

*CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)*

TRIBAL PERSONNEL POLICIES AND
PROCEDURES MANUAL

CONFEDERATED TRIBES
OF THE
UMATILLA INDIAN RESERVATION

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TABLE OF CONTENTS

CHAPTER 1.	OVERVIEW	1
SECTION 1.01.	Purpose.....	1
SECTION 1.02.	Manual Revision	1
SECTION 1.03.	Compliance with Manual.....	2
SECTION 1.04.	Role of Personnel Office.....	2
SECTION 1.05.	Conflict of Policies	3
SECTION 1.06.	Duty of Report	3
CHAPTER 2.	GENERAL EMPLOYMENT POLICIES.....	3
SECTION 2.01.	Working Hours and Attendance.....	3
SECTION 2.02.	Confidential Information	3
SECTION 2.03.	Employee Solicitation.....	4
SECTION 2.04.	Outside Employment by Tribal Employees.....	4
SECTION 2.05.	Honorarium Compensation to Tribal Employees	4
SECTION 2.06.	Travel Costs and Per Diem Reimbursement by Third Party.....	5
SECTION 2.07.	Political Activity by Tribal Employees	5
SECTION 2.08.	Receipts of Favors or Gifts	6
SECTION 2.09.	Safety	6
SECTION 2.10.	Anti-Nepotism Policy	7
SECTION 2.11.	Travel - (Local and Non-Local).....	8
SECTION 2.12.	Death of a Tribal Employee.....	9
SECTION 2.13.	Disability Termination.....	9
SECTION 2.14.	Bonding.....	9
SECTION 2.15.	Certifications.....	9
SECTION 2.16.	Liability for Negligent or Unlawful Acts	9
SECTION 2.17.	Dress Code.....	9
SECTION 2.18.	Personal Property	10
SECTION 2.19.	Drug Free Work Place	10
SECTION 2.20.	Drug Testing Policy	10
SECTION 2.21.	Smoking	12
SECTION 2.22.	Work Environment.....	12
SECTION 2.23.	Work Station	13
SECTION 2.24.	Sexual Harassment.....	13
SECTION 2.25.	Requirements for Employment Positions Affecting Indian Children.....	14
CHAPTER 3.	EMPLOYMENT PROCEDURES.....	16
SECTION 3.01.	Introduction.....	16
SECTION 3.02.	Employment Preferences	16
SECTION 3.03.	Recruitment.....	17
SECTION 3.04.	Hiring Process.....	18
SECTION 3.05.	Appointment	20
SECTION 3.06.	Administrative Review of Tribal Employment Procedures.....	20
SECTION 3.07.	Classes of Positions	21
SECTION 3.08.	Probation Period	22
SECTION 3.09.	Tribal Employee Pay Plan	23
SECTION 3.10.	Annual Evaluation of Work Performance.....	23
SECTION 3.11.	Action on Tribal Employee Evaluations.....	24
SECTION 3.12.	Merit Pay Increase	24
SECTION 3.13.	Demoted Tribal Employees	25
SECTION 3.14.	Annual Leave Transfers.....	25
SECTION 3.15.	Tribal Employee Job Promotion, Transfer, Reclassification and Demotion	25
SECTION 3.16.	Tribal Employee Development and Training	26
SECTION 3.17.	Reduction in Force/Lay Off	26

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

SECTION 3.18.	Separation of Employment	27
CHAPTER 4.	EMPLOYEES BENEFITS	27
SECTION 4.01.	Pay Periods	27
SECTION 4.02.	Payroll Deductions.....	28
SECTION 4.03.	Holidays	28
SECTION 4.04.	General Leave Accrual/Use Policy.....	29
SECTION 4.05.	Compensatory Time.....	29
SECTION 4.06.	Annual Leave	30
SECTION 4.07.	Annual Leave Accrued	32
SECTION 4.08.	Sick Leave.....	32
SECTION 4.09.	Medical/Dental/Life Benefits	33
SECTION 4.10.	Wellness Award.....	33
SECTION 4.11.	Physical Fitness Policy	33
SECTION 4.12.	Family and Medical Leave	34
SECTION 4.13.	Military Leave.....	36
SECTION 4.14.	Jury or Witness Duty	36
SECTION 4.15.	Administrative Leave.....	36
SECTION 4.16.	Emergency Response Leave	37
SECTION 4.17.	Leave of Absence Without Pay.....	37
SECTION 4.18.	Educational Leave.....	37
SECTION 4.19.	Cultural Education Leave and Traditional Leave	38
SECTION 4.20.	Authorized Absences	39
SECTION 4.21.	Voting Allowance	39
SECTION 4.22.	List of Benefits by Employment Classification	39
SECTION 4.23.	Abandonment of Job	39
SECTION 4.24.	Special Recognition Award	39
CHAPTER 5.	EMPLOYEE CONDUCT	39
SECTION 5.01.	General Conduct	39
SECTION 5.02.	Employee Relations	40
SECTION 5.03.	Personnel Actions	41
SECTION 5.04.	Description of Disciplinary Responses.....	41
SECTION 5.05.	Procedure For Employee Discipline	42
SECTION 5.06.	Infractions/Violations	42
SECTION 5.07.	Alcohol and Drug Abuse Policy	43
SECTION 5.08.	Indebtedness.....	44
CHAPTER 6.	APPEAL PROCESS	44
SECTION 6.01.	General Objectives.....	44
SECTION 6.02.	Personnel Actions Subject to Appeal.....	44
SECTION 6.03.	Filing Class I and Class II Appeals.....	45
SECTION 6.04.	Notice of Appeal and Hearing	45
SECTION 6.05.	Judicial Review of Final Appeal.....	47
SECTION 6.06.	Scope of the Appeal	47
SECTION 6.07.	Confidentiality	47
SECTION 6.08.	Complaints	47
SECTION 6.09.	Limitations of Actions	48
CHAPTER 7.	GLOSSARY	48
SECTION 7.01.	Definitions	48

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

TRIBAL PERSONNEL POLICIES AND PROCEDURES MANUAL

CHAPTER 1. OVERVIEW

SECTION 1.01. PURPOSE

- A. Title. This document shall be known as the Tribal Personnel Policies and Procedures Manual ("Manual") for the employees of the Confederated Tribes of the Umatilla Indian Reservation ("Tribe").
- B. Objectives. The objectives of this Manual are two-fold:
1. to insure that Tribal employees provide governmental services in an efficient and safe manner; and
 2. to provide a working environment where Tribal employees are rewarded for good work and where employment rights are safeguarded.
- C. Authority. The Board of Trustees is authorized under Article VI, Section 1 of the Tribe's Constitution and Bylaws to administer Tribal government in a manner that provides maximum protection to the Tribe's treaty rights and which protects and promotes the interests and general welfare of the Indians residing within the Umatilla Indian Reservation ("Reservation").
- D. Scope.
1. This Manual is to serve as the foundation for personnel management within the Umatilla Tribal Government. Tribal officials shall request waiver of grant and agency regulations that conflict with the provisions and intent of these policies.
 2. This Manual shall govern the rights of all employees of the Tribe except for employees of the Wildhorse Resort and Casino, the Mission Market, the Arrowhead Truck Plaza, the Umatilla Tribal Police Department and the Yellowhawk Tribal Health Center. This Manual shall govern the rights of employees of the Tamastlikt Cultural Institute, except to the degree that the Tamastlikt Manual directly conflicts with this Manual. Tribal elected and appointed officials, including Board of Trustees members, General Council Officers, Commission, and Committee members, shall not be subject to this Manual except for the provisions of the Drug Testing Policy applicable to Tribal and appointed elected officials set forth in section 2.20(E)(2) of the Manual.
 3. The appendix section of this Manual encompasses the administrative forms required to ensure consistent enforcement of this Manual. Any revisions, deletions and/or additions of administrative forms will require written approval from the Executive Director.

SECTION 1.02. MANUAL REVISION

In order to accommodate changes in the personnel management needs of the Tribe, this Manual shall be subject to annual review and revision and to modification when necessary. The Tribal Personnel Manager shall be responsible for the annual review and revision of this Manual. Tribal employees are encouraged to provide written suggestions for revision of this Manual to the Personnel Manager. The Personnel Manager will review recommended revisions with the Executive Director. The Executive Director will recommend changes to the Board of Trustees for their approval. The Personnel Manager shall be responsible for circulating all approved revisions to this Manual to Tribal employees. Such revisions will be accompanied by instructions for removing outdated policies and replacing them with the new provisions.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

SECTION 1.03. COMPLIANCE WITH MANUAL

- A. Tribal Employees. It shall be the responsibility of the Human Resources Director to ensure that each Tribal employee is provided a copy of this Manual with the requirement that the new employee read the entire Manual. Each new employee shall file a written statement stating that he/she has read this Manual and understands its contents.
- B. Department Directors/Program Manager. It shall be the responsibility of each Department Director to ensure that a copy of this Manual is available for department employees to use as needed. Each Department Director shall also be responsible for keeping department staff in compliance with this Manual and aware of revisions to the Manual. It is the responsibility of the employees' immediate supervisor to provide orientation to new employees of the Tribe regarding Tribal organization, policies and procedures to Department Directors or Program Managers.
- C. Human Resources Director. The Human Resources Director shall be responsible for the distribution, annual review and revision of the Manual, and compliance with applicable laws and regulations. When appropriate, the Human Resources Director shall provide Tribal employees with written material or oral presentations on compliance with Manual provisions.
- D. Executive Director. The overall responsibility for compliance with this Manual rests with the Tribal Executive Director. Where appropriate, the Executive Director may delegate his/her responsibilities to administrative staff or Program Managers. However, the Executive Director is ultimately responsible to the Board of Trustees for carrying out the policies set forth in the Manual. The Executive Director shall be authorized to promulgate interim rules and guidance on implementation of this Manual. Any rules or guidance promulgated by the Executive Director shall otherwise be consistent with the terms of this Manual. The interim rules and guidance promulgated by the Executive Director shall be submitted to the Board of Trustees for formal incorporation in this Manual in the annual review and modification of the Manual that follows the promulgation of any rule or guidance as provided in section 1.02 of this Manual. Any interim rule or guidance promulgated by the Executive Director shall be in writing and shall be distributed to each Tribal Department Director and Program Manager with a directive that copies be provided to each Tribal employee.

SECTION 1.04. ROLE OF PERSONNEL OFFICE

- A. The Human Resources Director shall manage the centralized personnel system and shall report directly to the Executive Director. The Human Resources Director is responsible to facilitate implementation of the Manual and related revisions as adopted by the Board of Trustees.
- B. The objectives of the Personnel Office will include, but are not limited to the following:
 - 1. Assist in recruiting, placing, and advancing employees on the basis of their relative ability, knowledge and skills with the approval of Department Directors or Program Managers.
 - 2. Regular review of the Tribal salary schedule and to recommend revisions to the Executive Director.
 - 3. Employee development by arranging in-service and on-site training sessions for employees.
 - 4. Assist Department Director/Program Manager in counseling Tribal employee regarding their concerns/problems.
 - 5. Ensure functional performance evaluations are performed on all employees on an annual basis.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

6. Act as employees' advocate to assure that all employees have equal protection of their rights and privileges.
7. Maintain the official personnel files in a centralized filing system for all Tribal employees excluding Yellowhawk Clinic, Housing Authority and Wildhorse Gaming Resort. Maintenance of the personnel files will be in accordance with established standards regarding confidentiality of information as provided in this Manual.

SECTION 1.05. CONFLICT OF POLICIES

Although this Manual is expected to serve as the foundation for personnel management within the Tribal government, there may be conflicts with the requirements imposed by the regulations of a grantor agency. The Human Resources Director, in conjunction with Department Directors, shall request waivers of grantor agency regulations that conflict with the provisions and intent of this Manual. If said waiver is not received, the Tribe shall comply with the grantor regulations. This Manual shall govern the activities of Tribal employees in carrying out their responsibilities pursuant to any grant from whatever source.

SECTION 1.06. DUTY OF REPORT

Any Tribal employee who is either intentionally or inadvertently asked to violate any provisions of this Manual shall have the duty to report to his/her Department Director or the Human Resources Director of the situation and the potential violation. The Tribal employee shall than be relieved of the responsibilities that would require him/her to violate these policies.

CHAPTER 2. GENERAL EMPLOYMENT POLICIES

SECTION 2.01. WORKING HOURS AND ATTENDANCE

- A. The normal working hours are 7:30 a.m. through 4:00 p.m., with a one hour lunch period and two fifteen minute breaks, one in the morning and one in the afternoon.
- B. The normal work week is 37.5 hours, consisting of five 7.5 hours days Monday through Friday. The definition of a work week is 12:00 a.m. Monday to 11:59 p.m. Sunday.
- C. Some Tribal employees, because of different work requirements, will be required to work different hours. The daily duration and breaks in a different work shift will approximate the duration and breaks in the normal Tribal business day.
- D. Any variation in an employee's normal work attendance must be arranged in advance and approved by the Department Director and Program Manager. Long term variation over three months of the normal work hours must receive written authorization from the Executive Director.

SECTION 2.02. CONFIDENTIAL INFORMATION

- A. Tribal Information. Unless specifically authorized by his/her Department Director or Program Manager, a Tribal employee shall not disclose information concerning personnel actions, property acquisitions, Tribal financial transactions or policy positions that are in the formative stage. Tribal employees shall not otherwise release financial information to any person unless authorized by the Executive Director or Board of Trustees Chairman. Tribal employees will be required to adhere to the Tribe's Media Policy, Fair Labor Standard Act, Indian Civil Rights Act and Sensitive Position Background Investigations.
- B. Confidential Personal Information. Tribal employees involved in the administration of Tribal personnel, Tribal court cases or human services shall not disclose confidential information.

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

- C. Information Regarding Tribal Employees. Pursuant to the Federal Privacy Act and the specific provisions of this Manual, Tribal records containing the private information about Tribal employees shall not be disclosed to the public. Information regarding a Tribal employee's salary, home address, home telephone number, sex, race, color, creed, and marital status is private and may not be released to the public, unless specifically authorized in writing by the Tribal employee. Only the name of a Tribal employee, his/her title and their work location may be disclosed to the public.

SECTION 2.03. EMPLOYEE SOLICITATION

- A. Tribal employees may not sell items or solicit funds for charitable nor profit-making purposes during working hours. The exception to this policy will be to solicit individual donations for purposes such as purchasing flowers or gifts for sick co-workers or other employee related functions. If an employee wishes to solicit or sell products or goods during working hours, he/she must be on approved leave with prior authorization.
- B. Non-Employee Solicitation. Tribal Administration will designate locations to be made available to non-employees who are Tribal members to engage in soliciting and selling of products or goods. Prior approval is needed from the Executive Director.
- C. Employee and Non-Employee. Tribal employees and non-employees may engage in soliciting and selling of their products or goods in areas designated by the Executive Director or designee. Vendors may be allowed to post notices in Tribal buildings if authorized by the Executive Director or designee.

SECTION 2.04. OUTSIDE EMPLOYMENT BY TRIBAL EMPLOYEES

- A. Limitations On Outside Employment. As a general rule, full time Tribal employees are expected to devote their occupational pursuits on behalf of the Tribe and to avoid outside employment. However, employees will be allowed to engage in outside work and/or self-employment when:
1. Such employment does not pose an actual or potential conflict of interest with the employee's Tribal duties.
 2. Such employment will not require an amount of time or effort that will prevent the employee from rendering effective service to the Tribe.
 3. Such employment shall require a letter of approval from the employee's Department Director or Program Manager with concurrence by the Executive Director stating that paragraphs 1 and 2 of this subsection are satisfied.
- B. Holding More Than One Position Within the Tribe. No Tribal employee shall be permitted to be employed with another Tribal department, program or enterprise (including but not limited to the Yellowhawk Tribal Health Center, the Umatilla Reservation Housing Authority, the Tribal Police and Fire Departments and Wildhorse Resort enterprises) if the regularly scheduled aggregate work hours of the two positions exceed 10 hours per work day or 40 hours per work week.
- C. Enforcement By Personnel Manager. The Personnel Manager shall be responsible for ensuring that Tribal employees comply with the requirements.

SECTION 2.05. HONORARIUM COMPENSATION TO TRIBAL EMPLOYEES

Tribal employees are encouraged to do research, prepare papers and public speeches for presentation at public meetings, conferences, and in other such forums. Tribal employees shall be eligible to receive an honorarium for such research or preparation to the extent the work is conducted by the tribal employee outside of regular working hours of the employee. However, to the extent a Tribal

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

employee is paid an honoraria for work within the scope of the Tribal employee's duties, and for work conducted during the Tribal employee's regular working hours, the honoraria shall be forfeited to the Tribe. An employee's Department Director shall be the final decision maker on the disposition of any honorariums paid Tribal employees.

