

The Confederated Tribes of the Colville Reservation



Employee Policy Manual 2023

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Appendix: Employee Acknowledgment of Receipt

1.0 GENERAL POLICIES

1.1 Purpose

1.1.1 The purpose of this Employee Policy Manual (EPM) is to describe the various benefits, policies and procedures that apply to employees of the Tribes.

The employees of the Confederated Tribes of the Colville Reservation (the Tribes) are dedicated to high standards of excellence and quality and are essential to the work of tribal government. Tribal employees play a critical role in achieving the goals of the Colville Business Council (CBC) and the Tribes as a whole.

1.1.2 The Tribes' values, traditions and customs influence the terms and conditions of employment and should assist decision makers in creating and preserving a workplace which is fair for employees and maximizes the productivity necessary to serve the members of the Tribes and its communities.

1.1.3 Our languages are vital to the survival of our culture, traditions, and way of life. To reflect this, all employees are encouraged to answer their work phones in one of the three Languages of the Colville Confederated Tribes. Each employee will have the option to choose for themselves which Language they answer their phone in. Human Resources will include this information in new employee orientation. Disciplinary action cannot be taken for failing to answer the work phones in the languages.

1.1.4 This EPM is not intended to create or to be construed to imply or otherwise create an expressed or implied contract or agreement relating to duration or any other term or condition of employment or employment benefits.

1.1.5 The Tribes, through the Colville Business Council, reserves the right to change and interpret EPM provisions, withdraw or add to employee benefits, or revise terms and conditions of employment, at its sole discretion. Any changes will be done through a Resolution and communicated to all employees via existing communication methods.

1.1.6 The Human Resources Director will provide opportunities for all employees to suggest improvements to this EPM, and will keep a file of these suggestions, reviewing the EPM at least annually to determine if revisions need to be made. In the event a revision is made, the EPM will be updated to reflect the change. No provision contained in this EPM may be revised or suspended by any oral statements made by supervisors or anyone in or outside the Tribes' employ, including members of the CBC. This EPM can only be modified in writing with the approval of the CBC by resolution. This EPM is approved by Resolution 2022-67 and supersedes and replaces any prior EPMs and addendums approved for general Tribal Employment use.

1.2 Availability and Scope of EPM- Revisions

- 1.2.1 All employees will be given a complete and current version of this EPM upon hire or whenever significant revisions are made. Supervisors are responsible for ensuring their employees receive a copy of any revisions or updates. All employees must sign an acknowledgment form indicating that they have received the EPM and acknowledge they are responsible for reading the EPM in its entirety. Acknowledgment Forms will be retained in the employee's personnel file in the Human Resources office.
- 1.2.2 Exceptions: This EPM governs all recruitment, hiring, transfer, promotion, disciplinary, leave and other benefits, and grievances/appeals matters in all programs and entities of the Colville Tribal government with the exception of Tribal programs that have standard operating procedures related to their specific internal operations and authorities. In cases where Programs specific internal policies do not address an issue, this EPM shall govern.

1.3 Organization of Operation and Chain of Command

- 1.3.1 The Tribes' governmental programs are organized and managed according to the most recent and approved organizational chart. The Colville Business Council approves Reorganizations and Organizational Charts with each budget cycle. In general, the Executive Director reports to the CBC, Department Directors report to the Executive Director, and Program Managers report to Department Directors. Supervisors of sub-units within programs report to Program Managers. Employees report to their immediate supervisors. All employees will follow the chain of command in either direction (up and down) for approvals or other actions required by this EPM unless specifically provided otherwise by its provisions.
- 1.3.2 The Executive Director has direct supervisory authority over the employees he/she supervises and general supervisory authority over all employees. The Executive Director has authority to establish/approve appropriate program operating procedures and to delegate authority to subordinates as he/she deems appropriate.
- 1.3.3 An employee in any supervisor capacity may delegate appropriate tasks and responsibilities to his/her subordinates, but remains accountable to his/her own superiors for all delegated duties. Any delegation of authority should be specific in name and authority.
- 1.3.4 All employees shall follow their chain of command to attempt to resolve workplace disputes or personnel issues, starting at the lowest level possible. When an employee perceives a problem with another employee which cannot be resolved by informal and respectful discussions between the two, the employee shall immediately raise the issue with his or her immediate supervisor, or the other employee's immediate supervisor. Supervisors will conduct informal meetings and will document the discussion, avenues researched, and the outcome. In instances where the employee does not feel comfortable discussing the issue with the immediate supervisor of the other employee, this may be brought to the next highest person in the chain of command. Strict standards of confidentiality must be adhered to by all parties. *See 10.1 Complaint Process.*

1.4 Standard Operating Procedures

Departments and programs may establish Standard Operating Procedures (SOPs) that are consistent with this EPM. SOPs are the written processes the department and program follow to carry out Department/Program functions and goals. The Executive Director has the authority to approve Standard Operating Procedures. Upon approval, it is the Supervisor's responsibility to assure that each employee receives a copy of the approved Standard Operating Procedures and adheres to the SOP's.

1.5 Sovereign Immunity

Nothing in this EPM constitutes a waiver of the Tribes' inherent sovereign immunity or an employee's official immunity. Nor does this EPM confer any authority on any Tribal employee to waive any immunity.

1.6 Colville Employment Laws and Rules

1.6.1 The Tribes is a sovereign nation which exercises its sovereignty by defining the terms and conditions of employment. The Tribes has defined some of the terms and conditions of employment through various laws and through this EPM and other employment related documents.

1.6.2 Employees may acquaint themselves with tribal laws which impact the terms and conditions of employment by visiting the Tribes' website (colvilletribes.com), which contains the *Colville Confederated Tribes Law and Order Code*.

1.6.3 As an exercise of its inherent sovereignty, the Tribes may voluntarily meet certain federal employment laws but is not legally bound by these and does not waive its inherent sovereign immunity in agreeing to meet any requirement of these statutes or their related rules. The Tribes is not required to provide employees any remedy, other than what this EPM provides, for any alleged breach of these laws, but will endeavor to provide reasonable accommodation when practical and in the best interests of the affected program.

2.0 EMPLOYEE CLASSIFICATIONS

Employees for the Tribes will be one of the following, depending upon the nature and duties of their positions, and will be hired as follows:

2.0.1 Full-Time Employees are those who work at least 30 hours a week.

2.0.2 Part-time Employees work a regularly scheduled week of less than 30 hours.

2.0.3 Temporary Employees may work a varied schedule; in most cases an employee who is hired on a temporary basis can expect to work in that position for a maximum of 60 days unless an extension is approved in advance by the Department Director and Human Resources. Justification for the extension must be documented in writing and included in the HR file. Employment beyond 60 days as a temporary employee counts towards 'years of service.'

2.0.4 Seasonal Employees are hired for seasonal occupations.

2.0.5 Short Notice Employees (formerly known as On-call Employees) are eligible to be placed in an employee pool for certain tasks and are expected to be available on short notice to perform these duties. These employees understand that their

work hours will be difficult to predict and the Tribes recognizes that a person may reasonably not be able to fulfill a “call” to work. Short Notice employees who decline or fail to respond to a call to work three times within a 90 day period may be separated from employment. Short Notice employees who will be unavailable for a period of time will provide notice to HR of their unavailability.. Indian preference will apply in scheduling Short Notice Employees’ work.

- 2.0.6 Contract Employees are employees who have a written contract which defines the terms and conditions of employment between the Tribes and the Contract Employee. Contract Employees will be hired through the regular hiring process unless directed by Colville Business Council to recruit for such talent. The offer of employment is not final until the Colville Business Council or designee approves the contract. If an employee or the Executive Director/Supervisor wishes to terminate contract prior to the end of its term and become a ‘regular employee,’ the employee will be subject to all provisions of the EPM, including but not limited to leave and other benefits. Colville Business Council, through resolution, must approve any contracted employee becoming a ‘regular employee.’
- 2.0.7 Trainees are employees, usually in full-time positions, who have been hired as a Trainee and will work under a Trainee Plan developed by the program. Employees who work under Trainee Plans, if they do not meet the requirements of the Plans within two years, they will be released and cannot grieve this decision.
- 2.0.8 Youth Employment Workers are high school students that work during the summer months, Spring break, winter break and weekends during the school year before they graduate High School.
- 2.0.9 Interns are college students working for the Tribes, gaining supervised, practical, on the job experience.
- 2.0.10 WEX, or ‘Work Experience,’ are individuals who are working to obtain on the job work experience as trainees
- 2.0.11 Volunteers Must be 18 years or older, must complete an application, background check, and sign a confidentiality agreement. Volunteering roles are designed to be meaningful and mutually beneficial for both the volunteer and to add value to the program. Volunteers are not assigned to cover the work of a paid employee or cover vacancy for a paid position. Volunteering is intended to involve members of the community in activities associated with tradition, education, healing, and in support of our services. Additional requirements and/or restrictions may be implemented on a program by program basis.

3.0 LEAVE

3.1 Holidays

- 3.1.1 All full-time employees are eligible to receive paid holidays; seasonal employees are eligible for paid holidays within their work season; part-time are eligible for paid holidays which fall on their usual work schedule; short notice and temporary

employees are not eligible to receive paid holidays even if they have qualified to receive health care benefits under applicable law.

- 3.1.2 Holidays will be observed on the day recognized as a holiday by the United States Government. If a holiday falls on an employee's regularly scheduled day off, the holiday will be observed on the next scheduled workday.

New Year's Day	January 1
Martin Luther King Day	3 rd Monday in January
President's Day	3 rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
CTCR Executive Order	Observed July 3
Independence Day	July 4
Labor Day	1 st Monday in September
Native American Day	4 th Thursday in September
Indigenous People's Day	2 nd Monday in October
Veteran's Day	November 11
Thanksgiving	4 th Thurs. & Fri. in November
Christmas	Workday before and December 25

- 3.1.3 Employees of programs with mandatory hours of operation 5 days a week, 8 hours per day Monday-Friday shall have 3 floating holidays. These are not available for use until after an employee's 90 day probation and cannot be cashed out. *See Definitions "Programs with Mandatory 5/8 Schedule."*
- 3.1.4 Some departments may, through standard operating procedures, designate substitute days as holidays or appropriate compensation for holidays worked.

3.2 Vacation Leave

3.2.1 *Accrual*

Full-time regular employees will be eligible for accrued vacation based on their length of employment with the Tribes and associated tribal entities. Part-time and seasonal employees will be eligible for vacation using the same length-of-service schedule, but their accrual will be determined by their paid hours. Temporary employees and short notice employees will not be eligible for vacation. It is the employee's responsibility to notify the Benefits Office when he or she qualifies for additional vacation or if there is an error regarding leave. Supervisors and managers may not unreasonably refuse requests for earned and accrued vacation.

- 3.2.2 Employees promoted or hired into different positions without a break in employment will retain earned calendar year vacation leave. Below are general guidelines on how vacation is administered. In situations where positions are hard to fill, and with the final approval of the Executive Director, different vacation amounts may be negotiated and awarded, but cannot exceed 120 hours.

3.2.3 Length of Service/Leave Earned Table:

<u>Length of Service</u>	<u>Vacation leave earned</u>	<u>New Hires' First year</u>
241 months and over	200 hrs (5 weeks)	7.6923 hrs/pay period
121 months to 240 months	160 hrs (4 weeks)	6.1538 hrs/pay period
61 months to 120 months	120 hrs (3 weeks)	4.6154 hrs/pay period
25 months to 60 months	80 hrs (2 weeks)	3.0769 hrs/pay period
0 months to 24 months	60 hrs (1.5 weeks)	2.3077 hrs/pay period

- 3.2.4 Employees may carry over 200 hours of vacation leave into the next calendar year. Anything over the allowable 200 hours of carry-over will be paid out at the beginning of the next calendar year. New employees may not use vacation until satisfactory completion of their introductory period. Employees promoted or hired into different positions may use vacation accrued in their prior positions with approval of the immediate supervisor, in consideration of the provisions of 4-9-2 below.
- 3.2.5 Employees are encouraged to take at least one (1) full-week block of vacation each calendar year. Generally, vacation time should be requested through the Paycom system no less than one week in advance of the first requested vacation day. Managers and supervisors are not required to approve requests if doing so would unreasonably disrupt the effective operation of the program or office.
- 3.2.6 Upon separation of employment, employees will be paid all vested, unused vacation only. Except as agreed to in a written agreement for contract employees the following will apply: vacation leave will be provided per contract year, vacation leave does not renew when an employee takes a new job within the organization in the middle of a contract year, and vacation leave is prorated based on the contract year.

3.3 Sick Leave, Return to Work, and Work from Home Agreements

- 3.3.1 Sick leave may be used when an employee or an employee's immediate family require health care or medical attention unless it's a qualifying event for an employee to take leave under the Colville Family Medical Leave provisions in this EPM. In this case, the scope of applicable relationships may be broader than dependents or spouse. Employees must communicate with their supervisor or manager when requesting leave unless a verified emergency exists to prevent such communication.
- 3.3.2 Full-time regular employees will accrue sick leave at the rate of two (2) hours per week. Part-time employees will accrue sick leave at the rate of one hour per week. New employees may not use sick leave until satisfactory completion of their introductory period. Employees promoted or hired into different positions may use sick leave accrued in their prior positions with approval of the immediate supervisor. Sick leave is not convertible to any other leave and will not be paid at separation. Vacation leave may be used when sick leave is exhausted. Sick leave requests shall be inputted in Paycom by the employee no later than two (2) working days after the employee returns to work; otherwise, it may be considered leave without pay, at the discretion of the manager or supervisor.

- 3.3.3 Employees must provide documentation from a primary care provider verifying an employee's illness or inability to work for absences of (3) three consecutive shifts or longer and a return to work medical release after extended illness, injury or surgery. Employees who fail to follow this requirement shall take leave without pay for the hours missed or may be considered Absent Without Leave depending on the circumstances of the events. Employees who show up for work with potentially contagious conditions (i.e., cold or flu) may be sent home at the discretion of their manager or supervisor.
- 3.3.4 It is the responsibility of the employee who has a medical condition requiring changes in work duties to notify his or her supervisor and Human Resources and provide a physician's signed statement to Human Resources describing their limitations.
- 3.3.5 In certain cases involving an employee's serious injury or long-term illness, a Return to Work Agreement may be necessary to develop a plan to bring the employee back to his or her position. The plan should include a graduated work outline with appropriate time tables consistent with the treating physician's assessment of the employee's capabilities, assigning appropriate transitional work activities as soon as he or she is medically released to perform any work. The employee is expected to take on work of increasing complexity, duration, and/or physical difficulty. This process should be achieved in increments consistent with the physician's recommendations and with the goal of eventually returning the employee to his or her job at full capacity or with modifications to accommodate any permanent disabilities. The plan should have a beginning and an end and include a clear definition of what is considered progress (e.g., the employee can work five (5) hours a day by week three (3), or the employee can assume a certain task by week five (5)). Goals and timetables should be established to help the employee return to pre-injury/illness employment; with reasonable accommodation if possible if there is permanent disability. The plan should also include the responsibilities of the employee, the supervisor or manager, and any co-worker who will be assisting the injured employee, and the actions each must take to achieve the Agreement. This Agreement must be developed with the supervisor and the employee and his/her health care provider, in consultation with the Office of Reservation Attorney. The Supervisor must consult with HR and the Office of Reservation Attorney regarding the development of a Return to Work Agreement and determination as to whether the employee can meet their specific job duties. If the injury is work related, the Risk/Claims Manger shall also be consulted in the development of a Return to Work Agreement.

3.4 Jury or Witness Leave

An employee required to report for jury duty or subpoenaed as a witness in a court proceeding is entitled to paid leave. Employees shall receive their regular pay but jury fees received shall be deposited to the program that paid for the jury leave. A copy of the summons or subpoena and record of payment must be submitted to the immediate supervisor to be attached to the time sheet for that pay period. Employees on paid jury duty or subpoenaed as witnesses must report to work during periods when excused from

such service unless the immediate supervisor determines otherwise. Employees excused from jury duty before the end of the work-day must report back to work that day, when feasible or travel is local. Time spent on jury duty will be credited as hours worked for computing sick leave, but not for overtime purposes. Employees may keep mileage reimbursements. Witness Leave is not available when the case could benefit the employee, directly or indirectly.

