

Pawnee Nation of Oklahoma
Human Resources Policies & Procedures

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Chapter 1. General Provisions

Section A. Purpose

The Pawnee Nation Human Resources Policy and Procedure Manual is designed to:

- Create a uniformed system of personnel administration that provides maximum service to the Pawnee Nation;
- Establish set standards to ensure that the terms, conditions, and privileges of employment are impartially and universally applied to all personnel matters;
- Provide for a recruitment and selection process that facilitates the employment of individuals of select quality who display pride, respect, and dignity in the performance of their duties; and
- Promote a clear understanding of the rights, privileges and responsibilities of employment with the Pawnee Nation.

Section B. Application

The Pawnee Nation Human Resources Policy and Procedure Manual applies to all employees of the Pawnee Nation tribal government, regardless of funding source or employment status, except where they are specifically excluded. The policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Pawnee Nation and any of its employees.

Section C. Exceptions

The Pawnee Nation Human Resources Policy and Procedure Manual shall serve as the foundation of personnel management for the Pawnee Nation and its tribal enterprises, unless separate personnel manuals have been adopted by the enterprises.

Limitations in grant funding for particular departments and programs, or specific grantor agency regulations, may supersede policies and procedures contained herein. In the event that Pawnee Nation Divisions, Departments, or Programs develop policies or procedures to supplement this manual, such documents shall be reviewed and approved, as necessary, prior to their implementation.

Section D. Amendments

The Pawnee Nation reserves the right to amend, supplement or rescind any policy or procedure of this manual. Such amendments, supplements or rescissions will be approved by the Pawnee Business Council through the Executive Director and Human Resources Committee. The Human Resources Director may make non-substantive changes through the approval of the Executive Director.

Section E. Consent to Tribal Jurisdiction

By accepting employment with the Pawnee Nation, all individuals thereby submit to the criminal and civil jurisdiction of the Pawnee Nation tribal courts. As such, all criminal and civil matters arising out of, or connected with employment at the Pawnee Nation, and which occur within the territorial or subject matter jurisdiction of the courts, are subject to the criminal and civil jurisdiction of the Pawnee Nation tribal courts.

Chapter 2. Employment Practices

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

Section A. Equal Employment Statement

The policy of the Pawnee Nation is to comply with all applicable laws that govern the employment relationship between the Pawnee Nation and its employees. Consistent with the provisions of applicable laws and policies, the Pawnee Nation will not discriminate against any applicant or employee in recruitment, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations, race, color, creed, sex, age, physical handicap or any other non-merit factors.

Section B. Indian Preference

The 1964 Civil Rights Act VII (42 USC 2000e2(i)) allows private and governmental employers on or near a Federal Trust Indian Reservation to exercise Indian Preference in employment. It is the policy of the Pawnee Nation to give preference to any person who is enrolled as a member of a federally recognized tribe.

Section C. Veterans Preference

The Pawnee Nation gives preference in employment to Veterans of the United States Armed Forces. Eligible Veterans receive preference only during the initial hiring process. To be eligible for preference, the Veteran must have an honorable or general discharge. Applicants claiming preference must provide a copy of the DD Form 214.

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Chapter 3. Recruitment and Selection

Section A. Recruitment Policy

It is the policy of the Pawnee Nation to promote hiring the best qualified candidates, in order to provide the highest quality services to the people of the Pawnee Nation. It is additionally the policy of the Pawnee Nation to promote employment opportunities for qualified Pawnee Tribal Members and other qualified Native Americans.

Section B. Application for Employment

Policy

All individuals applying for employment will complete the Pawnee Nation Employment application online. To apply for Pawnee Nation job vacancies, applicants will be directed to the Pawnee Nation website.

Procedure

- I. In order to be considered for a specific job vacancy, an online employment application must be submitted prior to the closing date. To be considered for temporary employment opportunities, applicants must complete and submit the temporary application available online.
- II. The Employment Application must be submitted online on or before the close of business on the closing date specified on the job vacancy announcement.
- III. Applicants will be required to electronically sign the Employment Application, which includes a statement certifying to the truth and accuracy of all information provided. Any unsigned or incomplete Employment Applications will not be considered for employment with the Pawnee Nation.
- IV. Applicants shall be required to furnish, at their own expense, evidence of character, education, physical condition, or other qualifications, which are job-related and deemed necessary for consideration of the vacant position.
- V. To receive full credit for education, certification, or licensure, transcripts, copies of degrees, certificates, and other appropriate documentation must be submitted, in conjunction with the Employment Application, on or before the close of business on the closing date specified on the job vacancy announcement.
- VI. Any misrepresentations, falsifications, or material omissions on the Employment Application or any other materials used in the recruitment and selection process may result in exclusion of the individual from further consideration for employment for that position; or, if the individual has been hired, termination of employment.
- VII. The Office of Human Resources may make non-substantive changes, through the approval of the Executive Director.

Section C. Advertising of Vacant Positions

Policy

The Office of Human Resources shall give public announcement of job vacancies within the Pawnee Nation. A reasonable effort shall be made to attract qualified applicants from the community and to provide a prominent venue for individuals to view job vacancies.

Procedure

- I. Vacancy announcements for all regular positions shall remain open for at least ten (10) business days.
- II. Each job vacancy announcement shall specify the following:
 - a. The position's job title;
 - b. The position's employment status;
 - c. Minimum required qualifications of the position;
 - d. Application deadline;
 - e. Method of application;
 - f. Indian Preference; and
 - g. Equal Employment statement.
- III. Job vacancy announcements shall be posted in tribal offices and on the official Pawnee Nation website and social media sites.
- IV. The Office of Human Resources, in consultation with a Division Director, may advertise job vacancy announcements in newspapers within a pre-determined radius, educational institutions, professional and vocational societies, public offices, and with other such individuals and/or organizations, as deemed appropriate. In order for a job vacancy to be announced, the Division Director must ensure that adequate funding is available for the position and that an updated job description is on file in the Office of Human Resources.
- V. In the event an emergency temporary hire is needed, the Division Director, in concurrence with the Executive Director and Human Resources Director, may request to deviate from this policy. To do so, the Division must demonstrate at least one of the following:
 - a. The temporary position is necessary to continue program operations;
 - b. The temporary position is necessary to maintain client services; or
 - c. The temporary position is necessary to alleviate extreme understaffing issues.

Section D. Indian Preference in Hiring

Policy

It is the policy of the Pawnee Nation to give preferential treatment in hiring to any person who is enrolled as a member of a federally recognized tribe.

Procedure

- I. Preference in hiring shall be given to Indians, as defined in PL93-638, the Indian Self Determination Act.
- II. Members of the Pawnee Nation will receive preferential treatment in the recruitment and selection process.
- III. The applicant is responsible for providing documentation of tribal enrollment or Native American lineage by submitting a copy of one of the following:
 - a. BIA form 432 Indian Preference form,
 - b. Enrollment letter from the tribe they are claiming preference from, or
 - c. Tribal enrollment membership card
- IV. If a question surrounds the applicant's tribal membership or lineage, the Office of Human Resources will review the evidence and approve or disapprove such a claim.

Section E. Selection Methods and Criteria

Policy

The Pawnee Nation is committed to a fair and impartial system of employee selection. The selection process is a joint effort between the Office of Human Resources, Division Directors, Department Managers, Program Coordinators, Supervisors, and the Pawnee Business Council.

The Pawnee Nation will evaluate applicants in the form of verbal interviews. Also written examinations, physical tests, education, training, job related experience, and prior job performance may be used as evaluation tools. All applicants will be consistently evaluated using the same job-related methods and criteria, which are specifically designed to reveal each candidate’s knowledge, skills, and abilities applicable to the vacant position. The scoring tool used during the interview process will be turned into the Human Resources Department at the conclusion of the interview.

Procedure

- I. The Office of Human Resources uses an online application system that will screen applicants and certify qualification to identify the applicants who meet the minimum requirements for a vacant position.
- II. When a background investigation, physical exam, driving record, or other screening mechanism is necessary to evaluate an applicant’s eligibility for a position, the Office of Human Resources will ensure such mechanisms are administered to each applicant prior to the interview.
- III. The Pawnee Nation recognizes preferences, and grants qualified applicants the following preference points during the initial screening process:
 - a. Pawnee Preference- 8 points
 - b. Indian Preference- 5 points
 - c. Veterans Preference- 5 points
- IV. Applicants will be scored according to qualifications and capacity for the position, using the online application system. The candidates who score in the top percentage of the qualifications category will be routed to the hiring authority for the interview process. When available no more than five (5) applicants or no less than three (3) applicants will be forwarded for the interview process. The coordination of interviews will be scheduled no later than three (3) business days following the receipt of the applicant scoring.
- V. The Executive Director and Attorney General positions are subject to interview by the Pawnee Business Council.
- VI. All other positions are subject to interview by the Division Director, Program Manager, and/or Supervisor.
- VII. The decision of the Hiring Authority will be forwarded to the Human Resources Department no later than three (3) business days following the receipt of the interview scoring/ranking.
- VIII. All new hires will serve a ninety (90) day probationary period.

Section F. Hiring of Relatives / Nepotism

Policy

It is the policy of the Pawnee Nation to make a special effort to employ tribal members for job vacancies; however, the Pawnee Nation recognizes problems may arise from nepotism. Therefore, no person shall be hired, promoted, demoted or transferred to a position which requires the employee to directly supervise or be directly supervised by an immediate family member.

Procedure

- I. Immediate family member is defined as an individual who is related, by blood or marriage, to the employee as a father, mother, son, daughter, brother, sister, grandmother, and grandfather. Cohabitants, regardless of the nature of the relationship, shall also be considered immediate family.
- II. All applicants must indicate their relation to current Pawnee Nation employees on the official Employment Application form. This information will be used to determine possible conflicts between the vacant position, the applicant, and the Nepotism Policy.
- III. If an applicant knowingly withholds information or responds untruthfully to questions concerning a familial relationship, the applicant will be removed from the applicant pool for that vacant position. Or, if the applicant has been employed after knowingly withholding information or responding untruthfully to questions concerning a familial relationship, the employee will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.
- IV. When a conflict with the Nepotism Policy is created by either reorganization or individuals who become related while employed, ninety (90) calendar days will be allowed to resolve the matter voluntarily or by reassignment of one of the employees. If a voluntary resolution is not forthcoming and reassignment of one of the employees is not possible, the employee with the most recent date of continuous employment will be released.
- V. Employees, as well as members of Committees, Commissions, and the Pawnee Business Council, shall refrain from influencing any personnel action involving family members who are covered by these policies as employees and/or applicants.

Section G. Background Investigations

Policy

It is the policy of the Pawnee Nation to conduct background checks in accordance with applicable federal law and dependent upon position requirements. Applicants who apply for such positions are required to submit to a background investigation.

Procedure

- I. When required by the position, background investigations, including fingerprinting, shall be conducted prior to the employment of an applicant. Background investigation results will be used to determine an applicant's suitability for employment.
- II. Current employees who occupy applicable positions may be subject to background investigations, as determined by position and/or funding agency requirements.
- III. The background investigation will be obtained at the expense of the Pawnee Nation. Individuals may not provide background information from other sources in lieu of a background investigation by the Pawnee Nation.
- IV. All information gathered through background investigations will be treated as confidential. The criminal history record of applicants and/or existing employees will become a part of the confidential recruiting file and/or employee personnel file.
- V. Information provided by an applicant to obtain employment, which later proves false, will be subject to provisions of disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.
- VI. In the event a background investigation produces negative results, the Human Resources Director will notify the applicant and/or employee of the results and provide a copy of the results, if requested.
- VII. In the event background investigation results are questionable, the Human Resources Office will serve as the adjudicating body to make a final determination in suitability of the applicant to the vacant position.
- VIII. The adjudication process protects the interests of the Pawnee Nation and the rights of applicants and existing employees. Each case is judged on its own merits and all available information, both favorable and unfavorable, must be considered and assessed in terms of accuracy, completeness, relevance, seriousness, overall significance and how similar cases have been handled in the past. The Human Resources Office must review the background investigation to determine the character, reputation and trustworthiness of the individual. At a minimum, the Human Resources Office must:
 - a. Review the application with the background investigation and compare the information provided;
 - b. Review the results of written record searches requested from local law enforcement agencies, former employers, former supervisors, and employment or educational references; and
 - c. Review the results of any fingerprint charts maintained by the Federal Bureau of Investigation of other law enforcement information maintained by other agencies.

- IX. Relevancy is a key objective in evaluating investigative data. The Human Resources Office must consider prior conduct in light of:
- a. The nature and seriousness of the conduct in question, in relation to the job duties of the applicant, employee, volunteer or contractor;
 - b. How recent the conduct was and circumstances surrounding the conduct in question;
 - c. The age of the individual at the time of the incident;
 - d. Societal conditions that may have contributed to the nature of the conduct;
 - e. The probability that the individual will continue the type of behavior in question; and
 - f. The individual's commitment to rehabilitation and a change in the behavior in question.
- X. The determination of suitability measuring the fitness or eligibility of an applicant or existing employee does not evaluate a person's education, skills, knowledge or experience. Suitability is determined by:
- a. The degree of risk the applicant or existing employee would bring to the position;
 - b. The applicant's or existing employee's past conduct interfering with his or her performance of duties or creating an immediate or long-term risk for the Nation; and
 - c. The applicant's or existing employee's minimum standards of character.
 - i. Minimum standards of character refer to identifiable character traits and past conduct to include, but not limited to:
 - 1. Criminal arrest and/or convictions that would create a risk of danger or loss to the Nation based on the job responsibilities of the position in which the person has applied or is employed.
- XI. The decision of the Human Resources Office regarding an applicant or INTRODUCTORY employee shall be final.
- XII. Employees, unless otherwise prohibited by an employment contract or other applicable Pawnee Nation policies, shall have appeal rights as set forth in *Chapter 13. Employee Grievance*.

Section H. Physical Examinations

Policy

It is the policy of the Pawnee Nation to require employees in certain applicable positions to possess and maintain the minimum physical qualifications necessary to perform essential duties of the position.

Procedure

- I. Physical examinations shall be conducted prior to employment of an applicant to an applicable position. The physical examination results shall be received in the Human Resources Office prior to the prospective employee's first day of work.
- II. Current employees who occupy applicable positions may be subject to physical examinations, as determined by position requirements and/or outside funding guidelines.
- III. The physical examination will be obtained at the direction of the Pawnee Nation. Individuals may not provide initial physical examinations from other sources in lieu of an initial physical examination initiated by the Pawnee Nation.
- IV. All information gathered will be treated as confidential. The medical information of applicants and/or existing employees will become a part of the confidential personnel file of that individual.
- V. In the event the physical examination produces negative results for an applicant, the applicant will not be eligible for hire. The Human Resources Director will notify the applicant of the results and provide a copy of the results, if requested.
- VI. In the event the physical examination produces negative results for a current employee, the employee may seek a second medical opinion by a physician of his or her choice. If the opinions are not in agreement, a third medical opinion will be obtained from a physician selected by the Pawnee Nation's designated physician and the employee's designated physician. The result of the third physician will be final in determining future or further employment with the Pawnee Nation.
- VII. All physical examinations must be taken within three (3) calendar days of the Human Resources physical examination request.
- VIII. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline*.

Section I. Offer of Employment

Policy

It is the policy of the Pawnee Nation to extend offers of employment in a consistent manner. The Human Resources Director will maintain the authority to offer employment for all positions within the Pawnee Nation.

Procedure

- I. After the hiring authority has selected an individual for hire, in accordance with all aspects of this policy, the Human Resources Director will make contact with the individual to offer employment.
- II. The Human Resources Director shall not offer employment if selection was done contrary to the provisions of *Chapter 3. Recruitment and Selection*.

Chapter 4. Employment Classification

Section A. Classification Policy

{RESERVED}

Section B. Position Classification Policy

{RESERVED}

Section C. Classification of New Positions

{RESERVED}

Section D. Classification of Existing Positions

{RESERVED}

Section E. Job Descriptions

Policy

It is the policy of the Pawnee Nation to provide Job Descriptions for each position within the Pawnee Nation. Job Descriptions will accurately and clearly describe the essential functions and qualifications required by a position. Information from Job Descriptions will be utilized in job classification, recruitment and selection, salary administration, training and development, and performance planning and feedback.