SECTION 2.06. TRAVEL COSTS AND PER DIEM REIMBURSEMENT BY THIRD PARTY

Whenever a Tribal employee, in the performance of his/her Tribal employment duties, is offered reimbursement for travel costs and per diem by a third party, the Tribal employee is encouraged to pursue such third party payment. In the event of third party payment for a Tribal employee's travel costs and per diem, the Tribal employee shall not be eligible for any reimbursement from the Tribe for the same travel costs and per diem. In the event a Tribal employee receives a travel advance for per diem, the Tribal employee shall reimburse the Tribe for any travel advance received from the Tribe.

SECTION 2.07. POLITICAL ACTIVITY BY TRIBAL EMPLOYEES

- A. **General Rule.** Tribal employees are encouraged to assume leadership roles and to otherwise participate in public affairs affecting the Reservation community. At the same time, however, Tribal employees are expected to minimize the degree of which such public involvement detracts from their job performance within the Tribe. Tribal employees participating in political or civic activities shall be governed by the rules set forth in this section.
- B. **Limitations On Political Activities.** The following rules limit Tribal employees' use of paid work time or Tribal equipment to engage in political activities.
1. Tribal employees who are seeking an elective or appointive office are not permitted to campaign, to attend meetings or to do background research during work hours. Such employees may, however, request annual leave or leave without pay (LWOP) for these purposes.
 2. Tribal employees seeking or holding an elective or appointive office are not allowed to use Tribal equipment, telephones, copy machines, or Tribal supplies to campaign for office or to utilize the foregoing Tribal property to campaign for others.
 3. A Tribal employee shall not use his/her position for the purpose of interfering with Tribal elections or to influence election results. Political campaigning by Tribal employees during work hours is strictly prohibited.
 4. Tribal employees holding Tribal office are expected to carry out the duties and background research associated with that office on their own time and using their own resources.
 5. Tribal employees shall not receive any compensation, in addition to their Tribal salary, for participation in any meeting or other such gathering associated with their participation as a Tribal office holder in an elected or appointed position. Acceptance of travel and/or per diem expense reimbursement is allowable. Any compensation received in violation of this paragraph for such participation in public meetings shall be reimbursed to the Tribe.
- C. **Political Activities Restricted.** No Tribal employee shall:
1. Serve as a member of an advisory board, committee, or commission that has authority over the department in which that employee is employed.
 2. Serve on any advisory board, commission or committee where they have an immediate family member employed by the department overseen by said advisory board,

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

commission or committee. For purposes of this section, an immediate family member shall be as defined in Section 2.10(A) of this Manual.

3. Serve on a policy making board of an organization that has an actual or potential conflict of interest with the rights of the Tribe.
 4. Participate in political or civic activities outside the Tribal organization system that conflicts with the employee's position or poses a direct threat to the Tribe. In the event it may conflict with the employee's position, the employee must receive written authorization from the employee's Department Director. The Department Director must render a written decision regarding the employee's written request within 30 days, otherwise it will be understood to be approved.
- D. Tribal Employee Elected to Political Office. Tribal employees, who have announced their candidacy, and who may be subsequently elected to serve on the Board of Trustees or as the General Council Chair, must terminate their employment with the Tribe, or resign their Board/General Council Chair position, within thirty (30) calendar days after the certification of the election results.
- E. Tribal Employee Serving on Tribal Commission or Committee.
1. An employee must receive written authorization from his/her supervisor prior to serving on any Tribal commission or committee.
 2. Tribal employees are limited to serve on one Tribal commission or committee unless the appointment is temporary and does not exceed three (3) months.
 3. A Department Director or Supervisor may permit an employee who is a member of a Tribal commission or committee to use a maximum of twelve (12) hours a month to attend local commission or committee meetings. The employee must request permission in advance to attend such meetings. The employee must make arrangements to see that his/her regular work responsibilities are not neglected during his/her attendance at the meetings.
 4. The monthly twelve (12) hour allocation can not be accumulated and carried over to another month.
 5. Tribal employees who have exceeded the monthly twelve (12) hour allocation must take authorized leave to perform the duties of the Tribal commission or committee. Such employees may use Administrative Leave for this purpose, subject to the requirements of section 4.15 of this Manual.
 6. Tribal employees will not be eligible for any stipends for meetings conducted during normal working hours. Stipends will be allowed for meetings after normal working hours.

SECTION 2.08. RECEIPTS OF FAVORS OR GIFTS

Employees may not accept favors, gifts, or other forms of compensation from vendors or contractors who have or propose to have business dealings with the Tribe.

SECTION 2.09. SAFETY

- A. The Tribe actively supports a general program of safety consciousness and safety practices among its employees.
- B. This safety program shall be implemented as follows:

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

1. The safety program and safety regulations shall be the overall responsibility of the Tribal Safety Officer. However, all Tribal personnel are expected to promote safety and to ensure that safety regulations are observed.
2. Tribal employees are to report unsafe conditions and work practices or any safety violations to their supervisors or the Tribal Safety Officer.
3. The employee's supervisor and the Tribal Safety Officer shall investigate any report submitted by Tribal employees concerning alleged safety violations. If the report proves to be valid, corrective measures shall be taken and a written report of said corrective measures submitted to the Executive Director. The written report shall identify specific time frames to correct unsafe conditions.
4. No retaliation shall be taken against any Tribal employee who reports unsafe working conditions or practices or allegations of safety violations where the employee had reasonable grounds to make the report and was otherwise motivated by good faith.
5. When an accident occurs on the job, Tribal employees at the scene shall call for appropriate medical, police or fire assistance. Tribal employees who witness the incident shall report the accident to their supervisor. The supervisor shall notify the Tribal Safety Officer and the Executive Director to insure that the proper reports are submitted. The Tribal Safety Officer and the Executive Director are responsible for ensuring that the cause of said accident is corrected.

SECTION 2.10. ANTI-NEPOTISM POLICY

- A. Definition. Nepotism is defined as the display of favoritism in official transactions involving immediate family members.
 1. Immediate family members are defined as:
 - a. Father
 - b. Mother
 - c. Son
 - d. Daughter
 - e. Wife
 - f. Husband
 - g. Sister
 - h. Brother
 - i. Grandmother
 - j. Grandfather
 - k. Stepfather
 - l. Stepmother
 - m. Stepdaughter
 - n. Stepson

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

2. Immediate family shall also include any other person residing within an employee's household.
- B. Prohibitions. No Tribal employee shall hold a position that requires him/her to directly supervise or be supervised by an immediate family member. Direct supervision includes all direct line of authority, i.e. supervising an immediate family member. Nor shall any Tribal employee be permitted to screen applications, interview for or select immediate family members for Tribal employment positions. A member of a commission or committee overseeing the action of a Tribal department shall not take part in the discussion and shall not vote on any action that directly deals with activities involving his/her immediate family.

SECTION 2.11. TRAVEL - (LOCAL AND NON-LOCAL)

- A. Approval for Travel. All travel must be approved in advance by the Department Director or designee. Tribal employees shall request approval by completing a travel authorization form.
- B. Vehicle Use. If available, a Tribal or GSA vehicle shall be used for travel. Based on prior written request by the employee, a Program Manager may authorize the Tribal employee to use his/her privately owned vehicle for travel. The Tribal employee will be reimbursed for mileage traveled by using their privately owned vehicle. The Tribe will not be responsible for any damages or repairs of employees' privately owned vehicle while on official travel status. Tribal employees are encouraged to car pool.
- C. Mileage Reimbursement. To receive mileage reimbursement for use of a privately owned vehicle, a Tribal employee shall submit a mileage reimbursement form (Addendum #1 or #2) to the Tribal Accounting Office. Mileage reimbursement shall be at the current rate established by the GSA Federal Travel Regulations.
- D. Per Diem. Per diem will not be reimbursed when a Tribal employee is traveling locally unless the travel requires the Tribal employee to be away from their work station in excess of ten hours or 100 miles, one way.
- E. Travel Advance. To receive a travel advance, the approved travel authorization form (Addendum #2) should be submitted to the Accounting Office at least three (3) working days prior to the day the advance is needed. Advances will be determined based upon the length of time the Tribal employee is on travel status, geographic area of travel and designated per diem rate. The Tribe will adhere to the most current per diem rates established by the GSA Federal Travel Regulations. Tribal employees are encouraged to travel during normal working hours rather than week-ends or after work hours. Emergency travel advances requiring immediate action may be requested where the circumstances dictate. A written notice signed by the Department Director, or designee, stating the nature of the emergency and the time when the advance is needed shall accompany emergency travel request. The Tribal Accounting Office shall endeavor to comply with all legitimate emergency requests.
- F. Travel Expense Reports. A Tribal Expense and Tribal Narrative (Addendum #3) must be submitted to the Accounting Office within ten (10) working days after returning from travel status. The Tribal employee must sign the expense statement attesting to the accuracy of the report and the employee's immediate supervisor must verify the accuracy of the expense report and sign indicating approval for payment. All original lodging receipts, parking, bus fares, taxi fares and registration fees receipts must be attached to the expense report. Receipts for meals are not required. Failure to file required original receipts and forms shall result in withholding any amount advanced for travel from employee's next paycheck.
- G. Travel Reimbursement. The Tribe recognizes that in unusual circumstances travel may be required without adequate time to receive prior authorization. In such cases the employee's immediate supervisor may authorize the travel and reimbursement to the Tribal employee upon receipt of a completed Trip Expense Report. This reimbursement shall be made no later

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

than ten (10) working days after the submission of the approved reports to the Accounting Department.

SECTION 2.12. DEATH OF A TRIBAL EMPLOYEE

Upon death of a Tribal employee, all compensation and benefits due the deceased employee shall be calculated and paid to employee's estate. The Personnel Manager shall be responsible for securing and completing the appropriate forms and ensuring that any deceased employee's salary and benefits are provided to the proper authorities as required by this section.

SECTION 2.13. DISABILITY TERMINATION

A Tribal employee may be terminated for disability when he/she cannot perform their required job duties because of physical or mental impairment. It shall be the responsibility of the employee's Department Director to support any disability termination for physical or mental reasons by medical evidence certified by an examining physician. The Tribe shall make every effort to place the employee in another job within Tribal government better suited to the employee's capabilities. Any termination under this section shall be considered a termination under section 6.02 of this Manual permitting said termination to be subject to a Class II Appeal. The Tribe will comply with the American Disabilities Act.

SECTION 2.14. BONDING

Some Tribal employees may be required to be bonded because of their job responsibilities. Should such a situation arise, the bonding requirements shall be incorporated into the job requirements for that Tribal position. Failure of the Tribal employee hired to a bonded position to satisfy their bonding requirements may be the grounds for immediate dismissal.

SECTION 2.15. CERTIFICATIONS

Certain Tribal positions may require Tribal employees to possess certifications or licenses. Said certifications or licenses may take the form of academic degrees, professional licenses, or licenses for the operation of certain machinery. When such licenses or certifications are required in a Tribal position, they shall be incorporated into the Tribal job descriptions. The Personnel Manager shall inform Tribal employees when training for needed licenses or certifications is available. If a Tribal employee is required to have a certification or license to exercise their job responsibilities, the failure to receive or the loss of said certificate or license may be the basis for immediate dismissal.

SECTION 2.16. LIABILITY FOR NEGLIGENT OR UNLAWFUL ACTS

- A. **General Rule.** Tribal employees are expected to perform their duties with prudent judgement and in compliance with the applicable laws and regulations governing their activity. The Tribe does not authorize any Tribal employee to engage in unlawful conduct in the performance of their job duties.
- B. **Employee Liability.** If a Tribal employee is negligent or engages in unlawful acts in the performance of his/her duties and if such negligent or unlawful act results in loss or damage to the Tribe, the employee may be held personally and legally liable for such loss or damage.

SECTION 2.17. DRESS CODE

Work attire should complement an environment that reflects an efficient, orderly, and professionally operated organization. It is important that you maintain a neat, well groomed and pleasing personal appearance at all times. Employee should dress according to his/her job duties and work environment. It is the responsibility of the Department Director or immediate supervisor to advise their employees of the appropriate dress for their job duties and responsibilities.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

SECTION 2.18. PERSONAL PROPERTY

The Tribe will not be responsible for lost or stolen personal property placed within Tribal facilities or property. The Tribe will not be responsible for the costs to replace any personal property.

SECTION 2.19. DRUG FREE WORK PLACE

- A. Drug Free Work Place. In compliance with the Drug Free Work Place Act of 1988, the Tribe must certify that it will provide a Drug Free Work Place in which employees of the Tribes are prohibited from engaging in unlawful manufacture, distribution, dispensing, possession or use of a controlled substance.
- B. The Tribe further certifies that it will continue to provide a Drug Free Work Place by:
 - 1. Publish a policy prohibiting the illegal presence of controlled drugs in the work place, and distribute it to all Tribal employees,
 - 2. Establishing an awareness program for employees on the dangers of drug abuse in the work place and fulfill the employees' right to know about any help that is available in combating drug problems (Employee Assistant Program, community programs, informal counseling, etc.),
 - 3. Requiring employees to notify the Tribe in writing, as a condition of employment, about any convictions they receive for violations of criminal drug statutes in the work place within (5) five days of such conviction, then report each conviction within 30 days thereafter to the contracting or grantor federal agency.

SECTION 2.20. DRUG TESTING POLICY

- A. Background. The Tribe shall implement a comprehensive DRUG FREE WORK ENVIRONMENT program in order to better ensure public safety, efficiency and confidence in the Tribal employees and services, and that all Tribal employees enjoy the benefits of a drug-free working environment. Further, the Tribe mandates testing, for all positions within the Tribe's labor force, for illicit drug use and for being under the influence of alcohol. Safety-sensitive positions may include but not be limited to Tribal employees transporting individuals, operating heavy equipment, driving GSA or Tribal vehicles on a regular basis, driving heavy duty vehicles (CDL), operating hazardous equipment, etc.
- B. Policy. It is the policy of the Tribe to provide a work environment free of the use, presence, and influence of illicit drugs and consumption or influence of alcohol. The Tribe shall employ persons who do not use illicit drugs, consume alcohol on the job, or arrive at the work place under the influence of either illicit drugs or alcohol. This policy shall be a consideration in hiring new employees and in continuation of employment with the Tribe. Violation of this policy shall require appropriate employee referral and individual responsibility to seek assistance, and in appropriate cases or for any repeated violation, shall be the basis for discipline, including termination, in accordance with the provision of this Manual.
- C. Compliance. To ensure compliance with the Federal mandate on Drug Free Work Place as well as the Tribe's "Drug-Free" policy, the Tribe shall maintain a program of drug testing to:
 - 1. Screen all prospective or new employees;
 - 2. Conduct monthly, random testing of all Tribal employees, depending upon the nature of their positions;
 - 3. Conduct more frequent random testing of Tribal employee holding safety sensitive positions, which are defined as those positions where the employee's judgement and/or abilities to perform his/her job duties is reasonably determined by trained personnel to

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

4. To conduct post-accident testing of any Tribal employee holding a safety sensitive position.
- D. Detailed Drug Testing Protocol. The Tribe shall contract with a drug testing consultant and under that contract, establish a Medical Review Officer (MRO), drug testing and analysis lab(s), and establish collection sites. All drug testing of whatever nature required under this general policy will be conducted in accordance with a detailed "Drug and Alcohol Protocol" (Protocol) developed in consultation with the MRO. The Protocol will be consistent with and meet the requirements of the Tribes Alcohol and Drug Abuse Policy (section 5.07) and the Federal Drug Free Work Place Act (section 2.19). The detailed Protocol shall be provided to and maintained by each Tribal department administrative office and Personnel Office. It is available for review by any Tribal employee. The Tribal Personnel Manager, or as appropriate, the MRO, shall be the Tribe's agent responsible for answering any policy or technical questions regarding this Policy, the Protocol, or the interpretation of either.
- E. Summary of Drug Testing Situations.
1. Pre-employment. As a condition of employment, all individuals selected as prospective Tribal employee shall be required to provide a urine sample free of illicit drugs for urinalysis testing (UA) before commencing employment with the Tribe or within the first thirty (30) days of such new employment with the Tribe.
 2. Random Testing (General). The Tribe's elected officials, appointed commission and committee members and all Tribal employees shall be (in a pool or pools) of persons subject to random UA testing at an annual set percentage (20% for 1996). The MRO will be responsible for blind draws of employees subject to such random testing on a monthly basis. After drawing the names each month, the MRO shall notify the Tribal Personnel Manager who shall personally notify the specific employees of the test requirement. Those selected must thereafter report within 30 minutes of notice.
 3. Random Testing (Safety Sensitive Position Pool). All Tribal employees in the Safety Sensitive Position Pool shall be subject to random testing similar to paragraph (2) above, except that the annual percentage is 50% for UA and an additional 25% safety sensitive must be tested for alcohol concentration by the use of certified alcohol breath testing (BA).
 4. Reasonable Suspicion/For Cause Testing. Whenever a Tribal employee or supervisor believes that a Tribal employee is presently under the influence of or may be impaired in the performance of his/her duty due to alcohol or drug use, the matter will be promptly referred to the responsible Department Director and the Personnel Manager. Thereafter, the information and the suspected employee will be evaluated by at least one (for alcohol) or two (for illicit drugs) specifically-trained supervisor(s) who must concur in and document the basis for the belief that cause exists to suspect such impairment or influence. For cause testing of employees shall be appropriate under circumstances where an employee's conduct, speech, or judgement appear impaired because of the influence of alcohol or drugs. Promptly thereafter, the employee shall be directed to immediately report with a supervisor or other designated personnel to the urine collection or breath testing site, as appropriate. In the interest of safety, the employee shall be driven to said site by the supervisor personnel.
 5. Accident Testing. When a Tribal Safety Sensitive Position employee is involved in an accident, the employee shall be tested in accordance with the Protocol following the accident.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- F. Summary of Enforcement of the Policy and of any Disciplinary implications. Consistent with the Tribe's Personnel Manual and this drug testing policy the following action shall be enforced.
1. Failure of pre-employment testing is cause not to hire or to terminate new Tribal employees.
 2. Failure or refusal to follow testing Policy and the Protocol may be subject to discipline action or dismissal.
 3. Violation of Drug Use Policy, General Random Testing first time confirmed by UA or BA "positive" may be basis for discipline, depending upon the on-the-job conduct and circumstances giving rise to the test. Subsequent violation will be basis for termination.
 4. Violation of Drug Use Policy (Probable Cause Testing). First time confirmed UA or BA "positive" may be basis for discipline, depending upon the on-the-job conduct and circumstances giving rise to the testing. Subsequent violation will be basis for termination.
 5. Violation of Drug Use Policy (Safety Sensitive Positions). Tribal employees will be required to participate in a treatment program until specific objectives are achieved. Based on the severity of the violation and circumstances, the employee may be terminated. Subsequent violations are cause for termination.
- G. Tribal Employee and Management Education and Training Responsibilities.
1. All Tribal employees shall receive educational information regarding this policy, the Testing Protocol, and the impact and effects of drug abuse.
 2. Safety Sensitive Position Pool employees shall receive additional training regarding Federal/Tribe specific regulations and procedures.
 3. Specified supervisor shall receive annual training in recognition and evaluation of alcohol and illicit drug use in employees.
 4. Prospective and new Tribal employees will receive the information in the course of new-employee orientation; current employees will receive special training before implementation applies to them. All training will be documented and records maintained within the employees' personnel file. All such training shall be performed on Tribal time and expense.

