.03	25,776	12.39	18,632	8.96	19,191	9.23
13	25,609	12.31	26,378	12.68	19,140	9.20	19,715	9.48
14	26,196	12.48	26,934	12.83	19,649	9.45	20,239	9.73
15	26,772	12.87	27,576	13.26	20,158	9.69	20,763	9.98
16	27,354	13.15	28,174	13.55	20,667	9.94	21,287	10.23
17	27,935	13.43	28,773	13.83	21,176	10.18	21,811	10.49
18	28,517	13.71	29,372	14.12	21,684	10.43	22,335	10.74
19	29,098	13.99	29,971	14.41	22,193	10.67	22,859	10.99
20	29,680	14.27	30,570	14.70	22,702	10.86	23,383	11.18
21	30,262	14.71	31,166	15.15	23,284	11.19	23,907	11.53
22	31,544	15.17	32,490	15.62	24,004	11.54	24,724	11.89
23	32,520	15.63	33,495	16.30	24,747	11.90	25,489	12.25
24	33,525	16.12	34,531	16.60	25,512	12.27	26,277	12.63
25	34,562	16.62	35,599	17.11	26,301	12.64	27,090	13.02
26	35,631	17.13	36,700	17.64	27,114	13.04	27,928	13.43

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SECTION 2.15 PERFORMANCE EVALUATIONS

It shall be the responsibility of the Personnel Director to see that the performance of each employee is reviewed, either by the employee's supervisor, director or the ~~Business Manager~~. Reviewing the performance of program directors shall be the responsibility of the ~~Business Manager~~.

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One of the most important qualifications of a supervisor, regardless of his/her level, is the ability to train, develop, and motivate people in a manner to win confidence and get results. The evaluation system plays an important role in the effective utilization of our resources. The six goals of this plan are to:

- A. Improve employee understanding of the job and the supervisor's performance standards for the job.
- B. Evaluate the employee on how well/he she meets performance standards.
- C. Encourage the employee to a better job performance and to develop a plan to achieve that goal.
- D. Provide a basis for periodic wage and salary adjustments.
- B. Aid management in selecting personnel for promotion, lateral transfers and training.
- F. Provide objectivity and fairness in the assignment of personnel.

SECTION 2.16 FREQUENCY

The performance of all permanent employees shall be evaluated at the end of ninety (90) or sixty (60) calendar days probation period. Thereafter, performance appraisals on all employees shall be conducted and completed on or before June 15 of each year. The exception to this will be the Head Start Program which is required by regulations to conduct monthly evaluation reports on all employees.

SECTION 2.17 CRITERIA OF PERFORMANCE EVALUATION

The criteria on which an employee's performance should be evaluated, is the duties and responsibilities as set forth in the employee's job description.

SECTION 2.18 EVALUATION REPORT

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The evaluation report, signed by the supervisor and the employee, is then forwarded to the ~~Business Manager~~ for review. The employee's signature on the report does not necessarily indicate the employee agrees with all segments of the evaluation report. The employee has a right to attach an addendum page expressing a conflicting opinion or clarifying a point raised in the review. The supervisor shall sign the addendum page to indicate that he/she has read it.

SECTION 2.19 PROMOTION POLICY

It is the policy of the Cheyenne-Arapaho Tribes to promote employees from within the organization to fill vacant or new positions, as a part of a career development program for which they are qualified. Current employees may apply for a vacancy or a new position using the hiring procedure set forth in the Personnel Policies Manual.

Promotions shall be based on an evaluation for the individual's past work performance and qualifications for the vacancy to be filled. When these factors are relatively equal for two or more employees, seniority shall be considered the decisive factor.

An employee who has permanent full-time status in a position and is promoted to a new position shall become permanent probationary in the new position for sixty (60) calendar days after the promotional appointment effective date. During the sixty (60) calendar day period, the promoted employee retains permanent full-time status in the old position.

SECTION 2.20 TRANSFER/LATERAL

The lateral movement of an employee from one position to another position in the same (job) class at the same pay range without a break in service.

SECTION 2.21 RESIGNATION

An employee may resign from his/her position at any time by submitting a written notice to their immediate supervisor or director at least two (2) weeks in advance of their departure. The director shall notify the Personnel Office by forwarding the resignation notice so a Personnel/Payroll Action form can be prepared.

Prior to the employee's departure, the director shall require the return of all property, equipment, records, etc., entrusted to the employee by the Tribal Government. In addition, the employee shall also be required to submit completed overdue and currently due reports required of the departing employee. The director and the Personnel Director shall sign off on the Exit Information form verifying that the employee has turned in all tribal property, equipment, records, etc., including all of his/her reports. The Exit Information form must be completed in all terminations before the Finance Department issues the departing employee his/her final paycheck.

An employee who resigns his/her position with the Cheyenne-Arapaho Tribes cannot be re-hired for six (6) months following the date of his/her resignation.

SECTION 2.22 LAY-OFF/REDUCTION IN FORCE

The separation of an employee due to shortage of funds or work, or by reason of a bona fide abolishment of a position, change in duties of the position or re-organization within the Cheyenne-Arapaho Tribal employment. Employees who are involuntarily terminated due to shortage of work or funds, re-organization or position abolishment are eligible for re-employment in other positions within the tribal government through the application procedure and without a specified waiting period.

3.0 PAY POLICIES

SECTION 3.1 GENERAL POLICY

All employees will be paid in accordance with the rate shown on their most recent Personnel/Payroll Action form. That rate will be applied to the number of hours worked during the pay period, as documented on a properly completed, verified and signed time sheet with time card attached. The time sheets will be developed in accordance with the current time record keeping system of the Finance Department. Paychecks will be issued bi-weekly. There is a one week delay in payroll in accordance with a published annual Payroll Schedule and issuance of paychecks after eighty (80) hours of work is completed. It should be understood by all employees that paychecks are issued as compensation for work already performed rather than for work to be performed.

SECTION 3.2 ADVANCE PAY

Advance pay shall be limited to four (4) times per year in emergency situations only. Advance pay shall be limited to two (2) requests per employee in a six (6) month period. Early payroll requests due to being on vacation or out-of-state on work related travel during the regular payday are not affected by this new procedure.

Program Directors and Coordinators will be responsible for compliance with this new procedure. In the event of a cash flow problem within the Tribal Government, no early pay requests will be processed.

SECTION 3.3 PAY LEVELS/MERIT INCREASE STANDARDS

Salary and wage levels will be set in general accord with the scope of responsibilities and difficulty of a given position. This comparison will be reflected in the job classification system as outlined in Section 2.19. A parallel

pay plan will also be developed and kept up-to-date in comparison with similar jobs in the geographic area in and around the service area of the Tribal Government.

Pay increases are based on the achievement of specific levels of performance as determined by regularly scheduled evaluations. The regularly scheduled evaluations that could justify pay increase would be for the end of a probationary period (sixty (60) days for promotions and ninety (90) days for new hires) and the annual. In recommending or initiating pay increases, the following should be used:

PERFORMANCE LEVEL	PERCENTAGE INCREASE	
	60 day/90 day	Annual
Operates below job standards	0%	0%
Meets job standards (satisfactory)	2-3%	3-5%
Exceeds job standards (good)	3-4%	4-6%
Excels at job standards (excellent)	5-7%	7-10%

Based on funding levels the Cheyenne-Arapaho Tribes have the option to consider a Cost of Living increase on an annual basis.

SECTION 3.4 PAYROLL DEDUCTION

From the gross amount of each paycheck, a number of deductions will be made: Federal Tax withheld, Federal Social Security (FICA) Taxes, Insurance Coverage, deductions specified and approved in writing by the employer/employee (i.e., state tax).

Any employee previously employed by the Cheyenne-Arapaho Tribes who for whatever reason still has outstanding obligations with the Tribes, shall have an agreed on amount withheld from their paycheck until the debt is paid in full.

SECTION 3.5 TRAVEL AND PER DIEM

An employee may, from time to time, be required to travel and be on duty away from his/her normal work station as part of his/her job. In such case, employee's travel expenses and a reasonable reimbursement for other expenses may be claimed. Rates on reimbursement, travel definitions and regulations, forms and additional procedures are spelled out by the Financial Policies and Federal Regulations.

Payment reimbursing employees for travel and related expenses will be issued separately from regular paychecks.

Travel and travel expenses must be authorized by the director and the Business Manager before traveling and the Controller shall verify the availability of funds for said travel and travel expenses.

4.0 HOURS OF WORK & ADJUSTING WORK SCHEDULE/FLEX TIME

To establish hours of operation so that the Cheyenne-Arapaho Tribes can operate efficiently and that employees, clients and other to whom the Cheyenne-Arapaho Tribes provides services will have access to personnel and facilities at appropriate and convenient hours.