Procedure

- I. All Pawnee Nation positions will have an approved Job Description.
- II. To obtain a Job Description, the supervisor must submit a completed Position Description Questionnaire form to the Office of Human Resources. For occupied positions, the supervisor shall work with employees to develop and/or review the Position Description Questionnaire form for accuracy and clarity.
- III. The Office of Human Resources will use the information in the Position Description Questionnaire form to draft a Job Description.
- IV. All Job Descriptions shall contain the following information:
 - a. Job Title;
 - b. Department;
 - c. Supervisor;
 - d. Position Overview;
 - e. Essential Functions of the Position;
 - f. Educational Requirements;
 - g. Experience Requirements;
 - h. Knowledge, Skills, and Abilities;
 - i. Physical Demands; and
 - j. Work Environment
- V. The Human Resources Director, with concurrence of the Division Director, will approve new and updated job descriptions.
- VI. In order for a job vacancy to be announced, the Division Director must ensure that adequate funding is available for the position and that an updated job description is on file in the Office of Human Resources.

Chapter 5. Compensation Administration

Section A. General Compensation Policy

It is the policy of the Pawnee Nation to pay wages and salaries that are commensurate with the type of work, the level of responsibility, and the qualifications required for each position. In addition, employee compensation may be subject to the funding level set forth in an approved contract or grant budget.

Section B. Salary Limits

{RESERVED}

Section C. Pay Adjustments

{RESERVED}

Section D. Cost of Living Allowances

Policy

It is the policy of the Pawnee Nation to authorize cost of living allowances.

Procedure

- I. The Pawnee Business Council shall approve a cost of living allowance rate during the Annual Budget Call. In the event the Pawnee Business Council does not approve a rate by the end of the first quarter of the new budget year, the rate for the previous year shall be used.
- II. Allowable cost of living allowances shall be effective at the beginning of the funding year.
- III. Division Directors are responsible for initiating Payroll Action Forms to process the cost of living allowance for each employee.
- IV. An employee must have completed their 90-day Introduction Period, and must be a full time employee to be eligible

Section E. Merit Increases

Policy

It is the policy of the Pawnee Nation to provide merit increases that reward employees for their ability, efficiency, and value to the Pawnee Nation.

Procedure

- I. All REGULAR employees are eligible for merit increases.
- II. Any employee who has not received an annual Performance Evaluation shall not be eligible for a merit increase.
- III. To be eligible for a merit increase, employees must have received a categorical rating “satisfactory” or higher on their annual Performance Evaluation.
- IV. The rate of a merit increase shall be determined in accordance with the availability of funding.
- V. All merit increases shall be approved by the Supervisor and Division Director, with concurrence of the Human Resources Director and the Executive Director.
- VI. Merit increases for positions at the level of Division Director and above shall be requested by the Executive Director and approved by the Pawnee Business Council.

Section F. Overtime Pay

Policy

It is the policy of the Pawnee Nation to provide all employees with Compensatory Time in lieu of Overtime Pay.

Section G. Compensatory Time

Policy

It is the policy of the Pawnee Nation to compensate employees in an appropriate manner for time worked beyond the normal forty (40) hour work week.

Procedure

- I. Employees who work over forty hours within one work week will be eligible to accrue compensatory time.
- II. Compensatory Time shall accrue at the rate of one and one half (1.5) hours for every hour worked.
- III. Compensatory Time accrual shall be authorized by the employee's supervisor, prior to working over the scheduled forty (40) hour work week.
- IV. Unauthorized work over forty (40) hours shall be eligible for Compensatory Time accrual, however the employee may be subject to disciplinary action as prescribed in Chapter 12. Employee Discipline
- V. Use of Compensatory Time requires prior authorization by the employee's supervisor.
- VI. It is the responsibility of the supervisor to properly account for accrued and used compensatory time for their respective employees.
- VII. While on travel status and being paid per diem, employees are not eligible to accrue Compensatory Time.
- VII. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline.*

Section H. Bonus Pay

{RESERVED}

Section I. Pay Advancements

Policy

The Pawnee Nation will not provide payroll advances to any employee.

Section J. Pay Deductions

Policy

The Pawnee Nation is required by law to make certain deductions from gross earnings for all employees. In addition, for certain benefit programs which require payments by participants, the Nation may specify payroll deductions as the only acceptable method of payment. The Pawnee Nation may make required or necessary garnishments from gross earnings for all employees.

Procedure

- I. The Pawnee Nation is required by law to make certain deductions from gross earnings of all employees, including income taxes, social security taxes, and Medicare taxes.
- II. The Internal Revenue Service may levy wages of a delinquent taxpayer. The Pawnee Nation is obligated to withhold the prescribed levy from the date the levy is made until the employee's tax liability is satisfied or becomes unenforceable.
- III. The Pawnee Nation will abide by all Income Deduction Orders as it pertains to support of a minor child, regardless of court from which the order is originated.

Section K. Pay Calendar

Policy

It is the policy of the Pawnee Nation to pay employees on a bi-weekly basis and in accordance with Pawnee Nation Fiscal Policies and Procedures, and practices.

Procedure

- I. The Division of Finance shall distribute an approved Pay Calendar for each calendar year. Pay Calendars shall reflect the following information:
 - a. The beginning and end date of each pay period;
 - b. The final date for timesheet submissions for each pay period; and
 - c. The date pay checks will be distributed to employees for each pay period.
- II. To receive pay for time worked, all employees are subject to the provisions of *Chapter 7. Time and Attendance*.

Section L. Release of Paychecks

Policy

Paychecks shall be released in accordance with Pawnee Nation Fiscal Policies and Procedures.

Chapter 6. Employment Status

Section A. General Policy

It is the policy of the Pawnee Nation to establish and maintain categories of employment to determine eligibility and accrual rates for Pawnee Nation benefit plans.

Section B. Re-Hire Employee Status

Policy

It is the policy of the Pawnee Nation, under certain conditions, to hire individuals who have previously separated from tribal employment. These individuals may be extended certain re-hire benefits.

Procedure

- I. To be eligible, employees must have separated from the Pawnee Nation through provisions of *Chapter 14. Termination of Employment*.
- II. Employees who have resigned in good standing shall have their length of service restored, if they are re-hired within five (5) years of the date of separation.
- III. Employee's who have been terminated from employment by the Pawnee Nation are not eligible for re-hire for a period of one (1) year.
- IV. Employees who have been terminated from employment by the Pawnee Nation and are later re-hired by the Nation will not have any prior length of service restored. The only exceptions are employees who are re-hired after successfully appealing their termination through the provisions of *Chapter 13. Employee Grievance*.

Section C. Introductory Employee Status

Policy

It is the policy of the Pawnee Nation to require all newly hired employees and current employees in newly appointed positions to successfully complete an Introductory Period of ninety (90) days before becoming REGULAR employees of the Pawnee Nation.

Procedure

- I. All new hire employees will serve an Introductory Period of ninety (90) days. The following provisions will apply for new hire INTRODUCTORY employees:
 - a. New hire INTRODUCTORY employees shall not be afforded rights as prescribed in *Chapter 13. Employee Grievance*;
 - i. New hire INTRODUCTORY employees may bring employment concerns to the attention of the Human Resources Director.
 - b. New hire INTRODUCTORY employees will be eligible for certain leave benefits, as defined in *Chapter 8. Employee Benefits*.
- II. Current employees will serve an Introductory Period of ninety (90) days in a newly appointed position. The following provisions will apply for current INTRODUCTORY employees:
 - a. Current INTRODUCTORY employees shall not be afforded rights as prescribed in *Chapter 13. Employee Grievance*;
 - i. Current INTRODUCTORY employees may bring employment concerns to the attention of the Human Resources Director.
 - b. Current INTRODUCTORY employees will retain all leave and health benefits;
- III. If any Introductory Period is interrupted by an employee's medical absence of more than ten (10) consecutive business days, the Introductory Period may be extended by the number of calendar days the employee was absent.
- IV. If an employee's performance or conduct is found to be unsatisfactory during the Introductory Period, the employee may be terminated for cause. The employee must be provided with written notification citing the reason(s) for the separation.
- V. Upon completion of the ninety (90) day Introductory Period, the supervisor must provide the INTRODUCTORY employee with a written performance evaluation, as set forth in *Chapter 10. Performance Evaluations*.

To terminate an INTRODUCTORY employee at the conclusion of the ninety (90) day Introductory Period, the supervisor must inform the Human Resources Director a minimum of five (5) working days before the end of the employee's Introductory Period.

Section D. Regular Employment Status

Policy

REGULAR employment consists of continuous and scheduled employment which is expected to continue for a period of more than one year. REGULAR employment can be considered FULL-TIME or PART-TIME.

- I. REGULAR employees must successfully complete an Introductory Period prior to being considered eligible for benefits.
- II. Benefit eligibility for REGULAR employees benefit is dependent on their FULL-TIME or PART-TIME status.

Section E. Temporary Employment Status

Policy

Temporary employment consists of continuous and scheduled employment not expected to exceed a period of more than sixty (60) days. Temporary employment can be FULL-TIME or PART-TIME.

Temporary employees are not eligible for health or certain leave benefits.

Section F. Full-Time Employment Status

Policy

FULL-TIME employment consists of a normal schedule of at least forty (40) hours.

- I. Employees who are normally scheduled to work forty (40) hours a week will be considered FULL-TIME employees. The number of hours worked will be determined by staffing needs and/or funding availability.
- II. REGULAR FULL-TIME employees are considered eligible for health and leave benefits as defined in *Chapter 8. Employee Benefits*.

Section G. Part-Time Employment Status

Policy

PART-TIME employment consists of a normal schedule of less than forty (40) hours per week.

- I. Employees who are normally scheduled to work less than forty (40) hours a week but at least twenty (20) hours per week will be considered REGULAR PART-TIME employees.
- II. REGULAR PART-TIME employees are considered eligible for leave benefits at a rate of one-half (1/2) of the full-time benefit rate.
- III. PART-TIME employees who work less than twenty (20) hours per week are eligible for leave benefits in *Chapter 8. Employee Benefits*.

Section H. Independent Contractor / Consultant

Policy

Independent Contractors and/or Consultants are not considered employees of the Pawnee Nation. These individuals are engaged to provide paid services to the Pawnee Nation as contractors and/or consultants, are not eligible for any Pawnee Nation benefits, but are subject to Pawnee Nation laws and certain policies.

Section I. Volunteer Status

Policy

Individuals appointed in a Volunteer Status are not considered employees of the Pawnee Nation. These individuals are engaged to provide unpaid assistance or services to the Pawnee Nation for a specified time period, are not eligible for any Pawnee Nation benefits, but are subject to Pawnee Nation laws and certain policies.

Section J. Changes in Assignment

I. Lateral Transfer / Promotion

Policy

It is the policy of the Pawnee Nation to provide REGULAR employees the opportunity to apply and compete for lateral transfer or promotion to announced vacancies.

Procedure

- a. Temporary, Part-time, etc Employees must apply thru the External Hire process.
- b. Interested candidates must submit a Cover Letter and Resume to HR for any vacancy to be considered.
- c. Vacancy announcements that are posted for Internal Hire shall remain open for no longer than five (5) days.
- d. The Hiring Authority can hire directly if only one interested employee applies.
- e. Two or more interested employees will require the Hiring Authority to utilize the interview process in selecting a candidate.
- f. Interviews conducted for internal employees, in which an applicant is not selected, will require the Hiring Authority to submit a letter of justification to Human Resources.
- g. The Hiring Authority may utilize the external hire process if no internal employees apply or are not selected for Internal Hire.
- h. Internal Hire Policy, job posting vacancy, and selection can occur concurrent with External posting of vacancies.

II. Demotion

Policy

It is the policy of the Pawnee Nation to demote employees for just and reasonable cause. A demotion will occur either from unsatisfactory performance or through disciplinary action.

Procedure

- a. A demotion may be in the form of a reduction in pay, or in the transfer to a position of lesser job responsibilities, or both. An employee may only be demoted to an approved vacant position.
- b. A demotion may or may not be considered temporary.
- c. To determine performance suitability, a demoted employee will be required to serve a one hundred and eighty (180) day probationary period.
- d. All demotions must be approved by the Executive Director.

III. Reassignment

Policy

To effectively operate governmental business, the Pawnee Nation may use its discretion to initiate or approve employee job reassignment. A job reassignment occurs when an employee is re-located from one position to another position which is classified similarly.

Procedure

- a. Reassignments shall be used as a reorganization tool, not as an alternative to disciplinary action. Employees may be reassigned from one Division, Department, or Program to a different Division, Department, or Program.
- b. A reassignment may or may not be considered temporary.
- c. When an employee is reassigned from one position to another, the employee may or may not retain the same pay rate. The approved budget of the Division, Department, and/or Program will dictate the pay of the position.
- d. Until approval of the reassignment has been granted, supervisors, the Office of Human Resources, and any other knowledgeable party shall not discuss the reassignment with the potentially affected employee(s).
- e. All reassignments must be approved by the Executive Director.

IV. Acting Status Assignment

Policy

An acting status assignment usually involves assigning a regular status employee to a supervisory position during an extended absence of the supervisor's position.

Procedure

- a. Only FULL-TIME REGULAR employees may be assigned to an acting status.
- b. Employees on acting status assignment for a period of less than thirty (30) days will not receive additional compensation. In the event the acting status is extended beyond thirty (30) days, the acting status employee will receive compensation retroactive to the first day the acting status began.
- c. When the acting status assignment ends, the employee shall be returned to the rate of pay earned prior to the acting assignment, unless the original pay was otherwise adjusted during the temporary assignment.
- d. The request for acting status assignment must be submitted in writing to the Executive Director for approval. The request shall include the following:
 - i. The nature, time period, and expected outcomes of the assignment;
 - ii. Assigned duties and responsibilities;
 - iii. Reporting relationships and signature authority restrictions; and
 - iv. The appropriate salary adjustment for the period of assignment.

Section K. Intern & Summer Youth Status

Policy

Intern employment consists of continuous and scheduled employment for a pre-determined period of time. Intern employment can be FULL-TIME or PART-TIME.

Summer Youth employment consists of continuous and scheduled employment for a pre-determined period of time. Summer Youth employment can be FULL-TIME or PART-TIME.

Neither Intern employees nor Summer Youth are eligible for health or certain leave benefits, as outlined in Contract.

Chapter 7. Time and Attendance

Section A. Hours of Work

Policy

To meet the needs of Pawnee Nation tribal members, clientele, and the general public, employee work hours may be varied and will be set by each employee's supervisor. Depending upon locations and departments, the most common schedule for employees is 8:00 a.m. to 5:00 p.m., with a one hour lunch break, Monday through Friday.

Procedure

- I. All FULL-TIME employees are expected to be at their workstations or on assigned Pawnee Nation work for their prescribed number of work hours.
- II. All PART-TIME employees are expected to be at their workstations or on assigned Pawnee Nation work for the pre-determined part-time schedule.
- III. Any variations in the regular work schedule must be in alignment with the needs of the organization and in the best interest of Pawnee Nation tribal members, clientele, and the general public.
- IV. Supervisors may allow employees to work varied schedules, in accordance with the provisions of *Section F – Flex Time*.
- V. Some Divisions, Departments, and/or Programs may work different hours due to requirements of the Division, Department, and/or Programs. The respective supervisor will ensure lunch breaks and work breaks directly reflect the duration and timing of the regular work hours.
- XI. Employees are required to take a lunch break each work day. Any deviation from the normal lunch break of 12:00 p.m. to 1:00 p.m. must be approved through a flex time schedule, in accordance with the provisions of *Section F – Flex Time*. While on travel or conducting Pawnee Nation business outside of the regular workstation, employees must adhere to the schedule of meetings and/or activities associated with the off-site business or travel.
- VI. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section B. Time Reporting

Policy

It is the policy of the Pawnee Nation to provide uniform and consistent standards for time keeping, including the accurate reporting of employee absences and time worked.

Procedure

- I. The time keeping system will be available to all employees. Each supervisor will be responsible for ensuring each employee has access to the time keeping system.
- II. Employees are responsible for accurate recording of their own time.
- III. Each employee will be provided with a password for the time keeping system. Employees are prohibited from sharing their password with other individuals.
- IV. In the event an employee is unable to clock in or out, the employee shall submit written notification to his or her supervisor within twenty four (24) hours of the missed clock in or clock out. The supervisor shall be responsible for correcting the employee's time sheet to show the adjusted time.
Employees are prohibited from clocking in and/or out for any other employee.
- V. Supervisors are responsible for ensuring the time keeping system is being used appropriately by their respective employees.
- VI. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section C. Attendance

Policy

Daily attendance is important to the successful performance of each employee's job. Failure to report to work on time not only disrupts the smooth function of the employee's own job, but also inconveniences and may place undue hardship on interrelated jobs, other employees, and Pawnee Nation tribal members and/or clientele.