SECTION 2.21. SMOKING

It is essential that employees exercise extreme care regarding the fire hazards associated with smoking at all time. Designated smoking areas are permitted but shall be designated by the Tribal Fire Chief and shall meet all the requirements for designated smoking areas. Otherwise all existing and future Tribal buildings shall be designated as a Smoke Free Work Place.

SECTION 2.22. WORK ENVIRONMENT

- A. It is the responsibility of the Board of Trustees to insure a safe and healthy work environment for all Tribal employees in order to achieve the goals and objectives of the Tribe and to comply with the grant/contract requirements.
- B. Employees are not allowed to keep their children at their respective work environment during normal working hours. This requirement is necessary for the safety of the children, respect for your co-workers and to comply with the insurance requirements of the Tribe. It is the

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

responsibility of the employee to arrange baby sitting services for their children. Employees unable to secure baby sitting services will be required to take annual leave to make the appropriate arrangements for their children.

SECTION 2.23. WORK STATION

A work station will be defined as the usual and normal work area/office of an employee as defined in the location section of the job description. Employees will be required to perform their respective job duties at their defined work station. Any variation in an employees normal work station must be arranged in advance and approved by the Department Director. Any change in the employee's normal work station for a period of less than five working days must be arranged with the Department Director and approved in writing. Any long term change in the employee's normal work station that exceeds five working days must receive written authorization from the Executive Director.

SECTION 2.24. SEXUAL HARASSMENT

- A. Sexual harassment is unwelcome sexual conduct that affects an individual's employment. There are two types of sexual harassment:
1. Quid Pro Quo: Unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature where submission to the conduct is a term or condition for employment, or submission to or rejection of the conduct is used as a basis for an employment decision.
 2. Hostile Work Environment: Unwelcome sexual conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile or offensive work environment.
- B. Response: Immediate and appropriate action is required where sexual harassment may be occurring. Tribal employees experiencing sexual harassment should contact their immediate supervisor or Tribal Personnel Manager. Complaints of sexual harassment will be treated with the utmost confidentiality and anonymity to alleged victims and alleged harassers. Regardless of whether or not there are complaints, the work environment should be free of harassing behavior such as unwanted touching, jokes, posters, and cartoons. Supervisors shall ensure this behavior does not occur in their work groups.
- C. Filing a Sexual Harassment Complaint
1. An employee experiencing sexual harassment shall submit in writing to Personnel Manager or immediate supervisor within five (5) working days after the basis for the complaint occurs. The Personnel Manager shall conduct a preliminary investigation into the basis for the employee's complaint. If the Personnel Manager determines that further investigation is required, he/she shall see that the investigation is undertaken. The Personnel Manager shall issue his/her decision in writing to the employee filing the complaint within ten (10) working days. If the Personnel Manager determines that formal action is required to correct the complaint filed by the employee, the Personnel Manager shall notify the employee's Department Director as to the proposed corrective action and consult with the Department Director to implement the corrective action when appropriate. The Department Director shall meet with the employee named in the complaint within five (5) working days and initiate the necessary corrective action.
 2. Should the employee disagree with the decision of the Department Director, or the Personnel Manager the employee may appeal the decision in writing within five (5) working days to the Tribal Court for judicial review of the final appeal. The judicial review shall be conducted pursuant to section 6.05 JUDICIAL REVIEW OF THE FINAL APPEAL of the Personnel Manual.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

SECTION 2.25. REQUIREMENTS FOR EMPLOYMENT POSITIONS AFFECTING INDIAN CHILDREN.

- A. Policy. The Tribes shall ensure that Tribal programs providing services to Indian children are conducted in a safe manner and by employees who do not present a threat to the health or safety of Indian children. The Human Resources Director shall ensure that all Tribal employees whose job descriptions involve the provision of services and programs for Indian children fully comply with the requirements of this section. The requirements of this section shall be applied to Tribal programs regardless of their funding source.
- B. Covered Status Positions.
1. Any Tribal employee whose job description requires:
 - a. regular contact with or control over Indian children; or
 - b. the provision of child care services (which includes child protection services, social services, medical and mental health care, child care, education, foster care, residential care, recreational or rehabilitative programs and detention, correctional or treatment services)
 - c. shall be considered Covered Status positions.
 2. It shall be the duty of the Human Resources Director, working in cooperation with Tribal Department Directors, to define which positions in each Department meet the definition of a Covered Status position.
- C. Criminal Background Checks. All current and future Tribal employees holding a Covered Status position shall be subjected to a criminal background check and employment application procedures as set forth in this section. The purpose of the criminal background check is to ensure that persons holding or applying for Covered Status positions meet applicable employment standards.
1. Employment Standard. No person may hold a Covered Status position, or be hired to fill a Covered Status position if that person has been found guilty or entered a guilty plea or a plea of nolo contendere (no contest) to:
 - a. any felonious offense or to more than one misdemeanor offense under Federal, State or Tribal law involving crimes of violence, sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; offenses committed against children;
 - b. a drug felony under Federal or State law; or
 - c. a drug misdemeanor under Tribal law containing elements that would constitute a felony under Federal or State (Oregon) law.
 2. Employment Application. The Human Resources Director shall prepare a special employment application questionnaire for persons applying for Covered Status positions requiring the applicant to provide information on whether he/she has ever been arrested for, charged or convicted of any crime listed under paragraph (1), above.
 3. Conduct of Criminal Background Check. The Human Resources Director shall ensure that all existing Tribal employees holding Covered Status positions and any job applicant selected to fill a Covered Status position undergo a criminal background check to determine that the person meets the employment standards set forth in paragraph (1), above. The criminal background check shall be conducted by the Umatilla Tribal Police Department (UTPD) using the State Law Enforcement Data

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

System (LEDS), and may involve the Federal Bureau of Investigation (FBI) doing a background check based upon the fingerprints of the Tribal employee or applicant, which fingerprint shall be taken by the UTPD. The Human Resources Director, in consultation with the Executive Director, shall have the authority to determine when FBI background checks based upon fingerprints are required. The Tribes shall be fully responsible for the costs of any criminal background checks.

4. **Background Checks on Current Tribal Employees.** All current Tribal employees holding Covered Status positions shall be the subject of a criminal background check. If the employee is determined to be unsuitable due to prior criminal history and the failure to meet the employment standard set forth in paragraph (1), above, the Human Resources Director shall endeavor to identify a Tribal employment position that is not a Covered Status position that the employee could fill. In the event there are no such positions, or the employee does not have the necessary education or experience to fill the non-Covered Status position(s) the employee shall be terminated.
 5. **Background Checks on Job Applicants.** All applicants for Covered Status positions shall be notified in the job announcement that a criminal background check will be required and the employment standard set forth in paragraph (1), above, that must be satisfied, and that any applicant that fails to meet the employment standard shall be denied the position. The application shall also state that any applicant who provides false or misleading information in the employment application, which shall include the failure to provide pertinent criminal arrest and conviction information, shall be denied Tribal employment. The Human Resources Director shall ensure that any offer of employment to the applicant selected to fill a Covered Status position shall be conditioned upon the results of the criminal background check. The Human Resources Director shall also require any volunteer whose duties meet the standards of a Covered Status position to submit to a criminal background check prior to providing volunteer services.
 6. **Duty to Report Arrests or Convictions During Employment.** All Covered Status employees are required to report any arrest, pleas of guilty or no contest and/or convictions of themselves for crimes involving physical or sexual abuse or violence, crimes against persons, or drug felonies to their supervisor after the arrest or conviction. A Covered Status employee failing to report such an arrest, plea or conviction, shall be subject to disciplinary action up to and including termination. The Tribes reserve the right to conduct a criminal background check on a Tribal employee holding a Covered Status position at any time to ensure that the employee has not been convicted of a crime described in paragraph (1), above.
- D. **Administrative Review.** Any existing Tribal employee holding a Covered Status position, or any applicant for a Covered Status position, who shall be determined ineligible to hold a Covered Status position due to the criminal background check shall have an opportunity to seek administrative review of the basis of their termination or denial of a Covered Status employment position. The Human Resources Director shall provide to any existing employee or job applicant whose criminal background check uncovers a criminal conviction disqualifying the person from Covered Status position an opportunity to dispute the accuracy of the conviction information. The employee should be informed of the crime(s) that is the subject of the conviction, the court, the date of the conviction and any other relevant information. The burden shall be on the employee/applicant to prove the conviction information in the criminal background report is incorrect or incomplete. The Human Resources Director shall schedule a meeting with the employee/applicant as soon as practicable after a request has been received by the employee/applicant for such administrative review. The scope of the administrative review permitted under this subsection is limited solely to whether the criminal conviction information that forms the basis for the ineligibility of the Tribal employee or Tribal job applicant to hold a Covered Status position is in error.

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

- E. Special Rules Governing Appeals of Personnel Actions Taken Pursuant to This Section.
1. Tribal Employees. Any Tribal employee holding a Covered Status position who is terminated for failing to meet the employment standard set forth in paragraph (C)(1), above, shall only have the opportunity to seek administrative review of that termination as set forth in subsection (D), above. The Tribal employee must request administrative review of the termination within five (5) calendar days of the employee's receipt of notice of termination. The request must be in writing and shall be submitted to the Human Resources Director. The Human Resources Director's decision shall be the Tribe's final administrative decision on the appeal.
 2. Job Applicants. Any applicant for a Covered Status position who is denied employment for failing to meet the employment standard set forth in paragraph (C)(1), above, shall only have the opportunity to seek administrative review of that denial as set forth in subsection (D), above. The applicant must request administrative review of the notice of denial within five (5) calendar days of the employee's receipt of notice of denial. The request must be in writing and shall be submitted to the Human Resources Director. The Human Resources Director's decision shall be the Tribe's final administrative decision on the appeal.

CHAPTER 3. EMPLOYMENT PROCEDURES

SECTION 3.01. INTRODUCTION

In keeping with the philosophy and intent of the Tribe's Constitution and Bylaws, it is the goal of Tribal government to provide quality services to all Tribal members and reservation residents and to protect the sovereignty and treaty rights of the Tribe. The accomplishment of these objectives can best be provided by the development of personnel procedures that insures that the Tribe is able to attract, hire and maintain the highest level of competence in Tribal employees.

SECTION 3.02. EMPLOYMENT PREFERENCES

- A. Policy. The Tribe's employment preferences shall be as follows:
1. Indian Preference. It shall be the policy of the Tribe to provide preference in hiring opportunities within the Tribal government to Tribal members and to other Indians enrolled in federally recognized tribes. This Tribal and Indian preference shall be applicable in all employee hiring, promotion, and transfer decisions.
 2. Veteran's Preference. It shall be the policy of the Tribe to provide preference in hiring opportunities to veterans honorably discharged from the United States Armed Forces.
 3. The employment preferences set forth in this section shall apply to all Tribal programs regardless of the program's funding source, and shall apply to all classes of positions referenced in section 3.07.
 4. Except for the employment preferences authorized under this section, it shall be the policy of the Tribe that no Tribal employee or job applicant shall be discriminated against in pursuit of employment or career growth due to race, color, religion, sex or national origin.
- B. Definitions. For purposes of this section, the following definitions shall apply.
1. Tribal member. Any person enrolled as a member of the Confederated Tribes of the Umatilla Indian Reservation.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

2. Indian. Any person who is enrolled as a member of any federally recognized Indian tribe.
 3. Veteran. Any person who has served in the Armed Forces of the United States and has received an honorable discharge. The Armed Services shall include the United States Army, Marines, Navy, Air Force and Coast Guard.
- C. Burden to Prove Eligibility for Employment Preference. Any applicant for a Tribal position has the burden to document his/her eligibility for an employment preference. Such documentation shall include the following:
1. Tribal member preference: provide copy of CTUIR enrollment number;
 2. Indian preference: provide proof of enrollment with other federally recognized Indian tribe which may include enrollment card, enrollment certificate or other such documentation;
 3. Veteran preference: provide proof of honorable service and discharge or completed form DD214.
- D. Minimum Qualifications Requirements. Any applicant for a Tribal position entitled to Tribal, Indian, or veteran's preference must demonstrate that they meet the minimum qualifications established in the job description in order to receive the preference and to be considered for an interview for any job vacancy, promotion, transfer or reclassification.
- E. Preparation of Job Description. The Personnel Manager shall work with the immediate supervisor of a vacant or newly established Tribal position to develop an appropriate job description. The minimum qualifications shall set forth the education, training, experience, and other relevant requirements that are sufficient to satisfy the needs of the particular position. The job description shall not include minimum qualifications that are excessive for the regular job duties of the position, or qualifications that unnecessarily exclude Tribal members or other Indians from filling the position.

SECTION 3.03. RECRUITMENT

- A. Overall Responsibility. The primary responsibility for the recruitment of Tribal employees shall be within the Personnel Office. The recruitment policy goal is to seek qualified Tribal members. The Personnel Manager shall conduct his responsibilities under this chapter in conjunction with the Director of the Department or designee in which the employee would be placed.
- B. Job Description. Recruitment of Tribal employees shall be based upon the job description. Such job descriptions shall specify the objectives to be accomplished and the minimum qualifications and/or experience required to effectively carry out those objectives. When required, job descriptions shall be jointly developed by the immediate supervisor of the vacant position, with concurrence by the Department Director.
- C. Announcement of Job Vacancies. The Personnel Office shall be responsible for announcing job vacancies for all Tribal positions, except for emergency hire and special project positions. To fill emergency hire and special project positions, the Personnel Manager shall consider existing employment applications and prior Tribal employee candidates who meet the minimum qualifications for the emergency hire or special project positions. For all other positions, notice of the vacancy shall be advertised in local and regional newspapers for a period of not less than seven (7) days. The Personnel Office shall send job announcements to colleges attended by Tribal members.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- D. Notification of Job Applicants. All job applicants for a Tribal position shall be notified by the Personnel Manager in writing within ten (10) working days of the closing of the application date regarding the status of their job application.