3.5 Bereavement Leave

Employees will be granted paid time off as bereavement leave when they experience the death of an immediate or extended family member. Bereavement leave cannot be combined (ex: an employee cannot receive 24 hours of leave for funeral participation, in addition to 1 full work week 40 hours of leave for the loss of an immediate family member). Employees may also request vacation, traditional or other leave as needed during their bereavement.

3.5.1 Immediate Family

Employees will be eligible for up to 1 full work week of paid bereavement leave each time there is a death of the employee's immediate family. For these purposes, immediate family is defined as spouse, child, parent, sibling, grandparent, grandchild, aunts, uncles, neices and nephews; this includes step and foster parents and children.

3.5.2 Relative Other Than Immediate Family

Employees will be eligible for up to 2 full work days of paid bereavement leave each time there is a death of the employee's extended family. For these purposes, extended family is defined as a relative by blood or marriage.

3.5.3 Program Co-Worker

In the event of a program co-worker's death, employees may be granted a maximum of one workday with pay and with the approval of the immediate supervisor.

3.5.4 Funeral Participation

Employees requested to participate in funerals during work hours may be granted up to 3 full work days paid leave. Leave will be granted to employees serving the family in activities necessary to carry out the funeral services and specifically requested by the family. Examples include, but are not limited to: cook, hunter, singer, drummer, speaker, gravedigger, altar server, pallbearer, and dressing of the deceased. Employees will be expected to work as much as possible or use their own leave when not actually participating in funeral activities as requested. Leave may not be granted if the employee's absence prevents the program from carrying out its critical responsibilities.

3.6 Administrative Leave

At the discretion of the Executive Director, employees may be granted Administrative Leave. Administrative Leave is not an employee right and will only be granted to those employees in work status, that is, at work at the time the Administrative Leave is granted. The Executive Director may require that an employee take Administrative Leave related to a personnel matter.

3.7 Leave Without Pay and Leave of Absence

Employees are expected to use their leave sensibly and plan for the full year, but employees may request leave without pay with the approval of their immediate supervisor after all other leave is exhausted and an emergency situation exists.

- 3.7.1 Extended periods of leave without pay will be approved only when there is reasonable assurance the employee will be available to return to regular employment at the end of the leave period. Leave without pay will be granted only when such leave can be scheduled without adversely affecting the program. Leave without pay shall end when the employee is able to return to work or the situation is no longer emergent, even if time remains on the pre-approved schedule. Failure to return to work when leave without pay expires, or working for another employer during such leave, may result in separation of employment.
- 3.7.2 Leave without pay shall not be approved for a period in excess of 30 calendar days unless approved by the Executive Director for a maximum of 60 calendar days. Employees on leave without pay will not accrue leave of any type. Employees on leave without pay are responsible for making pre-leave arrangements with Benefits to continue employee-paid coverage as soon as reasonably possible. Hours on leave without pay will not be counted towards years of service. The Program shall notify Benefits of all such leave.

3.8 Colville Family Medical Leave (CFML)

- 3.8.1 The Tribes is committed to providing eligible employees with leave afforded under Colville Family and Medical Leave (CFML), which provides employees with job protected unpaid leave for up to 12 workweeks in a rolling 12 month period under the following qualifying circumstances: (a) employee's serious health condition; (b) birth, adoption, or placement of a foster child with the employee; (c) employee is needed to care for a family member (i.e., child, spouse or parent with a serious health condition); or (d) incapacity due to pregnancy, prenatal medical care or childbirth.
- 3.8.2 To be eligible for CFML, an employee must have worked for the Tribes for a total of 12 months and at least 1,250 hours over the previous 12 months. The 12 month period in the aforementioned criteria will be defined as the immediate 12 months prior to the need for leave. If an employee is eligible for CFML, accumulated paid leave time must be used prior to Leave Without Pay. CFML may commence at the same time any other Tribal leave commences, regardless of whether leave taken is paid or unpaid and the two run concurrently.
- 3.8.3 To apply for CFML, an employee must provide the Tribes with as much advance notice as possible before CFML is to begin. Benefits provide the employee with necessary forms, including the Colville Family Medical Leave Request form and the Colville Certification of Health Care Provider form. All forms shall be submitted to Benefits for consideration. Benefits will assist in completion of forms, counsel an employee on available resources/benefits and other follow up as necessary.
- 3.8.4 While on CFML, an employee's health insurance coverage will be maintained in the same manner as during the employee's active employment status. Employees

are responsible for paying their share of health insurance premiums while on leave.

- 3.8.5 Prior to returning from leave, employees who take CFML for a documented health condition must submit sufficient documentation from their healthcare provider, stating that they can fulfill the requirements of their position. Employees who do not provide this documentation will not be permitted to return to work. Employees returning from CFML will be restored to the employee's original job.
- 3.8.6 CFML also provides job protected unpaid leave for up to a total of 26 work weeks of leave during a 12 month period for an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member in the Armed Forces. This leave will only be available during a rolling 12 month period. Those employees taking CFML for covered service members must provide Benefits with sufficient proof of eligibility for this leave and the requisite certification issued by a health care provider stating that the service member is being cared for by the employee.
- 3.8.7 Eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies (i.e. short notice deployment; attending certain military events, etc.). Certification of Qualifying Exigency for Military Family must be submitted to Benefits to qualify for the leave entitlement.
- 3.8.8 The Executive Director can approve a 2nd period of CFML in limited, case-by-case situations.

3.9 Military Leave

- 3.9.1 The Tribes supports those who serve in the armed forces. In keeping with this commitment, employees who must be absent from work for military service are entitled to take a military leave of absence for a maximum leave of five (5) years. This leave will be unpaid. When an employee's military leave ends, that employee will be reinstated to the position he or she would have held if continuously employed.
- 3.9.2 Employees who are called to military service must notify their supervisors as soon as possible that they will need to take military leave. An employee whose military service has ended must return to work or inform the Tribes in writing that he or she wants to be reinstated in accordance with these guidelines:
- 3.9.3 For a leave of 30 or fewer days, the employee must report back to work on the first regularly scheduled workday after completing military service, allowing for travel time.
- 3.9.4 For a leave of 31 to 180 days, the employee must request reinstatement within 14 days after military service ends and report back to work on the first scheduled workday after being notified of reinstatement.
- 3.9.5 For a leave of 181 days or more, the employee must request reinstatement within 90 days after military service ends and report back to work on the first scheduled workday after being notified of reinstatement.

- 3.9.6 Employees who are called to military service continue to accrue leave at a rate of 50%.
- 3.9.7 Honorably Discharged Veterans are authorized to utilize the paid administrative leave benefits to participate in Military activities such as Veteran's Day assemblies in schools, Honor Guard, Stand Downs, etc.
- 3.9.8 Disabled Veteran Leave: Available as a one-time benefit during a 12 month period and may not exceed 104 hours for a regular-full time employee. Disabled Veteran Leave can only be used for undergoing medical treatment of a qualifying service-connected disability. Proof of medical appointments/treatment may be requested.

3.10 Traditional Leave

Employees in full-time regular, part-time, or seasonal status will be granted 30 hours paid Traditional Leave each calendar year, regardless of a temporary lapse in tribal employment in that calendar year. Requests for paid Traditional Leave must be approved by the Immediate Supervisor and must be requested through Paycom as far in advance as possible. In recognition of the diversity of our employees, "Traditional Leave" is given on the basis that the Tribes recognizes the culture, traditions and diversity of all individuals, whether or not the individual is a member of the Tribes. This leave is not paid upon separation or after resignation or when a termination notice has been provided.

3.11 Employee Wellness

- 3.11.1 The Tribes recognizes the importance of employee good health and wellness and provides each full time, part time, and seasonal employee with four hours of paid leave per calendar year to have an annual physical. Requests for Wellness leave shall be completed through Paycom.
- 3.11.2 Employees may have up to three, one hour breaks per week for exercise programs (including lunch) if approved by their immediate supervisor.

3.12 Absent Without Leave

Employees who have been denied leave by their supervisors and who nevertheless fail to report for work on time on the day of denied leave, or employees who fail to report for work and do not call within 30 minutes after their shift begins, or who abandon their work station for the remainder of their shift without approval from their immediate supervisor will be recorded as Absent Without Leave (AWOL) unless there is an emergency situation. Up to a 5-day unpaid suspension may be imposed for each day an employee is AWOL. A third AWOL within a 12-month rolling period will be deemed grounds for immediate dismissal.

3.13 Donated Leave

- 3.13.1 Vacation leave may be donated to another employee if the following criteria are met:
 - (a) Recipient has been deemed eligible for Colville Family Medical Leave and recorded in Benefits as such.

- (b) All sick and vacation leave must be drawn down, prior to being eligible to receive donated leave.
 - (c) Must receive approval by the donor's Program Manager and recipient's Program Manager in conjunction with Benefits.
 - (d) Broadcasts requesting Donated Leave must be requested by Benefits.
 - (e) Donated leave shall not exceed 12 weeks or beyond the duration of the documented health condition, whichever is sooner.
 - (f) An additional four (4) weeks of donated leave can be approved at the discretion of the Executive Director.
 - (g) Donated leave that surpasses the length of leave allowed will be returned to the donor, based on chronological order received. A leave recipient may use donated leave only for the purposes related to the medical emergency for which the leave recipient was approved.
 - (h) Intermittent leave donation requests will be reviewed on a case-by-case basis.
 - (i) Benefits reserves the right to verify the medical need throughout the duration of the donated leave being utilized.
- 3.13.2 Recipients of this leave and supervisors of donor and recipient employees are expected to use it appropriately and with good judgment.
- 3.13.3 Donated leave is not a right. Employees are eligible for donated leave one time per rolling year. However, there may be situations where employees are not afforded this option due to extenuating circumstances.

3.14 Tribal Employee Volunteer Program (TEVP) Leave

- 3.14.1 Family and community service are important to the Tribes. The Tribes recognizes the benefits of investing in our youth by teaching in the areas of culture, education, and coaching sports. The employee cannot receive additional compensation for their services when on TEVP leave. The following criteria must be met before an employee is considered for TEVP:
- (a) Employee cannot receive additional compensation for services.
 - (b) Employee must be in good standing.
 - (c) Employee will receive 32 hours of TEVP leave.
 - (d) TEVP leave will not be awarded until the employee and supervisor complete the TEVP Leave Application.
 - (e) Must be approved through Paycom by the employee's supervisor.
 - (f) Employee must fulfill all requirements of the agency and be accepted by the agency as a volunteer.
 - (g) Employees must conduct themselves professionally, appropriately, legally, and ethically during their volunteer service.
 - (h) Employees must include the volunteer activity, including location and name of contact in their request for leave through PayCom.

- (i) Employees who abuse this policy (ex: are not volunteering during their approved TEVP leave) may be subject to disciplinary action, up to and including termination.

4.0 EMPLOYMENT PROCESSES

4.1 No Discrimination

The Tribes supports equal opportunity and does not discriminate based on race, religion, national origin, age, sexual orientation, gender, or disability in employment related decisions. Simultaneously the Tribes is committed to making the best use of the significant talents of its members and other persons within its community.

4.2 Tribal Preference

The Tribes leverages the talents of its members and individuals within the community by and through this tribal preference policy. Tribal preference shall apply in all aspects of employment (interview selection, hiring, training, layoffs, promotions, reduction-in-force, reorganization, etc.) by selecting the person who is highest on the following list:

4.2.1 First preference: Colville Tribal Members

Second preference: First Line Colville Descendants

Third preference: Spouses or guardians/custodians of Colville Tribal Members

Fourth preference: Members of other federally recognized tribes

4.2.2 When hiring, the above order of preference applies when more than one applicant meets the minimum qualifications set forth in the job description, passes all required background and reference checks, performs satisfactorily in the interview, and at least one of these qualified applicants is a Colville Tribal member. If only one Colville member applies and meets all these requirements, he or she will be offered the job. If there are two or more Colville members in the applicant pool who meet these requirements, the Colville applicant who is the best candidate will be selected. Otherwise, hiring decisions will be based on the remaining preferences as listed in the order above.

4.2.3 The Colville Business Council may waive Tribal Preference by resolution.

4.3 Veteran's Preference

An applicant's veteran's status shall be considered in hiring and promotion decisions. Veterans will receive extra consideration in the selection process. Honorably discharged Veterans will receive an additional 5% on interview scores. Veteran's preference shall be verified through a DD-214.

4.4 Vacancies

When a position becomes vacant for any reason, the program with the vacancy will complete a Requisition through Paycom. Human Resources staff will work with the program to finalize the job description and job announcement in order to advertise the position. Human Resources assist departments in developing and modifying job descriptions. In order to reduce risk of liability to the Tribes, Human Resources will ensure the final job description complies with the appropriate classification, wages, and

physical requirements. If the program intends to create a new position, the program will work with HR to develop the position description and pay range.

4.4.1 New positions and salary must be proposed in writing by HR and approved by signature of the Executive Director. Immediately upon such approval, HR will advertise the position.

4.5 Application Review

4.5.1 HR shall screen out applicants if the applicant's hire would violate any Tribal policy, or if they are disbarred, excluded, or ineligible to participate in a federal program, or have been terminated and/or convicted of certain crimes affecting their fitness or the requirements of the position applied for.

4.5.2 The program will determine which applicants satisfy minimum qualifications, conditions of hire, and physical requirements of the position applied for, in addition to the level and extent of background check needed.

4.5.3 Documented concerns regarding employment history or concerns regarding references, potential nepotism, inaccurate information in the application, prior convictions or arrests (when applicable) or any other circumstance that may impact fitness for hire, those concerns will be discussed with the Interview Board.

4.5.4 Applicants who have been subject to discipline, up to and including termination and/or convicted of crimes involving misappropriation, theft, or negligent loss of tribal funds, property or equipment or conspiracy to commit misappropriation or theft, will not be eligible for any position that involves direct management of the Tribes funds or property as a job requirement.

4.6 Interview/Selection

The interview process will be conducted by a fair, ethical, unbiased, and confidential Interview Board comprised of the immediate supervisor and two (2) other voting members who have professional or technical knowledge of the position requirements.

4.6.1 Interview questions must be submitted to Human Resources at least two days prior to the interviews taking place. Answers to questions will be rated with a numerical score of 0–4, with zero meaning “unresponsive” 1 meaning “unsatisfactory” 2 meaning “satisfactory/average,” 3 meaning “better than average” and 4 meaning “Superior.” All interviews must include at least 10 scored questions, and the interview scoring sheet will include a space for additional points for veteran applicants as provided in § 4.3 above.

4.6.2 Final selection of an applicant by the Interview Board will be based, among other things, upon satisfactory employment record, supporting job references, meeting minimum qualifications, possessing the physical capabilities to perform the essential functions of the position, providing accurate and complete information on the application and at the interview, passing applicable background and driving clearances, responding to job interview/job offers in a timely manner, passing all required health or drug screening, and remaining in good standing with the Tribes throughout the application, interview, and hiring processes.

4.6.3 The Interview Board will make recommendations for final selection but cannot negotiate salaries (*See* Salary Policy enacted 2015, per Reso. 2015-153 for additional information attached as an appendix).

4.6.4 The Interview Board will forward to the HR Director for final approval.

4.7 Nepotism

4.7.1 Nepotism means favoring relatives by giving them jobs, promotions, etc. This form of preferential treatment by a family member for his or her immediate family in hiring, promotion, firing, or lay-off and is prohibited. "Immediate family" (as defined in the definitions section) shall include: spouse, child, parent, sibling, grandparent, aunt, uncle, nieces and nephews; this includes step and foster parents and children.

4.7.2 No person shall hold a job or be hired into a job that requires him or her to directly supervise or to be supervised by an immediate family member.

4.7.3 No employee shall enter into an agreement with another employee for training or educational benefits provided by the Tribes if the persons are members of the same immediate family.

4.7.4 No person shall enter into or supervise contracts or services to the Tribes that are to be performed by his or her immediate family members.