Procedure

- I. Employees are required to report to their designated work locations at the prescribed time work is to commence.
- II. In the event an employee cannot report to work as scheduled, the employee must notify their supervisor within thirty (30) minutes after the employee's work shift is scheduled to begin.
- III. In the event an employee is unable to contact their supervisor, the employee must notify the Office of Human Resources within thirty (30) minutes after the employee's work shift is scheduled to begin.
- IV. Notification of attendance matters from any individual other than the employee is prohibited and will not be considered proper notification.
- V. In situations when employee notification is impossible or extremely difficult, such as hospitalization, exceptions may be made at the supervisor's discretion. Supervisor discretion will be applied, without discrimination, to all employees in similar situations and equal treatment is required.
- VI. Failure to comply with the notification procedures shall be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.
- VII. An excused absence will be covered under the Pawnee Nation leave policies. Any absence that is not covered under the leave policies will be considered unexcused.
- VIII. Any employee who incurs an unexcused absence shall be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.
- IX. Any employee who is absent for three (3) consecutive days without complying with the notification procedures will be considered to have abandoned their position with the Pawnee Nation.

Section D. Tardiness/Early Departure

Policy

All Pawnee Nation employees are expected to be reliable and punctual in reporting to their scheduled work areas. Tardiness and early departure from the assigned work station are not acceptable work practices at the Pawnee Nation.

Procedure

- I. All tardies and/or early departures will be captured by the time keeping system.
- II. When an employee has an unexcused tardy and/or early departures, the employee will not be allowed to make up this time.
- III. Unusual circumstances causing tardiness, such as unpredictable inclement weather or road conditions, will be reviewed by the supervisor. Supervisor discretion will be applied, without discrimination, to all employees in similar situations and equal treatment is required.
- IV. Any employee who has an unexcused tardies and/or early departure shall be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section E. Work Breaks

Policy

It is the policy of the Pawnee Nation to recognize that work breaks contribute to employee productivity. The Pawnee Nation provides all employees with scheduled work breaks which last a period of fifteen (15) minutes.

Procedure

- I. For each four (4) hours of scheduled work, Pawnee Nation employees are permitted and encouraged to take a fifteen (15) minute break from their daily duties.
- II. Break periods of fifteen (15) minutes are provided for employees who work four or more consecutive hours. Such a break period may not exceed fifteen (15) minutes, including the time it takes a person to leave the work area and return to the work area.
- III. Work breaks may not be accumulated or used to shorten the beginning or ending of a work day.
- IV. Each supervisor is obligated to monitor employee work breaks.
- V. Supervisors shall schedule work breaks in accordance with Division, Department, and/or Program needs, client demands, and with fairness to all employees within the Division, Department, and/or Program.
- VI. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section F. Flex Time

Policy

It is the policy of the Pawnee Nation to allow employees to request work hours that consistently suit their individual needs. Flex Time will be granted to employees based on the Division, Department, and/or Program's ability to grant flex time and simultaneously continue to maintain a high level of service to Pawnee Nation clientele.

Procedure

- I. All employees regardless of status shall be eligible for Flex Time scheduling.
- II. A flex time schedule shall not result in the employee working less than a FULL-TIME schedule during the work week. Flex Time work schedules must not cause or contribute to the need for additional staff or for existing staff to take on additional work.
- III. Supervisors are responsible for ensuring that Flex Time schedules do not adversely affect the services that are provided to Pawnee Nation tribal members and/or clientele. Flex Time schedules may consist of a start time which varies between 7:00 a.m. and 9:00 a.m. and an end time which varies between 4:00 p.m. and 6:00 p.m., Monday through Friday.
- IV. Eliminating a scheduled lunch break shall not be allowable when requesting a Flex Time schedule.
- V. Flex Time schedules are to be approved, using the Flex Time Request form, in advance by the employee's supervisor, Human Resources Director, and Executive Director. The approved Flex Time Request form must be kept on file in the Office of Human Resources.
- VI. All Flex Time schedules shall remain effective from the approval date agreed to by the employee and supervisor. In the event the employee's needs change, the Flex Time schedule may be updated. An updated Flex Time schedule must be approved by the supervisor.
- VII. A supervisor reserves the right to cancel or suspend use of Flex Time schedules and return an employee to his or her standard schedule if:
- VIII. The employee's schedule does not allow the Division, Department, and/or Program to operate effectively and efficiently; or
 - a. If changes in operational circumstances necessitate the return to the prescribed schedule; or
 - b. If an employee experiences performance problems deemed to be related to the Flex Time schedule.
- IX. Employees on business travel are expected to deviate from their Flex Time schedules to attend scheduled meetings and/or workshops.
- X. Leave will reflect the hours scheduled for the Flex Time workday. For example, an employee whose Flex Time schedule reflects a nine (9) hour workday will be charged nine (9) hours of accrued leave for an approved absence from work on that day.
- XI. Employees will only receive eight (8) hours of Holiday Leave, regardless of the number of Flex Time hours scheduled on the day of the holiday. During weeks where paid

holidays occur, the Flex Time schedule may be adjusted so that the eight (8) hours of Holiday Leave does not increase or decrease the total hours scheduled in the work week.

- XII. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Chapter 8. Employee Benefits

Section A. General Leave Policy

It is the policy of the Pawnee Nation to provide all REGULAR, INTRODUCTORY and TEMPORARY employees certain leave benefits identified in this policy. Entitlement to leave benefits shall be prescribed as follows:

- I. FULL-TIME REGULAR employees who work forty (40) hours per week are eligible for all leave and health benefits.
 - a. Employees who work thirty (30) hours or more per week are required to be offered health insurance.
- II. PART-TIME REGULAR employees who work at least twenty (20) hours per week are eligible for all leave benefits on a prorated basis.
- III. PART-TIME REGULAR employees who work less than twenty (20) hours per week, INTRODUCTORY employees, and TEMPORARY employees are eligible for Holiday Leave, Administrative Leave, Inclement Weather Leave, and Leave Without Pay.
- IV. FULL-TIME REGULAR employees who also serve on Commissions may either use Leave Without Pay, Accrued Compensatory Time, or Paid Time Off while attending events directly related to the Commission (ie. conferences, meetings, trainings, etc.).

Any employee found to have abused Pawnee Nation leave benefits or misrepresented information as it pertains to leave benefits shall be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*, and may be found liable to repay monies to the Pawnee Nation.

Section B. Holiday Leave

Policy

It is the policy of the Pawnee Nation to observe the following holidays:

Holiday New Year’s Day	Day Observed January 1 st
Martin Luther King Jr. Day	Third Monday in January
President’s Day	Third Monday in February
Memorial Day	Last Monday in May
Tribal Homecoming Day Independence Day	1 day in conjunction with Homecoming weekend July 4 th
Break Camp Day (in lieu of Columbus Day)	1 day in conjunction with Homecoming weekend
Labor Day Veteran’s Day	First Monday in September November 11 th
Thanksgiving Day	Fourth Thursday in November
Pawnee Nation Day Christmas Day	Day after Thanksgiving December 25 th
Employee’s Birthday	Must be taken within the month of the employee’s birthday.

Procedure

- I. The Pawnee Business Council shall approve a list of holidays on an annual basis. Additional holidays may be designated by the Pawnee Business Council.
- II. The Office of Human Resources shall post and distribute a notice of approved annual holidays two weeks prior to the beginning of each calendar year.
- III. To be eligible for Holiday Leave, employees must work or be on approved leave the day before and the day following the holiday
- IV. If an employee is required to work on a holiday and does not report to work, the employee forfeits the Holiday Leave.
- V. Eligible Holiday Leave equals the number of hours each employee is regularly scheduled to work on the day of the holiday.
- VI. Eligible Holiday Leave cannot exceed eight (8) hours.
- VII. If required to work on a holiday, an employee will be paid for the number of hours worked on the holiday plus eligible Holiday Leave.
- VIII. TEMPORARY employees are eligible for Holiday Leave.
- IX. If a holiday falls on Saturday, the holiday will be observed on the preceding Friday. If the holiday falls on a Sunday, the holiday will be observed on the following Monday.
- X. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline.*

Section C. Paid Time Off

Policy

It is the policy of the Pawnee Nation to provide all REGULAR employees with Paid Time Off to be used for personal or family obligations, vacations, court appearances, legal or business matters, and any other needs of a personal nature. Paid Time Off shall be accrued according to the following schedules:

FULL-TIME REGULAR

Length of Employment	Rate of Paid Time Off Accrual	Maximum Accrual
0 to 5 years	4 hours per pay period	240
6+ years	6 hours per pay period	240

PART-TIME REGULAR

Length of Employment	Rate of Paid Time Off Accrual	Maximum Accrual
0 to 5 years	2 hours per pay period	240
6+ years	3 hours per pay period	240

Procedure

- I. Paid Time Off shall be credited at the end of the pay period for which it is earned. Paid Time Off shall not be used until the pay period following the accrual.
- II. Any employee who is on Leave Without Pay status for a period of more than twenty-four (24) hours will not accrue Paid Time Off during that pay period.
- III. INTRODUCTORY employees shall accrue Paid Time Off. However, Paid Time Off may not be used during the Introductory Period.
- IV. Paid Time Off may be accrued and carried from one year to another, not to exceed two-hundred and forty (240) hours. Paid Time Off accruals in excess of two-hundred and forty (240) hours shall be forfeited.
- V. Paid Time Off must be used in increments of one (1) hour.
- VI. Any employee requesting Paid Time Off must enter the request in Paycom.
- VII. Employees must receive electronic approval, from their immediate supervisor, at least two (2) business days in advance of taking the Paid Time Off.
- VIII. When an emergency prevents an employee from requesting Paid Time Off in advance, the employee must obtain written approval, from their supervisor, immediately upon returning to work.
- IX. Any employee requesting Paid Time Off in excess of twenty four (24) continuous hours must request and receive approval at least ten (10) business days in advance of taking the Paid Time Off.

- X. Paid Time Off scheduling preference shall be given to employees based on earliest date of the request and/or the employee's seniority. All leave is subject to supervisor's approval and the needs of the Division, Department, and/or Program clientele.
- XI. When transferred, promoted, demoted, reassigned or placed on an acting assignment, the employee's accrued Paid Time Off shall be transferred with the employee.
- XII. When transferred, promoted, demoted, or reassigned to a position in which Paid Time Off does not accrue, an employee will be paid for up to the maximum of two hundred and forty (240) hours of accrued Paid Time Off.
- XIII. Paid Time Off may not be used to extend an employee's date of resignation or to accrue Compensatory Time.
- XIV. Upon termination of employment, payment for accrued Paid Time Off cannot exceed the maximum amount of two hundred and forty (240) hours. Any accrued Paid Time Off exceeding the maximum of two hundred and forty (240) hours shall be forfeited.
- XV. The Office of Human Resources is responsible for maintaining accurate Paid Time Off accrual amounts.
- XVI. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section D. Sick Leave

Policy

It is the policy of the Pawnee Nation to provide Sick Leave to employees when absence from work is necessary due to the employee's illness, illness of the employee's immediate family member(s) health-related emergencies that require the employee's immediate attention, or medical / health appointments of the employee or the employee's immediate family. Sick Leave shall be accrued according to the following schedules:

FULL-TIME REGULAR & FULL-TIME INTRODUCTORY

Rate of Sick Leave Accrual	Maximum Accrual
4 hours per pay period	240

PART-TIME REGULAR & PART-TIME INTRODUCTORY

Rate of Sick Leave Accrual	Maximum Accrual
2 hours per pay period	240

Procedure

- I. Sick Leave shall be credited at the end of the pay period in which it is earned. Sick Leave shall not be used until the pay period following the accrual.
- II. Sick Leave may be accrued and carried from one year to another, not to exceed two-hundred and forty (240) hours.
- III. Sick Leave in excess of two-hundred and forty (240) hours shall be forfeited.
- IV. Sick Leave may be used in increments of one (1) hour.
- V. In the event of an unforeseen illness or emergency, Sick Leave will only be paid to the employee if the provisions of *Chapter 7. Time and Attendance, Section C – Attendance*, have been met.
- VI. For absences of twenty four (24) or more consecutive work hours, an employee may be required to submit written proof of illness from a physician.
- VII. When abuse of Sick Leave is suspected, written proof of illness from a physician may be required for less than twenty four (24) hours absence.
- VIII. Immediately upon returning to work from an absence, employees must request the use of Sick Leave on the approved Leave Request form.
- IX. Accrued Sick Leave may be taken during an employee's Introductory Period. If the employee does not satisfactorily complete the Introductory Period, the value of any Sick Leave used during the Introductory Period shall be deducted from the employee's final paycheck.
- X. All other employees may use Leave Without Pay in lieu of Sick Leave.
- XI. Employees approved for Family Medical Leave may request the use of accrued Sick Leave.

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- XII. When transferred, promoted, demoted, reassigned, or placed on an acting assignment, the employee's Sick Leave balance shall be transferred with the employee.
- XIII. Upon separation from employment with the Pawnee Nation, employees shall not be paid for accrued Sick Leave.
- XIV. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline*.

Section E. Administrative Leave

Policy

The Executive Director may grant Administrative Leave for purposes that are in the best interest of the Pawnee Nation.

A Division Director, with concurrence of the Executive Director, may grant Administrative Leave at their discretion to an employee within their Division as an incentive.

Procedure

- I. The Executive Director may, under certain circumstances, declare non-essential tribal operations closed for certain events and/or activities. Such activities or events include, but are not limited to, cultural events, memorials, community events, job related testing / training, employee performance issues, and emergency situations.
- II. Administrative Leave shall be paid to employees based on the number of hours the employee was scheduled to work when the Administrative Leave was granted, not to exceed eight (8) hours per day.
- III. Administrative Leave granted to an employee by the Division Director for the purpose of an incentive can be granted in one (1) hour increments, not to exceed eight (8) hours per day.
- IV. Administrative Leave may not be used in lieu of an employee's scheduled Paid Time Off or other absence.
- V. While summoned to court for Jury Duty, Administrative Leave will be used provided copy of summons is provided to the supervisor.
- VI. While under investigation for alleged misconduct, an employee may be placed on Administrative Leave.
- VII. For matters involving alleged employee misconduct, Administrative Leave will be used as prescribed in *Chapter 12. Employee Discipline*.
- VIII. The use of Administrative Leave for the investigation of alleged employee misconduct may not exceed five (5) business days.
- IX. An employee may or may not be provided compensation when Administrative Leave is used to investigate alleged misconduct by the employee.
- X. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section F. Inclement Weather Leave

Policy

It is recognized that severe weather conditions may prevent employees from reporting to work and, in some cases, for Pawnee Nation operations to be closed or delayed. Although employees are expected to report to work at their assigned times regardless of weather conditions, it is the policy of the Pawnee Nation to allow employees to make inclement weather travel decisions in accordance with their own personal safety needs.

Procedure

- I. Inclement weather travel decisions rest on the employee.
- II. In the event of inclement weather conditions, all employees will make a good faith effort to report to work on time. This includes, but is not limited to, allowing sufficient travel time and using alternate routes or alternate methods of transportation.
- III. An employee who is unable to report to work due to inclement weather shall first use any accrued Compensatory Time or accrued Paid Time Off. The employee shall be placed on Leave Without Pay, if no other leave is available. It is the employee's responsibility to provide notice of his or her inability to report to work, in accordance with *Chapter 7. Time and Attendance*.
- IV. An employee may request to report to work at a later time and/or to leave early due to inclement weather conditions. This request must be made to the immediate supervisor and accrued Compensatory Time or Paid Time Off shall be used. The employee shall be placed on Leave Without Pay, if no other leave is available.
- V. The Executive Director, with concurrence of the Pawnee Business Council President, may elect to close or delay the opening of Pawnee Nation offices. In this event, such decisions will be transmitted to the Division Directors and/or the public media for distribution to Pawnee Nation staff. A closure will apply to all Divisions, Departments, and Programs, except those designated as essential service providers.
- VI. All employees will be compensated at their regular pay rate for the designated length of time that Pawnee Nation offices are closed.
- VII. The Executive Director will specify the Divisions, Departments, and Programs required to maintain essential services when the Pawnee Nation is closed. Such Divisions, Departments, and Programs will be notified of their status as essential service providers. In addition, employees identified as essential service providers will not be granted Inclement Weather Leave.
- VIII. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline*.