It is the policy of the Cheyenne-Arapaho Tribes to normally apply standard hours of work for all employees relevant to the nature of work being performed and recognizing that needs of those we serve may also require modifications of work schedules.

SECTION 4.1 HOURS OF WORK

- A. All Cheyenne-Arapaho Tribes employees shall observe the regular work week and normal work hours as defined in this policy.
- B. Eight (8) hours will constitute a normal day's work.
- C. The standard work week for all regular full-time employees shall consist of forty (40) hours, commencing each Saturday at midnight and ending the following Saturday at midnight.
- D. Normal work hours are 8:00 a.m. to 5:00 p.m. with an hour unpaid lunch period. Supervision may use their discretion and adjust work hours to reflect an eight (8) hour workday with an adjusted lunch period for special short-term circumstances.
- E. Normal work hours for part-time employees are scheduled by the Director/Coordinator to accommodate the workflow.

SECTION 4.2 ADJUSTING WORK SCHEDULES/FLEX TIME

- A. Directors/Coordinators may establish special hours and tours of duty for the department as may be necessary to provide adequate service during a regular forty (40) hour work week.
- B. A written memorandum of record signed by the approving authority and the employee must be retained in the department's file with a copy to the Personnel Department's file and a copy to finance and a copy should be given to the employee.

- C. Changes in employee work schedules shall be announced as far in advance as practicable.

SECTION 4.3 TIME AND RECORDS

To establish a method in which "Time" is documented, records maintained and leave time taken it is the policy of the Cheyenne-Arapaho Tribes of Oklahoma to properly document "Time" and maintain records in accordance with the requirements as set forth under the Fair Labor Standards Act, as amended.

A. All Employees, Non-Exempt & Exempt

An employee occupying a position that is non-exempt from the overtime provisions of the Fair Labor Standards Act, as amended, will record the actual hours that he/she works through the use of an Employee Time Log Sheet.

An employee occupying a position that is exempt from the overtime provisions of the Fair Labor Standards Act, as amended, will complete an Employee Time Log Sheet for payment of his/her scheduled salary for the appropriate pay period. A Director/Coordinator may require all subordinate employees, including exempt employees to account in writing for employees' whereabouts during working hours by means of a "Sign In/Out Log" or similar mechanism.

1. Each employee who is required to account for his/her work hours through the use of the Employee Time Log must:
 - a. Record the hour and minute at which he/she begins work and ends work each day.
 - b. Record the hour and minute at which he/she begins his/her lunch period and record the hour and minute at which he/she ends his/her lunch period.
 - c. Record the hour and minute at which he/she leaves his/her work premises for any reason, not related to Cheyenne-Arapaho Tribal business, during normal working hours and record the hour and minute at which he/she returns.

- B. Completion of Employee Time Log Sheets - Employee Time Log Sheets will cover a period of two (2) weeks; each employee will use minimum number of Time Log Sheets, as appropriate, for each two (2) weeks that he/she works.

1. Each employee must sign his/her Time Log Sheet each bi-weekly period. In affixing his/her signature to the Time Log Sheet, the employee certifies that the time recorded on his/her Time Log Sheet is an accurate reflection of the actual hours that the employee worked during the two (2) week period.
2. Each Director/Coordinator is responsible for continually observing the Time Log Sheet operation in his/her program/department to ensure that each employee "signs in/signs out" as appropriate. Any changes to a Time Log Sheet must be initiated by the appropriate Director/Coordinator.
3. At the end of each bi-weekly period, each Director/Coordinator must review each of his/her subordinate employee's Time Log Sheet that the hours recorded are an accurate reflection of the actual hours worked by the employee during the two (2) week period.

C. Reporting Absences

1. Each employee must explain any absences from work by completing the Leave Application form and obtaining appropriate approval from his/her Director/Coordinator. Each employee must then denote on his/her Time Log Sheet the appropriate absence category (annual, sick, comp, administrative, LWOP or other leaves). No employee will be paid for any absences that are not explained on the employee's Time Log Sheet.
2. Each Director/Coordinator is responsible for ensuring that the certified Time Log Sheet and Leave Application form when applicable for each of his/her subordinate employees each bi-weekly period.
3. Each Director/Coordinator is responsible for ensuring that the certified Time Log Sheets of his/her employees are delivered to payroll by the day and time as designated by payroll.

- D. Falsification of Time Log Sheet and Leave Application Forms - Any employee who alters or falsifies his/her Time Log Sheet or Leave Application form will be subject to disciplinary action up to and including dismissal.

This policy shall in no way affect the Time and Record Keeping of those employees who are on an "On Call" status, including, but not limited to, emergency personnel, law enforcement personnel and child-welfare personnel.

5.0 LEAVE TIME

SECTION 5.1 OVERTIME AND COMPENSATORY TIME

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It is the policy of the Cheyenne-Arapaho Tribes that overtime shall be authorized only in emergency situations or where the overtime is determined by the director, with the concurrence of the ~~Business Manager~~ and the Controller to be necessary to meet essential operating needs of the Tribes.

All positions of employment will be classified as either exempt or non-exempt in order to determine eligibility of each employee for use of Compensatory time as payment for overtime.

- A. Exempt Employees - Exempt employees shall mean all program directors/supervisory staff.
- B. Non-Exempt Employees - Non-Exempt employees shall mean all personnel that occupy non-supervisory or office staff positions.

COMPENSATION - It is agreed, at the employee's request that all overtime be compensated in the form of paid time off. Only time in excess of forty (40) hours actually worked in a week shall be considered in determining eligibility for compensatory time off. As an overtime payment, the employee will receive one and one-half (1 1/2) hours paid time off for every hour of overtime worked. All accumulated compensatory time must be taken within sixty (60) calendar days from date of time worked or be lost. Each director and the payroll clerk shall be responsible for analysis and control of all compensatory time and for the submission of such reports as may be required.

SECTION 5.2 HOLIDAYS

- New Year's Day
- Martin Luther King's Birthday (3rd Monday in January)
- President's Day (3rd Monday in February)
- Easter (Monday following Easter)
- Memorial Day
- Little Big Horn Day (June 25th)
- Independence Day (July 4th)
- Labor Day (1st Monday in September)
- National Indian Day (4th Friday in September)
- Sovereignty Day (October 10th)
- Veteran's Day (November 11th)
- Thanksgiving Day (4th Thursday in November)
- Christmas Day (December 25th)

Any other day designated throughout the year as a federal holiday will be observed; however, each program director will have the authority, with approval of the Business Manager, to designate to their respective staff which holidays will be observed throughout the calendar year.

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When a holiday falls on a Saturday, employees will be given the preceding Friday off. When a holiday falls on a Sunday, employees will be given the following Monday off.

An employee selected to a permanent position (full-time, probationary, furlough, part-time) shall be eligible to receive holiday pay.

SECTION 5.3 ANNUAL LEAVE

All permanent employees will earn annual leave beginning with the first day of employment. Permanent employees will earn annual leave at the rate shown below:

- A. During the first three (3) years of employment an employee shall earn two (2) hours per week or four (4) hours per pay period.
- B. After three years of continual employment and up to six (6) years of continual employment the employee shall earn three (3) hours per week or six (6) hours per pay period.
- C. After six years of continual employment the employee shall earn four (4) hours per week or eight (8) hours per pay period.

These rates will be prorated for Permanent-furlough employees on the basis of the number of hours actually worked per day during their period of work. Permanent-furlough employees will not accrue annual leave during the time of their furlough.

Permanent full-time employees may apply to take annual leave at anytime. Permanent Probationary employees must successfully complete their probationary period of ninety (90) or sixty (60) calendar days before they can apply for annual leave. Employees must apply for annual leave at least two (2) weeks prior to the date of the requested leave. Annual leave should not be used to cover an absence or tardiness of an employee. The employee's director has the final approval of the application for annual leave.

Annual leave shall be taken in one (1) hour increments and not in excess of his/her accrued leave. Temporary, part-time, seasonal, contract, and on-call employees will not earn annual leave.

All accrued annual leave in excess of eighty (80) hours may either be taken/used before December 31st or may be compensated for not to exceed eighty (80) hours. Only eighty (80) hours of available annual leave will be allowed to be carried forward into the next fiscal year.

Employees are encouraged to use accumulated annual leave. However, in sensitive positions, this is not always possible. It is the responsibility of all Program Managers and Supervisors to inform their employees of available leave balances and to encourage the use of their annual leave. However, when it is not possible to use the available leave due to workload demands, employees may receive payment for unused annual leave, not to exceed eighty (80) hours.

Payment may be made for unused annual leave not including the allowed "carry forward" of eighty (80) hours. The payment for unused annual leave, over and above the allowed carry forward, cannot exceed eighty (80) hours.