4.7.5 No person shall serve as an Interview Board Member if an immediate family member is being considered for a vacant position.

4.7.6 A person, randomly or otherwise, selected to serve on an Interview Board, shall not accept and shall withdraw when the decision of the board or committee will affect a member of his/her immediate family.

4.7.7 No person shall participate on an Interview Board if there is an immediate family member on the Interview Board.

4.7.8 Employees may report concerns regarding nepotism to Human Resources.

4.8 Orientation

Employee orientation is intended to provide new employees with general information about Tribal operations, benefits, Policies and Procedures and job expectations. It is the responsibility of the immediate supervisor to ensure the new employee attends orientation sessions, completes the required forms and is available for questions. A schedule of orientation sessions will be provided to the new employee with the expectation that he/she will attend the first available date. The employee will sign the orientation form to acknowledge the information was received. In addition, all employees will receive and sign an acknowledgement they received a copy of this EPM and will agree, in writing, to read it in its entirety and abide by its provisions.

4.9 Introductory Period

4.9.1 During the introductory period, both the Tribes and its employees will have the opportunity to better understand each other regarding the Tribes' expectations and the employee's skills, attendance, talents and fit for the job. Introductory periods for employees are 90 days in length. Although discouraged, the introductory period may be waived by the Executive Director with adequate written

justification upon recommendation of the interview board. During the introductory period an employee may be released for any reason. Programs are responsible for determining, during an employee's introductory period, whether the employee is able and willing to fulfill his or her job duties. The Tribes may release employees who do not or will not satisfactorily perform the duties of their position during the introductory period and this release is not subject to the grievance/appeals process.

- 4.9.2 Programs are responsible for conducting, at minimum, a 60 day interim probationary review during the employees introductory period. The program should utilize the 'Short Form' appraisal form when conducting the 60 day interim probationary review.
- 4.9.3 Current employees hired for new positions or demoted to a different position are subject to a 90 calendar day introductory period. Employees will retain their benefits if the position they have assumed is eligible for benefits. Leave time taken in the new position may extend the introductory period, day-for-day of leave used, at the discretion of the supervisor. If the Program deems that an additional introductory period is warranted to determine if the employee can fulfill the job duties, the manager may request, in writing and in advance, an extension of the introductory period for 30 days to the Executive Director, who may approve it at his or her discretion.
- 4.9.4 Employees in their introductory period do not have an expectation of continued employment, as during this period they may be released for unsatisfactory performance and may not grieve or appeal a termination while in the introductory period.

4.10 Performance Appraisals

- 4.10.1 Performance appraisals (long form) during an employee's interim probationary review must occur, at a minimum, after 60 days (*See* 4.9 Introductory Period).
- 4.10.2 Performance appraisals will be completed by the immediate supervisor on a standardized Performance Appraisal Form (long form) annually during the month of October. The Performance Appraisal process must be completed within 90 days. Failure to complete the process within the 90-day timeframe may result in disciplinary action.

4.11 Employee Recognition

- 4.11.1 The Tribes understands the value of recognizing employees whose performance exceeds the standard and the importance of public service by employees and shall hold an annual Employee Appreciation event. Departments are responsible for identifying employees whose attendance, performance, professionalism, leadership, and/or public service is outstanding and deserving of special recognition.
- 4.11.2 Directors shall annually provide to the Executive Director a list of employees who are deserving of special recognition. A special committee shall be appointed by the HR Director to develop this recognition program.

- 4.11.3 Programs, with the approval of the Executive Director, are encouraged to recognize outstanding employees on a more frequent basis through an established standard practice. This may include but it is not limited to: merit increase, free day off, bonus, etc.

4.12 Reclassification of Positions/Compensation

Positions may be reclassified—that is, their titles and job descriptions and at times, pay range may change.

- 4.12.1 When a manager or supervisor determines that a position in his or her program should be reclassified, or when an employee believes that his or her position should be reclassified, the supervisor, manager or employee will complete and send a Reclassification Packet and all supporting documents to Human Resources for review.
- 4.12.2 Upon approval and subject to the availability of funding, the wages may be paid retroactively from the date of receipt of a complete reclassification packet in the Human Resources office so long as the date is in the current fiscal year. If there is no funding available at the time of approval the job description and/or title may still be revised with a notation that compensation will be based upon the availability of funding.
- 4.12.3 The overall intent of job descriptions should not be compromised. Job descriptions are intended to reflect and describe the nature and intent of a job classification and may not be a total list of duties. When new assignments are made to a specific job classification, they do not automatically require additional compensation.
- 4.12.4 Tribal Preference shall be considered when a Reclassification Packet/request is submitted to HR for processing.

4.13 Resignations and Separations

- 4.13.1 Employees may resign with or without cause. Resignations must be written and signed by the employee, or, if an employee has given verbal notice of resignation to his supervisor or anyone in the chain of command, the supervisor will timely document the verbal resignation in a memorandum, including its date and the person to whom the resignation was stated, and provide a reasonable opportunity for the employee to review the memo and concur by his or her signature. If the employee signs the concurrence he or she is deemed to have resigned. If the employee remains at his or her work station following the verbal resignation and continues to report for work and refuses to concur with the memo, the employee will not be deemed to have resigned.
- 4.13.2 A resignation submitted by an employee during an HR or program investigation of possible misconduct by the employee may not be accepted until the investigation has been completed. If a determination is made by either HR or the supervisor that the misconduct occurred and that immediate termination is the appropriate disciplinary action under the circumstances, the employee will be terminated for cause pursuant to these policies, or may sign a “Resignation in Lieu of Termination” Agreement acknowledging the misconduct and agreeing

that this record may be accessed by a supervisor considering the employee for hire in the future.

- 4.13.3 A Separation of Employment (SOE) must be submitted to Human Resources within three (3) business days of the date of separation. All employees are requested to give at least two (2) weeks' notice. The immediate supervisor may, with the concurrence of the next level supervisor, agree to a shorter notice to accommodate extenuating circumstances. The last day worked shall be considered the date of separation.
- 4.13.4 A separated employee shall be compensated for all vested, accrued, and unused vacation leave only. Employees shall in no case be paid out for unused traditional leave or unused sick leave. Employees who are eligible to receive compensatory time may receive payment for approved but unused compensatory time.
- 4.13.5 Upon the effective date of resignation or separation for any cause, employees are required to return all tribally-owned and issued equipment and property, including but not limited to computers and devices, cell phones and accessories, keys, credit cards, passwords, and any work-related documents in the employee's possession. Employees who are notified of their separation via mail will have three (3) business days to return the Tribes' property. Information created by employees while working for the Tribes is the sole property of the Tribes and shall not be duplicated and removed either in hard copy or electronically from the Tribes' virtual or physical properties. Employees found to have taken or accessed tribal property may be prosecuted.
- 4.13.6 Employees shall provide their supervisors a written summary of their work in progress in order to affect a smooth transition. The employee's final check will be held until the property is returned and may include deductions for amounts owed to the Tribes.

4.14 Abandonment of Job

An employee who fails to report to work and does not personally contact the immediate supervisor for three (3) complete and consecutive employee work days or shifts will be considered to have abandoned his or her job and will be dismissed, unless he or she can provide a statement signed by a physician or other authorized professional that the employee was physically incapable of making such contact. Employees who abandon their jobs have waived their right to grieve or appeal termination on that basis.

4.15 Reductions-in-Force (RIF)

- 4.15.1 The Colville Business Council may approve a Reduction in Force (RIF), following a recommendation from the Executive Director, based on substantiated facts that there is a lack of funding, shortage of work, or a reorganization of the government operations or structure is required that may cause positions to be considered no longer necessary and therefore eliminated.
- 4.15.2 An employee who will be separated under this section will be given as much notice as possible but at least 14 calendar day's written notice from the Human

Resource Office. Employees who are in their introductory period or are temporary will be considered for separation first.

4.15.3 The conditions of lay off under a RIF for employees are:

- (a) Voluntary RIF. When there is a position scheduled to be eliminated, an employee of the same classification of position within the same program may voluntarily offer to be laid off under this section as a RIF with the approval of their Program Manager or Department Director if the position reports to the Department Director.
- (b) Offer of Reassignment/Transfer. Prior to his/her last date of employment, an employee in good standing (has no current or pending disciplinary actions) who is scheduled to be separated as a result of a RIF or Reorganization may be offered a reassignment/transfer into a comparable vacant position if the employee clearly qualifies for the position. If the employee chooses not to accept this offer, no other offers will be made under this policy.
- (c) Displaced Employees on Re-employment Lists. The names of employees who have been laid-off shall be placed on a re-employment list in the Human Resource Offices who will notify the displaced employee of job openings. Persons on the re-employment list will have preference over non-RIF'd applicants provided that the worker displaced by the RIF meets the minimum qualifications for the position and appropriately applies for the position. This option expires 12 months following the RIF or when the employee has accepted another Tribal position within those 12 months. Indian Preference applies.
- (d) Appointment or Hire of Displaced Employees to Positions of a Lower Class. A Department Director may, in consultation with affected Program Manager and with the approval of the Executive Director, reassign an employee who is to be laid off to an existing vacancy in a lower class for which the employee is qualified and if the employee accepts the lower class position. If the employee chooses not to accept the lower position there shall be no negative consequences with regard to future Tribal employment. Indian Preference applies.
- (e) Order of Separation or Retention. To determine which positions will be RIF'd or retained, the decision shall be based first upon Indian Preference, performance, and then upon seniority. A termination as a result of a RIF cannot be grieved or appealed.

4.16 Reorganizations

Reorganizations will be based on changes necessary to improve or eliminate functions or services, address shifts in funding, to eliminate or change the types of positions needed to meet the goals of a program, department or the Tribes. Reorganization does not result in a loss of employment; rather, it is realigning positions within the program or Department. The request for Reorganization requires Human Resource Office review and approval by Executive Director, with final approval from the Colville Business Council. Documents submitted for

approval will include the reason the action is being taken, which positions are affected and how and why these specific positions have been identified.

4.16 Program Layoffs

- 4.16.1 In certain instances an individual program may face a budget shortfall requiring the layoff of one or more employees in positions which, in the best judgment of the manager, can no longer be funded. In other instances employees may be hired with the understanding that the position may be terminated in the event that its funding is depleted. Positions are not necessarily permanently eliminated in a Program layoff. Managers seeking to layoff an employee or employees under this section must have the signed approval of their division Director and the Executive Director for such action, and must present a full justification of the proposed action. This action cannot be taken to terminate an employee or employees based on poor performance; it is **not** to be substituted for a disciplinary action.
- 4.16.2 Employees laid off under this provision will be provided with the same opportunities as those offered RIF'd employees under section 4.15.4 above.
- 4.16.3 As with RIF'ed employees, persons laid off under this provision may not grieve or appeal the action.

4.17 Transfers

- 4.17.1 A transfer is a lateral movement, to any other position within the Tribal organization. The transfer must be within the same skill grade and same pay, or to a lower skill grade. A transfer may not be to a higher skill grade. A transfer must be approved by the Program Manager and Division Director of each affected program. At the Program Manager's and Division Director's discretion, an employee may be permitted or required to make a temporary or permanent transfer in order to accommodate the needs of the Tribes, so long as the employee's hourly rate and benefits are not affected.
- 4.17.2 Transfer Eligibility & Requirements:
 - (a) Employees requesting a transfer should submit a 'Transfer/Promotion' Request Form' and submit to their supervisor.
 - (b) Employee must meet the minimum experience, education, and certification and training requirements associated with the position classification.
 - (c) Employee must have a track record of maintaining above average attendance and performance.
 - (d) Employee must be in good standing without any current or pending disciplinary actions.
 - (e) Employee must have been in their current position for a minimum of 6 months.
 - (f) New positions must be filled through the regular hiring process.
 - (g) A Notice of Positions Vacancy (NPV) packet is submitted by the program to Human Resources, within five (5) business days. The packet must contain the NPV, Position Description, Budget and Organizational Chart.

- (h) The HR Director verifies that the recommended employee is eligible for transfer and has passed the probationary period.
 - (i) Indian preference applies.
- 4.17.3 Employees requesting transfers under this section should make those requests in writing to their supervisor, who may approve or disapprove the request. This option must meet the operational needs or services of the Tribes and program.
- 4.17.4 Transfers may occur when the funding source for the position changes but the employee remains in the same capacity and in the same program under a different funding source.

4.18 Promotions

- 4.18.1 Promotions are changes in employment status that result in an increased hourly rate, and responsibilities.
- 4.18.2 Promotion Eligibility & Requirements:
- (a) Employee must meet the minimum experience, education, and certification and training requirements associated with the position classification.
 - (b) Employee must have a track record of maintaining above average attendance and performance.
 - (c) Employee must be in good standing without any current or pending disciplinary actions.
 - (d) Employee must show potential for being able to manage the increased scope of duties and responsibilities associated with the vacant position classification.
 - (e) Employee must have been in their current position for a minimum of six (6) months.
 - (f) New positions must be filled through the regular hiring process.
 - (g) Indian preference applies.

In the event of extraordinary circumstances, any of the above criteria may be waived with the approval of the Executive Director.

The employee's rate of pay, after a promotion, will be determined according to the salary scale for the new position. This policy provides no guarantee of future transfers, promotions, step increases or any other salary adjustments.

- 4.18.3 Promotions are initiated through the following process:
- (a) Employee completes and submits a 'Transfer/Promotion' Request Form' and to their supervisor.
 - (b) The Supervisor reviews and recommends that a vacancy be filled by promotion and must consider all qualified employees in the program for the promotion.
 - (c) The Program Manager and Department Director concur in writing.

- (d) A Notice of Positions Vacancy (NPV) packet is submitted by the program to Human Resources, within five (5) business days. The packet must contain the NPV, Position Description, Budget and Organizational Chart.
 - (e) The HR Director verifies that the recommended employee is eligible for promotion and has passed the initial probationary period.
- 4.18.4 If multiple employees qualify for consideration of a promotion to the same positions, supervisors must notify all qualified employees of the promotion opportunity. An interview will be conducted of qualified employees, within five working days of the notification to employees who qualify for consideration under these requirements.
- 4.18.5 The Promotion Process described above is a separate process from “Succession Planning.”

4.19 Employee-Provided Information

Each employee is responsible for making changes to their name, address, contact information, and any other life-changing event through Paycom. Employees who hold positions that require a license or certification must provide Human Resources documentation of their license or certification to be included in their employee file.

5.0 EMPLOYEE CONDUCT

5.1 Employee Responsibilities

All employees shall abide by reasonable expectations to improve standards of service, to instill the confidence of the Colville Tribal Members, to prevent conflicts of interest and to otherwise abide by the requirements of this EPM. All employees shall respect every individual’s basic human rights and dignity, will work cooperatively with other employees and guests, and refrain from making derogatory comments about the Tribal Organization and its’ employees. There is an expectation that employees will act professionally, whether on delegation, travel status, in the office, or otherwise.

- 5.1.2 Each employee shall provide the best service possible to all individuals, recognizing the importance of everyone’s contributions to the overall effectiveness of the tribal government. Employees shall actively participate in helping their Department reach the Tribes’ programmatic goals. All employees have a duty to protect tribal resources, including its natural resources, financial resources, and its people, to promote the self-sufficiency of the tribal organization and individuals, and to model responsible behaviors in the workplace and their communities.
- 5.1.3 All employees shall recognize the importance of diversity and the importance of human relationships and shall treat members, guests, and employees with equal respect and dignity.
- 5.1.4 All employees at all times shall perform their duties professionally and in a timely manner, with accountability and integrity. All employees shall maintain positive, productive and safe work habits, including but not limited to punctuality, timely responses to directives by supervisors, and production of quality work. Employees

shall work cooperatively with each other and share relevant information in order to complete job duties or directives.

- 5.1.5 All employees shall practice good judgment, be honest, and conduct themselves in an ethical manner at all times.

5.2 Dress code

Employee appearances should be appropriate for the environment that they work in. At all times, employees must project an appropriate, professional and respectful image of their employer. Supervisors have the discretion to set appropriate guidelines for employee dress in the work place. As a general rule, all clothes must be work appropriate and project professionalism. Clothes that are too revealing or inappropriate are not allowed.