Section G. Bereavement Leave

Policy

It is the policy of the Pawnee Nation to provide employees with Bereavement Leave upon the death of an immediate family member, as defined in *Chapter 2. Employment Practices, Section F – Hiring of Relatives / Nepotism*. In addition, Bereavement Leave shall also be provided upon the death of an extended family member. Bereavement Leave for immediate family members and extended family members are provided in accordance with the following schedules:

FULL-TIME & PART-TIME REGULAR

Immediate Family	Extended Family
3 Working Days	One Working Day

Procedure

- I. An eligible employee may take Bereavement Leave on any scheduled workday between the date of death and the date of burial of the family member.
- II. Employees who request additional leave may use Compensatory Time, Paid Time Off, or Leave Without Pay.
- III. Immediately upon returning to work from an absence, employees must request the use of Bereavement Leave on the approved Leave Request form.
- IV. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline*.

Section H. Education Leave

Policy

The Pawnee Nation recognizes the value of higher education and encourages the professional growth of its employees. Therefore, it is the policy of the Pawnee Nation to promote training, education, and career development in all employees.

Procedure

- I. FULL-TIME REGULAR employees who have been employed with the Pawnee Nation for a period of at least one (1) year are eligible for Education Leave and may be granted up to six (6) hours a week to attend courses at an accredited educational institution or vocational training center.
- II. Employees must submit a written request along with proof of enrollment to immediate supervisor and receive written approval, from their immediate supervisor, at least thirty (30) calendar days in advance of taking Education Leave.
- III. Before approving Education Leave, supervisors must ensure that the employee's performance record is satisfactory and work assignments will not be negatively affected by the employee's absence from his or her workstation.
- IV. Education Leave shall be arranged in accordance with Chapter 7. Time and Attendance, Section F – Flex Time.
- V. To receive Education Leave pay, employees must submit a Leave Request form.
- VI. Upon successful completion of a course at an educational institution or vocational training center, employee must submit an official transcript or training certificate to the Office of Human Resources to be placed in employee personnel file.
- VII. Any employee found to have abused this policy or misrepresented information as it pertains to educational leave benefits including failure to successfully complete the course shall be subject to disciplinary action, as prescribed in Chapter 12. Employee Discipline, and may be found liable to repay monies to the Pawnee Nation.

Section I. Worksite Wellness Leave Policy

Policy

The Pawnee Nation recognizes that healthy employees are more productive in their daily work. Therefore, it is the policy of the Pawnee Nation to encourage and support employee participation in wellness programs.

Procedure

- I. Participation in any non job-related physical fitness activity is voluntary. The Pawnee Nation will not be held liable for any injury or death resulting from employee participation in any physical fitness program.
- II. Employees taking advantage of Worksite Wellness Leave will not be eligible for Worker's Compensation benefits, should an injury result from or during Worksite Wellness Leave.
- III. Employees may be granted two and one-half (2.5) hours of Worksite Wellness Leave per week, so that the employee may participate in Worksite Wellness.
- IV. Intervals of Physical Fitness Leave may not exceed one (1) hour.
- V. Employees are required to request Worksite Wellness Leave in accordance *Chapter 7. Time and Attendance, Section F – Flex Time*.
- VI. Before approving Worksite Wellness Leave, supervisors must ensure that the employee's performance record is satisfactory and work assignments will not be negatively affected by the employee's absence from his or her workstation. Worksite Wellness Leave privileges may be revoked by the employee's supervisor at any time with notice.
- VII. Before participating in Worksite Wellness Leave, employees must sign a Worksite Wellness Waiver form. The original, signed waiver must be on file in the Office of Human Resources in order for Worksite Wellness Leave to be granted. Full-time REGULAR employees are eligible for Worksite Wellness Leave.
- VIII. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section J. Military Leave

Policy

It is the policy of the Pawnee Nation to provide Military Leave to employees who have been inducted or recalled to active duty in the Armed Forces of the United States.

Procedure

- I. All FULL-TIME REGULAR employees who are called into active duty in a branch of the United States Armed Forces or are members of the Reserve components of the United States Armed Forces are eligible for Military Leave. Such Military Leave will allow employees to report for active duty, required military training, and other such activities.
- II. An employee must present official orders requiring attendance for training, active duty, or other such activity within ten (10) business days of receiving such orders. No notice is required if military necessity prevents it or the giving of notice is otherwise impossible or unreasonable.
- III. An employee on Military Leave may request to use Compensatory Time or Paid Time Off to offset wages.
- IV. Using Military Leave will not result in the loss of any employment benefits accrued before the date that the Military Leave began.
- V. Reinstatement from Military Leave
 - a. An employee returning from extended military service shall be reinstated within ninety (90) days after discharge to the level of benefits and seniority that the employee would have been entitled had the service not occurred.
 - b. It is the responsibility of the employee to notify the Pawnee Nation Office of Human Resources of their intent to return to work within ten (10) business days of discharge.
 - c. An employee returning from extended military service shall be reinstated into a position that is comparable to the one held at the time the employee left for military service. The following are conditions that must be met in order for reinstatement to occur:
 - i. The employee must have served 180 consecutive days with the Armed Forces of the United States of America;
 - ii. The employee must have received a discharge under honorable conditions;
 - iii. The employee must be physically able to perform the duties of the position; and
 - iv. The employee must provide a written request for reinstatement, provided the employee is able to perform the required services of the position.
- VI. In the event funding for the employee's previous position has been exhausted or expired, the Pawnee Nation will make reasonable efforts to reassign the employee to another position in accordance with *Chapter 4. Employment Status*.

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- VII. Current employees who enlist in the Armed Forces of the United States are not eligible for Military Leave and must resign from employment with the Pawnee Nation.
- VIII. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section K. Family Medical Leave

Policy

It is the policy of the Pawnee Nation to provide eligible employees with up to twelve (12) weeks of unpaid job-protected family or medical leave for the employee's serious health condition, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition.

Procedure

- I. To be eligible, an employee must have worked for the Pawnee Nation for at least twelve (12) months. Furthermore, the employee must have worked at least 1,250 hours in the twelve (12) months immediately preceding the start date of the leave.
- II. Family Medical Leave may be used for any of the following reasons:
- III. The birth of any employee's child / children;
 - a. The adoption of a child or official placement with the employee for foster care;
 - b. The care of a son, daughter, spouse, or parent having a serious health condition;
or
 - c. When the employee is unable to perform the functions of his/her position because of a serious health condition.
- IV. Family Medical Leave documentation and, if possible, reasonable advanced notice, are required.
- V. Family Medical Leave is unpaid leave. During Family Medical Leave, an employee on leave may choose to use his/her Compensatory Time, Paid Time Off, or Sick Leave.
- VI. Employees are required to submit medical certification to support a claim for Family Medical Leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent.
- VII. When the need for Family Medical Leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the employee must provide advance notice and make efforts to schedule leave so as not to disrupt Division, Department, and/or Program operations.
- VIII. In cases of illness, the employee will be required to report periodically to the immediate supervisor on his/her leave status and intent to return to work. To resume work, medical certification is required.
- IX. During the employee's absence, his/her position may be filled on a temporary basis.
- X. Upon return from Family Medical Leave, an employee shall return to the same position occupied prior to the approved leave.
- XI. An employee shall maintain the level of benefits and seniority that the employee would have been entitled had the Family Medical Leave not occurred.
- XII. During an absence for Family Medical Leave, the Pawnee Nation will continue to pay the employee's portion of health insurance benefits, provided the insurance was in force when the leave began.
- XIII. An employee's failure to return to work after the duration of approved Family Medical Leave shall be deemed job abandonment.

- XIV. The Office of Human Resources is responsible for maintaining applications and forms for Family Medical Leave.
- XV. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline*.

Section L. Leave Sharing

Policy

It is the policy of the Pawnee Nation to provide financial assistance to employees who qualify for certain conditions of the Family Medical Leave Policy.

Procedure

- I. An employee who has been affected by a medical emergency and is unable to perform the functions of his/her position because of a serious health condition may request, in writing, to become a recipient of leave under the Leave Sharing Policy.
- II. The Human Resources Director shall notify all employees, in writing, when a recipient is eligible to receive leave donations.
- III. Any employee donating leave must submit to the Human Resources Director a Leave Donation form stating the number of hours of accrued Paid Time Off and/ or Sick Leave to be transferred to the approved leave recipient.
- IV. Employees may not donate leave to their immediate supervisor.
- V. An employee who is a recipient of Leave Sharing may only use that amount of donated leave that would not represent more than the employee's regular pay.
- VI. An employee approved as a leave recipient who actively solicits leave donations from other Pawnee Nation employees will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.
- VII. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section M. Leave Without Pay

Policy

It is the policy of the Pawnee Nation to grant Leave Without Pay when other forms of leave are not available.

Procedure

- I. All accrued leave must be exhausted before an employee may apply or be approved for Leave Without Pay.
- II. Any employee requesting Leave Without Pay must use the approved Leave Request Form.
- III. Any employee who uses more than twenty-four (24) hours of Leave Without Pay during a single pay period will not accrue Paid Time Off or Sick Leave for that pay period.
- IV. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline*.

Section N. Leave of Absence

Policy

It is the policy of the Pawnee Nation to allow employees the opportunity to balance their work and family lives. Employees may take a Leave of Absence to manage personal matters that are not covered or related to other Pawnee Nation leave benefits, such as FMLA.

Procedure

- I. Upon recommendation of the Division Director and the Human Resources Director, with concurrence of the Executive Director, a FULL-TIME REGULAR employee who has at least one (1) year of service may be granted leave without pay for a specified period of time, not to exceed six (6) months.
- II. If it is determined the absence of the employee would be detrimental to the employee's Division, Department, and/or Program, the Leave of Absence request will be denied.
- III. At the expiration of the Leave of Absence, the employee shall return to work to the same position, when reasonably possible.
- IV. An employee's failure to report to work within three (3) consecutive working days from the expiration date for the Leave of Absence shall be deemed job abandonment.
- V. A Leave of Absence in excess of thirty (30) days shall constitute a break in service and benefits and service dates will be adjusted accordingly.
- VI. Continued coverage of health benefits must be paid to the Pawnee Nation by the employee on or before the due date of the benefit premiums.

Section O. Victims of Domestic Violence Leave

Policy

The Pawnee Nation recognizes that victims of domestic violence may find it necessary to take leave in order to protect themselves or their loved ones from perpetrators of violence. It is the policy of the Pawnee Nation to provide eligible employees with up to (2) weeks of unpaid job-protected leave for the employee’s health and safety after an incident of domestic violence. Regular, full-time employees are eligible for Victims of Domestic Violence Leave.

Procedure

- I. It is the responsibility of the victim to notify their supervisor and Human Resources of any incidents of domestic violence, sexual assault, stalking, or dating violence and any legal action which is being taken (i.e. Protective Orders, Emergency Temporary Custody, etc.)
- II. Victim confidentiality shall be protected to the greatest extent possible.
- III. The victim shall give written authorization to the Office of Human Resources for the release of information regarding any incidents of violence, stalking, or violation to a Protective Order at the workplace.
- IV. The victim shall be directed to notify Pawnee Nation Law Enforcement of the incident and any Protective Orders associated.
- V. Should a victim of domestic violence, stalking, dating violence, or sexual assault need to take leave to deal with any issue associated to the abuse, the victim will notify their supervisor and request to use their accrued leave.
- VI. Should no accrued leave be available, the victim will be eligible for up to two weeks of unpaid leave to attend court, make familial living arrangements, heal external and internal wounds, and any other necessary activities associated with the case.
- VII. Should it become necessary for the victim to leave his or her position with the Pawnee Nation, the Office of Human Resources will assist the victim with applying for Unemployment Insurance.
- VIII. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12, Employee Discipline*.

Section P. General Health Benefit Policy

Policy

It is the policy of the Pawnee Nation to provide eligible employees with a health benefit package. The Pawnee Nation is committed to encouraging a healthy and productive workforce, through health based initiatives and programs designed to promote the health and wellness of Pawnee Nation employees. The Pawnee Nation reserves the right to add, eliminate or in other ways modify any discretionary benefits based on the Nation's capacity to fund the benefits.

Procedure

- I. According to the Affordable Care Act employees are eligible for health insurance on the first day of the month following sixty (60) days of employment.
- II. Employees will be eligible for all other benefits offered by the Pawnee Nation on the first day of the first month following successful completion of the Introductory Period.
- III. The cost of group health insurance benefits are determined by the Pawnee Nation's financial budget procedures.
- IV. All contracts with health providers will be kept on file in the Division of Finance and the Office of Human Resources. Eligibility and enrollment requirements will be determined by such contracts.
- V. Health insurance benefits, if applicable, may continue for a maximum of six (6) months while the employee is on medical leave. The employee will be responsible for payment of their portion of the benefit.

Section Q. Employee Assistance Program

{RESERVED}

Chapter 9. Employee Conduct

Section A. General Code of Conduct Policy

It is the policy of the Pawnee Nation to require employees to conduct themselves in a professional manner at all times. With respect to conduct, Pawnee Nation employees are expected to comply with all applicable tribal, state, and federal laws, and policies of the Pawnee Nation. In general, the use of good judgment will guide employees with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed with the appropriate supervisor and/or the Human Resources Director.

The Pawnee Nation believes that each employee is a representative of the Pawnee Nation. In this role, each employee is obliged to conduct themselves in a manner that will reflect positively upon the Pawnee Nation. It is the responsibility of employees to familiarize themselves and to comply with all personnel policies of the Pawnee Nation.

In addition to the provisions of this Chapter, each employee of the Pawnee Nation shall:

- Show courtesy, respect, cooperativeness, diligence and tact in dealings with supervisors, co-workers, elected officials, and the general public at all times;
- Provide full, efficient, and industrious service to the people of the Pawnee Nation;
- Refrain from engaging in any interest or association, which would, or might appear to, influence or interfere with the independent exercise of his/her judgment in the best interest of the Pawnee Nation; and
- Refrain from using his/her position to influence transactions involving purchases, contracts, leases, or other business dealings which advance personal interests or those of his/her friends or relatives.

Section B. Personal/Professional Behavior

Policy

The Pawnee Nation expects each employee to uphold the integrity of the Pawnee Nation and the confidence the Nation placed in the employee pursuant to his/her employment. While employed, an employee's private life is his/her own personal matter. However, an employee's personal activities cannot disrupt the employee's work, the work of others, or the workplace. In the event an employee commits an unlawful act while on or off the job or on Pawnee Nation premises, the employee may be subject to disciplinary action, up to and including termination.

Section C. Personal Appearance

Policy

It is the policy of the Pawnee Nation to maintain dress, grooming, and cleanliness standards as they contribute to the professional image presented to Pawnee Nation tribal members, clientele, and the general public. Each employee's grooming, and personal hygiene should be appropriate to the work environment.

Procedure

- I. Employees should dress according to the requirements of their positions, as determined by the appropriate supervisor, with concurrence of the Human Resources Director.
- II. Employees who have regular contact with the public are expected to dress in a manner that is normally acceptable in similar organizations.
- III. Dress and personal appearance of employees who do not regularly interact with the public may be regulated by the requirements of safety or comfort, but should still be as neat and business-like as working conditions permit. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted. Supervisors, in concurrence with the Human Resources Director, will determine acceptable standards.
- IV. Ripped, disheveled clothing, unkempt appearance, or other inappropriate clothing or appearance is not permitted. An employee may be asked to leave the workplace until properly dressed or groomed. Under such circumstances, the employee will not be compensated for the time away from work.
- V. Employees should not wear suggestive attire, jeans, athletic clothing, shorts, hats, flip flops, or similar attire that do not present a professional appearance.
- VI. Hair should be clean, combed, and neatly trimmed or arranged. Regardless of length, unkempt hair is not permissible.
- VII. Hickeys, which are defined as visible bruising marks from a consensual sexual act, may not be visible.
- VIII. The Pawnee Nation reserves the right to designate a "casual day" for employees to dress in a more casual fashion than is normally required. On such occasions, employees are still expected to present a neat appearance. Permissible attire on these days includes:
 - a. Athletic wear, jeans and T-shirts in good condition;
 - b. Novelty T-shirts with pictures and logos should not be offensive and must be appropriate to the workplace; and
 - c. Shorts and hats are not permitted.
- IX. On "casual days" when the Pawnee Business Council is in session, members of the Executive Office, as well as individuals scheduled to speak before Council, shall wear business-like attire.
- X. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section D. Inappropriate Conduct

Policy

Employees shall avoid any conduct that any reasonable person would deem unacceptable. Conduct which is deemed to be inappropriate shall be subject to disciplinary action, as prescribed in Chapter 12. *Employee Discipline*.