SECTION 3.04. HIRING PROCESS

- A. Submission of Job Application. An applicant must submit a current, updated employment application to be considered for a position with the Tribe. An applicant will be required to submit an employment application for each position he/she desires to apply for. Applicants will be required to show and demonstrate they meet the minimum qualifications and submit the required supplementary material established in the job announcement in order to be considered for an interview for any job vacancy. Job applications must be submitted by the deadline set forth in the job announcement for consideration. Applicants shall be responsible for providing documentation to support any claim of entitlement to employment preference.
- B. Receipt of Job Applications. All applications for Tribal employment shall be submitted to the Personnel Office.
- C. References. By the submission of a job application, a job applicant authorizes the Tribal Personnel Office to contact the applicant's references and prior places of employment, and to conduct any background check required for the position, including education, credit and criminal history. The Personnel Manager shall complete an employee background investigation on the applicants who are interviewed for Tribal positions prior to the interview of the applicants so that the Interview Panel can use the information gained in the reference checks during the interview.
- D. Screening.
1. The Personnel Office and immediate supervisor shall screen applications from tribal members first. Each Tribal member applicant who appears to meet the minimum job qualifications shall be granted an interview. Only if no tribal member applicants appear to meet the minimum qualifications for the position shall the Personnel Office and immediate supervisor screen applications from persons who are not enrolled with the Confederated Tribes. In this instance, the immediate supervisor shall file a report with the Personnel Manager, describing efforts to recruit tribal member applicants and explaining why the tribal member applicants fail to meet the minimum qualifications for the position.
 2. The Personnel Office and immediate supervisor of the position being filled will use the Qualification Appraisal Sheet to screen applications to determine which ones meet minimum qualifications. The Personnel Manager and the immediate supervisor must come to a consensus on who will be interviewed. If they disagree the Human Resources Director and the Department Director shall determine which applicants will be interviewed.
 3. Where the Personnel Manager and immediate supervisor have questions regarding whether a particular job applicant meets the minimum qualifications as set forth in the job description, the Personnel Manager and immediate supervisor shall consult with the Department Director within whose department the employee will be placed, to determine if said job applicant should receive an invitation for an interview.
 4. Where the Personnel Manager, immediate supervisor, and Department Director are uncertain whether a particular job applicant meets the minimum job qualifications, the applicant may be afforded an interview to initially determine if the applicant meets the minimum job qualifications, and, if so, whether the applicant should be hired to fill the position. In such a case, the Interview Packet provided to the Interview Panel prior to interview as set forth in subsections (E) and (J) of this section, shall specify that the interview is granted to the applicant, in part, to determine if the applicant meets the

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

minimum job qualifications. In addition, the formal notice of interview referred to in subsection (F) shall specify that a final determination has not been made as to whether the applicant meets the minimum job qualifications, which determination will be made during the interview. In such an event, the grant of an interview to an applicant shall not be construed as a finding by the Tribe that the applicant meets the minimum job qualifications.

- E. Interview Panel. An Interview Panel shall interview job applicants and select the applicant to fill the vacant job position as set forth in this subsection. The membership of the Interview Panel shall be determined prior to scheduling any interviews. At a minimum, the Interview Panel shall consist of the immediate supervisor, a representative of the Personnel Office, and one other person appointed by the immediate supervisor or someone above the immediate supervisor in the chain of command. The Interview Panel may also include additional appropriate staff as determined by the immediate supervisor or someone above the immediate supervisor in the chain of command. Any member of the Interview Panel who fails to attend any portion of an interview shall be excluded from participating in hiring deliberations.
- F. Notice of Interview. The Personnel Office shall promptly attempt to contact the interview candidates by telephone or email to notify them that they have been selected for an interview and to schedule their interviews. No less than five (5) days prior to the interview, the Personnel Office shall formally notify the applicant in writing that he or she has been selected for an interview at a specific date and time.
- G. Order of Interviews. Tribal member applicants shall be scheduled and interviewed prior to any persons being interviewed who are not members of the Confederated Tribes. If one or more Tribal members are found to meet the minimum qualifications for the position, the job will be offered to the tribal member with the highest score on the ratings sheet described below. Non-members of the Confederated Tribes shall only be scheduled for interviews if no tribal members who meet the minimum qualifications apply for the position. If this occurs, the immediate supervisor shall file a report with the Personnel Manager, describing efforts to recruit tribal member applicants and explaining why the tribal member applicants fail to meet the minimum qualifications for the position.
- H. Rating Sheet. A rating sheet shall be used to evaluate each applicant who is interviewed. The rating sheet shall be based on a point system where the maximum number of points that an applicant can receive is 100 points. The rating sheet shall allot points for the employment preferences as follows: 15 points for Tribal members, 10 points for other Indians, and 5 points for veterans. The remaining 80 points shall be allotted by the immediate supervisor of the position being filled and the Personnel Manager as determined appropriate for the position and the minimum job qualifications and duties of the position as set forth in the job description. These 80 points may be allotted for the following purposes: education, prior job experience (including reference checks), information contained in job application, performance in job interview and other relevant factors.
- I. Uniform Interview Questions. The immediate supervisor, with the assistance of the Personnel Office, shall develop uniform questions to be posed to each candidate being interviewed.
- J. Interview Packets. At least 2 days prior to the interview, the Personnel Office shall distribute interview packets to the Interview Panel. These packets shall include:
 - 1. Job Announcement;
 - 2. Qualification Appraisal;
 - 3. Application and/or Resumes;
 - 4. Summary of applicant's reference, employment and background checks;

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

5. Uniform Interview Questions, and
 6. Rating Sheets.
- K. Conduct of the Interview. The Personnel Office shall assure that the interview is conducted in conformity with this Manual. During the interview, the immediate supervisor shall ask the candidate the uniform interview questions. Interview panel members may ask spontaneous follow-up questions of individual candidates for the purpose of illuminating the candidate's responses to the uniform questions or to provide additional detail about the candidate's unique qualifications and background.
- L. Selection. After the interviews have taken place, the Tribal Interview Panel shall make their selection of which applicant should be hired. This decision shall be based on the application, reference checks, education, prior employment history, interview and the employment preferences set forth in section 3.02. The interview panel shall use the rating sheet to evaluate each applicant. The applicant who scores the highest number of points on the rating sheet, thereby demonstrating the best combination of education, prior job experience, application and interview performance, and employment preferences, shall be selected.
- M. Offer of Employment. The applicant selected by the Interview Panel to fill a position shall be provided a written offer of employment. The offer of employment shall include the title of the position the applicant is being offered, the starting salary, and any other necessary information. The offer shall also be expressly conditioned on the applicant's consent to, and satisfying, any applicable criminal and financial background checks and pre-employment drug testing. No person shall be hired, promoted, transferred or reclassified to a Tribal position who does not consent to and satisfy these background checks and drug testing requirements. The written offer shall also state that the offer is subject to the appeal procedures contained in section 3.06 of this Manual, and should not be considered final until the appeal period is closed and any appeals are resolved.
- N. Notice to Unsuccessful Job Applicants. At the same time that the offer of employment is issued to the successful applicant, the Personnel Manager shall notify each unsuccessful job applicant that the offer has been made to someone else. Said notice may include a brief summary of the reason why the applicant was not selected. Unsuccessful applicants shall also be notified of the appeal procedures contained in section 3.06 of this Manual.

SECTION 3.05. APPOINTMENT

Notice of Employment. Upon the determination of which candidate should be appointed to the Tribal position, the following events shall take place:

- A. The Personnel Manager shall notify the candidate of his/her selection by written notice. Said notification shall also contain formal notice of appointment.
- B. A copy of the notice of appointment letter and the applicant's initial application shall become a part of and shall initiate the opening of an active personnel file for the newly appointed employee.

SECTION 3.06. ADMINISTRATIVE REVIEW OF TRIBAL EMPLOYMENT PROCEDURES

- A. Standing. Only those persons who have filed job applications for a particular Tribal position may seek Administrative Review of the factual and legal basis for the Tribe's denial of that employment position. Said Administrative Review shall be based solely on allegations that the Indian employment preference provisions in section 3.02 were not followed. A person(s) who has standing pursuant to this subsection shall be referred to as the "job applicant" in the remainder of this section.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- B. Filing for Administrative Review. The job applicant may seek Administrative Review of the Tribe's decision not to hire him or her by filing a written complaint to the Tribe's Executive Director within (7) seven working days of the mailing of the letter from the Tribal Personnel Office setting forth the final hiring decision. Failure to file an appeal within this time frame constitutes a waiver of the right to do so and the acceptance of the Tribe's hiring decision.
- C. Composition of the Administrative Review Team. The Executive Director shall establish an Administrative Review Team to review the applicant's complaint and review the Tribe's decision not to hire the applicant. The Administrative Review Team shall be composed of three (3) Tribal employees not associated with the interview process.
- D. Burden of Proof. The job applicant seeking administrative review of the Tribe's hiring decision carries the burden of proving that the hiring decision is not supported by the record, by this Manual or by applicable law.
- E. Standard of Review. The Administrative Review Team shall defer to the factual findings by the Tribal Personnel Manager, the affected Tribal Department Director and the Tribal interview Committee unless there is no factual basis in the record to support said findings. The Administrative Review Team shall conduct a de novo review of the legal basis for the Tribe's hiring decision.
- F. Participation by Tribe Interview Panel. The Interview Panel may respond to the allegations made by the job applicant by filing a response to the job applicant's petition or by appearing before the Administrative Review Team as appropriate.
- G. Decision of the Administrative Review Team. The Administrative Review Team shall render a written decision on the matter within seven (7) days from the close of the examination of the case or a hearing on the matter. The Administrative Review Team's decision shall be issued to the job applicant, to the affected Department Director, and to the Tribal Executive Director. The decision of the Administrative Review Team shall be final.
- H. Scope of Appeal. In any petition for Administrative Review provided under this section, the Administrative Review shall limit the issues under review to those facts and law relevant to the provision of an Indian hiring preference as provided in section 3.02 of this Manual.
- I. Confidentiality. Until the petition for Administrative Review has been finally resolved by the Administrative Review, all parties involved in the proceeding shall refrain from discussing the petition outside of the formal proceedings.
- J. Limitations of Actions. Notwithstanding any other provision of law, including the Tribal Employment Rights Ordinance, the appeal procedure outlined in this section shall constitute the sole legal avenue of redress for all job applicants for Tribal employment positions challenging the hiring decisions made by the Tribe.

SECTION 3.07. CLASSES OF POSITIONS

- A. Tribal employees shall be classified as:
 - 1. Full-Time Employee: An employee hired on a full time appointment that has successfully completed the probationary period. A full time employee is one who works 37.5 hours a week or 1950 hours a year. Full time employees are entitled to employee benefits as provided in this Manual.
 - 2. Part-Time Employee: An employee who is scheduled to work at least 20 hours per week or more than 1,000 hours per year but less than 1950 hour per year. Part-time employees will be eligible to receive certain employee benefits as provided in this Manual. They will not be eligible to participate in the medical, dental, and life benefits.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

3. Detached Duty Employee: An employee detached from one governmental agency to work for another governmental agency. The Tribe may be the parent agency or the recipient agency or may transfer a Tribal employee from one Tribal department to another Tribal department. An employee detached from another governmental agency to work for the Tribe shall work within the functional policies of this Manual, but may receive compensation and benefits under the provisions of his/her parent agency. A Tribal employee detached to work for another governmental agency shall have the right to return to work for the Tribe upon completion of his/her detached duty.
- B. Other types of Employment Status: Emergency Hire and Special Project employees are not entitled to any employee benefits or job-related privileges. However, all other policies contained herein shall apply. Emergency Hire and Special Project employees shall not have any rights of appeal under chapter 6 of this Manual.
1. Emergency Hire: An employee hired for a short period of time that does not exceed thirty (30) days. An emergency hire employee shall be hired to complete a special task or to fill a position until a full or part time employee is hired.
 2. Special Project Employee: Any Tribal employee who is hired to complete a specific project or task within a specified time period not to exceed ninety (90) days.
 3. Both Emergency Hire and Special Project employees shall be individuals possessing basic employment skills required by the position.

SECTION 3.08. PROBATION PERIOD

- A. Scope of Purpose. Each new Tribal employee shall serve a probationary period unless otherwise expressly exempted from this requirement in his or her employment contract. The purpose of the probation period is to insure that the new Tribal employee is capable and willing to carry out his/her responsibilities. Each new Tribal employee must read the Personnel Manual within ten (10) working days from their date of hire.
- B. Length of Probation. Each person newly hired or rehired to Tribal employment, or promoted, demoted or transferred to another position shall be subject to the satisfactory completion of a probationary period of ninety (90) days.
- C. Post Probation Evaluation.
1. Upon completion of the probationary period, the new Tribal employee's supervisor shall be responsible for providing a written evaluation of the Tribal employee's performance during their probationary period. The probation report shall describe the Tribal employee's performance during the probationary period and shall determine which of the following courses of action should be taken.
 2. A Tribal employee who satisfactorily completes the probationary period is entitled to the rights and benefits as provided in this Manual.
 3. The Tribal employee has not performed satisfactorily and therefore an extension of probationary period is required.
 4. If the Tribal employee's performance during the probationary period has been unsatisfactory, the Tribal employee shall be discharged from Tribal employment. The Tribal employee shall be given written notice stating the reasons why he/she has been separated from Tribal employment and the effective date of the separation. Where possible, this discharge notice shall be given to the probationary Tribal employee two (2) weeks prior to the date of the Tribal employee's separation. Probationary Tribal employees terminated during their probationary period shall not have the right to appeal their discharge under this Manual.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

5. Employees who do not successfully complete his/her probationary period will not receive payment for their accrued annual leave.
- D. **Accrual of Leave During Probation.** During the course of the Tribal employee's probationary period, Tribal employees shall accrue annual leave. However, Tribal employees shall not be eligible to take annual leave until satisfactory completion of their probationary period. Existing Tribal employees, promoted, transferred or reclassified to another position, may be granted annual leave pending immediate supervisor's approval.
- E. **Use of Sick Leave During Probation.** During the course of the Tribal employee's probationary period, Tribal employees shall accrue sick leave. Employees shall be eligible to use his/her sick leave benefits during their probationary period. Any use of sick leave in excess of their accrued sick leave amount will be Leave Without Pay.

SECTION 3.09. TRIBAL EMPLOYEE PAY PLAN

- A. **Salary Schedule.** Tribal employees shall receive compensation based upon the salary schedule adopted by this Manual and Addendum #4. The underlying principles of the salary schedule are as follows:
 1. The compensation plan shall provide equal pay for equal work.
 2. The pay plan should structure compensation so as to recruit and retain competent employees.
 3. The pay plan should provide incentives for rewarding employees for outstanding service; and
 4. The Personnel Manager will be responsible for the update of the Pay Plan Annually.
- B. **Cost of Living Increases (COLA) -** The Tribal Pay Plan may be adjusted annually by the latest cost of living increases. Adoption of the COLA amount will be in accordance with Federal adjustments to the government scale as approved by the Board of Trustees and depending on the availability of program funds.

SECTION 3.10. ANNUAL EVALUATION OF WORK PERFORMANCE

- A. **Employee Evaluation.** All Tribal employees shall have their work performance evaluated by their immediate supervisor at the end of a probation period and annually thereafter on the employee's date of employment, date of reclassification or date of transfer to another position. The immediate supervisor in the presence of the employee on a face to face basis will conduct the evaluation process. The immediate supervisor is required to complete the employee's work performance evaluation prior to or on the employee's date of employment, date of reclassification or date of promotion. The employee's evaluation must be completed within 30 days from the date of employment, date of reclassification or promotion. These evaluations are to be done both for the benefit of the Tribal employee and the Tribal program. All Tribal employee evaluations will be in writing. The purpose of the Tribal employee evaluation is to assist the Tribal employee in improving his/her performance and in providing Tribal management with a fair and effective tool for making personnel decisions.
- B. **Elements Of Tribal Employee Evaluation.** Each Tribal employee evaluation shall be in writing with these points in mind:
 1. A description of the Tribal employee's job activities and expected performance levels and a discussion on how well the employee is meeting those expectations.
 2. How the Tribal employee can identify and correct necessary job skills and performance levels needed to improve his/her effectiveness.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

3. Evaluations should include training needed by the Tribal employee and what, if any, personnel actions (i.e. promotion) would be appropriate for the Tribal employee.
 4. Evaluation of how employees has corrected problem areas in improving annual evaluations, if any.
- C. **Employee Rights To File Objection to Annual Evaluation.** Any Tribal employee who receives an annual evaluation containing adverse comments that the employee does not agree with and that cannot be resolved in the review of the assessment with the Tribal employee's supervisor, shall have the right to submit a written response to the evaluation and have that response included in the Tribal employee's personnel file.

SECTION 3.11. ACTION ON TRIBAL EMPLOYEE EVALUATIONS

The findings of a Tribal employee's annual evaluation shall serve as the foundation for any of the following actions deemed appropriate by the Tribal employee's supervisor:

- A. The identification of specific performance or skill deficiencies that need to be corrected and the recommendation of Tribal employee job counseling or skill training needed to improve the Tribal employee's performance.
- B. Tribal employee evaluation can also recommend any of the following personnel actions:
 1. no change;
 2. promotion;
 3. merit pay increase;
 4. transfer;
 5. demotion, or
 6. discharge.