5.3 Secondary Employment/Conflict of Interest

- 5.3.1 An employee's activities, including those of a political or economic nature, that conflict with, or appear to conflict with, his or her duties as an employee, shall not be permitted. Employees who hold secondary employment or contracts must submit an Additional Employment or Service Form to their supervisor and Program Manager to determine if a conflict of interest exists or if it interferes with their regular job duties.
- 5.3.2 Employees may have secondary employment, provided the employment does not conflict with their regularly scheduled work hours and work duties. In the event of a schedule conflict, the needs of the Tribes will take precedence. Should a public safety or other serious emergency require the paid services of an employee, this shall take precedence over the employee's regular duties, subject to the discretion of the immediate supervisor.
- 5.3.3 The Tribes recognizes that some employees have alternate sources of income, and although the Tribes does not wish to hinder their livelihood, they cannot allow that business to interfere with the work flow and services provided by the Tribes. To safeguard both, it is the policy that employees shall not solicit or sell products or goods during their work hours with the Tribes. Employees may not take on additional outside work that results in their unsatisfactory performance in their positions for the Tribes.
- 5.3.4 When evaluating proposals, contracts, bids, and other instruments of business relationship, employees who have prior or current association with firms proposing to do business with the Tribes shall recuse themselves from any dealings involving any proposal, contract, bid or other instrument of business.

5.4 Service on Committees

The Tribes supports participation of its employees as representatives on boards, committees or associations provided there are clear benefits to the Tribes and its membership and when resources support such service. Prior to accepting a seat on a board, commission, committee or association outside of program advisory boards, Colville Business Council (CBC) prior approval is required if acting in an official tribal capacity. Participation on local, program, or advisory committees (i.e. parent education committees, health advisory committees) requires only department director approval, if acting in an official tribal capacity, unless appointed by CBC. An Additional

Employment or Service Form must be submitted to immediate supervisor and Program Manager for approval. If an employee is serving on a board outside of their official capacity, only notification to their supervisor is required (*See* section 5.8 below re: Honorarium).

5.5 Use of Position

Employees are expected to be professional, honest and to act in good faith. A misuse of a position is unacceptable. Employees are expected to stay within the scope of their authority and of their position. Employees may not use their official title, position, or office in the following ways:

- (a) To coerce, threaten, or intimidate any person for any reason.
- (b) To provide preferential or discriminatory treatment, for personal gain, or to conduct personal business.
- (c) To give the impression to any person or agency that he or she represents the Tribes when in fact, he or she does not.

5.6 Gifts and Gratuities

Accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or anything of monetary value reasonably determined to exceed \$100.00 in value from any person, group, or private organization seeking to enter into, or already in, a business or financial relationship with the Tribes, is prohibited. Any such gift offered to an employee during the course of his or her employment must be immediately reported to the employee's immediate supervisor, who shall forward the gift to the Purchasing Office to be used as determined by the Employee Recognition Committee. Items that are excluded include:

- (a) Gifts from family members, friends, or co-workers.
- (b) Food and refreshment of nominal value in the ordinary course of a luncheon or dinner meeting, or other work-related social occasion.
- (c) Unsolicited advertising, promotional material, or door prizes.

5.7 Awards and Recognitions

Employees may accept traditional gifts or awards or personal achievement, meritorious service, or community service awards.

5.8 Honorariums and Board Fees

Employees who receive honorariums or board fees while acting in their capacity as an employee of the Tribes must return the fee to their program unless otherwise approved by their supervisor. Employees on pre-approved leave and not in approved travel status may keep honorariums or board fees and mileage allowances. Employees must notify their immediate supervisor of their status and payment while acting in their capacity as an employee of the Tribes.

5.9 Travel

5.9.1 Individuals who travel for business purposes require a valid driver's license and must be eligible for the Tribe's insurance if they're driving or transporting themselves. Tribal or GSA vehicle should be the primary vehicle to conduct

business. In situations where Tribal or GSA vehicles are not immediately available, the employee may use their personal vehicle. A valid driver's license and proof of adequate insurance for use of a personal vehicle is required, per the Tribes Vehicle Use Policy. Personal vehicle insurance will be considered the primary insurance if the employee uses their personal vehicle.

- 5.9.2 Employees using a tribal vehicle must be eligible for the Tribes' Vehicle insurance and comply with the Tribes Vehicle Policy. The Vehicle Use Authorization Form, signed by appropriate approving authorities, is required when a tribal or GSA vehicle is used before or after scheduled work hours.
- 5.9.3 Employees must comply with all Federal Policies, Rules and Regulations relating to the use of GSA vehicles, including completion of form 'GSA 3607 Motor Vehicle Operator's License and Driving Record.'
- 5.9.4 When possible, one vehicle shall be shared by all employees traveling to the same destination; only one person may claim mileage for use of a personal vehicle. Mileage will not be paid for travel within the boundaries of the Agency Campus or for use of a tribal vehicle.
- 5.9.5 Employees are expected to practice safe driving habits, abide by local laws, and wear seatbelts appropriately. Distracted driving which includes, but is not limited to, driving while using cell phones or other electronic devices, is not allowed. Employees must report any driving violations to their supervisors within 48 hours. Driving infractions that occur during the course of business or while driving a Tribal or GSA vehicle are the responsibility of the employee.
- 5.9.6 Use of tobacco, illegal drugs and alcohol are prohibited in a Tribal or GSA vehicles at any time.
- 5.9.7 Employees are prohibited from transporting non-Tribal employees, unless authorized by the Program Managers. Employees are encouraged to report violations to the Executive Director immediately. Tribal or GSA vehicles other than commuter vans may not be used for regular commuting to and from work unless the vehicle is being used by an emergency response employee or is approved by the Executive Director.
- 5.9.8 Employees authorized to use their personal vehicle for a business trip may request pre-paid mileage on the approved mileage form and voucher to Accounts Payable. If an employee chooses to drive a personal vehicle and the cost exceeds round-trip air fare to the destination, the employee will be paid only the cost of the air fare and per diem for the days that would be used if the employee had traveled by air. Any employee who is not insurable by the Tribes cannot drive for work related reasons that includes using their personal or a rental vehicle for tribal business purposes.
- 5.9.9 Employees delegated on approved out-of-area travel will be provided allowable costs or expenses within the established Per Diem schedule. Per diem will be allowed from departure time to return time based on Domestic Per Diem Schedule or the CONUS rate or other approved rate schedule, available in Accounts Payable. Employees must return any overpaid travel allowances with the exception of per diem unless it was overpaid. Where travel costs exceeded per

diem, the employee shall submit receipts to request reimbursement and the immediate supervisor shall determine whether those expenses are eligible for reimbursement.

5.10 Confidential Information of the Colville Tribes

- 5.10.1 During the course of employment, employees will have access to confidential of the Tribes, its members, employees, partners, and its clients. Employees shall not disclose any confidential information to anyone without permission from their supervisor. If an employee has access to or inadvertently discovers information which is considered confidential , it is the duty of the employee to consult with his or her immediate supervisor to determine if the information is in fact confidential and to treat it as such until a determination is made (*See* Section 14.0 for Definition).
- 5.10.2 If employees are served with a subpoena, discovery request, or other legal document compelling disclosure of confidential information, employees must immediately notify their immediate supervisor and the Office of Reservation Attorney.
- 5.10.3 Employees shall not use confidential information for their personal gain or profit. The duty to maintain confidentiality continues after an employee leaves employment through resignation or termination, or due to the elimination of the employee's position, or for any other reason. Any employee who violates this policy will be subject to disciplinary action that may result in immediate dismissal; current and former employees who violate confidentiality in such a way as to be damaging to the Tribes or its employees are subject to legal action in the Colville Tribal Court. In addition to other remedies and damages, the Court may award punitive damages to the Tribes if it deems such award appropriate under the circumstances.

5.11 Harassment Policy

- 5.11.1 The Tribes is committed to providing a work environment that is free from all forms of discrimination and conduct that is harassing, coercive, or highly inappropriate. Highly inappropriate conduct includes, but is not limited to actions, words, jokes and/or comments based on an individual's race, religion, national origin, age, sexual orientation, gender, or disability nor will situations that appear to be Quid Pro Quo harassment. Quid Pro Quo harassment exists when submission to harassment is used as the basis for employment decisions, linking benefits such as raises, promotions, and better working hours to an employee's compliance with sexual advances or other forms of harassment. The Tribes provides ongoing harassment training to ensure employees the opportunity to work in an environment free of sexual and other unlawful harassment. All harassment is prohibited. Bullying and other inappropriate behavior not limited to the categories listed above is prohibited.
- 5.11.2 Employees who experience or witness any form of harassment in the workplace should report the act immediately to a supervisor or Human Resources. If the supervisor is unavailable or it would be inappropriate to contact that person, employees may contact any other manager or director, who shall report the

allegation to the Human Resources Director. Employees can raise concerns and make reports without fear of reprisal or retaliation that is strictly prohibited and will subject the person retaliating in response to the report to disciplinary action, up to and including termination.

- 5.11.3 Human Resources will receive all written complaints of harassment on its Complaint form and the Employee Relations Manager will review the Complaint within one (1) business day of its receipt. If the Employee Relations Manager determines an investigation is needed, it will be conducted strictly confidential manner and may not be discussed with anyone outside the process.
- 5.11.4 An investigation will begin within one (1) work week of HR's receipt of the Complaint.
- 5.11.5 All allegations of harassment shall be quickly and discreetly investigated by HR in consultation with the Office of Reservation Attorney as necessary. Employees are required to participate in any and all harassment investigations.
- 5.11.6 HR may request that one (1) or more employees be placed on paid administrative leave pending outcome of the investigation. The Executive Director is authorized to approve these requests. Employees placed on leave under this provision must be available for interviews as required by the HR or other investigator.
- 5.11.7 Investigations will be completed within two (2) work weeks of HR's receipt of the Complaint. If this is not possible, the complainant will be notified in writing.
- 5.11.8 After the investigation is completed, the complainant and respondent will receive the written findings of the investigator. Specific evidence gathered in investigations of harassment is strictly confidential and may be disclosed only to the immediate supervisor of the person alleging harassment and the immediate supervisor of the person alleged to have committed harassment.
- 5.11.9 A supervisor or manager who is aware of the harassment and fails to report it will be subject to disciplinary action, up to and including dismissal. Anyone engaging in any form of harassment will be subject to disciplinary action including dismissal.
- 5.11.10 False and malicious reports of harassment may be subject to disciplinary action.

5.12 Political Activity

- 5.12.1 Employees on paid status may not campaign for a candidate for public office. While on the job or on delegation employees shall not conduct political activities, except as endorsed by Colville Business Council directive or Resolution. Employees will not, while engaged in allowable political activities, interfere with the performance of duties of other Tribal employees.
- 5.12.2 Employees will not use their position to interfere with a tribal election or to influence its results. Employees who are directed to report at District or General Membership meetings are considered on duty, acting in their official capacity only during the time of their reporting (*See* Section 5.10 above regarding disclosure of confidential information).

5.12.3 The above provisions notwithstanding, the Planning Program may, as authorized by the Colville Business Council, print election materials at cost for CBC candidates.

5.13 Use of Tribal Property

5.13.1 An employee may not use tribal property in an inappropriate, careless, or unauthorized manner, including for personal reasons. All credit cards, computers and devices, equipment, furniture, vehicles, office supplies, phones or other property purchased by the Tribes for use by an employee remain the sole property of the Tribes and may not be used for personal reasons.

5.13.2 Employees found to have taken or accessed tribal property without authorization may be prosecuted.

5.14 Notice of a Lawsuit or Other Legal Claim

In the event any employee is served with notice of a lawsuit, subpoena, or of any other claim, whether naming the Tribes as a party or not, regarding the employee's official duties for the Tribes rather than a personal matter, the employee must notify his or her immediate supervisor, who must notify the Executive Director, Human Resources, and the Office of Reservation Attorney as soon as possible.

5.15 Interaction with Funding Agencies

Employees are expected to maintain professional standards when dealing with tribal, federal, state, or private funding agencies and their representatives. Employees will contact funding agencies only as required by their job responsibilities and when authorized to do so in order to conduct tribal business; unauthorized contact may result in disciplinary action.

5.16 Interaction with the Colville Business Council

The Colville Business Council is the policy-making body of the Tribes. The CBC has delegated responsibility for all personnel matters to the Executive Director through its approval of this EPM. Employees shall notify their immediate supervisor when a directive or assignment is received from a member of the Colville Business Council (*See* Resolution 2000-094; "A directive must be signed by at least 5 committee members to be valid, and must be agreed upon and signed at a regular committee meeting").

5.17 Health Requirements

Some programs have a responsibility to provide healthy workers for the protection of the clients served. The Tribes requires:

5.17.1 ***TB Testing:*** As a condition of employment, employees who directly interact with vulnerable populations such as elders or youth are required to have a tuberculin skin test or have a chest x-ray with a negative result. Additionally, employees who may have been exposed to TB are encouraged to obtain a TB health screen.

5.17.2 ***Contagious/Infectious Illness Reporting:*** Employees must immediately report a contagious/infectious illness or exposure to a contagious/infectious illness to their immediate supervisor. This duty includes potential exposure as a result of large social gatherings, non-essential travel, or other voluntary actions on the part of the

employee during a pandemic. Employees may be subject to disciplinary action under Section 9.0, for knowingly and intentionally violating any emergency proclamation/resolution set in place by the Colville Business Council or Executive Director pertaining to preventing the spread of a contagious/infectious disease. Administration has the responsibility to use their best judgment to develop an appropriate course of action to protect other employees, including but not limited to requiring an employee to take leave from work. Supervisors have the responsibility to use their best judgment to develop an appropriate course of action to protect other employees and are encouraged to consult Human Resources. As the official custodian of employee records, Human Resources shall receive and maintain all medical documentation.

- 5.17.3 **Reporting Injury or Illness:** Injuries or illness as a result of a work condition or suffered on the job must be reported to the employee's immediate supervisor within 24 hours of the injury, illness, or Occupational Disease and complete worker's compensation forms. Failure to report an injury within twenty four (24) Hours may impact an employee's eligibility for Workers Compensation benefits.

5.18 Breastfeeding Policy

In recognition of the well documented health advantages of breastfeeding for infants and mothers, the Colville Tribes provides a supportive environment to enable breastfeeding employees to express their milk during work hours.

- 5.18.1 Breastfeeding employees are allowed to take reasonable breaks in order to breastfeed or express milk during their work day.

- 5.18.2 A lactation room is available for employees to breastfeed or express milk. The lactation room is located on the first floor of the Government Center, directly across from the Café and should only be used by breastfeeding mothers. Expressed milk may be stored in the refrigerator provided in the lactation room; all expressed milk must be labeled with their name and date collected.

5.19 Safety Rules

The Tribes has adopted a Tribal Occupational Safety and Health Act (TOSHA) to provide safe work conditions and training. Employees should always be aware of their surroundings and practice safe behavior. Employees are obligated to observe the safety regulations, use the safety equipment provided to them and to practice safe behavior at all times. Employees shall report safety concerns to their supervisor immediately. Employees are provided the ability to participate in the Safety Committees.

5.20 Tribal Ownership of Employee Work Product

- 5.20.1 All work areas/posts, equipment, tools, and vehicles used to conduct tribal business are considered part of the work place of the Tribes that can be examined at any time.
- 5.20.2 During the normal course of business, other tribal employees may need to obtain access to these areas in order to locate materials or information necessary to

complete their duties. As a result, employees should be aware that personal items in their workspace are not private or confidential.

5.20.3 All documents, reports, photographs, artwork, intellectual property, or any other employee work product, created or developed by an employee being paid by the Tribes to perform these tasks, whether such work product is in hard copy or electronic form, is the sole and exclusive property of the Tribes and may not be removed from the possession and control of the Tribes.

5.20.4 The provisions of this section do not override the confidentiality of client records.

5.21 Contracting

Only the Colville Business Council, or the Executive Director or designee, may enter into a contract that is intended to bind the Tribes. All contracts require appropriate administrative review and approval, and compliance with the Tribal policy. All original contracts shall be sent to the Purchasing Office to be filed.