Section E. Supervisor / Employee Relationship

Policy

It is the policy of the Pawnee Nation that all employees are assigned, directed, and evaluated by a supervisor.

Procedure

- I. Supervisors are responsible for providing an effective link between management and employees. Therefore, supervisors are expected to communicate the goals and policies of management to the employees within their supervision.
- II. Supervisors are responsible for ensuring implementation of the employee conduct and performance goals established in this manual.
- III. Employees are expected to comply with and respond to the directions and instructions of their supervisor. When an employee disagrees with a supervisor's directive, the employee is encouraged to express their opinions and points of view in a courteous and respectful manner, while complying with such direction.
- IV. In the event that a supervisor is out-of-the-office, the chain-of-command dictates that supervisory responsibilities transfer to the supervisor's immediate supervisor.
- V. Employees shall follow the chain of command by addressing any concerns to their immediate supervisor.
- VI. Any employee found violating this policy will be subject to disciplinary action as prescribed in *Chapter 12. Employee Discipline*.

Section F. Confidentiality

Policy

It is the policy of the Pawnee Nation to require all employees to protect privileged information about clients, personnel actions, property acquisitions, Pawnee Nation financial transactions, or any other confidential information to unauthorized individuals or entities. This prohibition applies during and after each individual's employment with the Pawnee Nation.

Procedure

- I. All employees will be required to sign a Confidentiality Agreement form.
- II. Information deemed confidential includes, but is not limited to:
 - a. Personal data on Pawnee Nation clients;
 - b. Applicant or employee information;
 - c. Medical records;
 - d. Criminal histories;
 - e. Financial transactions; and
 - f. Enterprise data
- III. Employment Information shall be released in accordance with *Chapter 15. Personnel Records* of this manual.
- IV. Confidential information should only be released with prior approval from the supervisor. In addition, confidential information may only be released to an approved individual or in response to a subpoena or authorized request.
- V. Members of the Pawnee Nation have a right to know how services are being provided and public service activities are being conducted. If there is a question as to whether a person's right to know conflicts with maintaining confidentiality, the supervisor shall make the decision as to whether or not that information will be released.
- VI. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section G. Press Releases

Policy

Employees shall not give information to the press, unless proper authorization has been granted.

Procedure

- I. The Executive Director has the authority to approve routine or Division, Department, and Program related press releases or statements to the press.
- II. All press releases shall be submitted to the Division Director and forwarded to the Communications Office for review.
- III. The Communications Office will forward the release to the Executive Director for approval. The Executive Director shall forward the approved press release to the Pawnee Business Council President, who will authorize the press release.
- IV. The Communications Office will facilitate the release of approved information to the press.
- V. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section H. Intellectual Property Rights

Policy

Correspondence, papers, documents, computer files, and all such items produced by an employee in the course of his/her work are considered property of the Pawnee Nation. Any unauthorized removal, reproduction, and/or disclosure are strictly prohibited and will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section I. Political Activity

Policy

Employees are encouraged to exercise their political rights as citizens, to vote as they may choose, to support a candidate of their choice, and to express their political opinions outside of work hours and away from the workplace.

Procedure

- I. Employees may not:
 - a. Use his/her official authority or workplace for the purpose of interfering or affecting the result of an election or nomination with the Pawnee Nation Tribal government;
 - b. Directly or indirectly coerce, attempt to coerce, command, or advise a fellow employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person to further a political purpose; or
 - c. Engage in any political activity during scheduled working hours or at the workplace.
- II. Employees may be a candidate for public office outside of the Pawnee Nation, as long as those activities do not conflict with Pawnee Nation employment.
- III. An employee who chooses to run for public office, within the Pawnee Nation, shall be permitted to continue on their jobs, but shall be prohibited from campaigning during working hours. Any questions concerning the conduct of political activity should be directed to the employee's supervisor, Division Director, and/or the Executive Director.
- IV. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section J. Receipt of Gifts

Policy

It is the policy of the Pawnee Nation to prohibit employees from receiving gifts from outside entities while performing official duties of their position. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section K. Outside Employment

Policy

The Pawnee Nation reserves the right to prohibit employees from working for outside organizations, when such employment interferes with the proper and effective performance of Pawnee Nation job duties or results in a conflict of interest. Outside employment must not reflect negatively on the integrity of the employee or the Pawnee Nation.

Procedure

- I. Employees who wish to engage in outside employment must submit written notice to their supervisor. The notification shall include:
 - a. Pertinent information about the external employer;
 - b. The nature of the job; and
 - c. The hours of employment.
- II. The supervisor will forward the employee's notification and the supervisor's recommendation for approval or disapproval to the Division Director and the Human Resources Director.
- III. If outside employment is approved, the employee may not use Pawnee Nation tools, material, or equipment to perform duties associated with the outside employment.
- IV. In the event that outside employment interferes with an employee's ability to perform their job duties at the Pawnee Nation, the supervisor may revoke approval of outside employment.
- V. At the time of hire or during orientation, new hire employees must inform their supervisor of outside employment.
- VI. Consulting to the Pawnee Nation is allowed by an employee, so long as it does not directly relate to the position in which the employee is regularly appointed and is not conducted during normal working hours.
- VII. Self-employment is considered outside employment.
- VIII. Any employee found to violate this policy is subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section L.Solicitation

Policy

It is the policy of the Pawnee Nation to prohibit employees or other persons from soliciting its employees during working time.

Procedure

- I. No employee shall circulate any electronic, written or printed solicitation material in work areas at any time, during his/her working time, or during the working time of the employees to whom such activity is directed.
- II. Employees who are not scheduled to work must not be on Pawnee Nation premises to solicit to other employees.
- III. Employees may post approved information and notices concerning their department activities on Pawnee Nation bulletin boards outside the main entrances to buildings. The Pawnee Nation prohibits posting on windows, doors, or buildings; such actions shall be considered defacing Tribal Property.
- IV. Flyers and announcements may not contain obscene language and/or pictures. If a posting is offensive, the posting shall be removed.
- V. The staff of the Executive Director shall remove notices from all posting areas on a predetermined schedule. All posting areas will be checked regularly during normal working hours to remove dated notices and postings in violation of this policy.
- VI. Any deviation from this policy is subject to approval by the Executive Director.
- VII. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section M. Conditions of Work Area

Policy

It is the policy of the Pawnee Nation to provide employees with a safe and well-functioning work environment. Employees are expected to keep their work areas clean and orderly and are expected to comply with all applicable safety, health, and Division, Department, and Program requirements.

Section N. Tobacco Free Work-site Policy

Policy

It is the policy of the Pawnee Nation to provide a safe and healthy working environment and to promote the health and wellbeing of employees and all persons visiting Pawnee Nation Work-site Governmental properties. It is the regulation of Pawnee Nation to prohibit the use of all commercial tobacco products, (i.e., electronic devices, cigarettes, cigars, pipes, and spit tobacco) inside or outside Pawnee Tribal office complex during working hours, including rest rooms, conference rooms, lounge areas, parking lots and warehouse spaces. The Pawnee Nation supports the philosophy that every person has the right to breathe clean air. It is recognized that smoking is dangerous to the health of the smoker. Tobacco smoke in a close area also increases a health hazard to non-smokers, such as those with heart disease, respiratory disease, or allergies.

Procedure

- I. The Pawnee Nation carries the designation of a “Tobacco-Free Campus.”
- II. Managers and Supervisors are responsible for enforcing this policy with their subordinates.
- III. Visitors to the Pawnee Nation shall be asked to observe our “Tobacco-Free Campus” policy.
- IV. Commercial tobacco use is defined as recreational tobacco use not for the purposes of prayer or ceremony.
- V. At all times, the promotion of a healthy work environment for all employees and visitors shall be prioritized without hindering or denying religious practice or belief.
- VI. Visitors and employees who are asked to observe this policy shall be provide with an informational brochure outlining the smoking and tobacco use secession programs available at the Pawnee Nation.
- VII. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section O. Tools and Equipment

Policy

It is the policy of the Pawnee Nation to provide all employees with the tools and equipment required to adequately perform the functions of their position. Employees who have tools and/or equipment assigned to them shall be responsible for such equipment. If equipment is destroyed or damaged through neglect, misuse, carelessness, or failure to follow instructions, the employee may be required to pay for the damage or destruction. Incidents of damage or destruction to Pawnee Nation tools and/or equipment may be referred to the Pawnee Nation's Attorney General for prosecution in tribal court.

Section P. Visitors in the Workplace

Policy

To maintain efficiency and safety in the workplace, personal visitors are allowed only during designated breaks and lunch periods. With supervisory approval, children may be allowed in the workplace during emergency situations. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section Q. Personal Mail/Telephone Calls

Policy

It is the policy of the Pawnee Nation to provide tools, such as telephones and mail service, to effectively perform the functions of their job. Employees are expected to use these tools to conduct business on behalf of the Pawnee Nation.

Procedure

- I. Employees with access to Pawnee Nation telephones, including cell phones, are expected to use telephone equipment and service in accordance with usual business standards.
- II. On occasion, and with supervisor approval, an employee may make personal phone calls during work breaks.
- III. Personal long distance phone calls are not permissible.
- IV. Employees are prohibited from using Pawnee Nation resources to send or receive personal mail.
- V. Employees are prohibited from receiving personal mail at any official Pawnee Nation address.
- VI. Any employee found violating this policy will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section R. General Harassment

Policy

The Pawnee Nation is committed to ensuring a workplace free from all types of harassment and to maintain a safe and positive workplace, free of bullying. All incidents of harassment or bullying will be taken seriously and will be dealt with appropriately.

Procedure

- I. All employees must maintain a work environment free of any form of harassment and bullying.
- II. Employees are directed to take any complaint of harassment or bullying to the Human Resources Director immediately after the incident occurs. This includes any incident of harassment or bullying that the employee has personally witnessed, experienced, or received through a report.
- III. Allegations may be made verbally or in writing. To the greatest extent possible the following information should be included:
 - a. The identity of the alleged harasser:
 - b. The conduct which is deemed harassment:
 - c. Where the harassment occurred:
 - d. What the complaint said and/or did in response to the alleged harassment
 - e. The identity of any witness or other individuals who have knowledge of the alleged harassment and
 - f. Any other relevant information or documents.
- IV. In the event an allegation is made verbally, the Human Resources Director must interview the complaint and document the allegation. Upon completion of the interview, the document will be certified for accuracy by the individual being interviewed and if needed passed along to Pawnee Nation Law Enforcement.
- V. The Human Resources Director will promptly initiate his/her own investigation or initiate an external investigation of all complaints of harassment and bullying. The investigation will determine:
 - a. The validity of the allegation
 - b. What if any corrective action is to be taken
 - c. What, if any, disciplinary action is to be taken.
- VI. The determination of the Human Resources Director or external investigator shall be subject to review through *Chapter 13 Employee Grievance*.
- VII. In the event the Human Resources Director is the complainant or the alleged harasser or doing the bullying the Executive director shall assume the role of receiving the allegation, initiating the investigation process and making the final determination of the validity of the allegation.

- VIII. In the event the Executive Director is the complainant or the alleged harasser or doing the bullying, the Pawnee Business Council shall receive the allegation, investigate and make the final determination of the validity of the allegation.
- IX. In the event the harassment or bullying is being done by a non-employee, the Human Resources Director with concurrence of the Executive Director shall determine the measures necessary to address the conduct, given the Nations relationship with the non-employee by law.
- X. All complaints and investigations shall be kept as confidential as possible and will be investigated fully and completely.
- XI. No employee will be subject to retaliation of any type for reporting an incident of harassment. Any person who retaliates against an employee for reporting harassment or bullying will be subject to disciplinary action as prescribed in *Chapter 12 Employee discipline*.
- XII. To maintain workplace safety and to maintain the integrity of the investigation employees may be placed on leave consistent with provisions of Chapter 8, Employee benefits, Section E. Administrative Leave.
- XIII. Examples of harassment and bullying include but not limited to:
- a. Unwarranted or invalid criticism
 - b. Blame without factual justification
 - c. Being treated differently than the rest of your work group
 - d. Being sworn at or cussed at
 - e. Exclusion or social isolation
 - f. Being shouted at or being humiliated
 - g. Inappropriate monitoring or micro-managing
 - h. Being given work with unrealistic deadlines
 - i. Actions that are intended and are perceived to intimidate the employee
 - j. Actions that are intended and are perceived to degrade or humiliate or undermine an employee
 - k. Actions that are intended and are perceived to create risk to the health or safety of the employees.
- XIV. Stalking is also a form of harassment and is against our tribal law. Stalking refers to harassing, unwanted or threatening conduct that causes the victim to fear for his or her safety or the safety of a family member, or would cause a reasonable person in a similar situation to fear for his or her safety. Stalking conduct included, but is not limited to:
- a. Following or spying on a person, appearing at a person's home or work, showing up at a place where the perpetrator has no reason to be
 - b. Waiting at places in order to make unwanted contact with the victim or to monitor the victim
 - c. Leaving unwanted items, presents, or flowers for the victim
 - d. Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth

- e. Stalking may occur through use of technology including, but not limited to e-mail, voicemail, text messaging, and use of GPS and social networking sites.
- XV. In the event an employee is found to have violated this policy, appropriate discipline will be taken as prescribed in *Chapter 12 Employee discipline*.

Section S. Sexual Harassment

Policy

It is the policy of the Pawnee Nation to neither tolerate nor condone sexual harassment in any form from employees, Pawnee Nation clientele, tribal members, outside service providers, or any other non-employee.

Sexual harassment is construed as a single incident or a continuing pattern of unwelcome sexual advances, requests or demands for sexual favors, physical contact of a sexual nature, or verbal abuse and/or threats of a sexual nature under any of the following conditions:

- Submission to the conduct or communication involves a condition of the individual’s employment, either stated, implied or suggested;
- Submission to or rejection of that conduct or communication by an individual is used, or creates a condition where it might be used as the basis of decisions affecting that individual’s employment;
- When the conduct or communication has the purpose, or effect of substantially interfering with an individuals’ employment or public services or creating an intimidating, hostile, or offensive employment environment.

Procedure

- I. All employees must maintain a work environment free of any form of sexual harassment. Compliance with all provisions of the Pawnee Nation Sexual Harassment Policy is mandatory.
- II. Employees are directed to take any complaint of sexual harassment to the Human Resources Director immediately after an incident occurs. This includes any incident of sexual harassment that the employee has personally witnessed, experienced, or received through a report. The tribal domestic violence program may assist you in identifying whether the behavior constitutes sexual harassment, they may assist in reporting and are able to advocate and be present with the employee during this process.
- III. Allegations may be made verbally or in writing. To the greatest extent possible, the following information should be included:
 - a. The identity of the alleged harasser;
 - b. The conduct which is deemed harassment;
 - c. Where the harassment occurred;
 - d. What the complainant said and/or did in response to the alleged harassment;
 - e. The identity of any witnesses or other individuals who have knowledge of the alleged harassment; and
 - f. Any other relevant information or documents.
- IV. In the event an allegation is made verbally, the Human Resources Director or Tribal Domestic Violence Program will interview the complainant and document the allegation. In the event that a serious allegation is made, the Human Resources Director will contact Pawnee Nation Law Enforcement and/or the Domestic Violence Program to begin investigation. Upon completion of the interview, the document will be certified for accuracy by the individual being interviewed.
- V. The Human Resources Director will promptly initiate his/her own investigation or initiate an external investigation of all complaints of sexual harassment. The investigation will determine:
 - a. The validity of the allegation;
 - b. What, if any corrective action is to be taken; and

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- c. What, if any, disciplinary action is to be taken.
- VI. The determination of the Human Resources Director or external investigator shall be subject to review through Chapter 13. Employee Grievance.
- VII. In the event the Human Resources Director is the complainant or the alleged harasser, the Executive Director shall assume the role of receiving the allegation, initiating the investigation process, and making the final determination of the validity of the allegation.
- VIII. In the event of sexual harassment by a non-employee, the Human Resources Director, with concurrence of the Executive Director, shall determine the measures necessary to address the conduct, given the Nation's relationship with the non-employee.
- IX. All complaints and investigations shall be kept as confidential as possible and will be investigated fully and completely.
- X. No employee will be subject to retaliation of any type for reporting an incident of harassment. Any person who retaliates against any employee for reporting harassment will be subject to disciplinary action as prescribed in Chapter 12. Employee Discipline.
- XI. To maintain workplace safety and to maintain the integrity of the investigation, employees may be placed on leave consistent with provisions of Chapter 8. Employee Benefits, Section E – Administrative Leave.
- XII. Examples of sexual harassment include but are not limited to:
 - a. Threatening actions to have a sexual favor performed;
 - b. Suggesting a desire for sexual relations or physical contact;
 - c. Continued suggestions regarding invitations to social events outside the workplace or work-related social activities, after being informed that such suggestions are unwelcome;
 - d. Use of any offensive or demeaning terms which have sexual connotation;
 - e. Verbal abuses, insults, or ridicule of a sexual nature;
 - f. Graphic commentaries about a person's body;
 - g. Use of sexually degrading words to describe a person;
 - h. Proposition of a sexual nature;
 - i. Pictures, photos, posters, calendars, publications, or graffiti of a sexual nature placed in work areas;
 - j. Circulation of sexual cartoons or email;
 - k. Uninvited attention through prolonged staring or leering at a person, which causes a person to feel uncomfortable and harassed;
 - l. Whistling in such a manner as to attract unwelcome attention to another person;
 - m. Uninvited sexual closeness or unwanted physical contact, as in uninvited touching, hugging, patting and/or pinching;
 - n. Initiating unwanted discussion of an individual's personal sex life;
 - o. Offensive gestures; or
 - p. Offensive sexual jokes.