Upon leaving the employment with the tribes, the employee will receive payment for all accrued annual leave up to eighty (80) hours. Payment will be made regardless of the reason for departure, EXCEPT for employees on probation (see below) and payment will be adjusted on if the employee has outstanding obligations to the Tribe, as verified by the "Employee Exit Interview & Clearance" form as signed by authorized officials.

"Permanent probationary employees" who are terminated and do not successfully complete their probationary period before being eligible to request annual leave, will not receive compensation for any accrual of annual leave.

SECTION 5.4 SICK LEAVE

Ten (10) days of sick leave will be granted to all permanent employees (permanent full-time, permanent probation) at the beginning of each calendar year. For new hires with an effective date of hire from January through June 30th shall receive ten (10) days of sick leave. These employees hired after July 1st shall receive five (5) days of sick leave. Sick leave taken during the year will be charged against the ten (10) or five (5) days of sick leave. If the employee has used up all accrued sick leave then it will be charged against their annual leave. If the employee does not have any annual or sick leave then they will be on leave without pay status. Sick leave in excess of three (3) concurrent days shall require a doctor's statement.

Sick leave will be used only when the employee or employee's children become ill and no sick leave will be approved or taken for illness for other family members or for illness of relatives.

Temporary, seasonal, part-time, contract, and on-call employees will not be granted sick leave.

Upon leaving employment with the tribes, employees will not receive compensation for accumulated unused sick leave.

Sick leave shall be taken in increments of one hour. Compensation will be expressed for medical appointments.

At no time will employees be allowed to transfer sick leave to other employees in the service of the Cheyenne-Arapaho Tribes.

All sick leave will be approved by the Program Director.

SECTION 5.5 MATERNITY LEAVE

Paid maternity leave will be considered a special case of sick leave and will be available to permanent full-time employees only. Under normal circumstances female employees may apply for maternity leave up to thirty (30) days before and thirty (30) days after the birth of the child.

If conditions warrant and with written advice from the employee's physician maternity leave periods may be shortened or extended at the discretion of the Program Director.

If an employee is on probationary status at the time granted maternal leave and since the probationary period is used to evaluate performance, time on leave status will not count against the probation period. The probation period will be extended the actual time on sick leave status.

SECTION 5.6 MILITARY LEAVE

All permanent employees may be granted up to fifteen (15) days of leave each calendar year for the purpose of fulfilling military obligations related to membership in reserve units of the United States Military with pay. Employees applying for military leave should do so at least two (2) weeks in advance by written memorandum to their directors. The memorandum should be supported by a copy of the employee's military orders.

If it is necessary for an employee to be on military leave for more than fifteen (15) days in a calendar year, the excess leave request will be considered leave without pay.

Program directors will have the authority to grant Military Leave.

SECTION 5.7 OTHER LEAVE WITH PAY

It sometimes is the case that special circumstances warrant granting of leave for short periods of time while retaining an employee on paid status and without reducing the employee's annual leave or sick leave balances. Only the Business Manager can grant administrative and bereavement leave.

- A. Administrative Leave - Uses to which this administrative leave may be used includes (but are not limited to) absence from work due to extreme weather conditions, disasters such as floods, fires or other natural phenomena, leave for volunteer fire duty, leave for jury duty, leave for job-related appearance in court of law, voting time, meetings, training and cultural events.

Administrative leave may be authorized for employees who have reported for duty (at their work stations). Employees who are not present or on leave status shall be charged accordingly (i.e., absent without leave, annual leave or sick leave).

- B. Bereavement Leave - Upon the death of the spouse or other member of the employee's immediate family, the employee may avail him/herself to not more than ten (10) days of accrued sick leave or bereavement leave may be granted for up to three (3) days.

SECTION 5.8 LEAVE WITHOUT PAY

Circumstances also arise in which an employee, through no fault of his/her own, must be absent from the job for a protracted period of time. This can occur in cases of extended illness, marriage, maternity and sabbatical for professional development. Since employees are normally considered to be valuable assets to the tribal government, directors will consider requests for granting leave without pay for individuals in cases similar to those mentioned here. Directors must receive written approval from the Business Manager prior to granting request for leave without pay. Upon returning from leave without pay an employee may be given the position which he/she left.

Leave without pay may not be granted to employees for periods of more than one (1) year's duration. Employees on leave without pay will not accrue either annual or sick leave.

An employee shall report to his/her director, supervisor or the Business

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Manager when he/she will be on leave status. This notification shall be made by 9:00 a.m. and failure to call in by the designated time will be charged as absent without leave (AWOL).

SECTION 5.9 ABSENT WITHOUT LEAVE (AWOL)

Absence from the job without notification begin given to the employee's department or staff office director will be considered a serious breach of professional conduct. The leaves provisions spelled out above are comprehensive and allow employees ample opportunity to make arrangements for approved absence. Employees who fail to observe the established leave policies will be disciplined, and depending on the severity of the failure, dismissal may result. Examples would include taking annual leave without approval, taking sick leave without notifying the Director.

SECTION 5.10 EDUCATION LEAVE POLICY

Education leave without pay enables an employee to work toward completion of an accredited diploma or degree program from a high school, a certified or recognized institution of higher learning or an institution of specialized training of certification.

- A. Employees whose condition of employment requires educational leave are entitled to the necessary leave without pay or when budgeted as a requirement of the position, leave with pay.
- B. CLASS ATTENDANCE DURING NORMAL HOURS OF WORK - This type of leave enables an employee with one year of continuous employment with the tribal government and satisfactory job performance to attend classes during normal work hours. Employees and their supervisors shall devise a leave plan that will not interfere with the accomplishment of their work or unduly burden other staff members with extra work normally performed by the employee. Employees must maintain a grade average of "C" in all courses taken.

SECTION 5.11 LEAVE RECORDS

Official records of leave accrued and used shall be maintained by the Controller. Only properly authorized and complete leave request forms shall be accepted by the controller in maintaining the official leave records.

Directors and Coordinators shall maintain current leave records on all their employees and from time to time shall check with the Controller's official leave records to verify the accuracy of leave records maintained by their respective

offices.

6.0 PERSONNEL RECORDS

SECTION 6.1 CREATION, RETENTION AND CONTENTS OF FILES

The Personnel Department will, as part of its operations, establish and maintain files on applications for employment, current employees and former employees of the tribal government. These files will be kept in locked cabinets which will be opened only during business hours.

Applicant's files will contain completed applications for employment, resumes, letters of references, awards of training completed and other supporting documentation. These files will be retained for ninety (90) days of active status. After ninety (90) days from the date of application has passed, the files will be stored for reference for a period of nine (9) months. The Personnel Office will destroy applicant files which are more than one (1) year old. Employee files will contain, but are not limited to the following items:

- A. Copy of application for employment and supporting documentation.
- B. Personnel/Payroll Action form affecting the employee.
- C. Job description for each position the employee has held.
- D. Probationary and regular performance review forms.
- E. Letters of recommendations and other documents pertaining to job performance.
- F. Certificates of training that has been completed.
- G. Copies of all licenses required by the position.

Employees files will be kept up-dated and current at all times by the Personnel Office.

When an employee leaves employment with the Tribal Government, the employee's file will be stored along with the files of other former employees for reference purposes. Former employee's files will be held for a period of ten (10) years following the date of departure.

SECTION 6.2 ACCESS TO RECORDS

Applicants for positions with the Tribal Government may review their applicant files in the presence of an employee of the Personnel Office. Corrections or additions to the factual contents of applicant files may be made at any time by the applicant or on behalf of the applicant by the Personnel Director. Other access of

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applicant files will be limited to tribal supervisory staff and the information in the files may be used only for the purposes of determining acceptability for employment. The Personnel Director will bring to the Business Manager's attention any attempts by tribal employees to circumvent these regulations or to abuse access privileges.

The Personnel Director and his/her staff will not divulge the contents of applicant files nor confirm the existence of an applicant file in response to inquiries from the outside tribal government unless the inquiry comes from the applicant him/herself. Employees and former employees may review their files in the presence of an employee of the Personnel Office. Corrections or additions to the factual contents may be made at anytime by the employee. Access to employee files is limited to tribal supervisory staff. Further, the information in the files may be sought only for the purposes of resolving grievances and determining justification for personnel actions. Any attempt to circumvent these regulations or to abuse access privileges will result in immediate dismissal.

The Personnel Director and his/her staff may respond to inquires by individuals outside tribal government about current and former employees only to a limited extent. The information which can be transmitted is limited to the following items:

- A. Confirmation (yes or no) that an individual is or was an employee of Tribal Government
- B. Date of employment
- C. Date of termination
- D. Confirmation (yes or no) of the employee's latest position held in Tribal Government
- E. Confirmation (yes or no) of the employee's latest salary level with the Tribal Government

7.0 CODE OF CONDUCT

SECTION 7.1 CONDUCT OF ALL EMPLOYEES

All employees of the Tribal Government will abide by the Code of Conduct outlined below:

- A. Employees will act in a fashion which upholds the trust placed in them when selected as servants of the Tribal Members.
- B. Employees will maintain unswerving loyalty to the Cheyenne-Arapaho Tribes and the aspirations of the Cheyenne and Arapaho tribal members.