5.22 Purchasing

Employees may purchase items on behalf of the Tribes with proper authorization and in accordance with the Purchasing Policy.

5.23 Social Media Policy

5.23.1 For purposes herein, “social media” includes all means of communicating or posting information or content of any sort on the Internet, including to one’s own or someone else’s blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Colville Tribes, as well as any other form of electronic communication.

5.23.2 Employees are required to read and familiarize themselves with all provisions of this policy. A failure to follow these provisions will not be excused based upon a lack of awareness of them.

5.23.3 Employees may not discuss any confidential workplace information either orally, in writing, or on any social media platform or through any form of electronic communication unless appropriately authorized or required by their duties to do so.

5.23.4 Employees must be fair and courteous to fellow workers, visitors, Tribal members, and people who work on behalf of the Colville Tribes, in any social media posting or electronic communication.

5.23.5 Employees must avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, discriminatory, obscene, threatening or intimidating to disparage fellow workers, Tribal members, visitors, or people who work on behalf of the Colville Tribes.

5.23.6 Employees shall not use any form of electronic communication or social media platform to harass or bully another person. Examples of such misconduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by applicable law or policy.

Employees who falsely accuse another person of serious misconduct or a crime on any social media outlet may be subject to discipline under this policy or prosecution for defamation in the Colville Tribal Court.

- 5.23.7 Tribal employees who use social media in whatever form are urged to use discretion and common sense. Employees should be aware that, if they identify themselves as a tribal employee or if they hold a tribal position known to the community, it is important that the content they post or otherwise communicate electronically on government or personal sites appropriately reflects the professionalism and trust required of their position.
- 5.23.8 Unless authorized to do so, an employee shall not represent him or herself as a spokesperson for the Tribes. On personal blogs, websites, and other social media, employees are strongly encouraged to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the Colville Tribes.”
- 5.23.9 Employees have no expectation of privacy while using Tribal equipment or facilities for any purpose, including authorized blogging, and that generally there is no expectation of privacy while using the Internet.
- 5.23.10 The Tribes investigates all reports of violations of this social media policy. Reports shall be provided to the Human Resources Office, which will forward these to the appropriate investigative party. Violation of the Tribes’ social networking policy may result in disciplinary action up to and including immediate termination. The Tribes reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

6.0 ATTENDANCE, TARDINESS, AND ABSENCES

6.1 Work Hours

Good attendance contributes to a positive and productive work environment. Employees are expected to report to work on their scheduled days and for the duration of their scheduled shift. The Tribes’ business hours are 7:00 a.m. to 5:30 p.m, Monday through Thursday. *See* Resolution 2019-569. Most employees work four (4), ten (10) hour days unless otherwise approved by the Department Director. Every Tribal office will be open Monday through Thursday unless officially closed for a holiday or other authorized closure; those offices with non-traditional hours will arrange days off to ensure the office is open five (5) days a week. If the employees do not have an office but work in the field, it is not necessary to schedule five-day coverage. The workweek is defined as starting Sunday morning and ending Saturday night.

6.2 Flex Time

Flex time is time on the job outside the normal working shift, used to arrive at 40 working hours in a week. Flex time is not allowed unless specifically requested in advance in writing and approved by the Program Manager, monitored by the Supervisor and used in the same pay period in which it is accrued. Exempt employees are not eligible for Flex Time.

6.3 Breaks

Employees are entitled to an unpaid 30-minute lunch break and two paid 15-minute personal breaks each day, at a time agreed/arranged with the employee's immediate supervisor. Employees cannot work during their lunch breaks without advance permission of their supervisor unless they are exempt employees. Non-exempt employees who are required to work through their lunch must be compensated appropriately. However, they cannot be required to work during their 15-minute breaks.

6.4 Tardiness

Exempt and non-exempt employees are expected to report to work on time. If an employee has to be more than 30 minutes late, it is the employee's responsibility to personally contact his or her immediate supervisor no later than 30 minutes after their shift has begun unless there is an emergency. Employees who are habitually tardy or have a pattern of tardiness may be subject to disciplinary action. "Habitual Tardiness" means being tardy two times in any two-week period. "A Pattern of Tardiness" means tardiness that occurs in a regular and repeated way. Any pattern of tardiness for any reason that occurs so frequently as to impact the operation of the Program may be addressed by the supervisor in consultation with HR.

6.5 Absences

Employees shall plan their absences responsibly by requesting leave in advance. If an employee has to be absent on short notice, it is the employee's responsibility to personally contact his or her immediate supervisor no later than 30 minutes after their shift has begun unless there is an emergency. Failing to properly request non-emergency leave in advance or failing to provide adequate justification following an unscheduled absence will result in the absence being recorded as Absent Without Leave or Leave Without Pay, at the supervisor's discretion. Employees who have inadequate attendance or a pattern of absences may be subject to disciplinary action. "Inadequate attendance" means being absent twice on short notice in any 30 day period for other than Sick Leave. "A Pattern of Absences" means absences that occur in a regular and repeated way. Any pattern of absences for any reason that occurs so frequently as to impact the operation of the Program may be addressed by the supervisor in consultation with HR.

6.6 Wasted Time

Employees shall not display unproductive work habits. Examples of unproductive work habits include, but are not limited to the following: spending excessive time visiting, talking on the telephone on personal matters, "surfing" the internet for non-work related reasons, or promoting their private business.

6.7 Overtime

6.7.1 While the Tribes is not subject to the Fair Labor Standards Act (FLSA) the Tribes uses the term "non-exempt" to describe those employees who are overtime eligible and "exempt" for those employees who are not overtime eligible. The Tribes will define whether the position is a non-exempt or exempt for purposes of determining eligibility for overtime compensation.

6.7.2 A non-exempt employee may not work more than 40 hours per workweek without pre-authorization in writing from the Program Manager. If non-exempt employees

are required to work in excess of 40 hours, they will be compensated at time-and-a-half their regular rate via overtime or compensatory time based on funding availability. Leave taken within the same work week shall offset any compensation for overtime. Example: If an employee takes ten hours of sick leave on Monday and works ten hours on the Saturday of the same work week, the actual hours worked are 32; as such, the employee is not entitled to overtime pay.

6.8 Exempt Employees

Exempt employees are employees who, because of their duties and responsibilities and level of decision-making authority, are exempt from overtime, flex, and compensatory time. Exempt employees are expected to work their scheduled shifts that require at least a 40 hour work week in order to adequately achieve the deliverables identified in their work load and job descriptions. All leave policies and procedures herein apply to exempt employees.

6.8.1 The one exception when an exempt employee may be eligible for overtime pay is when the Colville Business Council declares a ‘State of Emergency.’

6.9 Compensatory Time

Compensatory time is time off from work in lieu of overtime compensation. Like overtime pay, compensatory time is calculated at 1.5 hours for every hour worked in excess of 40 hours in a workweek. Exempt employees are not eligible for overtime compensation. Compensatory time requires pre-approval. Leave taken within the same work week shall offset any compensation for compensatory time. Example: If an employee takes 10 hours of sick leave on Monday and works 10 hours on the Saturday of the same work week, the actual hours worked are 32; as such, the employee is not entitled to compensatory time/ pay.

6.10 Standby Time

Certain positions may be required to be available for work (on standby) without actually being at work but must be accessible to report to duty within a reasonable time. The Standby plan and approved rate must be approved by the Department Director in conjunction with Human Resources.

7.0 BENEFITS AND COMPENSATION

The Tribes provide competitive benefits to employees as a portion of employee compensation, including medical, vision, dental, and limited retirement and life insurance. Supplemental life insurance, short-term disability, long-term disability, and other optional coverage’s may be available at the employee’s expense.

7.1 Eligibility for Benefits

Eligibility for benefits is defined by benefit documents maintained in the Benefits office and generally summarized below. Managers shall submit Separation of Employment (SOE) forms within 3 business days of the effective date of the employee’s separation. Benefits cease the end of the month following the effective date of the employee’s separation.

- 7.1.1 Full-Time employees working at least 30 hours per week will be eligible for benefits the first of the month following the date of hire.
- 7.1.2 Part-Time employees working less than 30 hours per week may receive prorated benefits and leave. Medical benefits shall begin the first of the month following their first day of employment.
- 7.1.3 Temporary employees are not eligible for leave but are eligible for medical and dental coverage after 60 days of employment if they work an average of 30 hours or more per week during the length of their employment or if coverage is required by applicable law.
- 7.1.4 Seasonal employees working seasonal occupations may receive a prorated amount of benefits.
- 7.1.5 Short Notice employees are not eligible for leave but they will be eligible for medical and dental coverage after 60 days of employment if they work an average of 30 hours or more per week during the length of their employment or if required by applicable law.
- 7.1.6 WEX employees are not eligible for leave and medical/dental coverage during the duration of their employment.

7.2 Medical and Vision

A comprehensive medical and vision plan is provided for each eligible employee. Dependent coverage is available as a deduction from employee payroll. Rate information and plan description are available in the Accounting Office, Benefits Division. Please note there are Open Enrollment limitations.

7.3 Dental

A comprehensive dental plan is provided for each eligible employee. Dependent coverage is available as a deduction from employee payroll. Rate information and plan description are available in the Accounting Office, Benefits Division. Please note there are Open Enrollment limitations.

7.4 Life Insurance

The Tribes provide life and accidental death and dismemberment benefits to each eligible employee. This benefit is available for dependents as a deduction from employee payroll. Voluntary life and accidental death and disability insurance companies are authorized by the Tribes to speak with employees at designated times during the year. This additional coverage is available at the expense of the employee.

7.5 Supplemental Life Insurance

Eligible employees may purchase supplemental life insurance on a voluntary basis for themselves and their dependents.

7.6 Short-Term Disability

Short-term disability is available on a voluntary basis for each employee who works a minimum of 30 hours per week. Short-term disability coverage is only available to the employee at their expense at the time of hire. Eligibility criteria are set by the insurance carrier. For further information, contact the Accounting Office, Benefits Division.

7.7 Long-Term Disability

Long-term disability is available on a voluntary basis for each employee who works a minimum of 30 hours per week. Long-term disability coverage is only available to the employee at their expense at the time of hire. Eligibility criteria are set by the insurance carrier. For further information, contact the Accounting Office, Benefits Division.

7.8 Retirement

A generous retirement plan is provided as part of the compensation package offered to employees. The Tribes encourage all employees to participate in the plan through payroll deductions. For those employees who contribute to the retirement plan through elective deferrals, the Tribes make a basic Matching Contribution equal to 50% of the elective deferral which does not exceed 6% of total compensation. Regardless of whether an employee contributes to the plan or not, the Tribes contribute 3.00% through profit sharing to each employee. Any monies contributed by the Tribes (which are considered employer contributions) will be deposited into the employee’s 401(k) account. Employees who elect to make deferrals can choose between a pretax 401(k) and after-tax Roth 401(k) account. Additional information about the Tribes’ retirement plan is available through the Retirement Program.

To determine your Vested Interest: In determining the Vested Interest in your Account, you will be credited with a Year of Service if you complete 1,000 Hours of Service within a 12-consecutive month vesting computation period, which is the Plan Year.

Years of Service Vested Interest

1	20%
2	40%
3	60%
4	80%
5	100%

7.9 Education and Training

The goal of the Tribes is to employ properly trained and fully qualified Colville Tribal members for all positions with the Tribal governance operations. Training is a benefit the Tribes provides to its employees intended to improve production and service. Employees must remain abreast of new technology, research, theories and application skills to provide quality services and as resources allow will participate in relevant training. Training, career development and educational opportunities for employees is not an entitlement but a discretionary benefit that responds first to those we serve, to the Tribal Government, and then to the individual employee.

7.9.1 Tribal Administration and Managers will provide training and education opportunities in an effective, fair and fiscally responsible manner, including utilizing Paycom for training. Individuals who participate in training and education programs will represent the Tribes with integrity and will make progressive efforts toward completing training and academic programs in a timely and satisfactory manner and be mindful of their responsibility to use Tribal funding and time invested in their training plan for only those purposes (*See* Salary Policy enacted 2015, per Resolution 2015-153 for additional information).

- 7.9.2 Training and education opportunities are available to all eligible employees of the Tribes who meet the criteria specified herein. Indian Preference in hiring, promotion and training applies with preference given to Colville Tribal members. Participants must have written Goals that are inputted in Paycom to be eligible for either academic or other training programs and meet program-specific criteria as determined by the program requirements. Program-specific criteria may apply as required by grant or contract.
- 7.9.3 The Tribes will invest in its employees to the extent there is a return. Planning individual or program training, whether for a short-term training (seminar, conference, workshop, webinar, core technical training, etc.) or a longer-term training plan (college degree, work experience, internship, academy, succession & leadership training, etc.) is effective when the overall benefit of the training activity to the Tribes is considered. Employees must obtain approval to attend a training and/or education activity/program from their immediate supervisor with Program Manager and Department Director approval for off-reservation travel and use of program funds. Subsequently the Department Director will approve Program Manager training/education and the Executive Director or designee will approve the Department Director's requests. All training and education requests must consider the following to be approved:
- (a) Training must be clearly relevant to the employee's job duties and skill/education level and experience.
 - (b) Training must be cost effective and managers must consider its impact on the job responsibilities, time away from the work site and on co-worker workload. All training is subject to the availability of funding.
 - (c) Training must support goal(s) and required competency.
 - (d) The employee must meet standard eligibility requirements to be approved.
 - (e) Locally-sponsored or regional training is preferred to out-of-state training to the greatest extent possible to maximize funding and to train the greatest number of employees with similar goals. The Tribes may elect to bring the training to the reservation in lieu of off-reservation training.
 - (f) If there is a local trainer or "expert" within the Tribal or affiliated tribal agencies who can provide the same information, the manager is to recommend and/or arrange for technical assistance and local training using local Tribal trainers.
 - (g) Sending multiple staff to attend the same training activity is discouraged and must be clearly justified in writing to the Manager and/or Director.
 - (h) Managers may not approve training requests where the employee's skill or education level exceeds the level of the training (i.e. basic training or similar training has already been attended).
 - (i) A trained and competent employee is worth being retained and adequately compensated as they complete their training plan. A reasonable expectation by the Tribes is that an employee trained by the Tribes is also expected to continue employment with the Tribes for a reasonable period of time (payback period). For certain types of training, an Agreement may be

required that requires continued service to the Tribes in return for the training expense incurred by the Tribes.

- (j) Employees are expected to represent the Tribes with integrity and will be required to sign an Education & Training Standards of Conduct form.

7.9.4 **Training and Education Terminology:** For the purpose of these policies, “Training” activities and programs include:

- (a) Short-term training for employment-related skill development and training; cultural enrichment, personal and professional development through classroom instruction, on-line instruction, seminars, workshops, webinars, technical assistance and training conferences, on the job training, etc.
- (b) Long-term training may include work experience, internships, succession training, certification or licensing programs, pre-requisite courses, academy completion; vocational and technical series certificated courses.
- (c) “Educational” activities and programs include enrollment in a degree program of study from an accredited post-secondary institution and includes coursework (distant learning, video conferencing, local or non-local classroom sites, online, laboratory work), practicum, professional continuing education, or a language emersion program.

7.9.5 The Tribes will allow up to 80 hours of paid educational leave per calendar year for full time permanent, part-time permanent or seasonal permanent employees to fulfill the educational goals of their Employee Development Plan. The employee will complete the Education Leave Request Form and secure approval from his/her program Manager.

7.9.6 The Tribes supports employee participation in Tribal language, history and diversity training regardless of their ethnicity, race, Tribal affiliation or position. When training is available, employees may participate in or attend up to four hours per month up to a total of 48 hours annually of organized training or education activities related to the Colville Tribes. The employee is responsible for providing documentation of their attendance and participation. Supervisor approval is required and will ensure there is no adverse impact on program business and services.