In the event an employee is found to have violated the Sexual Harassment Policy, appropriate discipline will be taken, as prescribed in Chapter 12. Employee; including but not limited to immediate suspension or termination.

Section T. Workplace Violence

Policy

It is the policy of the Pawnee Nation to prevent workplace violence and to maintain a safe work environment for all employees, tribal members, clients, and members of the general public.

Procedure

- I. Unauthorized firearms and weapons are prohibited on the premises of any Pawnee Nation property or site where Pawnee Nation business is conducted.
- II. Employees are encouraged to voluntarily request supervisory intervention to resolve disputes or differences before the situation escalates into potential violence.
- III. Conduct that threatens, intimidates, or coerces another employee, tribal member, client, or member of the general public will not be tolerated.
- IV. Employees are to refrain from fighting or other violent conduct that may be dangerous to others.
- V. Employees are directed to take any complaint of workplace violence to the Human Resources Director immediately after an incident occurs. This includes any incident of violence that the employee has personally witnessed, experienced, or received through a report.
- VI. Allegations may be made verbally or in writing. To the greatest extent possible, the following information should be included:
 - a. The identity of the alleged aggressor;
 - b. The conduct which is deemed violent;
 - c. Where the violent act occurred;
 - d. What the complainant said and/or did in response to the alleged aggression;
 - e. The identity of any witnesses or other individuals who have knowledge of the alleged aggression; and
 - f. Any other relevant information or documents.
- VII. In the event an allegation is made verbally, the Human Resources Director must interview the complainant and document the allegation. Upon completion of the interview, the document will be certified for accuracy by the individual being interviewed
- VIII. The Human Resources Director will promptly initiate his/her own investigation or initiate an external investigation of all complaints of workplace violence. The investigation will determine:
 - a. The validity of the allegation;
 - b. What, if any, corrective action is to be taken; and
 - c. What, if any, disciplinary action is to be taken.
- IX. The determination of the Human Resources Director or external investigator shall be subject to review through *Chapter 13. Employee Grievance*.
- X. In the event the Human Resources Director is the complainant or the alleged aggressor, the Executive Director shall assume the role of receiving the allegation, initiating the

- investigation process, and making the final determination of the validity of the allegation.
- XI. In the event of workplace violence by a non-employee, the Human Resources Director, with concurrence of the Executive Director, shall determine the measures necessary to address the conduct, given the Nation’s relationship with the non-employee.
 - XII. All complaints and investigations shall be kept as confidential as possible and will be investigated fully and completely.
 - XIII. No employee will be subject to retaliation of any type for reporting an incident of workplace violence. Any person who retaliates against any employee for reporting Workplace Violence will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.
 - XIV. To maintain workplace safety and to maintain the integrity of an investigation, employees may be placed on leave consistent with provisions of *Chapter 8. Employee Benefits, Section E – Administrative Leave*.
 - XIV. Anyone determined to be responsible for threats of or actual violence or other conduct that is a violation of these guidelines will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.
 - XV. Incidents of Workplace Violence may be referred to the Pawnee Nation’s Attorney General for prosecution in tribal court.

Section U. Protective Order Enforcement

Policy

The Pawnee Nation commits to a healthy and safe work environment; to the prevention and reduction of the incidence and effects of domestic violence, sexual violence, dating violence, and stalking. The Nation will strive to provide immediate assistance to victims, and to provide assistance and/or disciplinary action to employees who are perpetrators of violence in the event that they violate a Protective Order.

Definitions

SURVIVOR OR VICTIM: An individual who is currently subject to, or has in the past been subjected to, domestic or sexual violence, dating violence, or stalking.

PERPETRATOR: The individual who commits or threatens to commit an act of domestic violence, sexual violence, dating violence, and stalking.

PROTECTION OR RESTRAINING ORDER: Protection orders, sometimes called restraining orders or stay away orders, are a mechanism where a victim can petition the court for protection from a perpetrator. Protection orders may also issue in criminal cases as a condition of probation or condition of release particularly in a domestic violence, sexual violence, dating violence, or stalking related crime.

WORKPLACE-RELATED INCIDENCES: Workplace-related incidents of violence include acts, attempted acts, or threatened acts by or against employees, and/or against employees' families or property, that occur in the workplace or that occur outside the workplace but have an impact on the workplace. An employee is considered to be in the workplace while in, or utilizing the resources of the employer, including but not limited to facilities, work sites, equipment, or vehicles, or while on work related travel.

WORKPLACE SAFETY PLAN: A strategy developed in collaboration with a victim to implement workplace safety options, including but not limited to: handling of court protection orders at the workplace, procedures for alerting security personnel, temporary or permanent adjustments to work schedules and locations, change in parking spots, and requests for escorts to and from workplace facilities.

I. Responses to Victims and Employee Concerns

Confidentiality

Pawnee Nation of Oklahoma recognizes and respects an employee's right to privacy and the need for confidentiality. The Nation shall maintain the confidentiality of an employee's disclosure to every extent possible unless to do so would result in physical harm to any person and/or jeopardize safety within the workplace. If information must be disclosed to protect the safety of individuals within the workplace, Pawnee Nation shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of

the disclosing employee and others. Pawnee Nation shall make every effort to provide advance notice to the employee who disclosed information if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The Nation shall also provide the employee with the name and title of the person to whom the Nation intends to share information, and shall explain the necessity and purpose regarding said disclosure.

Safety Planning

The Pawnee Nation will work with employee to determine if non-leave related assistance will facilitate employee's ability to remain safe and maintain his or her work performance, such as modifying work schedules or changing employee's location within the workplace.

Work Performance

If Pawnee Nation becomes aware that an employee's work performance or conduct has been impacted by violence, the Nation will offer support to the employee and work in collaboration with the employee to address the issues, in accordance with established policies within the workplace (i.e. flex schedule, employee improvement plan, etc). Pawnee Nation shall provide referrals to support or advocacy agencies.

Protection and Restraining Orders

Pawnee Nation recognizes that the workplace may or may not be included on an order as a location from which a perpetrator must remain away. If an employee chooses to disclose the existence of a protective order to the employer, Pawnee Nation may, wherever possible, assist the employee to enforce his or her order, shall archive said order in their confidential employee personnel file, and, if applicable, may assist employee to gather documentation from the workplace, such as emails or voice messages, that could support the employee's efforts in the justice system or otherwise to obtain or maintain safety from a perpetrator.

Employee Concerns

Employees who suspect or witness acts of violence in the workplace, or who suspect or witness violence against an employee or perpetrated by an employee, are encouraged to report their concerns to the Human Resources Department and/or their supervisor.

II. Response to Offender or Workers Who Commit Violence

Policy

The Pawnee Nation is committed to ensuring a workplace free from all types of harassment and violence, and to maintain a safe and positive workplace. Individuals accused of domestic violence, sexual assault, stalking or dating violence through the court system shall be placed on restricted access to their accusers during regular business hours while on tribal property. The confidentiality and safety of victims of domestic violence who are also employees shall be protected to the greatest extent possible by the Pawnee Nation.

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An employee who is subject to a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of domestic violence, sexual violence, dating violence, or stalking must disclose the existence of such criminal or civil action if the conditions of such actions interfere with the employee's ability to perform his or her job or impact another employee at Pawnee Nation of Oklahoma.

Procedure

- I. All employees must maintain a work environment free of any form of harassment, bullying or violence.
- II. Employees are prohibited from utilizing any workplace resources, such as work time, phones, email, computers, fax machines or other means to threaten, harass, intimidate, embarrass or otherwise harm another person.
- III. If the Human Resources Department is notified of a Protective Order by the courts or any other party, the Human Resources Manager will notify the offender's supervisor of the Protective Order.
- IV. Should an employee have a Protective Order placed against them by another employee, he or she is required to abide by the provisions of the Protective Order at the workplace or face disciplinary action up to and including immediate termination.
- V. Either party will be required to report any incidences of violation of the Protective Order immediately to their direct supervisor and provide documentation of the violation (i.e. email, voicemail, etc).
- VI. Should the direct supervisor be unavailable, the party will report incidences of violation of the Protective Order to the Office of Human Resources or law enforcement.
- VII. Should the Protective Order be overturned, the parties involved shall resume regular duties without further incident or disruption to daily work activities.

In the event an employee is found to have violated this policy, appropriate investigation will be done and discipline will be taken as prescribed in *Chapter 12 Employee discipline*, including but not limited to immediate suspension or termination.

Section V. Alcohol & Drugs in the Workplace

Policy

The Pawnee Nation is committed to providing a safe and healthy workplace. The abuse of alcohol and drugs poses a threat to the health and safety of Pawnee Nation employees, tribal members, and clientele, while also endangering the security of Pawnee Nation equipment and facilities. Therefore, the Pawnee Nation shall maintain a workplace free from the abuse of alcohol and drugs.

Procedure

- I. Employees are expected to report to work fit for duty and free of any adverse effects of drugs or alcohol.
- II. When taken in standard dosage and/or as prescribed by a physician, prescription and over-the-counter drugs are allowable in the workplace.
- III. Employees who use prescription and/or over-the-counter drugs are responsible for the following:
 - Ensuring that medication does not interfere with the safe performance of his/her job duties; or
 - Requesting leave in accordance with the provisions of *Chapter 8. Leave Benefits*, if the use of prescription or over-the-counter drugs may compromise the safety of the employee, other employees, and Pawnee Nation tribal members or clientele.
- IV. The use of alcohol and illegal drugs, or the misuse of prescription drugs, is prohibited during working hours and the lunch period.
- V. Employees are prohibited from unlawfully manufacturing, selling, purchasing, transferring, possessing, or using alcohol and illegal or prescription drugs in the workplace.
- VI. Employees are encouraged to voluntarily seek assistance with problems related to alcohol and/or drugs. Employees who voluntarily disclose such a problem to their supervisor will be referred to the Pawnee Nation Substance Abuse Program and will not be subject to disciplinary action.
- VII. If a supervisor suspects that substance abuse is the cause for an employee's deteriorating job performance, tardiness, absenteeism, and other such employment issues, the supervisor must document the work performance and behavior problems. The supervisor shall then meet with the employee to discuss the performance and behavior problems, at which time the supervisor may provide the employee with a Voluntary Substance Abuse referral form, thereby referring the employee to the Pawnee Nation Substance Abuse Program for assessment and possible treatment.
- VIII. If, after the voluntary referral to the Pawnee Nation Substance Abuse Program, employee job performance continues to decline and continued substance abuse is suspected, the supervisor shall again meet with the employee to discuss the performance issues. The supervisor shall provide the employee with a Mandatory Substance Abuse

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- Referral form, thereby referring the employee to the Pawnee Nation Substance Abuse Program for assessment and possible treatment.
- IX. When issued a Mandatory Substance Abuse Referral to the Pawnee Nation Substance Abuse Program, an employee must sign an agreement to:
- Abstain from future alcohol and drug use or abuse;
 - Adhere to the treatment plan recommended by the Substance Abuse Program;
 - Accept personal responsibility for all costs of medical consultation and/or treatment not provided by the Pawnee Nation Substance Abuse Program and/or Indian Health Service;
 - Sign the documents necessary to release treatment verification information to the employee's immediate supervisor and the Human Resources Director;
 - Follow all Pawnee Nation Human Resource Policies & Procedures, including this Alcohol & Drugs in the Workplace Policy;
- X. An employee's failure to abide by the terms of the Mandatory Substance Abuse Referral will result in disciplinary action, up to and including termination, as prescribed by *Chapter 12. Employee Discipline*.
- XI. If an employee is suspected of being under the influence of alcohol and/or drugs while on duty, the supervisor and Human Resources Director will immediately transport the employee to the Substance Abuse Program for testing. Failure to agree to the transport to the Substance Abuse Program will result in disciplinary actions, up to and including termination, as prescribed by *Chapter 12. Employee Discipline*.
- XII. If testing by the Pawnee Nation Substance Abuse Program reveals that the employee has violated this Alcohol & Drugs in the Workplace policy, the Human Resources Director will present the Last Chance Agreement form to the employee. Failure to sign the form will result in disciplinary action, up to and including termination, as prescribed by *Chapter 12. Employee Discipline*. By signing the Last Chance Agreement Form, the employee agrees to:
- Be excused from their job duties and charged leave without pay for the day of the incident;
 - Accept disciplinary action, as prescribed in *Chapter 12. Employee Discipline*, for failing to abide by this Alcohol & Drugs in the Workplace policy;
 - Abstain from future alcohol and drug use or abuse;
 - Adhere to the treatment plan recommended by the Substance Abuse Program;
 - Accept personal responsibility for all costs of medical consultation and/or treatment not provided by the Pawnee Nation Substance Abuse Program and/or Indian Health Service;
 - Sign the documents necessary to release treatment verification information to the employee's immediate supervisor and the Human Resources Director;
 - Follow all Pawnee Nation Human Resource Policies & Procedures, including this Alcohol & Drugs in the Workplace Policy;
- XIII. An employee's failure to abide by the terms of the Last Chance Agreement will result in disciplinary action, up to and including termination, as prescribed by *Chapter 12. Employee Discipline*.

- XIV. An employee complying with the terms of an alcohol and/or drug treatment plan set forth by the Pawnee Nation Substance Abuse Program will be allowed to utilize leave, in accordance with *Chapter 8. Leave Benefits*.
- XV. Any employee convicted of violating a criminal drug or alcohol statute must inform the supervisor and Human Resources Director of such conviction, including pleas of guilty or no contest, within five working days of the conviction. Failure to do so will result in disciplinary action, up to and including termination for the first offense.
- XVI. When an employee is convicted of violating a criminal drug or alcohol statute, the Pawnee Nation may, as a condition of continued employment, issue a mandatory referral to the Pawnee Nation Substance Abuse Program. An employee's failure to adhere to the treatment plan recommended by the Substance Abuse Program will result in disciplinary action, up to and including termination, as prescribed by *Chapter 12. Employee Discipline*.

Section W. Internet Usage Policy

Policy

Access to computers, in general, and to the Internet, in particular, supports the tribal environment by providing a link to electronic information available in a variety of formats and covering all disciplines. Therefore, it is the policy of the Pawnee Nation to provide employees with access to the Internet, when usage is required for the performance and fulfillment of job responsibilities.