SECTION 3.12. MERIT PAY INCREASE

- A. Depending on the employee's performance as demonstrated in the employee's annual evaluation, the employee's supervisor may direct that the employee receive:
 1. a pay increase ranging from 1 to 5 percent,
 2. a reduction in salary of 1%, or
 3. no change in salary.
- B. The maximum merit pay increase that may be granted by the authority of the supervisor in response to an annual evaluation is 5%. Raises in excess of that amount require additional justification by the supervisor and approval by the Executive Director.
- C. Merit pay increases shall not exceed the available budget, and shall be consistent with any directives given to managers in the Executive Director's target budget instructions and in the Board resolution approving the annual budget. An employee shall not be given a merit pay increase that exceeds the maximum pay available for the employee's pay range as identified in the employee's job description and on the schedule of minimum and maximum salaries for each pay range.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- D. An employee's pay range may be changed as result of a promotion, reclassification, demotion or transfer, or otherwise upon demonstration of justification. Approval of the supervisor, the department director, and the Personnel Manager is required for such a change.
- E. The Personnel Manager shall maintain and annually update a "Job Class and Pay Range Salary Schedule" that lists the available starting pay ranges for each position in the tribal government. The Personnel Manager shall also maintain a schedule of minimum and maximum salaries for each pay range. Each employee's job description shall specify the employee's starting pay range, which shall be within the ranges listed for the position on the "Job Class and Pay Range Salary Schedule".

SECTION 3.13. DEMOTED TRIBAL EMPLOYEES

A Tribal employee who is demoted (whether at the employee's request, or as a result of the Tribal employee's performance evaluation) shall be paid at a rate within the pay range for the job class to which the Tribal employee has been demoted. In no event shall the rate of pay paid to a demoted Tribal employee exceed the employee's previous rate of pay.

SECTION 3.14. ANNUAL LEAVE TRANSFERS

When an employee is transferred to a vacant or different position within the Tribe funded by a different source, the employee's prior program shall be responsible for payment of the individual accrued annual leave to the program or department to which the employee is transferred.

SECTION 3.15. TRIBAL EMPLOYEE JOB PROMOTION, TRANSFER, RECLASSIFICATION AND DEMOTION

- A. Promotion. Promotion will be one of the key means by which the Tribe fills intra- and interdepartmental vacancies in Tribal government and upgrades the responsibility and pay for Tribal employees.
- B. Transfer. Transfer will be a means of filling intra- and interdepartmental vacancies with existing Tribal employees who hold positions with duties and responsibilities the same or similar to those required in the vacant position.
- C. Reclassification. In some instances, it is essential for a Tribal Department to revise an existing employee's job description. The employee's supervisor in conjunction with the Personnel Manager shall determine if an employee's job description requires revision. This revision may be required because:
 - 1. The duties actually performed by an employee are consistently at variance with the duties contained in the employee's job description.
 - 2. External factors require the addition or removal of duties from the present job description.
 - 3. Two positions are combined into one position or vice versa.
 - 4. A change in the statement of work, program goals or the funding for a Tribal program.
- D. Demotion. Demotion will be one of the means by which the Tribe addresses poor job performance by a Tribal employee. It may be a result of a poor annual performance evaluation or of a disciplinary action. A demoted employee shall have his or her job responsibilities and pay lowered as determined appropriate by the employee's supervisor as set forth in section 3.13 of this Manual.
- E. Requirements For Promotion, Transfer or Reclassification. When a job promotion, transfer or reclassification does occur, the Department Director may transfer the affected Tribal

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

employee into the vacant position (which may be either an existing or a newly created position) if that employee meets the minimum qualifications established in the job description for the position. In such a case, the Personnel Manager shall be required to comply with the requirement to advertise the position within the Tribe for a seven (7) day period, and shall provide preference to those persons listed in section 3.02. This requirement shall be satisfied by the Personnel Manager and the Department Director making affirmative outreach efforts to persons who qualify for preference and who are likely to meet the minimum qualifications for the position. Any persons qualifying for preference who express an interest in the position shall be considered for the position. The Tribal employee requesting, or being subject to, a promotion, transfer or reclassification must submit a written notice of his or her interest in and qualifications for the promotion, transfer or reclassification, which notice will remain confidential in the employee's personnel file. The Personnel Manager shall verify the employee's qualifications. The Department Director shall prepare a report justifying the promotion, transfer or reclassification, which report shall describe: 1) the outreach efforts to persons who qualify for preference, 2) whether any such persons were found who met the minimum qualifications, and 3) the affected employee's qualifications for the position.

- F. Salary Adjustment Upon Promotion, Transfer or Reclassification. The Department Director or his/her designee in conjunction with the Personnel Manager shall establish a new salary scale for the promoted, transferred, or reclassified Tribal employee, commensurate with the new duties and responsibilities.
- G. Approval by Personnel Manager. All Tribal job promotions, transfers and reclassifications must be approved by the Personnel Manager, which approval shall be based upon the reports prepared by the Department Director and the notice prepared by the subject Tribal employee.
- H. Employment Requirement for Promotion, Transfer or Reclassification. A person must be employed with the Tribe for a one year period to be eligible and considered for Promotion, Transfer or Reclassification.

SECTION 3.16. TRIBAL EMPLOYEE DEVELOPMENT AND TRAINING

- A. The Personnel Manager has responsibility to oversee Career Plans for planning and executing an adequate training program to encourage career development for Tribal employees and supervisory personnel. The Tribal employee training program is intended to provide training and the potential for career advancement for Tribal employees whenever possible. In addition, training for Tribal employees insures that Tribal employees are capable of performing their assigned duties by use of new technology or methods. It is the policy of the Tribe to provide training to Tribal employees to further the development of an effective, productive Tribal work force. Employees with supervisory and management responsibilities will be required to attend two trainings a year relating to their job duties and responsibilities.
- B. Department Directors/Program Manager/Supervisor shall also be responsible for identifying, planning and executing a Mandatory Career Plan for employees who have demonstrated a need and aptitude for training. Staff may seek training to upgrade job skills providing the training time does not affect the efficiency and/or delivery of services of the program.

SECTION 3.17. REDUCTION IN FORCE/LAY OFF

- A. A reduction in force or lay off of Tribal employees may occur due to reorganization, reduction in program funding and scope and/or other administrative re-alignments.
- B. When more than one Tribal employee is affected by a reduction in force, individuals will be considered for lay off in the following order:
 - 1. Emergency hire and/or probation status.
 - 2. Less than one year of employment.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

3. Employee's job classification by title.
 4. Employee's job performance as based on the employee's performance evaluation.
 5. Seniority within Tribal Employment.
- C. Individuals impacted by lay off, will be given 30 day notice in advance of the proposed separation. All lay offs must be approved by the Executive Director.
- D. Effect Of Lay Off. The names of laid off Tribal employees shall be forwarded to the active file of employment candidates in the Personnel Office. Laid off Tribal employees shall have the opportunity to apply for any Tribal job vacancy as if they were a current Tribal employee as provided in this chapter for a period of six (6) months following layoff.
- E. Re-Instatement. Employees impacted by lay off due to funding or season work may be reinstated as an employee. Employee will be reinstated in the following order:
1. Tribal member employees shall have first preference.
 2. Employee's past job performance evaluation.
 3. Seniority within Tribal Employment.

SECTION 3.18. SEPARATION OF EMPLOYMENT

- A. A Tribal employee may voluntarily terminate his/her employment with the Tribe by resignation.
- B. Tribal employees resigning from Tribal employment shall follow the following process:
1. Resignation must be in writing and should be submitted to the employee's supervisor or Department Director two (2) weeks before termination date.
 2. On final day of work for the Tribal employee, a time sheet must be completed and a Tribal Employee Separation of Employment form be completed by the Tribal employee and approved by the employees supervisor and Department Director.
 3. All equipment, credit cards, keys and all other Tribal property must be returned to the immediate supervisor on the effective date of the separation of employment.
 4. Tribal employees who are resigning shall receive their final pay check and any other reimbursement due within twenty-four (24) hours of the effective date of their resignation.

CHAPTER 4. EMPLOYEES BENEFITS

SECTION 4.01. PAY PERIODS

- A. Tribal employees shall receive their payroll checks on the 10th and the 25th days of each month. In order to receive a payroll check, time sheets must be completed and signed by the employee and the employee's supervisor on the first business day after the 15th of each month and the first business day after the last day of each month.
- B. If the payday falls on a Saturday, Sunday, or Holiday, payroll checks will be issued on the preceding business day.

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

SECTION 4.02. PAYROLL DEDUCTIONS

- A. Social Security. The Federal Insurance Contribution Act (FICA) imposes a tax equally paid by employer and Tribal employee on all wages. Enrolled Umatilla Tribal members working for a Treaty Rights Fishing Program/Project are exempt from paying Federal Social Security Taxes (section 7873 of the Internal Revenue Code added by section 3041 of the Technical and Miscellaneous Act of 1988, Public Law No. 100-647, 102 Stat. 3342). Appropriate documentation to support this exemption must be filed by the Personnel Manager.
- B. Federal Income Tax Withholding. The Tribe shall withhold from each Tribal employee's paycheck the estimated federal income tax based upon the Tribal employee's W-4 Form. Enrolled Umatilla Tribal members working for a Treaty Rights Fishing Program/Project are exempt from federal, income taxes (section 7873 of the Internal Revenue Code added by section 3041 of the Technical and Miscellaneous Act of 1988, Public Law No. 100-647, 102 Stat. 3342). Appropriate documentation must be filed with the Personnel Manager.
- C. State Income Tax Withholding. The Tribe shall withhold from each Tribal employee's paycheck the estimated state income tax based upon the Tribal employee's W-4 Form. Tribal employees enrolled as a member of a Federal recognized Tribe residing within the boundaries of the Umatilla Indian Reservation are exempt from paying Oregon State Income Tax. The Oregon Withholding Exemption Certificate, 99-WE, must be filed with the Personnel Manager.
- D. Federal Unemployment Tax Act (FUTA). This tax consists of the unemployment benefits paid by the employer to the Federal Government.
- E. State Unemployment Tax Act (SUTA). Paid by the employer for unemployment compensation insurance with the state.
- F. State Accident Insurance Fund (SAIF). Workman's Compensation Insurance pays for Tribal employee's injuries sustained on the job. Employer pays most of the tax. Tribal employees contribute a small amount.
- G. Medical/Life/Dental. Medical, life insurance, and dental benefits provided to eligible Tribal employees. Employer pays the premium for the Tribal employee. Tribal employee may elect to include family members in the plan. However, Tribal employee must pay the total premium for the added dependent coverage.
- H. Retirement -- 401 K Plan. Tribal employees who have been employed for at least 1,000 hours and one (1) year are eligible to enroll in the Tribal retirement program. The employee may elect to have from two percent (2%) to fifteen percent (15%) of his/her salary invested in the program. The Tribe will match the employees contribution up to seven percent (7%) of the employee's salary. The Personnel Manager has further information regarding the details of the Tribe's retirement program.
- I. Other Deductions. All other deductions from an employee's paycheck must be approved in writing by the employee. The only exception are Tribal Court ordered or Internal Revenue Service garnishments which will be withheld as prescribed by Tribal Court or Internal Revenue Services. All employees payroll deductions must be approved by the Controller or his designee.

SECTION 4.03. HOLIDAYS

- A. The Tribe's employees will be given time off with pay for the holidays designated below.
 - 1. New Year's Day,
 - 2. Martin Luther King Day,

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

3. Presidents Day,
 4. Memorial Day,
 5. 4th of July,
 6. Labor Day,
 7. Veterans Day,
 8. Thanksgiving Day,
 9. Day After Thanksgiving (In lieu of Columbus Day),
 10. Christmas,
 11. Employees Birthday (Day before, day of, or day after),
 12. Treaty Days - Second Friday in June.
- B. The Chairman of the Board of Trustees may designate certain days as Tribal holidays. Tribal employees will be given time off with pay for all designated Tribal holidays.
- C. If any holiday falls on Sunday, it will be observed on the Monday immediately following. If any holiday falls on a Saturday, it will be observed on the Friday immediately preceding.
- D. Tribal employees working full-time schedules will receive full-time compensation for holidays. Part-time Tribal employees will be compensated in proportion to the number of hours they are normally scheduled to work.
- E. A Tribal employee who works on a holiday as part of his/her regular work week will be allowed compensatory time.
- F. A Tribal employee will not be charged for approved annual or sick leave days which occur on holidays.
- G. In order to be eligible for holiday pay, a Tribal employee must have been in paid status the working day prior to and the day following the recognized holiday. If a Tribal employee is AWOL any number of hours on these days, he/she will not receive holiday pay.

SECTION 4.04. GENERAL LEAVE ACCRUAL/USE POLICY

- A. As a benefit to its Tribal employees, the Tribe recognizes and grants various leaves in paid and/or unpaid status. All leave must be authorized by the Tribal employee's immediate supervisor or Department Director. A Tribal employee taking leave which has not been authorized may be cause for disciplinary action. All leave shall be recorded on an employee's time sheet and maintained as part of the Tribal payroll record.
- B. All Tribal employees who take leave should be required to use paid leave first (i.e. annual leave or sick leave depending on their status), then Leave With Out Pay. All exceptions to this policy must be approved by the Executive Director.

SECTION 4.05. COMPENSATORY TIME

A supervisor may require a Tribal employee to work in excess of the normal 7.5 hour day or 37.5 hour week as defined in section 2.01 Working Hours and Attendance. Any hours worked in excess of 37.5 hours per week will be considered compensatory time. Compensatory time shall be compensated with paid time off at a rate of one and a half (1-1/2) times the number of compensatory hours. Compensatory time shall be approved in advance by the employee's Department Director or

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

immediate supervisor when feasible. All authorized compensatory time must be job related. Employees on travel status are not eligible to earn compensatory time.

SECTION 4.06. ANNUAL LEAVE

- A. Annual Leave is a Tribal employee's benefit. A Tribal employee is required to make advanced arrangements for annual leave with his/her immediate supervisor using the Request for Leave Form (Rev 07/10/2007 or later).
- B. Special Project and emergency hire employees do not earn annual leave.
- C. Annual leave benefits will not be earned during any period when a Tribal employee is absent without leave (AWOL) or on leave without pay (LWOP).
- D. Annual leave cannot be used within the same period it is earned.
- E. When terminated, eligible Tribal employees shall be paid for their unused annual leave days at their final rate of pay regardless of their reason for leaving Tribal employment.
- F. Full time and part time Tribal employees will accrue annual leave benefits from the date of employment. Tribal employees may not take annual leave until completion of their initial probationary period. Tribal employees serving a subsequent probationary period due to job transfer may request use of annual leave.
- G. When practicable, Tribal employees should request annual leave one week (7 days) prior to the days for which the leave is requested.
- H. A Tribal employee may not carry more than 240 hours of annual leave into the next calendar year (320 hours for shift Fire Fighters). Any accumulated annual leave in excess of 240 hours shall be removed from the Tribal employee's record at the end of the year (320 hours for shift Fire Fighters).
- I. Donation or Cash Out of Annual Leave. The opportunity for every Tribal employee to take time-off from the work place is an important element for the health and morale of both the Tribal employee and their families. Periodic short breaks away from the work environment helps maintain a positive attitude, provide time for family, and generally provide for better mental and physical health of the Tribal employee. It is for this reason that Annual Leave is provided. There are times, however, when emergent situations occur when a Tribal employee may not have sufficient Annual Leave accrued to cover a prolonged absence, or when unexpected events and expenses may arise. To help reduce the burden of these issues, Tribal employees are authorized to donate Annual Leave to their co-workers or to cash-out Annual Leave for cash. This authorization shall be governed by the following procedures:
 - 1. Donation of Annual Leave. Tribal employees may donate a portion of their accrued Annual Leave to a co-worker. The amount an employee may donate shall be governed by the following standards:
 - a. Only accrued Annual Leave may be donated,
 - b. Tribal employees may only donate accrued annual leave in excess of 75 hours.
 - c. Tribal employees wishing to donate leave may donate no more than 75 hours of annual leave per calendar year.
 - d. Since the dollar value of an hour of annual leave varies according to the salary of the person earning it, the Finance Office shall adjust the hours of annual leave donated to reflect their financial value, which may result in the recipient

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- employee receiving fewer or more hours of annual leave than the donor employee donated.
- e. Employees who wish to donate annual leave should contact the Payroll Department in the Finance Office to ensure eligibility and to ensure that the recipient is correctly and properly identified.
2. Cash Out of Annual Leave. The opportunity for employees to cash out accrued Annual Leave is an employee benefit and exists to help employees with expenses that may arise due to unexpected events in their lives. The opportunity to cash out Annual Leave shall be governed by the following standards:
- a. Only accrued Annual Leave may be cashed out.
 - b. Tribal employees may only cash out accrued Annual Leave in excess of 75 hours as of the date of request.
 - c. Tribal employees desiring to cash out their Annual Leave are limited to cashing out no more than 75 hours of Annual Leave per calendar year.
 - d. Tribal employees who opt to cash out their Annual Leave will not be eligible to receive donations of Annual Leave from other employees within the same calendar year that a cash out has been made.
 - e. The request for cash out of accrued Annual Leave will be made on the REQUEST FOR LEAVE Form (Rev 07/10/2007 or later) and will be reviewed and commented upon by their immediate supervisor and approved or denied by the respective Department Director.
 - f. Prior to approving or recommending approval of any request for cash out of Annual Leave, Department Directors are required to verify their department or program ability to continue operations without seeking additional funding or support at any time during the course of the calendar year.
 - g. All second requests for cash out of Annual Leave within the same calendar year will be reviewed and commented upon by the employees' immediate supervisor and Department Director with final approval or denial residing with the Executive Director.
 - h. Payment for Annual Leave cash out will be made as follows:
 - i. The request for cash out of Annual Leave must be received in Payroll at the same time as regular time sheets i.e., 1st and 16th of the month.
 - ii. Payment for cash out, if received on time, will be made on the next regularly scheduled pay day.
 - i. Tribal employees who wish to cash out Annual Leave should contact the Payroll Office to ensure eligibility in accordance with this policy and that leave accrual amounts are accurate.
 - j. This cash out policy is authorized on a trial basis through December 31, 2008 and will be reviewed quarterly through the Payroll Office and Office of Human Resources. Subsequent authorization will be issued through the Office of the Executive Director.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

SECTION 4.07. ANNUAL LEAVE ACCRUED

- A. Tribal employees shall accrue annual leave benefits based upon the number of years with the Tribe.
- B. Full-Time Tribal employees with less than twelve (12) months of service shall accrue four (4) hours of annual leave per pay period.
- C. Full-time Tribal employees with thirteen (13) to twenty four (24) months of service shall accrue five (5) hours of annual leave per pay period.
- D. Full-time Tribal employees with twenty-five (25) to thirty-six (36) months of creditable years of service will accrue six (6) hours of annual leave per pay period.
- E. Full-time Tribal employees with thirty-seven (37) or more months of creditable service will accrue seven (7) hours of annual leave per pay period.
- F. Part-time tribal employees who are employed for a minimum of twenty (20) hours a week and a minimum of 1,000 hours a year to a maximum of 1949 hours a year will accrue two hours of annual leave a pay period.
- G. Calculation of Annual Leave for Firefighters. Full-time firefighters working twenty-four (24) hour shifts shall accrue annual leave as follows:
 - 1. Firefighters with less than twelve (12) months of service shall accrue six (6) hours of annual leave per pay period.
 - 2. Firefighters with thirteen (13) to twenty-four (24) months of service shall accrue eight (8) hours of annual leave per pay period.
 - 3. Firefighters with twenty-five (25) to thirty-six (36) months of service shall accrue ten (10) hours of annual leave per pay period.
 - 4. Firefighters with thirty-seven (37) or more months of service shall accrue twelve (12) hours of annual leave per pay period.