- C. Employees will strive to bring credit to the Cheyenne-Arapaho Tribes through their work and professional behavior.
- D. Employees will give full and industrious effort to the fulfillment of the duties of their jobs.
- E. Employees will become familiar with these Personnel Policies and Procedures and will abide by them at all times.
- F. Employees will read and become familiar with the descriptions of their jobs provided to them by the Personnel Director or by their supervisor.
- G. Employees will always show courtesy to Cheyenne and Arapaho tribal members, fellow workers and the general public.
- H. Employees are prohibited from broadcasting information gained in connection with their jobs and also refrain from needlessly recounting work related events.
- I. Employees will protect and maintain tribal property entrusted to them in the course of their duties.
- J. Employees shall account for loss of tribal property entrusted in their care and shall make good any financial obligations owed the Tribes.
- K. Employees shall not use intoxicants during working hours or at any time in or near Tribal Government facilities.

SECTION 7.2 ADDITIONAL RESPONSIBILITIES FOR SUPERVISORY EMPLOYEES

In addition to the responsibilities set out above, employees of the Tribal Government who have supervisory duties will assume the following responsibilities on accepting their positions:

- A. Provide good example of productivity and behavior.
- B. Initiate communications with employees about the content of their jobs, establish clear, job-related performance standards and keep employees generally informed about the nature of their working environment.
- C. Take the initiative to help employees achieve high productivity by promoting good office moral, assisting employees in adjustments to new work situations, placing employees in positions commensurate with their skills, encouraging development of employee's skills and rewarding employees on the basis of merit.
- D. Listen receptively to employee's suggestions.
- E. Strive to endow employees with the authority necessary to carry out the responsibilities given to them;
- F. Encourage employees to take vacations in accordance with the amount of annual leave they earn.

8.0 DISCIPLINARY ACTION

SECTION 8.1 EMPLOYEE MISCONDUCT

All employees will be subject to disciplinary actions as a result of breaches of the Code of Conduct. The illustrations of unacceptable conduct cited here (Figure C) are to provide specific and exemplary reasons for initiating disciplinary actions and to alert employees to the more commonplace types of employment conduct violations. However, because conditions of human conduct are unpredictable no attempt has been made here to establish a complete list. Should there arise instances of unacceptable conduct not included in the following list, the Cheyenne-Arapaho Tribes may likewise find it necessary and appropriate to initiate disciplinary action in accordance with these policies and procedures.

~~Since Program Directors/Department Heads have an open door policy with the Business Manager, the Tables of Disciplinary Action and the Disciplinary Procedure will not apply to them. Each incident pertaining to a Program Director/Department Head shall be dealt with at the discretion of the Business Manager. In cases in which Program Directors are terminated, a majority of the Business Committee presently in office will have final approval. If a decision cannot be rendered within five (5) working days by the Business Committee, the decision of the Business Manager will become final.~~

SECTION 8.2 FAILURE OF SUPERVISOR TO PERFORM DISCIPLINARY ACTIONS

When Program Directors or Coordinators fail to administer disciplinary action as outlined by the Personnel Policies, the Personnel Director may notify the Business Manager or the supervisor's immediate superior.

~~SECTION 8.3 DISCIPLINARY PROCEDURES~~

The Court encourages each Branch to "develop functionally-uniform policies for the discipline of tribal employees directly working for that Branch", but the Court does not express views about how each Branch should accomplish that result.

~~When an incident occurs that prompts a supervisor to recommend disciplinary action, the following procedure will be used.~~

~~Step 1. The supervisor will confer privately with the employee about the incident within five (5) working days after its occurrence.~~

~~Step 2. After the conference, the supervisor may decide to let the matter pass or the supervisor may decide to impose some disciplinary action similar to that outlined in the Table of Disciplinary Actions.~~

~~Step 3. The supervisor will write a memo to the employee describing his/her~~

understanding of the incident, citing the section of the Table to be applied, spelling out the duration of probation or suspension recommended and specifying what will be expected to regain good standing.

Step 4. The supervisor will prepare and Personnel/Payroll Action Request form (as necessary) in accordance with the penalty applied.

Step 5. The supervisor will send a copy of the memorandum and any Personnel/Payroll Action form needed to the Personnel Department.

Step 6. The Personnel Director will transmit the Personnel/Payroll Action form to the Controller via the Business Manager (as necessary) and place the supervisor's memorandum in the employee's file.

Step 7. The employee may have:

- a. —An answering memorandum inserted in his/her file; or
- b. The employee may file a grievance. If the action involves dismissal the employee may bypass preliminary steps in the grievance procedure and request a grievance hearing within five (5) working days from the date of the supervisor's memorandum.

SECTION 8.4 GRIEVANCE POLICY

It is the policy of the Cheyenne-Arapaho Tribes of Oklahoma that only permanent full-time, staff employees of the Tribal Government have the right to press for equitable resolution of work-related grievances. Program Directors/Department Heads and Tribal Government appointees must utilize Section 8.3 to seek protection of employment rights. To that end, the following grievance procedure is established.

SECTION 8.5 GRIEVANCE PROCEDURE

The following procedure will be used to process all grievances except as otherwise specified in this manual:

Step 1. Within five (5) working days of the work-related incident the employee may discuss the complaint with his/her immediate supervisor. If the outcome of that discussion is not satisfactory to the employee, he/she may continue to Step 2. If the employee's immediate supervisor is a program director, the employee may begin with Step 2.

Step 2. Within five (5) working days of the employee's discussion with the

~~immediate supervisor the employee may file a written complaint with the program director. The director has five (5) working days to respond during which time the director may confer with either or both the employee and the employee's supervisor.~~

~~Step 3. If the director's written response is not satisfactory to the employee he/she may file a formal grievance. The grievance form must be filed with the Personnel Department within five (5) working days from the date of the director's written response.~~

~~Step 4. The Personnel Director will meet within five (5) working days jointly with the employee, his/her representative, if any, the immediate supervisor, if any, and the director to try to resolve the grievance.~~

~~Step 5. If the grievance is not resolved in the Personnel Director's meeting the Personnel Director will call a meeting of the grievance review committee within five (5) working days from the date of the Personnel Director's conference.~~

~~Step 6. The grievance review committee's decision shall be final, except as provided in Section 2.7 (Probationary Period) and the employee may appeal to the Business Manager only if the employee alleges violations of the provisions of Section 1.2 (Equal Employment Opportunity).~~

~~Step 7. The Business Manager shall review the discrimination allegations and make a fair determination as to whether or not a hearing before the Business Committee would find the allegations significant. If the Business Manager so believes, then a scheduled hearing before the Business Committee would decide to uphold or reverse the decision of the grievance review committee. All decisions made by the Business Committee shall be final.~~

SECTION 8.6 GENERAL PROVISIONS

~~Nothing in this grievance procedure will be construed to limit, terminate or waive any right of an employee to seek relief in a court of proper jurisdiction for any employee grievance for which a remedy is provided.~~

~~In accordance with the Constitution of the Cheyenne-Arapaho Tribes and since Program Directors/Department Heads are under the direct supervision of the Business Manager, Manager of the Tribal Headquarters, no grievance steps need to be implemented. If a disagreement should occur and can't be resolved between the Business Manager and Program Director/Department Head then he/she has the option of seeking relief in a court of proper jurisdiction. This also applies to Tribal Government Appointees.~~

(FIGURE C)
 TABLE OF DISCIPLINARY ACTION
 First, Second and Third Occurrence

SERIOUS MISCONDUCT						
Occurrence	Warning	Probation	Demotion	Suspension w/o Pay	Dismissal	Prosecution
Theft					1	1
Fraud					1	1
Acceptance or solicitation of bribes					1	1
Misappropriation of tribal government records					1	(1)
Falsification of government records					1	(1)
Concealing, removing, obliterating or destroying tribal government records or property					1	(1)
Unauthorized absence of more than three (3) days					1	
OTHER MISCONDUCT						
Neglect of Duty	1			(1) 2	(2) 3	
Personal misconduct reflecting badly on the Cheyenne-Arapaho Tribes	1			(1) 2	(2) 3	
Dishonesty	1			(1) 2	(2) 3	
Disclosing confidential information	1	2		(2) 3	(3)	
Discourtesy	1			(1) 2	(2) 3	
Tardiness	1	2		3	(3)	
Malingering	1	2		3	(3)	
Inefficiency or ineffectiveness in job performance	1	(1) 2	3		(3)	
Disloyalty to Cheyenne-Arapaho Tribes				1	(1) 2	
Use of intoxicants while on duty				1	2	
Acceptance or solicitation of gifts from subordinates	1			2	(2) 3	(3)
Damage of tribal government property	1			2	(2) 3	(3)
Misuse of tribal government property	1			2	(2) 3	(3)
Endangering the safety of fellow workers	1			(1) 2	(2) 3	(3)
Unauthorized absence of three (3) days or less	1			(1) 2	(2) 3	
Insubordination	1			(1) 2	(2) 3	
Conducting activities for personal gain	1			(1) 2	(2) 3	
Clocking in/out for another employee				1	(2) 3	