Procedure

- I. Computer usage and access to the Internet is provided for the purpose of increasing productivity in the workplace and must be recognize by employees as resource tools.
- II. Internet access will generally be limited to e-mail usage, as well as research and information gathering, pertaining to the job duties of the employee's position.
- III. On occasion, and with supervisor approval, an employee may access the Internet during scheduled work breaks.
- IV. Employees are prohibited from, at any time, using the Pawnee Nation's computer systems for the following activities:
 - a. Downloading software, viruses, pictures, music, games, and other media that do not meet the requirements of this policy;
 - b. Using the Pawnee Nation computer system for operating a personal business, soliciting money for personal gain, or otherwise engaging in activity outside the scope of employment;
 - c. Printing or distributing copyrighted materials;
 - d. Sending, printing, or otherwise disseminating the Nation's proprietary data, or any other information deemed confidential by the Nation, to unauthorized persons;
 - e. Searching for outside employment;
 - f. Making and/or sending offensive or harassing statements based on race, color, religion, national origin, disability, age, sex, or sexual orientation;
 - g. Attempting to access sites featuring pornography, theft, or drugs;
 - h. Engaging in any criminal activity in violation of tribal, state, or federal law;
 - i. Engaging in activities related to gambling, sports, entertainment, or on-line games;
 - j. Permitting or granting the use of an e-mail or system account to another employee or persons outside the Pawnee Nation staff; and
 - k. Using another person's password or impersonating another person while accessing the computer system or Internet.
- V. An employee who encounters material in violation of this policy must immediately notify his/her supervisor.

Any employee found to violate this policy is subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Section X. Identification (ID) Badge Policy

Policy

As a vital part of enhancing security in the workplace and in the event of an emergency, a Pawnee Nation of Oklahoma ID badge with name, photo, title, and department will be issued to all employees, Pawnee Business Council members, and contractors.

Contractors and temporary employees with assignments of four or more weeks will be required to have a Pawnee Nation photo ID badge at the cost of the contractor or temporary employee's department. Contractors and temporary employees with assignments less than four weeks will be issued a Pawnee Nation ID badge without a photo.

Pawnee Business Council members will be issued an ID badge with their name, photo, Council position, and expiration date.

All employees are required to wear an ID badge in plain view on a lanyard around the neck or secured with a clip at all times while on the Pawnee Nation of Oklahoma property and while performing official job duties out in the field. The requirement may be temporarily waived at the department's discretion when wearing the ID presents a safety issue (e.g. Police Officer). However, the employee must carry the ID at all times during work hours or when acting in an official capacity. It can be placed in a pocket or wallet. The ID shall not be defaced or altered with pins, stickers, decals, etc.

Procedure

- I. All employees, Pawnee Business Council members, and contractors of the Pawnee Nation of Oklahoma will be issued one photo identification card within their first week of employment and/or election to office. The Office of Human Resources will be responsible for authorizing the issuance of the ID card.
- II. All new employees, Pawnee Business Council members, and contractors will have their ID cards made electronically by the Pawnee Nation Gaming office located in Building 68.
- III. One photo ID badge will be issued at no cost to employee every four years of original issue date.
- IV. New ID badges will be issued at no cost to the employees who receive a transfer, promotion, demotion, etc. to a different department.
- V. A fee of \$10 will be assessed to the employee to replace all lost, stolen, or damaged badges. Checks or money orders made payable to Pawnee Nation are the only acceptable method of payment.

Supervisors should report lost or damaged ID badges to the Office of Human Resources. The supervisor is responsible for ensuring that a completed ID Card Request form is submitted to the Office of Human Resources.

Section Y. Social Media

Policy

The term “social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board, or a chat room, whether or not associated or affiliated with the Pawnee Nation, as well as any other form of electronic communication. The same principles and guidelines found in the Pawnee Nation rules, policies and procedures apply to an employee’s social media activities online.

Procedure

- I. Employees should be aware of the effect their actions may have on their image, as well as Pawnee Nation image. The information that employees post or publish may be public information for a long time.
- II. Employees should be aware that Pawnee Nation may observe content and information made available by employees through social media. Employee’s should use their best judgement in posting material that can be deemed inappropriate to Pawnee Nation, its employees, or customers.
- III. Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- IV. Employees are not to publish, post, or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the Human Resources Department and/or supervisor.
- V. If employees encounter a situation while using social media that threatens or become antagonistic, employees should disengage from the dialogue in a polite manner and seek the advice of a supervisor.
- VI. Social media use shouldn’t interfere with employees responsibilities at Pawnee Nation. Pawnee Nations computer systems are to be used for business purposes only.
- VII. Subject to applicable law, after-hours online activity that violates the Pawnee Nation General Code of Conduct Policy or any other company policy may be subject to disciplinary action.
- VIII. Webpages designed for use on Social Media shall be given Administrative Rights to the Communication Manager. Any posts shall be approved through the Communication Office. Upon separation of employment, any page developed will become the rights of the Pawnee Nation, and the exiting employee shall surrender rights for future posts to such pages.

Any conduct that adversely affects an employee’s job performance or the performance of fellow employees, or otherwise adversely affects the Pawnee Nation’s legitimate business interests, may result in disciplinary action, up to and including termination. Similarly, inappropriate postings, including but not limited to discriminatory remarks, harassment and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may result in disciplinary action, up to and including termination. However, this restriction will not apply to any postings made in the exercise of any rights granted to an employee by federal law.

Chapter 10. Performance Evaluations

Section A. General Policy

It is the policy of the Pawnee Nation to encourage and promote optimal employee performance. The annual performance evaluation is an opportunity to provide each employee with constructive feedback, document employee accomplishments, compare current employee performance against organizational expectations, identify and correct employee performance problems, improve employee productivity by communicating goals and expectations, and formulate plans that promote employee growth and development. At a minimum, every Pawnee Nation employee must receive an annual performance evaluation.

Procedure

- I. A performance evaluation tool shall be used to evaluate past job performance and set standards for future performance for all employees.
- II. The Office of Human Resources shall maintain the approved performance evaluation tool. All employees shall be evaluated using the approved tool.
- III. The Office of Human Resources shall issue procedures regarding performance evaluations and establish review periods and timelines for the submission of performance evaluations.
- IV. At the beginning of each review period, supervisors will be responsible for establishing specific objectives and performance standards consistent with program objectives and approved job descriptions.
- V. During the performance evaluation process, supervisors are responsible for evaluating employee performance based on the employee's job description, any written standards of performance available, and the employee's overall performance.
- VI. During the Introductory Period, new employees shall receive a performance evaluation every 30 days from their immediate supervisor.
- VII. Upon completion of the Introductory Period, new employees shall receive a performance evaluation from their immediate supervisor, recommending or declining the probationary employee from becoming a regular employee.
- VIII. Supervisors are responsible for ensuring that performance evaluations are submitted for all employees by the established deadline date. Failure to submit evaluations by the established deadline will result in disciplinary action of the supervisor, as prescribed by *Chapter 12. Employee Discipline*.
- IX. The original completed evaluation shall be signed by the evaluating supervisor, the employee, and the Human Resources Director. The employee must be given a copy of their performance evaluation.
- X. The original completed evaluation shall be maintained in the Office of Human Resources in the employee's personnel file.
- XI. The Office of Human Resources shall monitor the completion of employee performance evaluations.
- XII. Informal evaluations throughout the year may be conducted to aid in the development of employees, for consideration of career advancement, or formal training purposes.

XII. If an employee, other than an INTRODUCTORY employee, is dissatisfied with their performance evaluation results, a review may be requested through the provisions of *Chapter 13. Employee Grievance.*

SectionB. Satisfactory Performance

Policy

An employee whose job performance is considered satisfactory is eligible to receive a merit increase as defined in *Chapter 5. Compensation Administration*.

Section C. Unsatisfactory Performance

Policy

When an employee's job performance is unsatisfactory, the supervisor may implement a Performance Improvement Plan. If the employee's performance does not improve in accordance with the Performance Improvement Plan, the employee will be subject to disciplinary action, as prescribed in *Chapter 12. Employee Discipline*.

Chapter 11. Employee Training and Development

Section A. Orientation Training

Policy

It is the Policy of the Pawnee Nation for all newly hired Employees to attend Orientation Training on the first day of employment.

Procedure

- I. All FULL-TIME employees are expected to attend Orientation Training on first day of Employment.
- II. Any FULL-TIME employee that has been separated will be required to re-attend Orientation Training if date of separation exceeds one (1) year.
- III. Orientation Training will consist of the following:
 - a. Completion of all paperwork as prescribed in *Chapter 15. Personnel Files*
 - b. Review of Pawnee History video
 - c. Review and understanding of Human Resources Policies and Procedures
 - d. Review of Safety Precautions (Tornado, Earthquake, Active Shooter)

Section B. Mandatory Training

Policy

It is the Policy of the Pawnee Nation for all Employees to complete Mandatory Training. Any off-site training will be paid a Per Diem according to Fiscal Policy and therefore not authorized any comp time for travel. Hours attending training will be annotated as hours worked. Supervisor has final approval on all authorized travel.

Procedure

- I. All FULL-TIME employees must complete required NIMS training within 90 days of hire.
- II. All training that is mandated by the Supervisor, and/or is required as a part of the program grant, and/or is required as a part of Licensing CEUs is Mandatory.
- III. Attendance to all approved Training that is paid for by the Pawnee Nation is mandatory for the duration of the training.

Chapter 12. Employee Discipline

Section A. General Policy

It is the policy of the Pawnee Nation to establish and maintain standards of employee conduct and supervisory practices which will support and promote effective program operations. Such practices shall include the administration of consistent and constructive employee discipline. Under normal circumstances, supervisors shall attempt to correct employee deficiencies through the use of a progressive discipline system.

Procedure

- I. Employees are expected to abide by all policies outlined in this manual and any other guiding documents provided by the Pawnee Nation.
- II. When an employee's personal conduct has an adverse effect on the employee's ability to perform the duties of the position or Division, Department, and/or Program effectiveness is impaired, disciplinary action shall be taken.
- III. Supervisors are expected to practice fair judgment and common sense when taking disciplinary action.
- IV. Supervisors at all levels are expected to assume responsibility for reporting and initiating proper action regarding employee misconduct, unsatisfactory work performance, or violation of Pawnee Nation policies and procedures.
- V. All disciplinary actions shall be confidentially presented to the employee, in person, by the supervisor.
- VI. The employee shall acknowledge receipt of the notice by signing the Disciplinary Action Form. If the employee refuses to sign the Disciplinary Action Form, the employee shall document such refusal and must appeal the disciplinary action pursuant to *Chapter 13. Employee Grievance*.
- VII. The Office of Human Resources shall provide assistance to the supervisor and the employee throughout the disciplinary action process.
- VIII. In employee performance issues, an employee may or may not be placed on Administrative Leave while they are under investigation for alleged misconduct.
- IX. Any deviation from the progressive discipline system shall be initiated by the supervisor and approved by the Division Director, with concurrence by the Human Resources Director, and the Executive Director.

Section B. Types of Disciplinary Action

I. Verbal Warning

A Verbal Warning shall be issued to an employee whose performance, work habits, personal behavior, or outlook toward his/her job duties are less than expected by the supervisor. All verbal warnings shall be documented according to provisions of this Chapter.

II. Written Warning

When employee performance, behavior, or outlook, fails to improve after the issuance of a Verbal Warning, a Written Warning shall be issued. All written warnings shall be documented according to provisions of this Chapter.

III. Suspension

When employee performance, work habits, personal behavior, or outlook fails to improve after the issuance of previous Warning(s), a Suspension shall be issued.

When a Suspension is necessary to investigate certain egregious acts, a complete and fair investigation of the incident(s) will be conducted.

All Suspensions shall be initiated by the supervisor, with concurrence of the Division Director and the Human Resources Director. All Pawnee Nation property shall be returned to the employee's supervisor at the time the notice of Suspension is issued.

IV. Termination

Termination is the final and ultimate form of discipline and is used in situations when other forms of disciplinary action have been exhausted. Termination may also be used as the first and only step of discipline in response to the most serious types of offenses.

A Termination shall be initiated by the supervisor, with concurrence with the Division Director, Human Resources Director, and Executive Director.

Section C. Documentation

All disciplinary actions shall be documented, in writing, by the supervisor. Documentation of disciplinary actions will become part of the employee's official personnel file(s).

Section D. Contents of Disciplinary Action Form

- I. The disciplinary notice shall be in writing, documented on the appropriate Disciplinary Action form, and shall contain:
 - a. The employee's name;
 - b. Position title;
 - c. Program / Department / Division;
 - d. Date(s) of which the violation(s) occurred;
 - e. Where such acts occurred, or where such acts are of a continuing nature, and the basis for the disciplinary action;
 - f. The period of time when the act(s) occurred;
 - g. A clear and concise statement of the facts constituting the alleged violation(s);
 - h. A reference to the penalty imposed; and
 - i. An explanation of the employee's right to appeal the disciplinary action pursuant to *Chapter 13. Employee Grievance*.

Section E. Causes for Disciplinary Action

- I. Types of conduct normally resulting in progressive discipline include, but are not limited to:
- a. Excessive absenteeism, tardiness, extended breaks or meal periods;
 - b. Unauthorized absence;
 - c. Unsatisfactory performance of a job duty, including failure to follow policy and/or procedures;
 - d. Disorderly conduct, including disruptive behavior, negative outlook, and lack of cooperation in job duties;
 - e. Misuse of time keeping system;
 - f. Dress code violations;
 - g. Violation of Leave policies;
 - h. Failure to use the appropriate chain-of-command;
 - i. Unauthorized release of confidential information or official records;
 - j. Discourteous treatment to Pawnee Nation tribal members, clientele, the general public, or other employees;
 - k. Maintaining outside employment without proper approval;
 - l. Sleeping on duty;
 - m. Neglect of duty;
 - n. Failure to complete performance evaluations as required;
 - o. Performing activities for personal gain when on the job including, but not limited to, campaigning for political office while on duty;
 - p. Providing false witness against Pawnee Nation tribal members, clientele, the general public, or other employees;
 - q. Failure to participate in or complete a Performance Improvement Plan as directed;
 - r. Offer of employment by unauthorized personnel;
 - s. Violation of safety regulations; and/or
 - t. Other acts that may be deemed insubordinate.
- II. Certain egregious or exceptionally offensive acts, which may be detrimental to the operations of the Pawnee Nation, may warrant deviation from the progressive discipline system. Such conduct includes, but is not limited to:
- a. Theft or malicious damage of Pawnee Nation property;
 - b. Misuse of Pawnee Nation funds;
 - c. Solicitation or acceptance of bribes or kickbacks;
 - d. Falsification or unauthorized alteration of any Pawnee Nation record;
 - e. False statement(s) of material fact in employment applications or related documents;
 - f. Fraud and/or conspiracy to commit fraud;
 - g. Perjury in tribal court or before any governing body of the Pawnee Nation;
 - h. Concealing, removing, mutilating, obliterating, or destroying Pawnee Nation records and/or documents without authorization;
 - i. Abuse of position;

- j. Failure to directly call the immediate supervisor or report to work for three (3) consecutive working days;
- k. Violation of any provision contained in *Chapter 9. Employee Conduct, Section S – Sexual Harassment Policy*;
- l. Violation of any provision contained in *Chapter 9. Employee Conduct, Section T – Workplace Violence*;
- m. Violation of any provision contained in *Chapter 9. Employee Conduct, Section U – Drugs and Alcohol in the Workplace*; and
- n. Failure to participate in or complete a Mandatory Substance Abuse Referral, or failure to comply with the terms of a Last Chance Agreement form.

Chapter 13. Employee Grievance

Section A. General Policy

The Employee Grievance Policy is applicable to any REGULAR employee who feels aggrieved by any act related to working conditions, conditions of employment, or Pawnee Nation policies, procedures, rules, and/or regulations. Throughout the Grievance process, all decisions must be communicated in writing. Terminated REGULAR employees may file a grievance regarding their termination provided the grievance be submitted within five (5) business days following the termination.

Before submitting a formal grievance, employees must first seek to resolve such issue(s) through informal discussions with the immediate supervisor. If such issue(s) cannot be resolved through informal discussions with the immediate supervisor, employees may follow the Employee Grievance procedures. Employees shall not be penalized for submitting a grievance in good faith.