SECTION 4.08. SICK LEAVE

- A. Sick leave is a Tribal employee's benefit that shall only be used for employee's illness, medical or dental treatment or caring for a sick family member. Tribal employees are requested to make advance arrangements for sick leave when practical. Depending on the circumstances, sick leave authorization and use is subject to supervisory approval. Tribal employees are expected to observe health practices that contribute to work performance and service effectiveness of themselves and their program.
- B. Full-time Tribal employees will accrue four (4) hours of sick leave per pay period.
- C. Part-time Tribal employees will accrue two (2) hours sick leave per pay period.
- D. Full-time firefighters working twenty-four (24) hour shifts shall accrue sick leave at the rate of six (6) hours per pay period.
- E. There shall be no limit on accumulation of sick leave credits.
- F. Employees will not receive payment for unused sick leave upon termination of employment. The employee's accumulated sick leave will be retained for one year in case the employee returns to work.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- G. Tribal employees who take sick leave are expected to seek treatment and to take care of themselves during that leave. Tribal employees are not to report to work if they are ill. A sick worker performs poorly, prolongs his recovery, and endangers the health of others.
- H. Tribal employees who use sick leave in excess of three days shall be required to submit medical certification of diagnosis and/or treatment.
- I. Subject to supervisory approval, sick leave benefits may be used by the Tribal employee to care for sick family members.

SECTION 4.09. MEDICAL/DENTAL/LIFE BENEFITS

The Tribe shall provide medical, dental and life insurance benefits for full time employees only. The Personnel Manager shall be responsible for providing information to employees regarding these plans. Dependent coverage is also available to full time employees as provided.

SECTION 4.10. WELLNESS AWARD

Wellness awards shall be paid out annually on the second payday in January of each year. The award shall be calculated based on the ending sick leave balance accrued but not used by the employee at the end of the previous year. For tribal employees other than those listed below, the award shall be \$20 per each 150 hours of unused sick leave (For example, an employee with 200 hours of sick leave would receive an award of \$20, while an employee with 320 hours saved would receive an award of \$40). Because full-time firefighters who work twenty-four (24) hour shifts accrue sick leave at a different rate from other full-time employees, firefighters shall receive an award of \$20 per every 225 hours of unused sick leave. Because employees of the Tamastlikt Cultural Institute accrue sick leave at a different rate from other tribal employees, they shall receive an award of \$20 per every 100 hours of unused sick leave.

SECTION 4.11. PHYSICAL FITNESS POLICY

- A. Purpose. It is the purpose of this policy to establish guidelines by which the employees may engage in personal physical fitness activities during work hours.
- B. Policy. It is the policy of the Tribe to allow employees to establish a work schedule that includes up to three half hour periods of work time per week for physical fitness activities.
- C. Contract.
 - 1. Each employee participating in the Physical Fitness program will sign a contract with their supervisor.
 - a. The contract will specify the activity or activities the employee will engage in, the location, the day of the week, and the time of day.
 - b. The contract must be signed and dated by the employee and their supervisor.
 - c. The employee is responsible for keeping the original signed contract on file.
 - d. The contract will apply for a 90-day period, beginning with the date it is signed by the employee's supervisor. It is the employee's responsibility to initiate completion or the assignment and responsibilities of the employee's position.
 - 2. At no time does the existence of a completed and signed physical fitness contract supersede the needs of the Department or the assignment and responsibilities of the employee's position.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

3. Supervisors will work with the employee in the attempt to arrange adequate coverage during the requested physical fitness items. Both will decide on adjusted work schedules to include up to three one-half hour periods per week for physical fitness activities. If it is logistically impossible to meet the request, it remains the discretion of the supervisor to deny the request until arrangements can be made.
 4. No more than one-half hour fitness period may be taken during one day. Time may be utilized in conjunction with the regular lunch period, or at the beginning or end of the employee's normal work day. Missed fitness periods may not be accumulated. A lunch hour cannot be deferred until the end of the day in combination with a half-hour physical fitness period.
 5. Employees may not use physical fitness time for personal business.
 6. In facilities and offices in which employees scheduling needs are a priority concern, the decision as to whether this policy may be utilized by all, some, or no employee will be made by the Executive Director in concert with the appropriate Department Director/Program Manager.
- D. Definitions. Examples of appropriate physical fitness activities include, but are not limited to, aerobic activities such as brisk walking, jogging, swimming, bicycling and aerobic exercise/dance; flexibility and/or muscular strength and stretching; and recreational sports such as tennis, volleyball, softball and racquetball.

SECTION 4.12. FAMILY AND MEDICAL LEAVE

- A. Eligibility. A regular full-time Tribal employee who has worked for the Tribes for at least twelve (12) months and worked at least 1,250 hours during the twelve (12) months preceding the requested leave is entitled for up to twelve (12) weeks of Family Medical Leave subject to the terms and conditions set forth in this section. If the Tribes employ both spouses, leave may be granted for a combined total of twelve (12) weeks between the spouses. In the event an employee has previously requested and received family and medical leave from the Tribes under this section, the employee shall not be eligible for family and medical leave for the twelve (12) month time period following their return to work. Such family and medical leave may be granted for the following reasons:
1. For the care of the employee's child, including birth, or placement for adoption, or foster care, so long as leave is taken within a year after the child is born, adopted or placed in the employee's home.
 2. For the care of the employee's immediate family member, as defined in section 2.10(A), who has a serious health condition.
 3. For a serious health condition that makes the employee unable to perform his or her job.
- B. Process.
1. In order to qualify for family medical leave, the employee must provide the following information or documentation to the employee's Department Director and Human Resources Director at least thirty (30) days prior to taking the leave, unless the situation makes such notice impracticable:
 - a. If the leave is related to the birth, adoption or foster care of a child, then the employee must present appropriate documentation showing the date on which the child will become or became a member of the employee's household.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

section, a “child” may also be a child for whom the employee has day-to-day responsibility.

2. Spouse. A person who has a legal marital relationship with the employee who is seeking the leave.
3. Serious health condition. An illness, injury, impairment, or physical or mental condition serious enough to involve hospitalization, in-patient care in a residential health care facility, or continuing treatment or supervision in the employee’s home by a health care provider. The Tribes, as determined appropriate by the Human Resources Director, may require appropriate medical certification before leave is granted. In some instances, a second or third medical opinion may also be required.
4. Key Employee. Includes the Executive Director, Finance Director, Grants and Contracts Manager, Human Resources Director and all Department Directors.

SECTION 4.13. MILITARY LEAVE

In order to help accommodate U.S. national defense needs and to help Tribal employees meet their military obligations, the Tribe shall adhere to the following guidelines on military leave:

- A. A full-time Tribal employee who is a member of a reserve component of the U.S. Armed Forces shall be allowed leave for required annual military training or duty for a period not to exceed 15 working days a year.
- B. A Tribal employee may elect to use annual leave and keep his/her military compensation, or he/she may surrender his/her military pay to the Tribe and be granted leave of absence with pay.

SECTION 4.14. JURY OR WITNESS DUTY

Upon receipt of a summons to jury duty or to testify in a judicial or administrative proceeding, a Tribal employee shall be granted leave of absence with pay.

SECTION 4.15. ADMINISTRATIVE LEAVE

- A. When Provided. Tribal employees shall be granted administrative leave for the following:
 1. death in the Tribal employee's immediate family. The employee may be eligible for ten (10) working days of Administrative Leave
 2. death in the Tribal employee's spouse's immediate family. The employee may be eligible for ten (10) working days of Administrative Leave.
 3. attendance at funeral for Tribal members and Tribal employees as permitted by Board of Trustees Chairman or designee.
 4. inability to travel to work safely because of unusually severe weather or natural disaster, authorized by the Executive Director.
 5. for Tribal employees who are also Tribal members, attendance at General Council meetings as authorized by their immediate supervisor.
 6. for Tribal employees who serve on a Tribal Commission or Committee, to attend a Commission or Committee meeting or authorized function over and above the twelve (12) hour per month limitation set forth in section 2.07(E) of this manual.
- B. Administrative leave may be authorized up to 37.5 hours per calendar year for any of the purposes defined in paragraphs (3)-(6), above.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- C. Immediate Family Defined. For purposes of this section, immediate family members shall be defined as provided in section 2.10(A) of this Manual.
- D. Duty to Report. It shall be the responsibility of the Tribal employee to report his/her need to the immediate supervisor or as soon as the Tribal employee becomes aware of such circumstances requiring Administrative Leave. Administrative Leave shall be requested by the Tribal employee and shall be approved by the Immediate Supervisor. Administrative Leave will be granted pursuant to section 4.15 of this manual.

SECTION 4.16. EMERGENCY RESPONSE LEAVE

- A. Tribal Employee Volunteers. In order to help accommodate the emergency response capabilities of the Tribe, any Tribal employee who is a volunteer member of the Tribal Fire Department, or any other Tribal emergency response group, may immediately and without question leave their duty station when called to respond to an emergency situation during their normal working hours. Such calls may be direct verbal communication or by electronic means, (i.e. beeper, radio, etc.). The employee will receive their normal compensation and benefits as if they were at their duty station during the time they are responding. In no event will a Tribal employee who is a volunteer member of the Tribal Fire Department receive compensation in excess of their normal working hours or be eligible for compensatory time for the time spent responding to the emergency, unless authorized by the Executive Director.
- B. Tribal Employees. In the event of a Reservation declared emergency (fire, flood, etc.) the Incident Commander, with concurrence of the Executive Director, may direct a Tribal employee to assist in an emergency response based on their expertise and skills. This could include everything from basic tasks such as answering phones in an emergency operation center to more technical tasks such as engineering a flood levy. An emergency response situation will take precedent over the employee's normal day-to-day work. Also, the Incident Commander, with concurrence of the Executive Director, may direct a department to release the use of special equipment needed in emergency response situations. If authorized by the Executive Director or his designee, an employee may receive compensation in excess of their normal working hours or eligible for compensatory time for the time spent responding to the declared emergency.

SECTION 4.17. LEAVE OF ABSENCE WITHOUT PAY

- A. Authority To Grant. Department Directors shall have the authority to grant a Tribal employee leave of absence without pay for a period not to exceed 20 calendar days. Requests for leave without pay in excess of 20 calendar days and up to 180 calendar days must also be approved by the Executive Director. If leave is approved, the employee may return to their position at the same rate of pay and benefit levels.
- B. Approval Requirements. The Tribe is under no obligation to grant Tribal employee leave without pay except as specifically provided in this chapter. The critical factor in deciding whether to grant leave without pay shall be the effect upon the functioning of the Department.

SECTION 4.18. EDUCATIONAL LEAVE

- A. Eligibility Requirements. Educational leave is available to Tribal employees as leave which shall be granted if the Tribal employee will be attending an accredited educational institution, will be taking classes that will benefit the Tribal employee's job performance or aid in the Tribal employee's career development, and the leave will not jeopardize the quality of services provided by the Tribal employee's program.
- B. Availability and Rules. The Tribal employee's Department Director must approve all educational leave. Educational leave may be granted subject to the following rules:

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

1. Only full time Tribal employees that have worked for the Tribe for at least 24 months prior to submitting their request for educational leave are eligible for educational leave under this manual.
2. Educational leave must be arranged in advance between the Tribal employee and his/her Department Director. The Tribal employee's request and the approval of said request must be in writing and placed in the Tribal employee's file.
3. Educational leave shall be requested pursuant to the educational leave request and conditions form (Addendum #7).
4. The provisions of educational leave is not a right, it is a privilege granted to Tribal employees on behalf of the Tribe by their Department Director. Educational leave can and should be denied if granting said leave would not be in the best interest of the Tribe or if the Tribal employee requesting such leave is needed at his/her work station.

SECTION 4.19. CULTURAL EDUCATION LEAVE AND TRADITIONAL LEAVE

A. Cultural Education Leave.

1. The Tribe recognizes the importance of retaining our Indian heritage. The Indian languages of the CTUIR are an important part of our culture. The Tribal Education Department has established a regularly scheduled Indian language training program. We recognize some Tribal employees are unable to attend the language training programs due to their work schedules. Therefore, Tribal employees will be authorized one (1) hour a week of Cultural Education Leave to participate in the Indian languages training program during their normal work day. The training will be conducted and scheduled at the Cay-Uma-Wa Education facility.
2. Cultural Education Leave shall be considered based on the following:
 - a. Cultural Education Leave must be arranged in advance between the employee and his/her supervisor. The employees request must be in writing and placed in the employee's personnel file.
 - b. The granting of Cultural Education Leave must not interfere with the employee's job duties. Cultural Education Leave shall be denied by the supervisor if the employee is needed at his/her work station.

B. Traditional Leave.

1. The participation of employees in our culture is paramount in exercising our sovereignty. We are an aboriginal people who for thousands of years developed our own sacred belief about our creator, our relationships with one another, and our communal responsibilities to our governance. The participation of employees in traditional and cultural events and activities is encouraged.
2. Traditional Leave shall be considered based on the following:
 - a. Traditional Leave must be arranged in advance between the employee and his/her supervisor and reviewed for approval or denial by the Department Director. The employee's request must be in writing and provide a brief description of the event.
 - b. The granting of Traditional Leave must not interfere with the employee's job duties. Therefore, Traditional Leave may be denied by the supervisor if the employee is needed at his/her work station.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- c. Traditional Leave may be approved or denied by the Department Director.
3. Tribal employees who wish to participate in a religious or cultural event shall be eligible for traditional leave with the written approval of his/her immediate supervisor and the Department Director for a period not to exceed five (5) working days to participate in said events. Religious or cultural events shall include, but not be limited to, first food ceremonies, memorials, name givings, medicine dances, healing ceremonies, traditional food gathering and other traditional cultural events.

SECTION 4.20. AUTHORIZED ABSENCES

Tribal employees that are absent from their work station without requesting and receiving leave as provided in this chapter shall be considered absent without leave (AWOL). Any Tribal employee who is AWOL from his/her work station shall be subject to disciplinary actions as provided in chapter 5 of this Manual.

SECTION 4.21. VOTING ALLOWANCE

Tribal employees are entitled up to one (1) hour of paid leave to vote in a federal, state, local or Tribal elections.

SECTION 4.22. LIST OF BENEFITS BY EMPLOYMENT CLASSIFICATION

A complete listing of employee benefit by employment classification is reflected in Addendum #8.