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~~All time limits specified in the procedure may be extended by mutual written consent. Should a supervisor response not be forthcoming within the time limits provided in the procedure the employee may proceed to the next step. The grievance will be considered resolved at any step if the employee fails to move to the next step within the given mutually extended time limit.~~

~~An employee and his/her representative (if also an employee) will be allowed time off with pay for attendance at a meeting specified in this procedure provided the employee notify their supervisors in writing of the date and time of the meeting.~~

~~All grievances pertaining to Head Start personnel, due to contract regulations, will be heard by the Parent Policy Council, and this decision will be final.~~

SECTION 8.7 COMPOSITION OF THE GRIEVANCE REVIEW COMMITTEE

~~The grievance review committee will be composed of three (3) tribal employees, which will be composed of one (1) program director, one (1) coordinator and one (1) staff employee. The committee of three (3) will select a chairman from its own composition.~~

9.0 MISCELLANEOUS

SECTION 9.1 NEPOTISM

In the following policy statements the term "Immediate Family" will be defined to include: Father, Mother, Sister, Brother, Husband, Wife, Daughter, Son.

No member of the immediate family of an employee of the Cheyenne-Arapaho Tribes may be supervised by that employee, even temporarily.

No member of the immediate family of a member of the Business Committee may serve as a Program Director or Coordinator during the term of this Business Committee member. This policy may be waived through resolution of the full Business Committee in cases where Program Directors or Coordinators were employed in that capacity prior to election of an immediate family member of the Business Committee.

Legislature

Legislature

To be in compliance with federal and state regulations and to ensure a secure and efficient operation, the Head Start Program shall prohibit the hiring of any individual if a member of that individual's immediate family is employed in an

administrative capacity of the Cheyenne-Arapaho Tribes or is a member of the governing authority.

SECTION 9.2 POLITICAL ACTIVITY

While the Cheyenne-Arapaho Tribes encourages all employees of the Tribal Government to take an interest in and even assume leadership roles in politics at all levels, the Tribal Government itself must remain absolutely neutral. To that end, employees who actively involve themselves as candidates for Tribal or other political office must apply for leave without pay to begin on the same date as they announce their candidacies and ending on election day. Every consideration will be given to such requests, within reason.

Additionally, employees may not campaign on behalf of candidates for Tribal or other political offices while on duty.

SECTION 9.3 DUAL EMPLOYMENT

Employees of the Tribal Government are not discouraged from holding outside jobs in addition to their jobs with the Cheyenne-Arapaho Tribes provided the following rules are observed:

- A. The outside job must not distract or otherwise adversely affect the employee in the performance of his/her duties with the Tribal Government.
- B. The employee must not devote time to the outside job while on duty with the Tribal Government.
- C. The employee must obtain approval in advance from his/her supervisor.
- D. The job must not create a conflict of interest, incompatibility or bring detrimental effect upon the Cheyenne-Arapaho Tribes.

A tribal employee, including an employee of any tribal entity, is prohibited to serve on any entity board of the Tribal Government. This is to not allow any distractions in the performance of his/her duties with the Tribal Government, to not create any conflicts of interest, incompatibility or bring any detrimental effects upon the Cheyenne-Arapaho Tribes.

SECTION 9.4 ACCOUNTING AND RESPONSIBILITY

Employees charged with responsibility for Tribal Government property or funds will take reasonable care to protect the conditions of such property and the proper expenditure of such funds. Tribal Government property includes, but is not limited to, all files, documents and papers generated in connection with the

employee's job duties during the time of employment, capital and other times purchased with funds which are derived from or flows through the Tribal Government. Employees will be responsible for making appropriate restitution to the Tribal Government for damage to or loss of property and for shortage in or misapplication of funds under their care.

All employees have a duty to report, verbally or in writing, promptly and confidentially any evidence of any improper practice of which they are aware. As used here, the term "improper practice" means any illegal, fraudulent, dishonest, negligent or otherwise unethical action arising in connection with the Cheyenne-Arapaho Tribal operations or activities.

The Chain of Command should be utilized when reporting any such illegal incidents or if the incident involves the immediate supervisor, then the Personnel Director should be notified.

The Cheyenne-Arapaho Tribes, as an employer, is prohibited from dismissing employees in retaliation for the good faith exercise of rights protected by state and federal laws, including the filing of claims for Worker's Compensation benefits and sex discrimination cases. The employees of the Cheyenne-Arapaho Tribes are further protected from retaliation discharge by the Whistleblower Protection Act, which prohibits adverse employment action against employees who report violations of law.

SECTION 9.5 SOLICITING AND SELLING

Employees are prohibited from any form of soliciting or selling for personal gain at any time in or near Tribal Government facilities, unless as part of a previously approved Tribal fund raising project.

Employees will not be allowed to solicit, obtain, accept or retain any personal benefit from any supplier, vendor, contractor (customer, client, etc.) or any individual or organization doing or seeking business with the Cheyenne-Arapaho Tribes. As used here, personal benefit means gift, gratuity, favor, service compensation of any form, discount, special treatment or anything of monetary value. Solicitation or receipt of gifts, favors and/or gratuities is prohibited when such gifts constitute a conflict of interest.

SECTION 9.6 EMPLOYEES INVOLVED IN ACCIDENTS

An employee involved in an accident while on duty must report the accident to his/het immediate supervisor, Tribal Police and the Insurance Specialist. If medical attention is required, the employee should visit a clinic or a physician as

soon as possible.

SECTION 9.7 DRESS CODE

All employees are expected to be neatly groomed and dressed in a manner that is appropriate and proper for their respective positions. To avoid misunderstanding as to what constitutes proper attire the clerical, administrative and other office workers in the Tribal Complex or any Tribal field office, shall not wear attire which is not in good taste and no accepted by, or in conformity with the standards of the business community.

If an employee reports to work improperly dressed or groomed, his/her immediate director or supervisor may send them home to change clothes or to take other corrective action.

A. Standard of Dress

1. All clothing worn should be neat, clean and pressed at all times. Missing buttons should be replaced; tears and holes should be mended before reporting to work. All clothing should always be in good taste and be appropriate to the position held. Sportswear such as halter tops, tank tops and shorts of any kind, etc. will not be tolerated.
2. Men must wear socks. Females must wear nylons or pantyhose when wearing skirts or dresses. Slips are required when wearing a skirt or dress of thin material.
3. Foot wear should conform to approved office attire and present a professional appearance. No thongs or casual sandals will be tolerated. Sneakers can be worn only if they are presentable.

B. Hair

1. All hair should be clean and neat. Extreme or unusual hairstyles are not permitted.
2. Employees with long hair should wear it in a way so it is not in the face and does not interfere with assigned duties.
3. Hair accessories should be conservative and coordinate with your outfit.
4. Beards and moustaches must be kept neatly trimmed or be cleanly shaven.
5. Women or men should not wear gaudy or overly large jewelry.

If an employee has any questions regarding the dress codes he/she should ask their immediate supervisor. Infractions of the provisions of the dress code will result in disciplinary actions being taken.

SECTION 9.8 REHIRING

An employee who resigns his/her position with the Cheyenne-Arapaho Tribes cannot be re-hired for six (6) months following the date of his/her resignation.

Since Part 12 has no force (due to the valid repeal of the Drug Free Act"), the 2nd paragraph of 9.8 is currently inapplicable for termination

An employee who is terminated from the Tribal Government for reasons directly related to alcohol or drug abuse shall not be re-hired for twelve (12) months following his/her termination date. To be eligible for re-hire, the former employee must demonstrate the ability to perform on the job and must show proof of acceptable attendance and work habits along with his/her efforts to seek help through a rehabilitation or treatment program.

All employees who are re-hired will, regardless of time away, reason for leaving and job position, will have the same status of a new hire. Re-employment status will not be granted to any employee regardless of the reason for termination. An employee who is terminated or dismissed will not be eligible for employment with the Cheyenne-Arapaho Tribes for twelve (12) months from the date of termination.

SECTION 9.9 EMPLOYEE'S CHILDREN

To eliminate tribal liability for accidental injury to children of employees, the employees must refrain from bringing their children to the place of work.