7.9.7 **Professional Certifications**

- (a) Professional certifications may be required for certain positions with the Tribes and demonstrate employee qualifications and mastery of particular subject areas. Employees with professional certification and licensing requirements will make arrangements with their supervisor to continue their certification and licensure whether costs are borne by the Tribes or by the employee. In no case will an employee with required Professional Certification or License allow their license or certification to expire as it may result in termination from employment. Employees are responsible to pass required exams and obtain their required certification within the time specified. Failure to do so may result in termination.
- (b) Employees are encouraged to obtain and maintain additional relevant professional certifications as part of their Employee Development Plan

when it can be demonstrated that these certifications are in the best interest of quality service, the government and the program.

- (c) Employees must ensure they meet the requirements for continuing education hours/units as required by their profession.
- (d) An employee may, upon the written approval of the Program Manager, be allowed a reasonable period of paid leave not to exceed 40 hours to prepare for an examination or entrance exam reasonably related to the employee's current position.
- (e) Employees who fraudulently misrepresent their credentials, educational degrees, licensing or certifications may be subject to discipline, up to and including termination.

7.9.8 The Human Resource office will maintain these documents, as applicable in the employee personnel file: Employee Goals, copies of training certificates, the Employee Education Funding Acceptance Agreement, signed Education and Training Standards of Conduct (and annual renewals), copies of Professional Certificates, licensure and other documents that documents the completion of education and training objectives. Employees must provide a copy of their training certificates, grades, diplomas, certificates, license, and other documents related to training and education agreements.

7.9.9 Employees who complete their Employee Goals may be eligible for a step increase. Employees who receive training paid for by the Tribes may be required to sign an agreement that they will maintain their employment with the Tribe for a specific time period following receiving the training, or will be required to repay the Tribe for the expense of their training.

8.0 LEADERSHIP AND MANAGEMENT TRAINING (SUCCESSION PLANNING)

Reserved for creation of a separate policy

9.0 EMPLOYEE DISCIPLINE

9.1 Disciplinary Actions

9.1.1 The Tribes prefers to use good management and fair supervision to support its employees. When disciplinary action is necessary, the Tribes *generally, but not always*, depending on the circumstances, encourages the use of progressive discipline tools, beginning with a verbal warning, moving to written warning, then suspension, demotion, and termination. Supervisors are expected to implement discipline that is appropriate for the situation, including immediate dismissal.

9.1.2 All disciplinary measures must be documented and documentation placed in the employee's personnel file and will be removed after one year if no other adverse disciplinary actions have occurred. After 6 months, an employee may petition to have a disciplinary action removed from their file, after demonstrating they have no other adverse disciplinary actions, have complied with any requirements of their disciplinary action, and any other relevant factors. Documentation of

disciplinary actions for serious misconduct, which includes but not limited to sexual harassment, assault, theft from the Tribes, fraud, or embezzlement will not be removed from an employee's personnel file.

9.2 Addressing Possible Misconduct.

9.2.1 *Investigating Possible Misconduct, See Definitions*

When concerns about possible misconduct arise, it is imperative that the allegations are investigated and addressed. Supervisors must contact Human Resources to initiate an investigation. Investigations will be conducted by Human Resources, as follows:

- (a) Document the concern or allegation.
- (b) Determine if the alleged misconduct, if determined to be true, is in fact a violation of policy.
- (c) Notify the employee, in writing, with a summary of the concern or allegation; a copy of what is provided must be maintained.
- (d) Interview all potential witnesses and utilize all reasonably relevant resources
- (e) Provide the employee the opportunity to answer to the allegations, provide documentation, and allow the employee to timely respond in writing by a specific date.
- (f) Human Resources will complete an investigative report and provide to the supervisor.
- (g) The supervisor will consult with HR on appropriate disciplinary actions.
- (h) If disciplinary action is warranted, the supervisor will draft the recommended forms to complete disciplinary action and sending these to Human Resources for review. Disciplinary actions must be reviewed by HR before issuing notice to the employee.

9.2.2 *Misconduct Investigation Involving criminal violations*

In cases where the misconduct involves criminal violations, a report must be forwarded to the appropriate enforcement authorities.

9.3 Progressive Discipline and Supervisor Discretion Regarding Disciplinary Action

Supervisors are encouraged to use progressive discipline when possible. However, in some workplace incidents progressive discipline may not be appropriate. In such cases the supervisor may elevate the level of discipline up to termination.

9.3.1 *Verbal Warning*

Verbal warnings are typically given for first time incidents such as, but not limited to employee tardiness, minor instances of non-productive work hours, unauthorized absence during work day, minor unprofessional behavior instances, failure to complete assigned duties, inadequate quality of work, failure to obtain advance approval before working extra hours, misrepresentation, and failure to contact immediate supervisor with leave request when supervisor is available to consider request. A verbal warning notifies the employee of his or her unacceptable behavior and encourages the employee to improve to acceptable

standards. Verbal warnings should be documented by the immediate supervisor for progressive discipline purposes.

9.3.2 *Written Warning*

Typically, for a second occurrence of the behavior addressed by a verbal warning, or for more serious first offenses, the supervisor may issue a written warning, or take more serious measures. A written warning notifies the employee of his or her unacceptable behavior and encourages the employee to improve to acceptable standards. Written warnings are documented through the Employee Warning Notice form. The completed originals and all supporting documentation must be submitted to Human Resources.

9.3.3 *Suspension Without Pay*

Typically a suspension without pay is used by a supervisor to address more serious workplace behaviors or behaviors which have been addressed, but not corrected, by the employee. The duration of a suspension will depend upon the severity of the violation, but shall be for a minimum of three to a maximum of 10 workdays or shifts, subject to the discretion of the supervisor. Suspensions are documented on a Suspension Notice form. The completed originals and all supporting documentation must be submitted to Human Resources.

9.3.4 *Demotions*

Demotions may occur as a result of poor employee performance, unsatisfactory attendance, prior disciplinary actions, and at times an employee-desired reduction in responsibility. Demotions are not required to be implemented rather than more serious discipline.

- (a) Managers are responsible for determining if a demotion can truly achieve the desired purpose, considering, among other factors, whether the demotion will satisfactorily solve the issue for which the demotion is being considered, and whether there is a vacant position no more than one skill grade below the employee's current position to which the employee can be demoted. If an employee requests a demotion under these circumstances, the employee may be demoted to a position a number of steps below the employee's current position.
- (b) In all cases the employee shall meet the minimum requirements of the lesser position. In cases of demotions related to unsatisfactory performance and/or attendance, at least two written notifications identifying necessary improvements in performance must be provided to the employee prior to implementing a demotion; however, gross negligence or inefficiency in job performance does not require any previous written notifications prior to a demotion. Self-demotions must be mutually agreed upon by the employee and the Tribes, and the demotion must be in the best interest of the Tribes.
- (c) When the above criteria are met, an employee may be demoted to a lower pay grade. It is recommended that the compensation for the demoted employee take into account the employee's experience, the requirements of the position, and any applicable budgetary constraints. In no event shall an employee's salary rate be reduced to less than the minimum rate or the special entry rate for the applicable pay grade of the position.

9.3.5 *Dismissal*

- (a) Progressive Discipline. An employee may be dismissed if they have failed to correct their behavior despite documented progressive disciplinary actions. This may include the employee repeats the same misconduct or engages in other misconduct of a serious nature, including but not limited to a pattern of tardiness or absences, acting or failing to act in a way that endangers the health and safety of the workplace or the health and safety of others in the workplace, or violating safety rules.
- (b) Poor Job Performance. An employee may be dismissed if they receive an unsatisfactory job appraisal on two consecutive performance evaluations.
- (c) Immediate Dismissal. In some cases immediate dismissal may be appropriate. This decision is within the supervisor's discretion, in consultation with Human Resources. Depending on severity, causes for immediate dismissal include, *but are not limited to*:
 - (1) Misappropriation, theft or negligent loss of tribal funds, property, or equipment, or conspiracy to commit misappropriation or theft;
 - (2) Failure to reasonably protect tribal assets, property or equipment;
 - (3) Violation of the conflict of interest, misuse of position, or nepotism policy;
 - (4) Violation of the harassment policy;
 - (5) Criminal conviction that negatively impacts the employee's fitness for the position held;
 - (6) Extremely unsafe acts endangering oneself or others in the workplace;
 - (7) Concealing, removing, falsifying, misrepresenting records or information, or unauthorized altering of records or information;
 - (8) Insubordination;
 - (9) Disclosing confidential information without appropriate authorization;
 - (10) Absent Without Leave or unauthorized absence from work for three consecutive days or shifts;
 - (11) Serious verbal assault upon another employee or another person in the workplace;
 - (12) Serious misuse or unauthorized use of tribal or government vehicles, property, or equipment;
 - (13) Viewing, printing, or storing pornography on Tribal equipment or use of Tribal equipment to access, send, or show pornography;
 - (14) Threatening another person with bodily harm or displaying extraordinary aggressive behavior that is threatening in nature;
 - (15) Dishonesty or misrepresentation to a supervisor, an administrator higher up the chain of command, or to the Colville Business Council regarding a workplace matter;

- (16) Failure to comply with the a Corrective Action Plan, Return to Work Agreement, Work from Home Agreement, or Mandatory Referral to the Employee Assistance Program;
 - (17) Willfully and intentionally refuse to follow a lawful written directive or resolution of the Council;
 - (18) Willfully attempt to conceal from Council information regarding a matter of importance to the Tribes;
 - (19) Off the clock or off-duty behavior which significantly compromises the Tribes' confidence in the employee; or,
 - (20) Any other offense deemed terminable by the employee's supervisor, Human Resources, and the Division Director or Executive Director.
- (d) Documentation & Processing of Separation of Employment. Dismissals must be documented on the 'Employee Dismissal Form.' The completed originals and all supporting documentation must be submitted to Human Resources within one (1) work week. The separation of employment due to dismissal will be handled pursuant to section 4.13.

9.3.6 Additional Disciplinary Options

Upon determining that an employee has engaged in repeated misconduct or has failed to perform required work duties, after issuing a written warning, , a supervisor may use one of the following to address the situation, short of immediate dismissal.

- (a) Corrective Action Plan. A Corrective Action Plan (CAP) is a written document that sets out in detail the misconduct or performance issue(s), the measurable improvement in performance required, and timelines for achieving that improvement. The CAP will specify that a failure to achieve the necessary improvement by the timelines may result in dismissal. A dismissal after failure to comply with the provisions of a signed CAP is not subject to the grievance/appeal process. A CAP may be in place for a period of time up to 1 year.
- (b) Mandatory Referral to an Employee Assistance Program or Similar Resource. The Tribes offers an Employee Assistance Program (EAP) that provides confidential behavioral health services to employees experiencing a variety of personal challenges. If a supervisor, after speaking with an employee who has committed an act of misconduct, believes that referral to the EAP would be an appropriate step, the supervisor may make a mandatory referral to the EAP or a Similar Resource; a referral may include requirements that an employee comply with any treatment recommendations. Supervisors must consult with HR regarding how to make such a referral. A termination based on a failure to comply with the mandatory referral and/or recommendations from the referral are not subject to the grievance/appeal process.

10.0 COMPLAINTS, GRIEVANCES, AND APPEALS

10.1 Complaint Process, *see Definitions*

The Tribes' Complaint process provides a way to address workplace issues or disputes that do not fall under the Grievance and Appeals process of this Policy. Such complaints will be handled in accordance with section 1.3.4 of this EPM, requiring that employees follow and exhaust their chain of command, prior to engaging in the formal HR complaint process.

- 10.1.1 The first step in the Complaint process is the filing of a completed Complaint Form with Human Resources. Complaints must be current in origin in that they are filed within one (1) work week from the date upon which the employee has exhausted their chain of command.
- 10.1.2 Human Resources will receive all written complaints on its Complaint Form and the Employee Relations Manager will review the Complaint within three (3) business day of its receipt. The Employee Relations Manager shall make an initial determination whether an investigation is needed, based upon: 1) whether the employee has exhausted their chain of command; 2) whether the complaint alleges violations of the EPM; and, 3) whether, if the allegations contained in the complaint were true, would it amount to an EPM violation. In the event a determination is made that an investigation is not warranted, the reasons must be clearly documented and provided to the complainant within one (1) work week.
- 10.1.3 An investigation will begin within one (1) work week of HR's receipt of the Complaint and will be conducted in a strictly confidential manner and may not be discussed with anyone outside the process. The subject of the complaint shall be provided with a written document that summarizes the complaint; a copy of what is provided must be maintained by the investigator for documentation purposes.
- 10.1.4 Investigations will be completed within two (2) work weeks of HR's receipt of the Complaint. If this is not possible, the complainant will be notified in writing.
- 10.1.5 Employees who refuse to participate or otherwise cooperate with an HR investigation may be subject to disciplinary action.
- 10.1.6 After the investigation is completed, a report will be generated, including the EPM violations, interviews conducted, documentation/evidence consulted and findings of the investigator. In the event disciplinary or other employment action is recommended, the report will be forwarded to the Program Manager(s) for determination of next steps, in consultation with Human Resources.
 - 10.1.6 (a) The details of the investigation and the findings cannot be shared with the complaining party. All that can be provided is an acknowledgment that the complaint has been received and the process has been followed.
 - 10.1.6 (b) A complaint summary will be provided to the subject; the summary shall include the allegations, a summary of the

investigation including information received/consulted and the findings of the investigator.

10.2 Grievance and Appeal Process Generally, *See definitions*

- 10.2.1 The procedures outlined below describe how grievances and appeals are resolved. The Human Resources Department is available to provide employee consultation or assistance at any time prior to or during the grievance and appeal process. Training and support will be provided to supervisors and managers in dealing with employee grievances and appeals.
- 10.2.2 The Grievance and Appeal Process is available only to Tribal employees who:
- (a) are a full time, part time, or seasonal employee; and
 - (b) have been dismissed (with a right to appeal), suspended without pay, or who have been involuntarily demoted as a disciplinary measure that results in less compensation —no other employment actions may be grieved or appealed;
- 10.2.3 The Grievance and Appeal Process contains strict deadlines that must be followed. Employees must complete and deliver certain forms by certain dates as described herein. Forms are available in Human Resources. A failure to meet certain deadlines will result in the employee's loss of opportunity to start or pursue a grievance or appeal. Extenuating circumstances, such as employee leave that impacts the ability to complete the process within the proscribed timelines shall be taken into consideration; notice to the grievant must be provided if the time lines cannot be followed.

10.3 Grievance Process

- 10.3.1 The first step in the Grievance process is the filing of a completed Grievance Form with Human Resources within one (1) work week of the event being grieved.
- 10.3.2 Within one (1) work week of Human Resource's receipt of the Grievance, the Department Director will meet with the employee's Program Manager to discuss this matter. If the Department Director made the decision being grieved, the Executive Director will take his or her place in the Grievance Process. If the Executive Director made the decision being grieved, the employee may proceed directly to the Appeal Process.
- 10.3.3 Within one (1) work week of the Department Director and Program Manager meeting, the employee and those in his or her chain of command, including the Department Director, will meet to discuss the matter. This meeting will be informal and an opportunity for the employee and their chain of command to discuss the matter in an open setting. In particular, the employee will be given the opportunity to show why some lesser discipline, or no discipline, was warranted. It shall be the discretion of the Director whether to hold separate meetings between the employee and their chain of command, in the event a 'group' meeting is not feasible or appropriate given the circumstances.
- 10.3.4 Within one (1) work week of the meeting described immediately above, the Department Director shall issue a written decision regarding the grievance. The

decision will be mailed to the employees last known address via certified mail or will be provided to the employee upon their request once the decision is issued.

10.3.5 If the employee disagrees with the Department Director's decision, the employee must initiate an appeal by following the Appeal Process set forth below in section 10.4.

10.4 Appeal Process- Administrative Law Judge (ALJ)

Employment appeals will be heard by an Administrative Law Judge (ALJ)

10.4.1 *Initiation of Appeal*

- (a) An employee may appeal the Department Director's decision regarding his/her grievance by filing a completed 'Appeal Form' with Human Resources within two (2) work weeks after the decision following the meeting described in section 10.3.3(b).
- (b) Within one (1) work week of receiving the 'Appeal Form,' Human Resources will forward the paperwork to an Administrative Law Judge (ALJ).
- (c) An Administrative Law Judge will be selected from a panel of ALJ's retained by the Tribe for the purpose of hearing Employee Appeals. All ALJ's shall be law-trained, and admitted to practice in the State of Washington or other court of competent jurisdiction.
- (d) An employee may withdraw an appeal at any time by submitting their written withdrawal to Human Resources. Once withdrawn, the decision will remain as defined by prior actions and the process cannot be restarted for the same action.