SECTION 4.23. ABANDONMENT OF JOB

Any Tribal employee who has not reported to his/her job and who has not contacted his/her immediate supervisor for three (3) consecutive working days shall be considered to have abandoned his/her job and shall be terminated immediately. The provisions of this section may be waived in the event that a legitimate and justifiable emergency is the cause for a Tribal employee's absence from work. The Executive Director shall have the sole responsibility for making this determination under this section.

SECTION 4.24. SPECIAL RECOGNITION AWARD

- A. Tribal employees will be eligible to receive a cash award and a certificate of achievement for the following.
 1. Consistent outstanding and superior job performance based upon an employee's job performance evaluation from the Department Director and or supervisor;
 2. Continued employment services for 10 years, 15 years, and 20 years;
 3. Submission of a suggestion that results in monetary saving or enhances services to the Tribal membership. All suggestions will be reviewed by a Tribal Employee Committee appointed by the Executive Director. The Tribal Employee Committee shall recommend which suggestion shall receive special recognition award to the Executive Director.
- B. To maintain consistency within the Tribal Organization, the Executive Director shall approve all cash awards.

CHAPTER 5. EMPLOYEE CONDUCT

SECTION 5.01. GENERAL CONDUCT

- A. Each Tribal employee should recognize they are a representative of the Tribe. Quality work, a professional demeanor and positive attitudes will promote good relations between the Tribe

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

and the Reservation community and off-reservation governments, entities and individuals with whom the Tribe interacts.

- B. The following general rules of conduct apply to each Tribal employee in the conduct of their job responsibilities:
1. In the performance of duties, Tribal employees will conduct themselves and dress according to the performance demands of their specific job position and description. The nature of these performance demands may be governed by factors, including, but not limited to, such as the employee job description, job skills and performance standards customary for specialized technical, administrative or legal positions, employee safety, official protocol, training, and employee training.
 2. Tribal employees will exercise good judgement in the performance of their duties and will abide by applicable laws and regulations. Negligence in performance of duties resulting in loss or damage to the Tribe may result in the employee(s) being held personally and legally responsible for such loss or damage.
 3. In the performance of their duties, Tribal employees shall always bear in mind that the primary purpose of Tribal government is the protection of the Tribal treaty rights and homeland as well as the provision of governmental services to the Reservation community. Tribal employee conduct that conflicts with these primary Tribal objectives will not be tolerated.
- C. This Manual does not attempt to identify all forms of employee misconduct justifying personnel actions that may be taken against Tribal government employees pursuant to this chapter. Rather, the performance and conduct of Tribal employees shall be judged by the employee's supervisor based upon reasonable expectations of employee conduct and performance customary for each particular employee position. It is not possible to list all forms of employee misconduct in this Manual, and it is not the intent to attempt such a listing in this chapter.

SECTION 5.02. EMPLOYEE RELATIONS

- A. An effective Tribal government can best be achieved by Tribal employees working in a harmonious and cooperative environment.
- B. Therefore, relations between Tribal employees are to be conducted pursuant to the following guidelines:
1. No Tribal employee shall subject another Tribal employee(s) to public ridicule.
 2. Discrimination by any Tribal employee toward another on the basis of race, religion, age, sex, or other arbitrary standard will not be tolerated.
 3. When it does not conflict with or impede their own work performance, Tribal employees will cooperate with and support other Tribal personnel in the execution of their duties and provide assistance as needed.
 4. Tribal employees will share pertinent work information and knowledge with fellow Tribal personnel.
 5. Tribal employees shall not assume the role of a policy spokesman for the Tribe to the media or outside organizations unless specifically authorized by the Tribe to do so.

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

SECTION 5.03. PERSONNEL ACTIONS

- A. A Tribal employee's Department Director/Program Manager/Immediate Supervisor has the responsibility to take personnel actions and initiate corrective measures when appropriate or otherwise required by this Manual.
- B. The resulting personnel action may range from corrective counseling to more harsh disciplinary measures as warranted by this Manual and the employee's conduct. The particular form of personnel action selected shall be appropriate to the level of misconduct justifying the personnel action.
- C. The personnel actions authorized may include the following:
 - 1. corrective counseling;
 - 2. warning notice;
 - 3. extension of probation period;
 - 4. suspension with pay;
 - 5. suspension without pay;
 - 6. demotion; and
 - 7. termination.
- D. Any disciplinary action is subject to appeal only as authorized by this Manual (See chapter 6.) Documentation of all personnel actions are to be forwarded to the Personnel Manager to be included in the employee's official personnel file.

SECTION 5.04. DESCRIPTION OF DISCIPLINARY RESPONSES

A definition of the disciplinary responses authorized by this Manual are set out below:

- A. **Corrective Counseling:** Corrective counseling is appropriate where employee wrongdoing or detrimental conduct has not been satisfactorily corrected by normal supervisory direction. Should this occur, the employee's supervisor should initiate corrective counseling which shall involve an explanation to the employee of the nature and the impact of the questioned conduct in the future. This corrective counseling should be in writing and signed by the employee.
- B. **Warning Notice:** Upon learning of an employee's violation of a policy or procedure set forth herein, the employee's supervisor shall issue a written warning notice as required by this policy. The employee's supervisor shall also discuss the infraction with the employee and warn him/her not to repeat it. In the event an employee remains dissatisfied with the factual basis for receiving a written notice, the employee may submit the letter to the Personnel Manager within seven (7) days of receiving the written notice. By filing this letter, the employee retains the right to challenge the factual basis for the written warning notice in any subsequent hearing on an adverse personnel action.
- C. **Probation.** All new Tribal employees shall serve a 90 day probationary period prior to becoming a full Tribal employee. During an employee's probationary period, the employee's employment rights may be limited as provided herein. A Tribal employee's probationary period may be extended by his/her immediate supervisor or Department Director upon a finding of repeated infractions of this Manual or because of inferior job performance. Any extension of a Tribal employee's probationary period shall be in writing and shall set forth the reasons therefore. In addition, the period of the extension of the probationary period shall also set forth the standard of improvement the employee is expected to obtain and the action

CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)

to be taken if this standard is not achieved prior to the end of the extended period. The probationary period for a Tribal employee may not be extended for a period exceeding ninety 90 days.

- D. **Suspension With Pay.** Where a serious or repeated violation of this Manual has occurred, and the Tribal employee's supervisor cannot immediately determine the employee's degree of responsibility, if any, for the violation, the employee may be suspended with pay pending an investigation of the alleged violations. Suspension with pay may not exceed a 30 day period; if the Tribal employee has not been found to be responsible for the violation in question within the (30) day time period, the employee will be reinstated to duty without prejudice. If the employee is found responsible for the violation the employee's supervisor or Department Director shall terminate the employee.
- E. **Suspension Without Pay.** Where there is a serious or repeated violation of this Manual by a Tribal employee, and ample evidence exists of the employee's actions, the employee may be suspended without pay for up to five (5) working days by his/her Department Director with concurrence of the Personnel Manager. This response may be disciplinary action in itself or it may be used in connection with the termination of a Tribal employee as provided herein.
- F. **Demotion.** Voluntary or forced assignment of employee to a position in class of lesser responsibility, and/or authority, and or pay. This adverse personnel action is appropriate where a Tribal employee is found to be unable or unwilling to satisfactorily perform the duties associated with his/her position. This personnel action may be taken in lieu of suspension without pay and discharged when it is in the best interest of the department.
- G. **Involuntary Termination/Discharge.** Where a Tribal employee has been found to have repeatedly violated provisions of this Manual or has engaged in conduct which involves a serious violation of this Manual as provided herein, the employee may be discharged by his/her Department Director or the Executive Director. Involuntary termination may also be imposed where a Tribal employee has been suspended without pay for different infractions in this Manual twice within a twelve (12) month period.

SECTION 5.05. PROCEDURE FOR EMPLOYEE DISCIPLINE

Any employee that violates any of the provisions of the Personnel Policies and Procedures Manual may be disciplined in the following manner:

- A. All employees shall receive a verbal counseling session with their immediate supervisor.
- B. If the employee fails to rectify the violation, then the immediate supervisor must file a written notice with the affected employee and submit a copy to Personnel.
- C. If the situation continues, the supervisor may suspend the employee up to one week for failing to correct the violation.
- D. If the employee fails to rectify the violations and has been suspended, the employee shall be terminated. All Tribal supervisors, Program Manager, Department Directors must comply with these procedures.

SECTION 5.06. INFRACTIONS/VIOLATIONS

- A. **Scope.** Any action by a Tribal employee injurious to the Tribe or which obstructs the provision of governmental services may be subject to personnel actions.
- B. **Willful And Wanton Violations.** The disciplinary actions provided in this section shall be followed unless a Tribal employee is found to have engaged in willful and wanton conduct in violation of this Manual. An employee determined to have violated this Manual or the safe and efficient operation of Tribal government by willful and wanton conduct may be subject to

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

more severe disciplinary actions including immediate suspension or termination, when appropriate. It shall be the responsibility of the Tribal employee's Department Director, immediate supervisor, or Executive Director to document and record any departure from this disciplinary actions outlined below.

- C. **Multiple Violations.** The disciplinary action outlined in this section sets forth a formula for disciplinary action against repeated violations of the same infraction. It is recognized that any employee violating several infractions at once present similar problems as an employee who violates one infraction several times. Accordingly, program and department directors and the Executive Director are authorized to impose more severe disciplinary actions against Tribal employees engaged in violations of several infractions.
- D. **Limitations On Disciplinary Actions.** All records of employee infractions and disciplinary actions shall be removed from the employee's personnel file two (2) years after the issuance of the disciplinary action. For purposes of this section, once the record of a disciplinary action has been expunged, the employee should be treated as if the infraction never occurred. It shall be the responsibility of the Personnel Office to expunge employee records as required by this subsection.

SECTION 5.07. ALCOHOL AND DRUG ABUSE POLICY

- A. **Introduction.** The Tribe recognizes that alcohol and drug abuse can be a serious problem affecting Tribal employees in the performance of their duties. For the purposes of this Manual, a Tribal employee is suffering from alcohol or drug abuse when their ability to perform the duties and responsibilities of their job in a safe and efficient manner is impaired by drugs or alcohol. Tribal employees are encouraged to seek information, assistance and counseling so as to confront and begin the process of alleviating the employee's dependence and/or abuse of drugs or alcohol. To the extent practicable, the Tribe stands prepared to assist Tribal employees in their effort to become drug and alcohol free. However, this objective shall be subordinate to the primary Tribal governmental function: to provide governmental services in a safe and efficient manner.
- B. **Principles.** The alcohol and drug abuse policy of this Manual is characterized by the following principles:
 - 1. Tribal employees suffering from alcohol and drug abuse problems can be treated and rehabilitated.
 - 2. Tribal employees who chronically suffer from alcohol and drug abuse may utilize sick and annual leave in order to seek the treatment or counseling they need. In addition, Tribal employees may also be granted leave without pay for the treatment of their alcohol or drug abuse problems where practicable.
 - 3. Official records regarding the nature and treatment of a Tribal employee's alcohol or drug abuse problem shall be treated as Administratively Restricted and Confidential.
 - 4. Tribal employees are forbidden to use alcohol or illegal drugs while they are on duty during the work day. This prohibition shall include the consumption of alcohol or illegal drugs during lunch periods and on official Tribal travel to and from their business meetings and training status time.
 - 5. All Tribal employees experiencing family problems related to alcohol and/or drug abuse are encouraged to seek counseling and other services provided by Tribal, State and Federal agencies.
 - 6. Ultimately the responsibility to correct unsatisfactory work performance by a Tribal employee suffering from alcohol or drug abuse lies with the employee himself/herself. Failure to make these corrections may result in disciplinary measures.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

7. As an employer, the Tribe is concerned with the well-being of its employees, the maintenance of work force productivity, and the preservation of a safe and secure work place. The use of illegal drugs by employees, whether on or off the job, is inconsistent with these goals. As provided herein, the Tribe stands ready to assist employees in becoming drug free. Employees who are users of illegal drugs are encouraged to seek counseling and other appropriate assistance voluntarily.

SECTION 5.08. INDEBTEDNESS

Tribal employees are responsible for meeting their own financial obligations. The Tribe shall not act as a collection agency for non-Tribal debts. Should a Tribal employee owe the Tribe money because of salary overpayment, excess travel expenses or the issuance of checks to the Tribe with insufficient funds, the Tribe will attach the employee's future salary to meet this financial obligation. Garnishment of a Tribal employee's salary shall be handled pursuant to the Tribal Financial Responsibility Code.

CHAPTER 6. APPEAL PROCESS

SECTION 6.01. GENERAL OBJECTIVES

- A. The principle of this chapter is to provide Tribal employees with the right to appeal adverse personnel actions of a serious nature while not impairing the Tribal government from achieving its primary objectives because of the time and effort required to respond to minor grievances.
- B. It is intended that the appeal process will realize the following objectives:
 1. The majority of employee grievances and disciplinary actions shall be handled within the employee's department and shall not be subject to hearing. Department Directors are encouraged to resolve employee grievances and minor infractions informally within the department.
 2. Tribal government and Tribal employees are here to serve the Tribe and the Reservation community, not the other way around. A Tribal government clogged by endless and minor grievances and appeals will suffer in morale and will be unable to efficiently provide needed governmental services.
 3. Adverse personnel actions against Tribal employees with serious ramifications require a hearing where the Tribal employee has the opportunity to hear the charges against him/her and has the opportunity to rebut those charges and to present his/her own witnesses and testimony. These hearings shall be conducted promptly and shall be conducted fairly.
 4. It is the stated position of the Tribe that high employee morale and the efficient provision of governmental services requires that the due process rights of Tribal employees be respected when a serious adverse personnel action is being taken against an employee.
 5. Where possible, the disposition of an appeal under this chapter shall have a corrective rather than a punitive character.
 6. No Tribal employee shall be subject to discrimination or reprisal for filing an appeal regardless of its disposition.

SECTION 6.02. PERSONNEL ACTIONS SUBJECT TO APPEAL

- A. Personnel actions subject to appeal are divided into two classes:

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

1. Class I Appeal. A Tribal employee is entitled to a Class I appeal where a written warning notice has been issued.
 2. Class II Appeal. A Tribal employee is entitled to a Class II appeal in the event the employee is terminated, demoted, suspended without pay or loses his/her job as a result of a reduction in force.
- B. There shall be no appeals under this Manual unless specifically provided in this section.

SECTION 6.03. FILING CLASS I AND CLASS II APPEALS

- A. In General. All appeals are a means for Tribal employees to properly register complaints to their supervisor and management. Appeals must be in writing and must be filed with the Personnel Manager within five (5) working days of adverse personnel action. The appeal shall state the employee's name, Tribal position and the adverse personnel action being appealed. Any appeal filed later than five (5) working days after the issuance of the adverse personnel action shall be void.
- B. Class I Appeals. Every effort will be made to settle Class I appeals at the lowest level of supervision. Class I appeals shall be filed as follows:
1. Direct appeal to employee's immediate supervisor. Employees will make every attempt to settle their differences through employee-supervisor discussions.
 2. If the problem cannot be resolved or if the supervisor is considered to be the problem, the written complaint and supervisory action is submitted to the next level of supervision.
 3. If necessary, a final appeal may be submitted to the employee's Department Director, or Executive Director if the appeal is initiated by a Program Manager. The decision of the Department Director or Executive Director shall be final.
- C. Class II Appeals. Class II appeals shall be filed as follows:
1. For all Tribal employees other than Department Directors filing an appeal, the direct appeal shall be heard by the employee's Department Director. The final appeal shall be heard by the Executive Director.
 2. If the Tribal employee filing the appeal is a Department Director, the direct appeal shall be heard by the Executive Director. The final appeal shall be heard by the Personnel Manager.
 3. If the Tribal employee filing the appeal reports directly to the Chairman of the Board of Trustees, the direct appeal shall be heard by the Executive Director. The decision of the Executive Director shall be final.