10.0 EMPLOYEE TRAINING

SECTION 10.1 POLICY

It will be the responsibility of the Personnel Director, subject to availability of funds, to foster and promote employee training programs for the purpose of improving the quality of personnel services rendered to the tribes and aiding employees to equip themselves for advancement in the service of the Tribes.

If an employee is directed to attend or signs up to attend training and fails to do so, the cost of the fees and travel expenditures will have to be reimbursed to the program from the employee's paycheck. Arrangements may be made to deduct a portion from several pay periods.

SECTION 10.2 ADMINISTRATION OF THE EMPLOYEE TRAINING PROGRAM

The Personnel Director shall be responsible for:

- A. Establishing standards for the training program.
- B. Providing assistance to meet specific needs of their departments and in developing and utilizing other techniques for increasing employee efficiency.
- C. Developing supervisory and management training and other types of training and employment development program common to all departments. Keeping records of all approved training courses and programs and a record of employees who successfully complete such courses and programs.
- D. Evaluating the effectiveness of training programs.

SECTION 10.3 IDENTIFYING TRAINING NEEDS

At the time of the annual supervisor - employee evaluation discussion, the supervisor and employee should discuss areas where training is needed or desirable for performance in the employee's present job or would be helpful in developing additional skills for growth into other positions in the Cheyenne-Arapaho Tribal service. The supervisor should forward a written report of training needs through the director to the Personnel Director. Directors should, through contact with the Personnel Director and the public community, keep themselves apprised of training programs that may be of interest to themselves and to their employees and should nominate employees from appropriate training courses.

11.0 EMPLOYEE BENEFITS

SECTION 11.1 CURRENT BENEFITS

Under the present system the Tribal Government offers permanent employees an opportunity to participate in a group medical insurance plan. Qualified employees should contact the Insurance Specialist in the Personnel Department for details. Employees will be kept fully informed by the Personnel Department of development in the area of employee benefits.

~~12.0 DRUG FREE WORK PLACE POLICY~~

~~SECTION 12.1 POLICY~~

~~This policy is to provide and maintain a work environment that is drug-free, healthful, safe and secure.~~

~~All officials and employees of the Cheyenne-Arapaho Tribes must adhere to the established drug-free policy and are required to certify that they have received, read and understand the full intent of the Policy.~~

~~A. Officials and Employee Responsibility~~

- ~~1. Officials and employees are expected and required to report to work on time and in an appropriate mental and physical condition for work.~~
- ~~2. The unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in Cheyenne-Arapaho Tribal business off premises is strictly prohibited. Such unlawful activities also prohibited even if conducted off the premises of the Cheyenne-Arapaho Tribes during non-working hours and shall, upon conviction, be grounds to disciplinary action, including dismissal. Such conduct is also prohibited during non-working time to the extent that, in the opinion of the Cheyenne-Arapaho Tribes, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the Cheyenne-Arapaho Tribes of Oklahoma.~~
- ~~3. Officials and employees are expected to abide by this policy as a condition of employment and must report any personal conviction under a criminal drug statute for violations occurring on or off the work premises. A report of personal conviction must be made within five (5) days of conviction.~~

~~B. Violation of Drug-Free Policy~~

- ~~1. Violations of this policy by an employee shall result in disciplinary action, up to and including termination.~~
- ~~2. Using illegal drugs while on duty or reporting to work under the influence of alcohol or drug without a legal prescription shall result in dismissal.~~
- ~~3. The Cheyenne-Arapaho Tribes shall take appropriate personnel action against any employee convicted of a criminal drug offense.~~

- a. ~~The actions against these employees who have been convicted of criminal violations of drug laws can range from a requirement of satisfactory participation in a drug abuse or rehabilitation program or dismissal.~~
- b. ~~These sanctions shall be imposed within thirty (30) days from the time it is learned that such a conviction has occurred.~~

C. Communicating Drug-free Policy to Employees

1. ~~All new employees of the Cheyenne-Arapaho Tribes of Oklahoma employed in any capacity shall receive a copy of the Drug-Free Workplace Policy. This is normally accomplished through the new employee orientation program conducted by the Personnel Department or by the employee's supervisor in outlying Cheyenne-Arapaho Tribes facilities and locations.~~
2. ~~All employees, as a condition of employment, shall sign an affidavit acknowledging receipt of this policy, and that they have read and understand the full intent of the policy.~~

13.0 SEXUAL HARASSMENT

SECTION 13.1 POLICY

It is the policy of the Cheyenne-Arapaho Tribes to protect its employees male or female, against unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. The policy prohibits:

- A. Repeated sexual flirtations, gestures, advances or demands for sexual favors.
- B. Continued or repeated verbal abuse of a sexual nature, sexually related comments or joking, degrading comments about an employee's appearance or the display of sexually suggestive objectives or pictures.
- C. Any uninvited physical contact or touching such as patting, pinching or constant brushing against another's body.
- D. Any demand for sexual favors that is accompanied by either a promise of favorable job treatment or a threat concerning the individual's employment.

Employees who feel that they are a victim of sexual harassment should ~~immediately report the matter in writing to their immediate supervisor, the~~ immediately report the matter in writing to their immediate supervisor, the immediate supervisor of the person involved in the alleged incident and a copy

to the Employee Relations section (Personnel Department).

14.0 CHILD NEGLECT AND ABUSE

SECTION 14.1 POLICY

The Cheyenne-Arapaho Tribes, realizing the seriousness of child abuse or neglect, hereby mandates that all employees, as required by state, federal and Tribal law, report all child abuse and neglect. The procedure for reporting child abuse and neglect is:

- A. Make referral to the Child Protection Worker of the Indian Child Welfare Program.
- B. Child Protection Worker will conduct an investigation.
- C. Child Protection Worker will make determination and initiate the proper action.
- D. Child Protection Worker will notify the reporting party of action to be taken.
- E. All employees will cooperate with the Child Protection Worker.
- F. All employees will preserve the confidentiality of all records pertaining to the child abuse or neglect case in accordance with applicable state, federal and Tribal laws.
- G. In the absence of the Child Protection Worker, the Indian Child Welfare staff will be notified.

15.0 SMOKING POLICY

Directors may designate their immediate work areas as a non-smoking area. "Immediate work area" includes that area normally reserved for the exclusive use for that particular program for which the director has designated as non-smoking.

Directors who choose to do so may post an appropriate sign or signs in their immediate work area to clearly designate it is non-smoking.

Employees who do smoke should do so primarily in the areas so designated as smoking areas and should respect all designated non-smoking areas. These guidelines will in no way supersede local, state or federal law or any existing and future regulations established for fire, health or safety reasons.

16.0 CONCEALED WEAPONS

SECTION 16.1 POLICY

In compliance with Federal Statutes, no concealed weapons of any kind will be allowed to be carried on one's person at anytime in any building under the jurisdiction of the Cheyenne-Arapaho Tribes. The exception shall be any Agencies whose personnel have been trained and are authorized to carry weapons.

17.0 GSA AND PROGRAM VEHICLES POLICY

All vehicles are to have mileage and trip purpose logs in each vehicle. A maintenance log should be kept in the vehicles.

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These logs are to be turned in to the Business Manager's Office on the first of each month for inspection by the Internal Service Aide. The Aide will make any comments or questions on a copy of the log(s) and return it to the appropriate Director/ Coordinator for reply.

The vehicles are to be used only for official business and during the work hours designated by the program. Any misuse will result in suspension without pay for the first offense and may result in termination if the infraction is wholly inappropriate or a repeat offense.

Tribal Law Enforcement vehicles may be taken home and parked at the Officers residence. Policy vehicles must remain parked when the officer is not on official duty. Any infractions to this rule will result in immediate suspension without pay and may result in termination. Police vehicles are not to carry passengers unless the passengers are prisoners being transported to Court or to the incarceration facilities or are clients or staff of ICW, Youth Shelter, Social Services, Stop Violence or Substance Abuse requiring police escorts.

In addition, the following requirements apply only to the Law Enforcement:

- A. Mileage and trip purpose logs shall be turned in to the Business Manager's Office with the submission of the Police Chief's time sheet, which is bi-weekly, for concurrence on the Police Chief's logs.
- B. The rest of the Law Enforcement must have three concurring signatures on their logs which will be the Police Chief, Supervising Officer or Administrative Officer, and the officer who turns in the log.
- C. The Internal Service Aide from the Business Manager's Office will

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compare, on a bi-weekly basis, the logs with the fuel purchased for each vehicle and reconcile mileage versus fuel purchases to verify official use only of the vehicle.

Any program vehicle designated by the Office of the Business Manager are to remain parked on the premises after work hours and not to be taken home. These vehicles will be parked in the fenced-in area of the Roads Department. An agreement must be in place with the Roads Department before the program vehicle will be allowed to use the fenced-in area. Other parking areas will be designated by the Business Manager if necessary.