10.4.2 *Pre Hearing Conference*

- (a) Within two (2) work weeks of receiving the case, the ALJ must schedule a Pre-Hearing Conference on the matter.
- (b) The purpose of the Pre-Hearing Conference is to:
 - (1) Allow the parties to make any requests for documents; and,
 - (2) Set a date for the Appeal Hearing; all Hearings must be set within 30 days of the Pre-Hearing Conference.

10.4.3 *Hearing*

- (a) Both parties must deliver a list of witnesses and copies of all documents relevant to the matter they plan to present at the Hearing at least one (1) work week prior to the hearing to the Human Resources employee facilitating the hearing. The Facilitator will then make copies of all documents for the hearing. The Facilitator will then deliver the lists to each party.
- (b) The hearing will be closed and confidential. The employee may be represented by an attorney or spokesperson at the hearing. The Tribes may

be represented by a Spokesperson or at the Executive Director's discretion, an attorney. Prior to the hearing date, either party must notify the ALJ and the opposing party if an attorney or spokesperson will be representing them.

- (c) All proceedings will be recorded and either party may obtain a copy of the recording at his/her own expense. No formal rules of evidence will be utilized, unless by agreement of the parties.
- (d) Each party may make an opening statement, the purpose of which is to give the ALJ a brief overview of the party's case to be presented. The employee will be given the first opportunity to make a brief statement and each party will have up to 15 minutes to speak.
- (e) After opening statements, if any, have been given, each party beginning with the employee will present its information, documents and witnesses to the ALJ. The ALJ may ask questions of anyone, including the employee.
- (f) After each party has presented its information, each will be given an opportunity to make a closing statement, with the employee going first. The purpose of the closing statement is to present the ALJ a brief summary of the important aspects of their case and to clarify what the party is seeking from the ALJ. Each party will have up to 15 minutes for their closing statement.

10.4.4 Decision of the ALJ

- (a) The ALJ shall evaluate the evidence offered at the Hearing and apply the rules and expectations of the workplace as set forth in this Employee Policy Manual and other relevant tribal policies, as well as the Colville Tribal Code, and any other applicable law or policies, to reach a decision in the matter.
- (b) The ALJ may only consider evidence presented at the Hearing when reaching its decision.
- (c) The ALJ shall issue a decision based on clear and convincing evidence within 10 business days indicating one of the following:
 - 1) Upholding the employment action;
 - 2) Order reinstatement;
 - 3) Payment of back pay and benefits, less any unemployment benefits; and/or,
 - 4) Removal of all documents in the employee's personnel file related to this personnel action.
- (d) The Executive Director shall ensure that the decision of the ALJ is carried out.
- (e) The ALJ's decision is final and may not be appealed by either party.

11.0 DRUG AND ALCOHOL POLICY

11.1 Applicability of Drug and Alcohol Policy

- 11.1.1 This policy is applicable to all employees. Independent contractors and their employees who work for the Tribes may be subject to this policy through their contracts with the Tribes, if the Executive Director, after consultation with appropriate department directors and/or program managers, determines that it is in the interest of public health or safety to do so.
- 11.1.2 All employees are required to warrant in writing that they have been informed of this Drug and Alcohol Policy and agree to it in all respects. Such agreement is required as a condition of continued employment. The writing will be made a part of the employee's personnel file.
- 11.1.3 Individual programs may have additional drug and alcohol policies as a requirement of funding and/or regulatory requirements, that employees are required to follow, in addition to the Policy proscribed herein.

11.2 Prohibition of Drugs & Alcohol in the Workplace

- 11.2.1 The use of intoxicants or being intoxicated while on paid status or during approved breaks is strictly prohibited. Any drug test that results in a positive will be sent for further laboratory testing to ensure the validity of the test and to determine if any use is consistent with prescriptions provided.
- 11.2.2 Employees are prohibited from lawfully or unlawfully manufacturing, selling, purchasing, transferring, possessing, or using intoxicants in the workplace, and may be immediately terminated for doing so. Disciplinary action may also include up to 10 working days' suspension from employment and signing a Return to Work Agreement prior to returning to work. The Return to Work Agreement must include a requirement for an assessment and treatment plan that may include participation in a rehabilitation program and successfully passing follow up testing. A second positive drug or alcohol test will result in dismissal and cannot be grieved or appealed.
- 11.2.3 Employees who are convicted of criminal drug or alcohol violations must report this to their supervisor and Human Resources within five calendar days of the conviction. Failure to do so may result in disciplinary action. Supervisors shall notify their chain of command and consult with Human Resources regarding employees who report convictions.

11.3 Safety Sensitive Positions

- 11.3.1 All candidates for employment in Safety Sensitive positions or returning seasonal employees in Safety Sensitive positions are subject to pre-employment or return-to-employment drug and alcohol testing. Employees in Safety Sensitive positions are subject to random drug and alcohol testing.
- 11.3.2 As part of the interview and screening process the Human Resources Office will inform all candidates for Safety Sensitive positions that a pre-employment drug and alcohol test will be required. If the test results are positive, the candidate

will be immediately dismissed from the applicant pool without appeal and may not apply for another position for at least 30 days.

- 11.3.3 Random tests will occur during work hours and no employee will be required to take leave for the test. Safety sensitive employees who produce positive drug tests during the course of employment are subject to disciplinary action, up to and including termination.

11.4. Post-Accident Drug Test

If the employee is involved in an accident while at work which injures the employee, another person, or property, the employee will be subject to immediate drug and alcohol testing. Supervisors must contact Human Resources to arrange for testing. The employee cannot drive until released by Human Resources and until then must be transported by supervisor or designee. If the test results are positive, the employee will be subject to disciplinary action, up to and including dismissal.

11.5. Reasonable Suspicion Drug Tests

11.5.1 If an employee has a reasonable suspicion that another employee in the workplace is intoxicated, the employee shall report this in writing to the suspected employee's direct supervisor. The direct supervisor shall immediately speak with and observe the employee reported as being intoxicated and shall reasonably ascertain whether the employee exhibits signs of being under the influence of drugs or alcohol. If the supervisor reasonably determines that employee appears to exhibit such signs, the supervisor shall immediately order a drug test for the employee as appropriate, or the manager shall be subject to disciplinary action. Supervisors must contact Human Resources to arrange for testing. The employee cannot drive until released by Human Resources and until then must be transported by supervisor or designee. Supervisors and employees are encouraged to consult with Human Resources when questions or concerns arise.

11.5.2 Supervisors are mandated to receive annual Reasonable Suspicion training.

11.6 Altering and Evading Drug Tests

If the Tribes determines that a test sample has been altered or diluted or in any way tampered with by the employee, the employee shall be determined to have tested positive. If an employee refuses or evades a drug or alcohol test required by these policies, the employee shall be determined to have tested positive. Employees must complete the drug and alcohol test within the timeframes specified. The results of all drug tests will be available only to those who need to know.

11.7 Right to Retest

Any employee whose drug test indicates a positive result may immediately request that the initial sample be retested; this retest will be done at the employee's expense. If the retest is a confirmed negative the matter will be treated as if the employee had tested negatively in the initial sample.

11.8 Religious Use of Intoxicants

Regarding religious use, employees are expected to refrain from using or being under the influence of these substances while on paid status. In the event that an employee who is directed to take a drug test pursuant to these policies and procedures reasonably believes, because of the religious use of an intoxicant, that he or she might be determined to test positive in a drug test, the employee will immediately inform his or her immediate supervisor. The immediate supervisor will approve leave (as appropriate) for the employee for that day; however, the employee will still be required to undergo drug testing before leaving the work.

11.9 Prescribed Drugs

An employee who is prescribed drugs for medical or psychological purposes is required to immediately report to supervisors and Human Resources if any side effects of the prescription may limit or affect work performance, motor skills or cognitive abilities, including a physical abilities form.

11.10 Definitions

11.10.1 ***“Approved Medical Use”*** means the proper use of a substance consistent with a prescription issued by a health care professional and used only by the person for whom the prescription is prescribed.

11.10.2 ***“Controlled substance”*** has the same meaning as contained in Colville Tribal Code, Section 3-1-175(b).

11.10.3 ***“Intoxicant”*** means:

- (a) A substance listed as a scheduled drug under Colville Tribal Code, Sections 3-1-176 and 3-1-177;
- (b) Alcohol in any form designed for human consumption (including cough suppressants and inhalants) and marijuana; and
- (b) Any drug obtained pursuant to a legitimate prescription issued by a medical professional.

11.10.4 ***“Intoxication” or “Intoxicated”*** means that as a result of the use of an intoxicant, the employee is mentally or physically impaired.

11.10.5 ***“Religious use”*** means the use of a substance pursuant to a recognized Native American religious practice.

11.10.6 ***“Safety sensitive employee”*** means those in positions which require a Commercial Driver’s License; law enforcement personnel who carry fire arms; correction employees; emergency responders; employees who work with vulnerable populations, and heavy equipment operators. Whether a specific position is “safety sensitive” will be determined on a case-by-case basis by the Human Resources Office in consultation with the individual Program.

11.10.7 ***“Worksite”*** and ***“workplace”*** mean:

- (a) The offices of the Tribes or assigned work stations, including rented meeting sites for conferences attended as part of the employee job;

- (b) Any vehicle provided by the Tribes, whether rented, leased, or purchased which shall also include an employee's personal vehicle used in the course of the employee's work or when mileage is claimed for such use); and
- (c) Off-reservation sites where employees are representing the Tribes, working pursuant to a contract with the Tribes, or the employee's home when the employee is on "standby" and receiving pay.

12.0 **WHISTLEBLOWER PROTECTIONS**

12.1 **General**

A Whistleblower is an employee of the Tribes who reports or takes the following actions:

- 12.1.1 ***Discloses Violation of Law.*** Discloses, threatens to disclose or is about to disclose to a supervisor or to a public body or official, an activity, policy or practice of the employer, a co-employee or another employer, that the employee reasonably believes is in violation of a law, or a rule or regulation promulgated pursuant to law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care.
- 12.1.2 ***Provides Information to Official Proceeding.*** Provides information to, or testifies before, any public body or tribunal conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the employer or another employer, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into the quality of patient care.
- 12.1.3 ***Discloses Incompatibility with Policy.*** Discloses, threatens to disclose or is about to disclose to a supervisor or to a public body or official, an activity, policy or practice of the employer, a co-employee or another employer, that the employee reasonably believes is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.
- 12.1.4 ***Assists Official Proceeding.*** Assists or participates in a proceeding to enforce the provisions of this law or any other official proceeding.
- 12.1.5 ***Objects to Violating Process.*** Objects to, opposes or refuses to participate in any activity, policy or practice that the employee reasonably believes:
 - (a) Is in violation of a law, or a rule or regulation promulgated pursuant to law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (b) Is fraudulent or criminal; or,
 - (c) Is incompatible with a clear mandate of public policy concerning the public health, safety or welfare, or the protection of the environment.

12.2 Procedural Requirements and Remedies

- 12.2.1 The Executive Director shall receive all whistleblower complaints and must consult with the ORA on the appropriate investigative body/ person to conduct the investigation.
- 12.2.2 Employees are not excused from continuing to perform their jobs or follow their company's legitimate workplace rules because they have filed a complaint.

12.3 Retaliation

Any employee of the Tribes is prohibited from taking any retaliatory action against another employee because that employee filed a whistleblower complaint or took action as a whistleblower as outlined in Section 12.1.

- 12.3.1 Examples of retaliation include, but are not limited to employment actions such as unwarranted termination, refusal to hire, and denial of promotion. Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.
- 12.3.2 Any employee who believes he or she has been retaliated against by any tribal employee as a result of “whistle blowing” shall report the retaliation in writing to the Executive Director, or to the Colville Business Council if the person alleged to have retaliated is the Executive Director. An investigation shall be completed in a timely manner. As a result of the investigation, appropriate disciplinary action, up to and including dismissal may be taken.

13.0 EMERGENCY CLOSURES

- 13.0.1 During inclement weather and other emergency situations at Lucy F. Covington, Government Center or other tribal government satellite offices, the threat to the safety of employees and the community will determine whether offices are closed. In most instances tribal offices will remain open and operate normally to the greatest extent possible.
- 13.0.2 Decisions to simultaneously close all or most Tribal government offices because of dangerous weather conditions or other serious emergencies will be made by the Executive Director or designee. Prior consultation with the Public Safety Director must occur unless the seriousness of the situation requires an immediate action.
- 13.0.3 Decisions to temporarily close individual Tribal government offices based on isolated and likely temporary non-emergency situations, such as power outages or water shut-offs projected to last more than one hour, or outages/shut-offs which have lasted more than an hour, may be made by the Division Director in consultation with the affected Program Managers.
- 13.0.4 All closures made under this provision will be communicated immediately to all affected employees in person or on the Tribe’s website and via e-mail or phone

if possible. All affected employees will be informed of the expected date and time of reopening of offices as soon as this is determined.

- 13.0.5 When the Executive Director directs employees not to report to work, delay coming to work, or leave early, employees will not be charged leave unless their time off was already scheduled and approved.
- 13.0.6 Employees not at their workstations due to emergency closures are expected to be accessible and responsive to their supervisors as needed during their regularly scheduled work hours if reasonably possible. Supervisors may require that employees check and respond to email and voicemail regularly, and may expect that assigned work that can be accomplished remotely is completed on time regardless of emergency cancellations. Likewise, supervisors may make reasonable adjustments to be able to continue essential program operations, including holding meetings by teleconference and handling normal business by email, and employees who would normally be present at work may be required to participate.
- 13.0.7 Operations including public safety and other critical services may be required to continue even in severe weather or during other circumstances when other Tribal government offices close.
- 13.0.8 The Tribes through its Division Directors may designate certain positions as “Essential” if their job functions are necessary or potentially necessary to conduct the tribal government’s business, even when some or all government programs are not operating normally. Employees in positions designated as Essential will be notified of this designation upon hire or immediately after the designation is made. They are typically expected to report to or remain at work when the Tribe has a delayed opening, early release, or closure unless there is an imminent threat to their health and safety and their positions do not require responding to this threat.

14.0 Definitions

A

Abandonment of Job: Employee's failure to report to work or personally contact immediate supervisor for three complete and consecutive employee work shifts or days.

Absent Without Leave (AWOL): Failing to report for work on time on the day of denied leave, or failing to report for work and do not call within 30 minutes hour after their shift begins, or who abandon their work station for the remainder of their shift without the approval of their immediate\ supervisor.

Address of Record: Payroll and Human Resources' last known address for a current or former employee of the Colville Tribes as stated on the most recent W-4.

Administrative Leave: Paid or unpaid leave granted by the Executive Director for health and safety reasons to affected employees only; for Business Council-sanctioned events, or, for an employee related to personnel matters.

Advertisement: Job announcements and postings necessary to recruit for vacant positions

Americans with Disability Act (ADA): Federal law that requires reasonable accommodations for disabled workers and protects them from discrimination due to their disability. The ADA does not apply to Federally Recognized Tribes. The Colville Tribes exercises discretion on compliance with this act.

Appeal: Due process providing the opportunity for a hearing in front of an Administrative Law Judge for a full-time permanent, part-time permanent or seasonal employee to challenge the a grievance decision

Appellant: Person initiating an appeal from a grievance decision in a personnel matter.

Authorization: Official approval or permission by a person with the authority to do so.

B

Bereavement Leave: Paid time off to attend or participate in the funeral of an employee's immediate family, other relative, co-worker or other individuals.

Break Time: 15 minute intervals of paid absence taken mid-morning and mid-afternoon.

C

Calendar Year: January 01 to December 31.

Chain of Command: The administrative line of established authority from immediate supervisor to the Executive Director, or, if the employee is directly supervised by a Colville Business Committee, the chair of that committee.