Procedure

- I. All individual grievances must be date and time stamped when filed with the Office of Human Resources.
- II. Only the original complaint submitted on the Grievance Form shall be evaluated and considered throughout the Grievance Procedure Steps.
- III. Throughout the Grievance Procedure Steps, the Office of Human Resources shall provide assistance to the employee filing the grievance, as well as to the employee's supervisor.
- IV. All parties to a grievance shall refrain from discussing the grievance outside the formal grievance steps. Any documents or communication regarding the issue shall be considered confidential.
- V. The Office of Human Resources shall maintain all official grievance records.
- VI. Any changes regarding the position and employee affected by a grievance will be placed on hold by the Office of Human Resources, until such time as the grievance is resolved or a final decision is rendered.
- VII. An employee that has filed a grievance may be afforded Administrative Leave for the purposes of participating in the grievance process.
- VIII. At any point during the Grievance Procedure Steps, the employee may withdraw the grievance. Failure of an employee to abide by the time requirements of the Grievance Procedure Steps shall be grounds for termination of the grievance. The Office of Human Resources shall make such a determination and inform all concerned parties.
- IX. Failure by management to render a decision or abide by the time requirements of the Grievance Procedure Steps constitutes denial and the employee may then proceed to the next step.

Notwithstanding an employee's involvement in a current grievance, subsequent violation(s) of Pawnee Nation policies, rules, and/or regulations, by the employee may result in separate disciplinary action(s)

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Section B. Grievance Procedure Steps

The employee must first informally discuss the aggrieved act(s) with their supervisor. A grievance may be filed when an employee was treated in a manner in which policy has been violated.

Grievances do not involve claims of: Possible discrimination on the basis of race, color, sex (including sexual harassment or sexual orientation), religion, creed, age, handicap, national origin, or status as a veteran. Employees wishing to pursue claims of such discrimination must contact the HR Director or Appropriate Official. Disputes over salary grades or salary/rate of pay, or disputes over a supervisor's judgment regarding job performance or professional competence should be brought to the Human Resources Director.

The Office of Human Resources will bring to the Grievance Committee a dispute that is questionable in nature to determine if it is within the scope of this policy and should be processed as a Complaint opposed to a Grievance.

If the issue(s) cannot be resolved through informal discussion, the following shall take place:

Step 1

- I. A qualified employee shall present the complaint, on the approved Grievance Form, to the supervisor, through the Human Resources Director, outlining the relevant facts that form the basis of the employees grievance, the policy that has been violated, and stating the resolution sought.
- II. A qualified employee must file the formal written Grievance Form within five (5) business days after the occurrence of the act(s) in question.
- III. The five (5) business day limitation may be waived by the Human Resources Director if, through no fault of the employee, he/she was unaware of the aggrieved act(s) before the time limit.
- IV. The formal Grievance Form shall contain the following:
 - a. The employee's name;
 - b. Position title;
 - c. Program / Department / Division;
 - d. Date(s) of which the alleged aggrieved act(s) occurred;
 - e. Where such act(s) occurred, or where such act(s) are of a continuing nature, and the basis for the complaint;
 - f. The period of time when the act(s) occurred;
 - g. A clear and concise statement of the facts constituting the alleged act(s); and
 - h. The relief sought by the employee.
- V. A written decision shall be presented to the employee, by the immediate supervisor, through the Human Resources Director, within three (3) business days of the receipt of the grievance.
- VI. If the employee feels the grievance remains unresolved, the employee may proceed to Step 2.

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Step 2

- I. The employee shall present an appeal to the Division Director, through the Human Resources Director, the following business days-after the decision in Step 1 is received.
- II. Within three (3) business days after the receipt of the grievance, the Division Director shall schedule a meeting to discuss the act(s) and possible recourse with the employee and the immediate supervisor.
- III. A written decision shall be presented to the employee and the immediate supervisor, by the Division Director, through the Human Resources Director, within three (3) business days of the meeting.
- IV. If the employee feels the grievance remains unresolved, the employee may proceed to Step 3

Step 3

- I. The employee shall present an appeal to the Grievance Committee, through the Human Resources Director, the following business days-after the decision in Step 2 is received.
- II. The Grievance Committee shall conduct a hearing within ten (10) business days of receipt of the grievance from the Human Resources Director. Upon receipt and review of the Grievance, the Committee will determine if a hearing will be conducted with or without parties present. Any matter brought forth that the employees input would not have any impact in the decision of the Committee, will not attend the hearing, and the decision will be based solely on the documentation provided throughout the Grievance process. Subject to approval by both parties, employees are allowed to have a representative to help state their case before the Committee. Representative will be required to sign and abide by a Confidentiality Agreement form.
- III. Within three (3) business days of the hearing, the decision of the Grievance Committee shall be presented in writing to the employee, the immediate supervisor, and the Division Director, through the Human Resources Director. The decision of the Committee will be a mandate and will be immediately adhered to and enforced by all parties.
- IV. The decision of the Grievance Committee shall be final.

Section C. Grievance Committee

- I. The Grievance Committee shall be comprised of three members and one alternate member.
 - a. One non-supervisory employee;
 - b. Two supervisory or management employees;
 - c. One employee alternate.
- II. Each member shall be appointed by the President of the Pawnee Business Council. Appointments shall be made at the first Pawnee Business Council meeting of each calendar year.
- III. The alternate shall serve as an active member when:
 - a. A regular member is disqualified due to the provisions of Chapter 2. Employment Practices, Section F – Hiring of Relatives / Nepotism; or
 - b. A regular member is disqualified due to a conflict of interest associated with any of the affected parties.
- IV. Members will meet as needed when a grievance is submitted.
- V. Members not adhering to the confidentiality of the situation will result in a penalty to include, but not be limited to, reprimand, suspension of employment, and/or termination of employment.

Chapter 14. Termination of Employment

Section A. General Policy

It is the policy of the Pawnee Nation to authorize the Office of Human Resources to establish detailed procedures regarding the termination of employees.

Section B. Resignation

Policy

The Pawnee Nation recognizes that it may be necessary for an employee to separate from employment with the Pawnee Nation.

Procedure

- I. By submitting a letter of resignation, an employee may voluntarily separate from employment with the Pawnee Nation.
- II. The resigning employee shall provide at least ten (10) working days notice, unless the supervisor agrees to release the employee at an earlier date.
- III. Prior to the effective date of the resignation, the resigning employee may, with the supervisor's approval, rescind the resignation and be restored to the employee's current position.
- IV. An employee who resigns from employment with the Pawnee Nation may be eligible for a bridge of service credit, as provided in *Chapter 6. Employment Status, Section B – Re-Hire Employee Status*.

Section C. Involuntary Termination

Policy

It is the policy of the Pawnee Nation to terminate employees for cause, such as violation of Pawnee Nation policies and procedures, poor job performance, or gross misconduct.

Procedure

- I. Involuntary termination may occur at any time during the employment relationship.
- II. Supervisors shall ensure that all applicable steps of *Chapter 12. Employee Discipline* have been utilized to manage poor job performance and that prior corrective action has been taken.
- III. A supervisor, with concurrence of the Division Director and Human Resources Director, may recommend termination of an employee by providing the specific reason(s) and appropriate documentation for the termination.
- IV. The supervisor shall provide the employee with written notice of the termination, including the specific reason(s) for the termination. The notice of termination shall include:
 - a. The reason for termination;
 - b. The corrective steps taken to avoid the termination process; and
 - c. The employee's rights under *Chapter 13. Employee Grievance*.
- V. The Human Resources Director shall be present when the termination notice is being given to the employee.
- VI. Any employee who has been terminated for cause shall be entitled to payment of accrued Paid Time Off.

Section D. Reduction in Force

Policy

When faced with economic hardship, the need for reorganization, or other relevant factors, the Pawnee Nation may enact either a temporary or permanent reduction in the work force.

Procedure

- I. Employees affected by a reduction in force shall not be eligible to receive severance pay.
- II. All benefits shall be terminated at the onset of a temporary or permanent reduction in force.
- III. An employee who is affected by a reduction of force may be eligible for a bridge of service credit as provided in *Chapter 4. Employment Classification, Section B – Re-Hire Employee Status*, if the individual is later re-hired by the Pawnee Nation.
- IV. Whenever a permanent reduction in force is necessary, the Division Director shall provide the Human Resources Director with written notice of the proposed reduction in force. This notice must be made no later than thirty (30) days prior to the anticipated effective date of the reduction in force. The Division Director's notification regarding the reduction in force shall include the following:
 - The reason for reduction in force;
 - The number of employees affected by the reduction in force;
 - The expected length of time of the reduction in force; and
 - The expected effective date of the reduction in force.
- V. Temporary reductions in force include those where there is a reasonable expectation for future reinstatement. Reasons for temporary reductions in force include, but are not limited to, temporary lack of funding or lack of work. When considering a temporary reduction in force, the following factors shall be weighted equally:
 - Seniority date of the employee;
 - Length of time in the position;
 - Job performance;
 - Education;
 - Training;
 - Work history (relevant experience); and
 - Suitability for the position.
- VI. Except in the case of unforeseen circumstance(s), employees will receive three (3) business days notice prior to a temporary reduction in force.
- VII. During a temporary reduction in force, employees may request payment of accrued PTO. Payment of PTO may not exceed the expected duration of the temporary reduction in force.
- VIII. Temporary reductions in force which continue beyond ninety (90) calendar days will be considered permanent for purposes of this policy, unless monies from a specific funding source have been guaranteed for a specific future date.

- IX. Permanent reductions in force include those where there is no expectation of rehire in the future. Reasons for permanent reductions in force may include, but are not limited to, loss of funding and functional reorganization. When considering a permanent reduction in force, the following factors shall be weighted equally:
- Seniority date of the employee;
 - Length of time in the position;
 - Job performance;
 - Education;
 - Training;
 - Work history (relevant experience); and
 - Suitability for the position.
- X. Except in the case of unforeseen circumstance(s), employees will receive at least ten (10) business days' notice prior to a permanent reduction in force. The Office of Human Resources and the Division Director responsible for the affected funding will make every effort to provide affected employees with as much advanced notice as possible.
- XI. Employees selected for permanent reduction in force will receive payment for accrued Paid Time Off, pursuant to *Chapter 8. Employee Benefits*. If program funds are lacking for payment of allowable accrued Paid Time Off, priority will be given for payment of leave accrued during the current budget year.
- XII. When an employee who was previously qualified for his/her position becomes disqualified for the position due to loss of the employee's license or certification; reclassification of the position due to reorganization of the program or changes in position duties; or, for any other reason; the employee shall be given a reasonable period to re-qualify. If the employee remains unqualified at the end date for the requalification period, the employee shall be subject to a reduction in force.

Section E. Termination of a Volunteer or Temporary Employee

Policy

A supervisor may terminate a volunteer or temporary employee at any time.

Procedure

- I. The termination must be in writing and include an explanation for the termination, and must be consistent with applicable Federal, State, and Tribal laws.
- II. A volunteer or temporary employee who is terminated is not entitled to reemployment, reduction in force, or grievance rights.

Section F. Termination of an Introductory Employee

Policy

A supervisor may terminate an Introductory Employee at any time during the individual's Introductory Period.

Procedure

- I. A supervisor, with concurrence of the Division Director and Human Resources Director, may terminate an employee's Introductory Period at any time for failure to meet the requirements of the position, misconduct, or for other warranted reasons.
- II. Before the decision to terminate is made, every effort should be made to provide the employee with the opportunity to succeed during the Introductory Period.
- III. The termination notice must be made in writing and should include an explanation for the termination.
- IV. Employees terminated during the Introductory Period shall not be afforded grievance rights.

Section G.Retirement

Policy

It is the policy of the Pawnee Nation to consider employees eligible for retirement upon reaching the specified age provided in the 401(k) / retirement plan.

Section H. Death of an Employee

Procedure

- I. Unless Leave Without Pay was previously approved, an employee shall be compensated through the date of death.
- II. The date of death shall be the effective date of separation.
- III. The Human Resources Director shall ensure that payments for monies owed to the employee are provided to the employee's estate or next of kin.

Section I. Final Pay

Policy

All separated employees shall receive their final paycheck in accordance with the Pawnee Nation Termination of Employment policies and procedures.

Procedure

- I. Before an employee is issued a final paycheck, a Termination Clearance Form must be received by the Human Resources Director from the Division Director.
- II. Upon receipt of all required documents, a final paycheck shall be issued to the separated employee. The final check will include payment for hours worked, accrued and Paid Time Off, and any other pay due to the employee.
- III. All or part of the final pay check and/or Paid Time Off payment may be withheld to satisfy any indebtedness to the Pawnee Nation.

Section J. Termination Clearance Form

Policy

All terminating employees, except for temporary employees, are required to complete a termination clearance form.

Procedure

- I. All termination clearance forms shall be arranged with the Office of Human Resources.
- II. All keys and Pawnee Nation property shall be returned to the appropriate departments after receiving the termination clearance form from the Office of Human Resources
- III. The terminating employee's final paycheck shall be withheld until the termination clearance form is complete.

Chapter 15. Personnel Files

Section A. Location of Files

Policy

The Office of Human Resources shall establish and maintain official personnel files for employees of the Pawnee Nation. Personnel files shall be located at the Office of Human Resources and maintained under restricted access. Official personnel files shall not be removed from the Human Resources Office.

Section B. Contents of Files

Policy

Personnel files shall include information relevant to employment with the Pawnee Nation, such as employment applications; background investigations; letters of reference; pay and benefits; training and education; performance evaluations; corrective or termination actions; and other necessary information, as specified by the Office of Human Resources.

Procedure

- I. The official personnel file for all active employees will be maintained by the Office of Human Resources.
- II. Personnel files on inactive employees will be maintained for a minimum of five (5) years after the separation date. To the greatest extent possible, terminated employee records will be transferred to a computer-based electronic format.
- III. Supervisors may maintain supplemental individual personnel files pertaining to their respective employees. Such records should be retained only for the period of employment. Upon separation, the supervisor’s record(s) must be transferred to the Office of Human Resources and placed into the official personnel file.
- IV. Forms relating to leave an employee has taken shall be maintained in the personnel file for a period of two (2) years.
- V. All disciplinary actions will be maintained in the personnel file for the period of employment.
- VI. Personnel files shall include only information relevant to an individual’s employment with the Pawnee Nation, such as:
 - a. Employment applications;
 - b. Background investigations (if applicable);
 - c. Letters of reference (if applicable);
 - d. Job Offer Letter;
 - e. Employee Contact Information;
 - f. Confidentially Form;
 - g. Human Resources Policies & Procedures Acknowledgement & Agreement Form;
 - h. Job Description;
 - i. ID Badge Form;
 - j. IT Request Form;
 - k. Pay and benefits;
 - l. Direct Deposit Form (if applicable);
 - m. Training and education;
 - n. Performance evaluation;
 - o. Corrective or termination actions;
 - p. W-4 Information;
 - q. I-9 Information;
 - r. Health/ Benefits Insurance Information; and
 - s. Other necessary information as specified by the Office of Human Resources.
- VII. The Office of Human Resources shall maintain separate supplemental personnel files for the following:
 - a. Grievance Complaints

Section C. Updating of Files

Policy

Employees are encouraged to keep their personnel files current by submitting to the Office of Human Resources updated information on the employee's work experience, education, and training.

Section D. Confidentiality of Files

Policy

Information in an employee's personnel file is considered confidential. However, the information may be disclosed in compliance with a lawful investigation or subpoena.

Procedure

- I. Access to and release of information contained in an employee's personnel file shall be limited to only those persons who have a legally recognized need to know;
- II. The Office of Human Resources is responsible for releasing all information regarding personnel files and personnel file information.

Section E. Employee Examination of Personnel File(s)

Policy

Employees may examine their own personnel file(s), upon written request to the Office of Human Resources.

Procedure

- I. The employee must report to the Office of Human Resources to view their personnel file.
- II. Examination of the personnel file shall be in the presence of the Human Resources Director or authorized representative.
- III. The employee may request to have negative information taken out of their personnel file through the provisions of *Chapter 13. Employee Grievance*.
- IV. The following is subject to removal through the grievance policy:
 - a. Performance evaluations; and
 - b. Disciplinary actions.
- V. Copies of any information contained in the employee's personnel file may be made available to the employee. However, the employee will assume responsibility for the cost associated with reproduction of information contained within his/her personnel file.

Section F. Release of Information

Policy

All personnel files are confidential and disclosure shall be limited to appropriate individuals.

Procedure

- I. The Office of Human Resources is responsible for disclosing information contained within personnel files.
- II. All reference checks will be processed by the Office of Human Resources.
- III. Upon written request, the Office of Human Resources shall release the following information:
 - a. Dates of employment;
 - b. Employee's position or job title;
 - c. Current pay rate or pay rate at the time of separation; and
 - d. If separated, whether the employee is eligible for re-hire.
- IV. Upon receipt of an Authorized Release of Information from the employee, the Office of Human Resources shall release other information, as applicable to an outside party's written request.

Section G. Personnel Action Forms

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