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Each Director or Coordinator of a program having vehicles is designated as being totally responsible for the vehicles (s) in their program. Therefore, disciplinary action will result to the Director/Coordinator as well as the employee committing the infraction.

All vehicles are to be kept clean on the exterior as well as the interior. All vehicles will be inspected randomly on a bi-monthly basis by the Internal Service Aide or a person designated by the Office of the Business Manager.

This policy applies to all program vehicles, including buses, mini-buses, and vans.

Each Director/Coordinator is required to sign this policy. One (1) copy will be placed in the Business Manager's Office, one (1) copy for the Compliance Officer, and one (1) copy for Personnel to be placed in the Director/Coordinator's personnel file. Please turn in the original copy to Personnel and distribute the other two (2) copies accordingly.

18.0 COMPUTER SYSTEMS USER AGREEMENT POLICY

SECTION 18.1 USE OF ADMINISTRATIVE COMPUTER SYSTEM

Administrative Computer systems (including but not limited to online services, e-mail and Internet access) increase administration production and employee effectiveness, but they can become time waster instead of a production enhancer if used without policy guidelines. Employer has total discretion over employee's access privileges and the nature of public discussions on the Computer system, making it a productive and stable environment.

Administrative Computer systems are Tribal properties that are provided to be used for general business purposes to increase production and employee

effectiveness only. To ensure the use of Administrative Computer systems in a productive manner, guidelines have been incorporated. All employees are required to abide by the guidelines; and improper use of Administrative Computer systems is not acceptable and will not be tolerated.

SECTION 18.2 COMPUTER SYSTEM POLICIES

- A. Monitoring Tools - Employer routinely and randomly monitors usage patterns for its computer communications by the System Administrative staff. The reasons for monitoring are for leverage computer productivity as well as for better planning and management of network resources.
- B. Blocking of Internet Access - Different access and services levels for different types of personnel may be given to employees depending on the nature of work. Employer reserves the absolute right to block access to certain Internet sites if it becomes necessary.
- C. Reasons for Policies:
 - 1. To collect data for Internet access and to ensure that productivity during work hours stays productive.
 - 2. To track and control the flow of traffic.
 - 3. To improve capacity planning.
 - 4. To decrease network slowdown and keep productivity up.
 - 5. To maintain good availability of network bandwidth.
 - 6. To reduce costs.

SECTION 18.3 OWNERSHIP OF ELECTRONIC COMMUNICATIONS

All Communications over Administrative Computer Systems are Property of Employer. All messages created, sent or retrieved over the administrative computer systems are the property of Employer, and EMPLOYEES should not assume electronic communications, messages and files on the administrative computer systems.

SECTION 18.4 MAINTAINING A PLEASANT ENVIRONMENT

To ensure administrative computer systems a productive and stable environment, it is not permitted the transmittal, retrieval or storage of information that is discriminatory or harassing, obscene, pornographic, or X-rated. It shall not be permitted the use of administrative computer systems for personal gain or any other purpose which is illegal or against Tribal Administration Policies or contrary to the Tribe's best interest.

SECTION 18.5 NON-DISCRIMINATION

It shall not be permitted the transmittal of messages with derogatory or inflammatory remarks about a person's race, color, sex, age, disability, religion, national origin, physical attributes and sexual preference.

SECTION 18.6 CONFIDENTIALITY

- A. Communication of Messages Disclosing Trade Secrets is Prohibited - You should recognize that your position with the Employer requires considerable responsibility and trust. Relying on your ethical responsibility and undivided loyalty, Employer expects to entrust you with highly sensitive, confidential, restricted and proprietary information involving Trade Secrets (as defined in Section 18.6 (B)). You are legally and ethically responsible for protecting and preserving Employer's proprietary rights. Messages disclosing sensitive, confidential, restricted, non-public or proprietary information involving trade secrets shall not be transmitted over the administrative computer systems. Discussion of any internal Tribal affairs on any online system other than the in-house system shall be prohibited.
- B. Trade Secrets Defined - For purposes of this Agreement, "Trade Secrets" is any information, including, but not limited to:
- I. The operation of Tribal business, consisting, for example, and not intending to be inclusive, of its lists or other identifications clients or prospective clients of Employer (and key individuals employed or engaged by such clients or prospective clients), the nature and type of services rendered to such clients (or proposed to be rendered to prospective clients), fee charged or to be charged, proposals, inventions, methodologies, algorithms, formulae, processes, compilations of information, form and content of data bases, designs, drawings, models, equipment, results of research proposals, technical or non-technical data, patterns, programs devised, techniques, product plans, job notes, reports, records, specifications, software, firmware and procedures used in, or related to, Employer's products;
 2. Employer's relations with its EMPLOYEE'S including without limitation, salaries, job classifications and skill levels;
 3. Financial, sales and marketing data compiled by Employer as well as Employer's financial, sales and marketing plans and strategies, lists of actual or potential customers or suppliers and non-public pricing that derive economic value, actual or potential, from not being generally known to, and not being readily ascertainable by

- proper means by, other persons who can obtain economic value from their disclosure or use;
4. All ideas, concepts, information and written material about a client disclosed to EMPLOYEE by Employer, or acquired from a client of Employer, and all financial, accounting, statistical, personnel and business data and plans of clients, are and shall remain the sole and exclusive property and proprietary information of the Employer, or said client;
 5. Any subjects of efforts that are reasonable under the circumstances to maintain their confidentiality, secrecy and/or proprietary.
 6. Any information that is protected under HIPPA.
- C. Accessing Tribal Employees Personal Information Shall Be Prohibited - No employee shall utilize the Administrative Computer System to cause harm, or seek information that will be detrimental to any Tribal EMPLOYEE for personal gain.

SECTION 18.7 MAINTAINING SYSTEM SECURITY

- A. Keeping the Administrative Computer Systems Secure from Computer Viruses - No downloading/uploading of software or music files shall be allowed in order to prevent viruses from entering the administrative computer systems from FTP sites i.e., Morpheus, Napsters, Kazaa. Shareware and freeware i.e., Ad-Aware, Cosmo Pop Up Blocker may be downloaded if program contacts the System Administrative staff.

SECTION 18.8 TRIBAL PUBLIC IMAGE

- A. Employee's Conduct in Public - Administrative computer systems is a public place for business communications, and all communications over administrative computer systems reflect the Tribe's image. All EMPLOYEE'S are, therefore, responsible to maintain and enhance the Tribe's image, and no abusive, discriminatory, harassing, inflammatory, profane, pornographic or offensive language or other materials are to be transmitted through the administrative computer systems.
- B. Employee's Identity - No message can be transmitted without the EMPLOYEE'S identity. Transmittal of messages with anonymous or fictitious names is prohibited.

SECTION 18.9 COPYRIGHT

- A. Copyright Infringement - No copying, downloading or distributing of any of the copyrighted materials including but not limited to messages, e-mail,

- A. Copyright Infringement - No copying, downloading or distributing of any of the copyrighted materials including but not limited to messages, e-mail, text files, program files, image files, database files, sound files and music files through the administrative computer systems shall be allowed. All software purchased must be authorized by and registered to the Tribes.

SECTION 18.10 VIOLATIONS

- A. Failure to Comply - Failure to comply with this policy will result in disciplinary action up to and including termination. The first offense will be written reprimand, and if necessary, suspension without pay for a duration that shall be at the discretion of the supervisor with concurrence of the Business Manager. Malicious destruction and/or the inappropriate removal of tribal program information will constitute serious misconduct as defined in the Tribal Personnel Policies and shall be treated accordingly. The second offense will be termination with no exceptions.

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19.0 MINIMUM STANDARDS OF CHARACTER AND SUITABILITY FOR EMPLOYMENT POLICY

SECTION 19.0 POLICY

This policy shall apply to all employees and applicants for employment for positions that have or will have regular contact with or control over children. This policy shall also apply to volunteers, foster parents, and other adults residing in a foster home. This policy conforms to and establishes procedures for the Indian Child Protection and Family Violence Prevention Act and the Crime Control Act.