Co-Worker: A currently employed fellow worker.

Colville Business Council (CBC): Elected Governing body of the Confederated Tribes of the Colville Reservation.

Colville Tribes: The Confederated Tribes of the Colville Reservation.

Compensatory Time: Pre-approved time to be absent from duty station to compensate non-exempt employees for pre-approved work hours which exceed the usual and regular work week for their job. Compensatory time for non-exempt employees is calculated at 1.5 hours for every hour worked over 40 hours in a work week.

Complaint: Is the formal process used by an employee to address violations of policy by another Tribal employee. Complaints must be filed on the Human Resources “Complaint Form.”

Confidential Information: Private, protected or privileged information of the Colville Tribes’ governmental, business, or other operations, or regarding tribal employees or clients that cannot be disclosed without permission from an authorized individual.

Conflict of Interest: A conflict of interest arises when an employee’s non-work activities, including those of a political or economic nature, conflict with or appear to conflict with the employee’s regular duties.

Contract Employees: Usually professional level employees who are employed under a written employment agreement which defines the terms and conditions of their employment, for example, duties, contract term, benefits and wage.

Corrective Action Plan (CAP): A step in the Progressive Disciplinary process for misconduct which the supervisor deems serious, but not requiring suspension or termination. The CAP is a written agreement signed by the supervisor and the employee detailing necessary improvement in performance and timelines. Failure to comply with the CAP is grounds for suspension without pay or termination at the supervisor’s discretion.

Cost of Living Raise: Wage adjustment based on the federal cost of living index and approved by the CBC, or as determined and approved by the CBC.

Credit Card (AKA “P-Card”): A Tribally issued and owned credit card used by programs or program employees to purchase authorized goods or services on behalf of Tribal business only. Misuse of Tribal credit card is grounds for disciplinary action up to and including dismissal and/or prosecution.

Criminal Background Check: Required background clearances for specific positions as determined by the Tribes or Federal or State funding agencies, or as required by law or the specific program as a condition of employment or continued employment.

D

Deliberations: The act of thinking about or discussing something and deciding carefully.

Demotion: Disciplinary action taken to reduce the job title, duties, responsibilities and pay of an employee taken as a result of poor performance; employees may also be demoted at their request to reduce their responsibilities.

Department: A unit comprised of several Tribal Programs with similar services, scopes of work, goals and objectives, or other significant similarities that best serve the Tribes and its membership’s interests.

Descendant: An individual of Colville Tribal heritage who is not enrolled but whose natural mother or father is an enrolled member of the Colville Tribes.

Disciplinary Action: Verbal or documented action taken by the immediate supervisor in consultation with HR, or as directed by higher levels of the employee as approved in the EPM to address unacceptable performance or other behavior as defined in the EPM.

Disciplinary Reduction in Pay: Progressive disciplinary action to reduce an employee’s pay one or more step until conduct improves (not to exceed 90 days).

Disclosure: Transmittal of confidential or non-confidential information; authorized disclosures of confidential information may be made only to persons with a right to know or unauthorized transmittal of confidential information to anyone not authorized to hear or view such information.

Discrimination: Taking an action or refusing to take an action based upon another’s race, national origin, gender, color, religion, disability or age.

Dismissal: Termination for cause from employment with the Colville Tribes.

E

Education Leave: Leave provided to permanent full or part time or seasonal employees to fulfill their educational goals.

Employment Records: Any writing, tape, copy, or other memorialization of whatever kind or nature maintained, obtained or generated while an employee is working for the Confederated Tribes and that relates to the employment of the employee and which includes but is not limited to resumes, health records, warning notices, disciplinary actions, evaluations, recommendations, retirement records, per capita holds, garnishments, vacation and sick leave, hours, wages, withholding, earnings, dependents, marital status, employment applications, previous tribal employment and terminations.

Essential Employee: is a designated employee that is required to work during a closure in order to meet operational requirements. Essential worker designation is determined by the Program manager.

Executive Director: The highest level of administrative authority with legal, personnel and financial authority over the operations of the Tribes, its employees, facilities, systems and affiliated agency employees working in Tribal facilities or programs and other areas delegated by the Colville Business Council.

Exit Interview: A process used by the immediate supervisor when an employee leaves employment to transition employee to non-employee status.

Exempt Employee: Employees who, because of their positional duties and responsibilities and level of decision making authority are exempt from receiving overtime and compensatory time and work whatever hours are necessary to accomplish the goals and deliverables of their position; generally this is at least a 40 hour work week.

F

Fiscal Year: A twelve month period between settlements of financial accounts (for the Tribes, October 1 – September 30).

Flex Time: Time on the job outside the normal working shift, used to arrive at 40 working hours in a week and may be used with the advance approval of the program manager or designee.

Full-time Employee: An employee who works 30 or more hours per week.

G

Garnishment of Wages: Tribal Court-ordered/recognized withholding of an employee wages for repayment of a debt to the Colville Tribes, a Tribal program or Enterprise, or to the Internal Revenue Service, or another debt recognized by the Tribal Court.

Gifts and Gratuities: A favor, item, entertainment, loan or anything of monetary value. Employees may not accept a gift or gratuity with a monetary value reasonable determined to exceed \$100.00 from a person, group, or private organization seeking to benefit in its relationship with the Tribes or Tribal employees or to show gratitude.

Grievance: A process used by an employee to challenge a termination, suspension without pay or involuntary demotion, available only to full time, part time and seasonal employees.

H

Harassment: Unwelcome, annoying or offensive conduct intended to disturb or upset, often but not always repetitive. In the workplace, it is behavior so objectively offensive, severe or pervasive as to alter the conditions of the victim's employment or is sufficient to create a hostile work environment.

Holidays: Days for which full-time, seasonal within their work season, part-time if within their usual work schedule, and summer youth employees receive paid leave; holidays are those recognized by the United State government and by the Colville Tribes.

Hostile Work Environment: A hostile work environment is created when an employee or employees engage in harassing or retaliatory behavior towards a targeted co-worker or workers, such that the target(s) find it difficult if not impossible to continue working. The victim may also be anyone affected by the harassment/retaliation, not just the individual to whom the offensive conduct is directed.

Human Resource Office (HR): The administrative management office established as a service program for tribal administrators, supervisors or managers who need assistance to recruit, hire, determine compensation, assist with discipline, train, retain and recommend policy and procedures related to employees and employment issues.

I

Immediate Family: For employment and leave purposes, includes spouse, child, parent, sibling, grandparent, grandchild, aunts, uncles, nieces and nephews; this includes step and foster parents and children.

Immediate Supervisor: In the chain-of-command, the employee who directly supervises an employee and is fully responsible for the work production, evaluation, scheduling, assignments and other work-related tasks to ensure the employee performs his/her duties.

Inadequate attendance: Being absent twice on short notice in any 30 day period for other than Sick Leave.

Indian Preference: A federal hiring policy that provides preference, first, to members of any federally-recognized Indian tribe now under Federal Jurisdiction; second, to descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation; third, all others of one-half or more Indian blood of tribes indigenous to the United States; and fourth, to Eskimos and other aboriginal people of Alaska. *See also Tribal Preference.*

Indian Trader's License: Permit required for a vendor to sell, trade, exchange and/or barter with Indians, issued by the Bureau of Indian Affairs

Insubordination: Willful or deliberate act of disobedience to a direct command, assignment or order given by a supervisor

Interview Board: A panel of no less than three persons including the supervisor of the position being filled who have professional or technical knowledge of the position requirements. Human Resources will facilitate the interview as a non-voting member.

Intimidating: To frighten or threaten someone into making them do what you want.

Intoxicant: *See 11.10.3*

J

Job Description: The official description of an employee's duties, responsibilities, supervision performed and received, classification code, pay range, and minimum qualifications required by the position.

L

Lay-off due to Reduction in Force: The process of eliminating positions across tribal government programs as the result of a CBC resolution approving a RIF. **Lay-off/individual program:** Eliminating a position or positions which can no longer be funded in a program. This action is not to be substituted for a disciplinary action and must be approved by the Division Director and Executive Director .

Leave: Paid or unpaid absence from regular work schedule/site which is approved by the supervisor.

Leave of Absence: Pre-approved unpaid leave not to exceed thirty days unless approved for a maximum of sixty days by the Executive Director. There must be a reasonable expectation that the employee will return to work in order to qualify for a Leave of Absence.

M

Malicious: Intending or intended to do harm.

Manual (AKA “EPM”): Employee Policy Manual.

Minimum Qualification: Verifiable education, training, experience, and demonstrated knowledge, skills, abilities, aptitudes and specific clearances required to fulfill the duties and responsibilities of a specific position.

Misconduct: improper employee behavior that’s inappropriate for the workplace and negatively impacts their work, environment or peers. Misconduct can range from minor issues to serious breaches in policy.

N

Nepotism: Favoring relatives by giving them jobs, promotions, etc. This form of preferential treatment by a family member for his or her immediate family in hiring, promotion, firing, or lay-off is prohibited.

Non- Exempt Employee: Employees who, because of their duties and responsibilities are eligible for overtime and/or compensatory time.

O

Obscene: Offensive or outrageous to accepted standards of decency or modesty.

On the Job Training: Short-term training designed to increase an employee’s competency, skills and abilities to perform a specific job and to meet the requirements of a position.

On-call Employees: “Short Notice” Employees eligible to be placed in an employee pool for certain tasks and expected to be available on short notice to perform these duties.

Orientation: Required process to provide new employees with general information about Tribal operations, benefits, Policies and Procedures and job expectations.

Overtime: Approved work hours exceeding 40 hours in a week and paid at one and a half time the regular pay rate to non-exempt full-time employees.

P

Part-Time Employees: Employees who work a regularly-scheduled work week of less than 30 hours.

Pattern of Tardiness: Tardiness that occurs in a regular and repeated way. Any pattern of tardiness for any reason that occurs so frequently as to impact the operation of the Program may be addressed by the supervisor in consultation with HR.

Paycom: Paycom Software Inc. provides comprehensive, cloud based human capital management (HCM) software solutions. It provides functionality and data analytics to manage the complete employment life cycle from recruitment to retirement.

Per Diem: A daily allowance provided to authorized travelers for lodging, meals and miscellaneous incidentals within the established Per Diem schedule.

Performance Appraisal: Documented evaluation of an employee's performance completed by the immediate supervisor on a standardized long-form Performance Appraisal Form at the end of an employee's introductory period, and annually thereafter during the month of October.

Personal Gain: Private/personal profit or advantage.

Position Classification: Job classes, titles and wages determined by an assessment of functions, responsibilities, complexity, industry wage comparability and organizational need.

Probationary period (or Introductory Period): Ninety-day period for new employees or employees hired into a new position. The Tribes may release employees who do not or will not satisfactorily perform the duties of their position during the probationary/introductory period. A release during the probationary/introductory period is not subject to the grievance/appeals process.

Programs with Mandatory 5/8 Schedules: Head Start, Language, Community Centers, Enrollment, Prosecutors, Public Defenders, Peacemakers, Probation, Law Enforcement Administration, Department of Corrections Administration, San Poil Treatment Center, Food Distribution, Convalescent Center, and AAOA employees serving Senior Meal Sites.

Progressive Discipline: A process of discipline beginning with verbal warning, and if misconduct continues, issuance of a written warning, corrective action plan, and then suspension, demotion, and termination. Managers are not required to use progressive discipline steps if the misconduct is sufficiently serious to require immediate suspension, termination, or demotion.

R

Reasonable Accommodation: Efforts made by the Tribes to respond to an employee's professionally diagnosed and reported disability that affects the employee's ability to perform their job. Accommodations will likely be made so long as they do not place an unreasonable burden on the program in which the employee works.

Reclassification: The process used to change a position title, job description and/or pay range to reflect increased, added or more complex permanent responsibilities or assignments of greater importance.

Reduction in force: A reduction in force is a permanent elimination of positions with no intention to refill them.

Resignation: The voluntary termination of employment at the written request of the employee.

Retaliation: Actions taken against an employee for reporting suspected misconduct, raising a work-place related concern, asking a question about the appropriateness of a procedure or cooperating with an authorized investigation. Retaliatory acts can range from increased surveillance of the targeted employee to unwarranted termination and are prohibited.

S

Safety Sensitive Employee: An employee in a position which requires a Commercial Driver's License; law enforcement personnel who carry fire arms; emergency responders; employees who work with vulnerable populations, including but not limited to elders and children, and heavy equipment operators. Safety Sensitive positions are determined on a case-by-case basis by the Human Resources Office in consultation with the individual Program.

Seasonal Employees: Employees who are hired for seasonal occupations.

Seniority: Possessing length of service in a particular position/program that exceeds other employees' length of service in that position/program.

Stand-by Time: Certain positions may be required to be available for work (on standby) without actually being at work but must be accessible to report to duty within a reasonable time. A Standby Plan and approved rate must be approved by the Department Director in conjunction with Human Resources.

Subpoena: A legal document issued by an authorized official to compel attendance at a hearing, trial, or other proceeding.

Supervisor: Generally, one who has the delegated authority to receive, assign, distribute, monitor, review and evaluate the work of others through written or verbal direction.

Suspension Without Pay: Disciplinary action to address serious misconduct of an employee that results in leave-without-pay status for a period of 3–14 work days depending on the nature of the violation and subject to the discretion of the supervisor.

T

Tardiness: Failing to report to work on time without contact supervisor within 15 minutes of start of shift. Habitual tardiness is arriving late to work two times in any pay period and is subject to disciplinary action.

Temporary Employee: In most cases an employee who is hired on a temporary basis and expects to work in that position for a maximum of 60 days unless an extension is approved in advance by the Department Director and Human Resources.

Threatening: An oral or written expression or gesture that could be interpreted by a reasonable person as conveying an intent to cause physical harm to persons or property.

Time Sheet: The form used by employees to report their actual hours worked, leave hours and total hours claimed for a pay period.

Trainee Plan: A plan for a new hire into a position to provide necessary training to fulfill the duties of the position.

Training Plan: An employee's individual plan to obtain formal, informal, short-term and long-term training and education to enhance and improve specific skills, competencies and/or professional standards in the position they currently hold.

Tribal Employee School Volunteer Program (TESVP): A discretionary and shared employee-employer leave for employees who volunteer in approved school or other educational activities. Employee must make application and be approved in advance to use this leave.

Tribal Preference: The Colville Tribes' employment policy which gives first preference to Colville Tribal Members, second preference to First Line Colville Descendants; third preference to spouses or guardians/custodians of Colville Tribal Members and fourth preference to members of other federally-recognized tribes. The above preference list is used in hiring decisions when a candidate or employee meets the minimum qualifications set forth in the job description.

Tribal Property: All credit cards, computers, equipment, furniture, vehicles, office supplies, phones, training or educational materials, emails, internet access, facilities, work sites or stations, and other property leased, rented or purchased by the Tribes for employee use is the sole property of the Colville Tribes.

Tribal Vehicle: Tribally-owned or leased vehicles of any type, including GSA vehicles and rental cars.

V

Vendor: Person, groups, companies or other business unit doing business with the Tribes.

Veteran Preference: Hiring preference for honorably discharged veteran who meets the minimum job qualifications of a position.

W

Warning Notice: Form used to document a policy violation (Also known as EWN).

Whistleblower: An employee who reports a suspected violation of applicable law, rules, or policy.

Workers Compensation: A tribally-insured program handled by the Accounting Office Benefits program and designed to address employee on-the-job injuries and accidents, claims and extended sick leave due to work-related illness or injury. *See* Colville Tribal Law and Order Code, Chapter 6-15.

Worksite: Offices of the Colville Tribes, including rented meeting sites, any vehicle provided or used for official business, off-reservation sites where employees are working pursuant to contracts with the Tribes, employee's home when the employee is getting paid for their time at home.

ACKNOWLEDGEMENT

I acknowledge receipt of the EPM and agree to read the EPM in its entirety. I further understand that I must use good judgment, practice in good faith, stay within the scope of the authority of my position, and will be fair and consistent on behalf of the Confederated Tribes of the Colville Reservation.

Dated: _____
_____ Employee signature

Print Name

Original: HR