SECTION 6.04. NOTICE OF APPEAL AND HEARING

- A. Scheduling Hearing For Direct Appeal.
1. After receiving an employee's request for a Class I or Class II appeal which has been filed in a timely fashion, the Tribal official responsible for hearing the direct appeal shall schedule a hearing. The official shall conduct the hearing within seven (7) working days after the appeal is filed.
 2. The hearing may be scheduled at a later date only when:

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

- a. circumstances beyond the control of the parties make it impracticable to conduct the hearing within seven working day time limit,
 - b. the Human Resources Director and the Tribal employee filing the appeal agree in writing to conduct the hearing on a specific later date, and
 - c. the agreed-upon date is within 30 calendar days of the filing of the appeal.
- B. Notice Of Hearing. The responsible Tribal Official shall issue a written notice of the hearing to the appealing employee at least three (3) working days prior to the hearing.
1. Said notice shall contain the following:
 - a. Name of Tribal employee and adverse personnel action being appealed;
 - b. Time and location of hearing;
 - c. Name of responsible Tribal Official;
 - d. The location and availability of documents relevant to adverse personnel action and appealing employee's right to review the documents prior to the hearing;
 - e. The employee's right to be represented by an attorney or other representative, at the employee's expense, at the hearing;
 - f. The employee's right to present his/her own evidence, written or testimonial, at the hearing; and
 - g. That the decision will be based solely on the written record and evidence produced at the hearing.
 2. A copy of a Notice of Hearing form is attached as Addendum #8 to this Manual.
- C. Decision In Direct Appeal. Within three (3) working days of the hearing the responsible Tribal official shall submit his/her written decision to the appealing employee with a copy to the Personnel Manger. The decision shall clearly state the basis of the decision.
- D. Filing Request For Final Appeal. In the event the responsible Tribal Official upholds the adverse personnel action, the employee may appeal the initial decision. The final appeal shall be in writing and must be filed with the Personnel Manager within three working days after the direct appeal decision is issued.
- E. Schedule of Final Appeal. The responsible Tribal official charged with conducting the final appeal hearing shall schedule and conduct a hearing as soon as practical within the thirty (30) calendar days after the final appeal is requested. The responsible official shall provide notice of the hearing as provided in paragraph (B) of this section, except that notice of the hearing shall also be sent to the Tribal official responsible for issuing the adverse personnel action being appealed.
- F. Decision In Final Appeal. Within 3 working days of the hearing the responsible official shall submit his/her written decision, to the appealing employee with a copy to the Personnel Manager. The decision shall clearly state the basis of the decision.
- G. Limitation of Tribe's Appeal Right. In the event the personnel action is mitigated in the direct appeal, the Tribe shall have no right to appeal said mitigation/reversal.
- H. Failure To Schedule And Conduct Hearing. If the Tribal hearings officer fails to schedule and conduct the hearing within seven (7) working days of the filing of the appeal, or as

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

extended in writing as set forth in subsection (A) of this section, or if the final appeal is not scheduled and conducted within thirty (30) calendar days, or as extended in writing as set forth in subsection (E) of the section, the personnel action being appealed shall be rescinded.

SECTION 6.05. JUDICIAL REVIEW OF FINAL APPEAL

- A. **Filing For Judicial Review.** The employee may seek review of an unsatisfactory final Class II appeal decision to the Tribal Court. A written appeal must be filed with the Tribal Court by the employee within five (5) working days of receipt of the final appeal decision. Failure to file an appeal constitutes waiver of the right to do so and acceptance of the final appeal decision. The employee filing the appeal shall pay any court or filing fees imposed by the Tribal Court.
- B. **Burden of Proof.** The employee seeking judicial review of the final Class II appeal decision carries the burden of proving that the final appeal decision is not supported by the record or by this Manual.
- C. **Standard of Review.** The Tribal Court shall defer to the findings of fact in the final appeal decision unless there is no factual basis in the record. The Tribal Court shall conduct a de novo review of the legal basis for the adverse personnel action.
- D. **Participation By Tribe.** The Tribe may respond to the allegations made by the employee by filing legal proceedings or appearing at the hearing as appropriate.
- E. **Decision Of Tribal Court.** The Tribal Judge shall render a written decision on the matter within seven (7) days from the close of their examination or hearing on the matter. The Tribal Judge decision shall be issued to the employee, the employee's Department Director and the Personnel Manager. The decision of the Tribal Judge is final.
- F. **Limitation On Monetary Remedies.** In no event shall any back pay award be made where Tribal funds or income from Tribal property is required to provide the funds to satisfy the back pay award. Back pay awards may be granted only if such awards are allowable costs under a grant or contract issued to the Tribe which provides funding for the program.

SECTION 6.06. SCOPE OF THE APPEAL

In any appeal hearing provided under this chapter, the issues shall be limited to the facts and law supporting the adverse personnel action which provides for the jurisdiction of a Class I or Class II appeal under this chapter. The facts and circumstances leading to prior adverse personnel actions against the Tribal employee, regardless of their character, shall not be within the limited scope of issues to be addressed at the hearing, unless specifically provided in this chapter.

SECTION 6.07. CONFIDENTIALITY

Until an appeal has been finally resolved, all parties involved will refrain from discussing the appeal outside formal proceedings as provided in this chapter.

SECTION 6.08. COMPLAINTS

- A. **Defined.** A complaint is any problem which an employee has regarding work requirements, management practices or working conditions that are not subject to appeal under this chapter. There shall be two (2) classes of complaints:
 - 1. **Class I Complaint.** A complaint shall consist of all problems meeting the definition in this section but which does not fall Class II complaints below.
 - 2. **Class II Complaint.** A Class II Complaint are those employee complaints involving charges of sexual harassment, discrimination based on sex or race or color, creed, or

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

marital status, or claims of unsafe working conditions posing a threat to persons or property.

B. Filing A Complaint.

1. **Class I Complaint.** An employee may submit a Class I complaint orally or in writing to his/her immediate supervisor within (5) working days after the cause of the complaint arises or becomes known to the employee. If the immediate supervisor is the cause of the complaint or has not resolved the complaint to the employee's satisfaction within (5) working days, the employee may present the complaint in writing to the employee's Department Director. In the event the Department Director is alleged to be responsible for the complaint, the employee shall file the complaint with the Personnel Manager. The Tribal official hearing the complaint shall respond to the complaint as appropriate. The response shall be prompt and need not be in writing.

2. **Class II Complaint.**

a. **Sexual Harassment/Discrimination Complaint.** An employee shall submit Sexual Complaints in writing to Personnel Manager within five (5) working days after the basis for the complaint occurs. The Personnel Manager shall conduct a preliminary investigation into the basis for the employee's complaint. If the Personnel Manager determines that further investigation is required, he/she shall see that the investigation is undertaken. The Personnel Manager shall issue his/her decision in writing to the employee filing the complaint within ten (10) working days. If the Personnel Manager determines that formal action is required to correct the complaint filed by the employee, the Personnel Manager shall notify the employee's Department Director as to the proposed corrective action and consult with the Department Director to implement the corrective action when appropriate. The Department Director shall meet with the employee named in the complaint within five (5) working days and initiate the necessary corrective action.

b. **Unsafe Working Conditions Complaint.** All written unsafe working condition complaints will be processed pursuant to section 2.09 SAFETY of the Personnel Manual.

C. No Reprisal Policy. An employee who files a complaint in good faith shall be free from restraint, coercion, discrimination or reprisal.

D. Termination Of Complaint. A complaint will be considered to have been resolved if any employee fails to present the complaint to the next highest supervisor within the specified time limits.

SECTION 6.09. LIMITATIONS OF ACTIONS

Notwithstanding any other provision of law including the Tribal Employment Rights Ordinance, the appeal and complaint procedure outlined in this chapter shall constitute the sole legal avenue of redress for all Tribal employees challenging personnel actions taken against them by the Tribe. Tribal employees may not seek review of any personnel actions taken against them in the Tribal Court unless and until they exhaust their administrative remedies as provided in this chapter.

CHAPTER 7. GLOSSARY

SECTION 7.01. DEFINITIONS

A. For the purposes of this Manual the following terms shall be defined as follows, unless context clearly requires otherwise:

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

1. Appeal. A request for review by the next level of supervision of any management action which directly and seriously affects the employee's job status, such as discharge or demotion.
2. Appraiser. A person who acts as the immediate supervisor of an employee and has the responsibility for assigning, directing and reviewing his work.
3. Career Development / Mobility. In certain positions requiring extensive learning time, and qualified Indian employees are difficult to obtain, or similar situations, a special target job developmental program may be provided. Such advancement is limited to position levels pre-designated in the developmental plan, with the preparatory training regularly monitored by an authority.
4. Class. One or more positions into classes together with specifications describing each class of work and appropriate rules and regulations.
5. Confidential Information. Any Tribal information regarding Tribal finances, acquisitions, policy development or hiring decision in the formative stage. Confidential information shall also include Tribal financial information unless the employee has been specifically authorized by his/her Program Manager or Department Director to release said financial information.
6. Compensatory Time. Leave granted to employees in lieu of overtime pay. Time earned is at time and a half.
7. Corrective Counseling. A meeting between a supervisor and an employee to discuss an employee infraction or misconduct with recommended solutions.
8. Complaint. A matter in which a employee has, in good faith, a dissatisfaction or concern which is related to employment and subject to management control. A complaint is normally handled by informal process at the first level of supervision. May be verbal or written.
9. Demotion. Voluntary or forced assignment of employee to a position in a class of lesser responsibility, and/or authority, and/or pay.
10. Discharge. A dismissal, forced termination of employment at the employer's option, implying some discredit upon the employee based upon discharge for cause (unacceptable behavior, failure to perform duties, etc.).
11. Disciplinary. Imposition of certain personnel actions (e.g. reprimand, warning, suspension, dismissal, demotion) as a result of conduct detrimental to the Tribal Govt.
12. Disciplinary Probation. A period in which an employee must perform well in order to atone for prior misconduct and to continue in employment.
13. Dismissal. Involuntary termination of an employee's employment with Tribal government. Discharge.
14. Emergency Hire. An employee hired for a short period of time, 30 days, to complete a special project or until a full time or part time individual can be hired.
15. Employee. A Person paid by Confederated Tribes of the Umatilla Indian Reservation to carry out the various duties and responsibilities of a position as described in the position description.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

16. Executive Board. The Chairman, Vice-Chairman, Treasurer, Secretary of the Board of Trustees.
17. Full Time Employee. An employee who works a full week work load of 37 1/2 hours and is employed continuously for an indefinite time. Employee works 1950 hours a year.
18. General Services Administration. An Administrative arm of the U.S. Congress.
19. Governing Board. An elected or appointed body overseeing performance of a particular department or program in Tribal government.
20. High Rate Geographical Areas. Those areas designated by General Services Administration where costs normally exceed the per diem rate. This includes most urban areas. A maximum reimbursement rate is established for each area.
21. Immediate Family Members. An employee's father, son, mother, daughter, husband, wife, brother, sister, grandmother, grandfather, stepmother, stepdaughter, stepson or any other relative living in the same household.
22. Immediate Supervisor. The person responsible for directly supervising the work of other personnel. This is a role and not a title. Thus, an immediate supervisor may be anyone with supervisory responsibility.
23. Incident Commander. One individual responsible for the overall management of the incident or action or emergency situation.
24. Indian. Any person who is enrolled as a member of any federally recognized Indian tribe.
25. Indian Preference. A Federal legal provision which allows employers on or near an Indian reservation to announce and practice a policy of giving preferential treatment to Indian individuals in hiring and job up-grading.
26. Intake. The overall process by which employees are recruited and selected to fill vacant job positions that have been specified in a comprehensive job description.
27. Job Description. A comprehensive written description of the objectives to be accomplished in a position, the work activities required to fulfill those objectives, and the background knowledge, skills, and experience required to effectively carry out those work activities.
28. Job Group. A classification level for a variety of jobs which fall within a fixed range of responsibility and salary in a wage/salary schedule.
29. Leave of Absence. Extended time off from work without pay for reasons within the scope and purpose of these rules and regulations upon prior approval of the employee's Program Manager, Executive Director, and/or Chairman of Board of Trustees.
30. Leave Without Pay. Excused absence from work without compensation.
31. Length of Service. The date of original appointment to Tribal service, except as adjusted by regulations, leave without pay and time not worked between separation and reinstatement or hire. This date issued for annual leave accrual, retirement benefits, and longevity.
32. Local Travel. Trips requiring no overnight lodging.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

33. Management Sensitive Positions. Any Tribal positions where the decision and authority of a person under the influence of drugs will have an adverse impact on others.
34. Mileage Rate. Cost of use of private vehicle at .31 cents a mile.
35. Nepotism. Favoritism shown in official business on the basis of family relationships.
36. Non-Tribal Indian. Person of a least one quarter Indian blood who is not an enrolled member of the Confederated Tribes of the Umatilla Indian Reservation.
37. Non-Local Travel. Trips that require overnight lodging and is in excess of ten hours.
38. Outstanding Performance. The performance standard as established by a supervisor with the knowledge of the employee which signifies "above a given minimum".
39. Part Time Employee. An employee who works less than a minimum of 20 hours a work week and a minimum of 1000 hours a year.
40. Pay Plan. The schedule of pay ranges and steps for all classes of positions in the Tribal service, fringe benefits, and appropriate rules and regulations.
41. Pay Rate. The specific dollar amount within a pay range paid to an employee for a class of work performed. This is the basic rate of pay. The pay rate does not include overtime, longevity, lead worker, or other financial benefits.
42. Payroll Deductions. Employee financial obligations deducted by the employer from the employee's pay and paid by the employer, on the employee's behalf, to the accounts owed.
43. Payroll Connected Costs. Financial contributions an employer makes, in addition to wages and salaries, that benefit employees.
44. Per Diem. The amount paid to cover the cost of meals and lodging. Employees are eligible for per diem when they are away from their workstation over ten (10) hours and require overnight lodging. Per diem rates are established by the Federal government.
45. Performance Evaluations. An appraisal, a review of an employee's performance with respect to the standard of performance established for the position.
46. Performance Standard. Statements of the desired results when a job or task is satisfactorily performed.
47. Personnel Action Notice. A personnel form filled out by a proper authority to initiate or confirm a personnel action.
48. Position. A group of specific duties, tasks, and responsibilities assigned or delegated by the appointing authority to be performed by an employee. A position may be part-time or full-time, temporary, or permanent, occupied or vacant.
49. Position Description. A standard form, prescribed by the Personnel Manager, which elaborates on the duties and responsibilities of an existing or proposed position.
50. Probation. Ninety (90) day period of initial employment with the Tribe wherein the employee's training and experience is evaluated by his/her immediate supervisor or Department Director to determine if the employee has the training, experience and skill to carry out his/her job responsibilities.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

51. Qualified Tribal Member. An enrolled CTUIR member who shows and demonstrates they meet the minimum qualifications established in the job description in order to receive Tribal Preference and eligible for an interview.
52. Probationary Employee. A full-time or part-time employee who has not completed the initial three month probationary employment period.
53. Program. A single purpose unit in Tribal Government, located within a department or operating independently of a department but under the guidance of a governing body.
54. Promotion. Assignment of an employee to a position involving greater responsibility. A promotion is usually accompanied by an advancement in pay.
55. Reduction in Force. Laying off of employees due to re-organization, reduction in program funding and scope, or other administrative realignments.
56. Reimbursement Rate: The rate at which expenses incurred while traveling on official Tribal business will be reimbursed.
57. Relocation or Reclassification. A change in classification of a position by raising it to a higher class, reducing job to a lower class, or changing it to another class at the same level.
58. Reprimand. Verbal or written corrective advice and instructions issued by a supervisor to an employee for a infraction or misconduct.
59. Reorganization. Any change in a department due to changes in funding, job titles-classifications, administrative/policy directives.
60. Safety Sensitive Positions. Any Tribal positions where a Tribal employee under the influence of drugs will present an increased risk of physical injury to him/herself or others.
61. Salary Step. One of a range of salary advances within a job group in a wage and salary schedule.
62. Self-Determination. A philosophy and federally recognized policy of placing increased responsibility for self government, government services, and economic self-development in the hands of Indian Tribal Governments and Tribal Members.
63. Separation of Employment. The removal of an employee from the payroll for either voluntary or involuntary reasons, to include dismissal, resignation, layoff, retirement, or death.
64. Special Project Employee. Any Tribal employee who is hired to complete a specific project or task within a specified time period.
65. Supervisor. An employee responsible for overseeing, scheduling, and directing the work of another employee.
66. Suspension. A disciplinary action which temporarily removes an employee from work, with or without pay, for misconduct.
67. Termination. Involuntary separation of an employee from Tribal employment.
68. Trainee. An employee who has been appointed to a class or position for a specific period of time to obtain knowledge, abilities, or skills through training.

***CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Board Resolution No. 07-093 (September 10, 2007)***

69. Transfer. An employee transferred from one position to another in the same class or a comparable class; receives no change in pay.
70. Travel Advance. Funds advanced to an employee to pay expenses while on travel status.
71. Travel Status. Any time an employee is away from their work station conducting their normal job responsibilities. Travel status will apply for all authorized travel regardless of the expenses or per diem paid or not paid by a program. Travel status will apply to local and/or non-local travel in a motorized vehicle. Employees on travel status will not be eligible to earn compensatory time.
72. Tribal Government. The administrative, service and enterprise structure of the Confederated Tribes of the Umatilla Indian Reservation, accountable to the Tribal membership (the General Council) through the Board of Trustees and specific governing boards.
73. Tribal Member. An enrolled member of the Confederated Tribes of the Umatilla Indian Reservation.
74. Wage / Salary Schedule. A uniform schedule of pay based on a classification scheme of job groups and steps within each group.
75. Withholding. A portion of an employee's earnings withheld by the employer to pay for such employee obligations as taxes and insurance.
76. Work Day. A five day working period which consists of 37.5 hours for full time employees Part time employees work week is a minimum of 20 hours a week and a maximum of 37 hours a week. Start at 12:01 a.m. on Monday and ends on 11:59 p.m. Sunday.
77. Work Station. Headquarters where an employee's office is located.