SECTION 19.1 POSITIONS REQUIRING BACKGROUND INVESTIGATIONS

All positions in the Tribal Government that require background investigations are identified and listed by the Director of Personnel. The list of positions is:

<u>Law Enforcement</u>	<u>Social Services</u>	<u>Indian Child Welfare</u>
Chief of Police	Caseworkers	Coordinator
Criminal Investigator	Caseworker/Supervisors	Caseworker
Dispatcher	Director	Counselor
Officers/Patrolmen	Receptionist/Clerks	Administrative Assistant
Administrative Assistant	Child Protection Worker	Clerk/Receptionist

Emergency Youth Shelter

Coordinator
Houseparents
Child Care Worker

Community Health Rep

All CHR Transporters
Director (If transports)

WIA

Youth Coordinator

Child Care Program

Director
Administrative Assistant
Clerks/Receptionist
Teacher/Teachers Aide
Cook/Cook Aide
Substitute Teachers

Head Start

Director
Center Manager
Teacher
Teacher Aides/Drivers
Cook/Cook Aide
Transportation/
Maintenance Coordinator
Clerks
Administrative Assistant
Operation/Facility Manager

Head Start (Cont'd)

Family Community Service
Manager
Health and Disabilities
Manager

Tribal Court

Court Clerk
Deputy Court Clerk
Judges (?)

Education

Youth Mentor

Diabetes Wellness

Fitness Instructor
REACH Coordinator

- A. This list of positions is to be reviewed annually and updated or revised as necessary.
- B. All positions on this list will be advertised, when vacancies occur, with the stipulation that a background investigation is required.
- C. All positions that have regular contact or control over children will require a background investigation every four (4) years for updating.

SECTION 19.2 EMPLOYMENT APPLICATIONS AND FOSTER CARE APPLICANT

Employment applications and Foster Care Applicant forms for positions that have regular contact or control over children are formatted to obtain the necessary information.

- A. Asks whether the applicant, volunteer, employee or foster parent (and other adults residing in the foster home) has been arrested or convicted of a crime involving a child, violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution or crimes against persons.
- B. Asks the disposition of the arrest or charge.
- C. Requires that an applicant, volunteer, employee or foster parent (and other adults residing in a foster home) sign, under penalty of perjury, a statement verifying the truth of all information provided in the employment application.
- D. Informs the applicant, volunteer, employee or foster parent (and other

adults residing in a foster home) that a criminal history record check is a condition of employment and foster home certification and requires the applicant, volunteer, employee or foster parent (and other adults residing in a foster home) to consent, in writing, to a record check.

SECTION 19.3 BACKGROUND INVESTIGATION FOR SUITABILITY OF CHARACTER

Background investigations for suitability of character identified in accordance with the Indian Child Protection and Family Violence Prevention Act and this Policy is to be done in a consistent manner as set forth herein.

- A. The Cheyenne-Arapaho Adjudicating Officer will utilize the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation to conduct all background and criminal investigations when the applicant, volunteer, employee or foster parent (including other adult members of the foster home) have been residents of the state of Oklahoma for the past five (5) years.
- B. The applicant, volunteer, employee or foster parent (including other adults in the foster home) shall certify that their past conduct will not interfere with his/her performance of duties, nor would it create an immediate or long-term risk for any Indian child.
- C. The Adjudicating Officer will determine and verify that the applicant or employee is able to perform the duties and responsibilities of the position, and his or her presence on the job will not inhibit other employees from performing their functions. (Does not apply to foster parents)

SECTION 19.4 ADHERING TO THE MINIMUM STANDARDS OF CHARACTER

The Cheyenne-Arapaho Tribal Government will utilize and adhere to these Minimum Standards of Character and they shall apply to any and all applicants, volunteers and employees as identified in Section 19.1.

- A. Cannot have ever been convicted of, entered a guilty plea or a plea of nolo contendere to any offense under Federal, state or tribal law involving crimes of violence, sexual assault, sexual molestation, sexual exploitation, sexual contact or prostitution or crimes against persons.
- B. Cannot have been found guilty of, entered a guilty plea or a plea of nolo contendere to any offense involving the sale, use or possession of illegal drugs or drug paraphernalia.
- C. Cannot have had a license, certification or appointment revoked for ~~intoxication by alcohol or any and all types of illegal drugs~~.

- D. Shall have favorable references from former employers attesting to the trustworthiness, reliability and behavior of the individual. (Does not apply to foster parents)

SECTION 19.5 DETERMINING SUITABILITY FOR EMPLOYMENT

The Adjudicating Officer will utilize the following procedures for determining suitability for employment and efficiency of service for applicants and employees.

- A. The adjudication process requires uniform evaluation of significant and relevant information concerning an applicant or employee's background and work history.
1. Review each security investigation form and employment application and compare the information provided.
 2. Review the results of written record searches requested from local law enforcement agencies, former employers, former supervisors, employment references and schools.
 3. Review the results of the fingerprint charts maintained by the FBI or other law enforcement information maintained by other agencies.
 4. Review other information obtained through a background investigation, including the results of searches by state human service agencies.
 5. Determine whether the individual has been found guilty of or entered a plea of nolo contendere or guilty to any felonious 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.
 6. The employee or applicant will first be given the opportunity to respond to any negative or questionable findings by the adjudicating official.
 7. The adjudicating official will determine whether or not the individual can retain his/her position or be placed in another position.
 8. Once that decision has been made the adjudicating official will issue a memorandum of findings to the hiring official.
- B. Each case is judged on its own merits. All available information, both favorable and unfavorable, will be considered and assessed in terms of accuracy, completeness, relevance, seriousness, overall significance and how similar cases have been handled in the past. The adjudicating official

may determine that the individual, while not eligible to work in a position having regular contact with or control over children, may serve in another position if such a position is available based on the following review:

1. The nature and seriousness of the conduct in question.
2. The recency and circumstances surrounding the conduct in question.
3. The age of the individual at the time of the incident.
4. Societal conditions that may have contributed to the nature of the conduct.
5. The probability that the individual will continue the type of behavior in question.
6. The individual's commitment to rehabilitation and a change in the behavior in question.
7. The degree of public trust and the possibility the public would be placed at risk if the individual is appointed to the position.

SECTION 19.6 FOSTER HOME CRITERIA FOR ELIGIBILITY

The Tribal Government, in the absence of a formal definition in any federal agency regulations, shall apply the following procedures to the Foster Home Parents criteria for eligibility.

- A. Foster Parents cannot be regarded as employees as they receive no compensation for performing the duties of a foster parent. Foster Parents fall outside the definitions for employees as contained in the Cheyenne-Arapaho Personnel Policies.
- B. Foster Parents shall certify that their past conduct will not interfere with his/her performance and responsibilities to foster children, nor will it create an immediate or long-term risk for any Indian child.
- C. Foster Parents will be notified that criminal background checks are necessary.
- D. Foster Parents will be subject to OSBI and FBI background checks.
- E. Foster Parents must immediately notify their assigned caseworker when other adult members are living in the Foster Home. The other adult members must submit their fingerprints for OSBI and FBI background checks.
- F. (A) and (B) of Section 19.4 shall apply to Foster Parents.
- G. Foster Home Parents background checks will be updated per the state requirements.

SECTION 19.7 INDIVIDUAL RIGHTS

The Tribal Government assures that the individual's rights are protected through the following provisions:

- A. The individual will be provided an opportunity to explain, deny or refute unfavorable and incorrect information gathered in the investigations. Prior to a final decision in a adjudication, the individual will receive a written summary of all derogatory information and be informed of the process for explaining, denying or refuting unfavorable information.
- B. The adjudicating officials cannot release the actual background reports, copies or facsimiles to anyone.
- C. The individual who is the subject of the background investigation has the right to request reports from any of the investigating agencies as well as any other information maintained by the agency pertaining to the subject individual.
- D. The burden of proof for disputing any unfavorable information is with the individual.

SECTION 19.8 CONFIDENTIALITY

The Tribal Government assures confidentiality of reports and information collected to comply with Federal, state and Tribal laws.

- A. Investigative reports contain information of a highly personal nature and will be maintained confidentially and secured in locked files. All such files will be maintained in the Personnel Office, accessible only to the Personnel Officer.
- B. Investigative reports may be seen only by those officials who, in performing their official duties, need to know the information contained in the report.

SECTION 19.9 PROVISIONAL HIRE AND RETENTION

The Tribal Government, in adopting these policies, has also adopted a provisional form allowing new or vacant positions to be filled and providing for retention of current employees during the investigation process. This form for Provisional Hire and Retention is made a part of this policy.

- A. The individual must sign the form agreeing to all conditions presented on the form.
- B. This form may be upgraded and changed as necessary without further Tribal Government approval.

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- A. The individual must sign the form agreeing to all conditions presented on the form.
- B. ~~This form may be upgraded and changed as necessary without further Tribal Government approval.~~

19.10 CIRCUMSTANCES CAUSING AN ADVERSE ADJUDICATION

In the circumstance of an applicant or employee being charged with an offense constituting cause for an adverse adjudication, the Tribal Government has established the following options for the adjudicating officer:

- A. Deny the applicant employment until the charge has been resolved.
- B. Deny the applicant or employee any on-the-job contact with children.
- C. Detail or reassign the employee to other duties that do not involve regular contact with children.
- D. Place the individual on indefinite suspension until the court has disposed of the charge.