

# Nez Perce Tribe

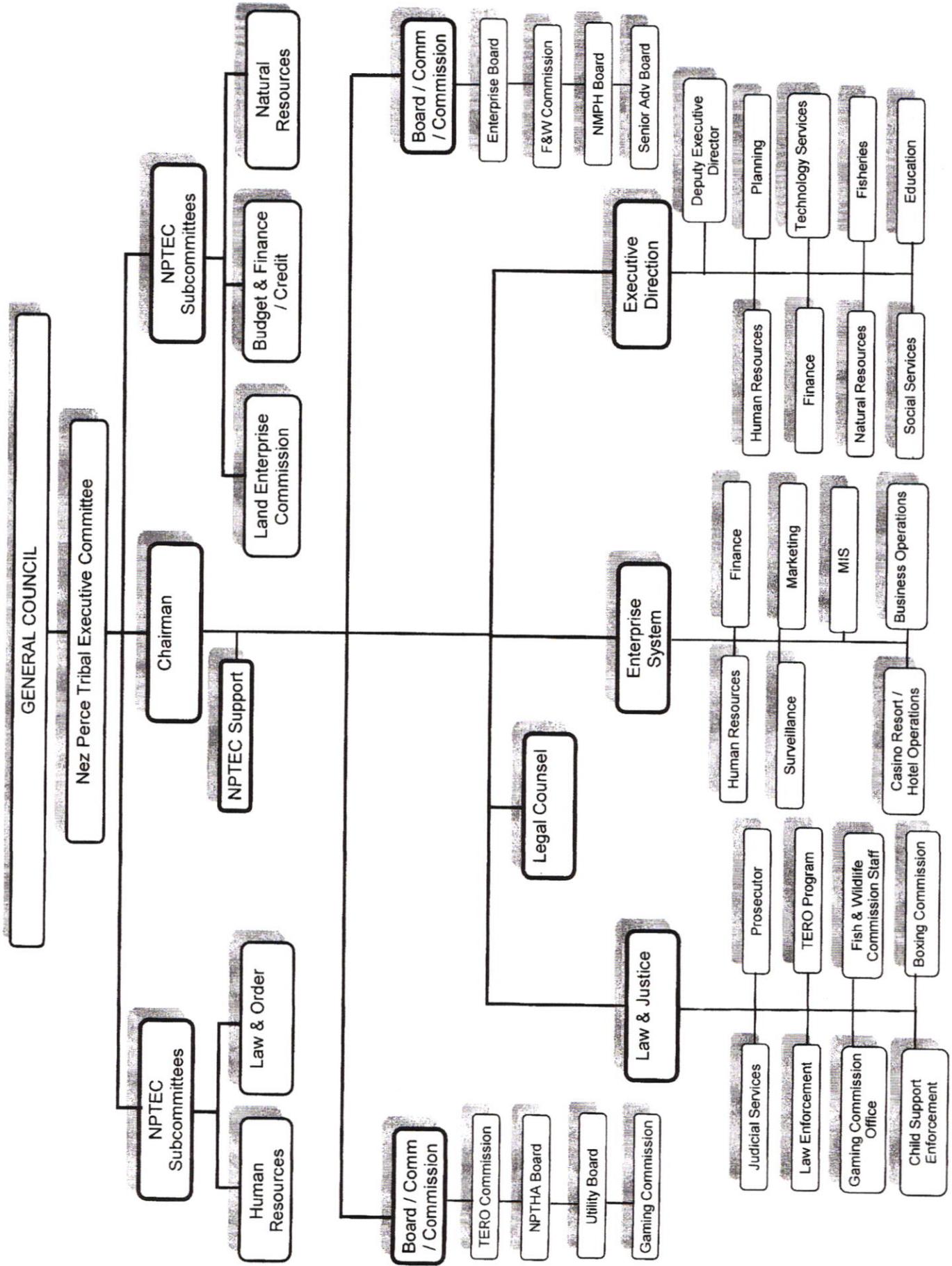


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# Human Resource Manual

Human Resource Manual as adopted by NPTEC, March 25, 2003 (Revised 12/08/2015)

NEZ PERCE TRIBE ORGANIZATIONAL CHART



# HUMAN RESOURCES MANUAL

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## **SECTION 1: OVERVIEW**

### **1.1 INTRODUCTION**

It is the policy of the Nez Perce Tribe (“The Nez Perce Tribe” or “the Tribe”), to comply with the following basic procedures and requirements in the recruitment, treatment and selection of tribal employees.

- 1.1.1 The Human Resources Manual is designed to assist the Nez Perce Tribe in resolving personnel-related issues. The primary purpose of the policies is to give maximum support to the goals and objectives of the Nez Perce Tribe. The Manual has also been prepared to provide employees with general guidelines on what the Nez Perce Tribe expects from you and what you can expect from the Nez Perce Tribe.
- 1.1.2 The Manual is designed to inform you of the policies and procedures and other general employment information. Every question cannot be answered in this format so employees are encouraged to raise any questions regarding this Manual with his or her supervisor or other appropriate management personnel and Human Resources.
- 1.1.3 All employees’ related documentation shall be submitted to Human Resources Office to be kept in the employee’s files.
- 1.1.4 This Manual contains a table of contents a glossary of terms and Appendices. All Tribal Employees shall familiarize themselves with this Manual and keep a copy for reference.

### **1.2 EXCEPTIONS AND VARIATIONS**

This Manual shall serve as the foundation of personnel management for tribal government and tribal enterprises unless separate resource management policies have been adopted for an enterprise. Limitations in grant funding for particular departments and programs, or particular grantor agency regulations may supersede policies and procedures contained herein. Department Executives shall request, through NPTEC, citing precedential policies on tribal sovereignty and government to government relationship, a waiver of such regulations.

### **1.3 MANUAL REVISION**

The Human Resources Manager is responsible for the maintenance of this Manual and the administration of the revision process with NPTEC approval by resolution.

- 1.3.1 Employees may recommend revisions to the Manual by submitting written revisions to his or her immediate supervisor with a copy to the Human Resources Office. The supervisor shall forward the recommended revisions to the appropriate Department Executive with a copy to Human Resources. The Department Executive will evaluate the recommendation and present the recommended written revisions to the Human Resources Manager. For purposes of this Manual, the term “Department Executive” shall include: Executive Director, Law & Order Executive Officer, Enterprise Executive Officer, Finance Manager, Natural Resources Manager, Department of Fisheries Resource Management Manager, Managing Attorney and Human Resources Manager
- 1.3.2 The Human Resources Manager shall be responsible for circulating Manual Revisions to Department Executives. Where appropriate, such revisions will be accompanied by instructions for implementing changes. Each Department Executive shall be responsible for documenting that each employee receives copies of revisions and training is available.

### **1.4 TRIBAL/INDIAN PREFERENCE**

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

1.4.1 The 1964 Civil Rights Act Title VII (42 USC 2000e2(i)), allows private and government employers on or near a Federal Trust Indian Reservation to exercise Indian preference in employment. *The Indian Self Determination and Education Act (25 USC, Section 450(c) affirms that any tribal employment or contract preference laws adopted by such tribe shall govern.*

1.4.2 In accordance with this provision, it is the Nez Perce Tribe's policy to publicly announce and give preferential treatment to *qualified* Tribal members before non-Tribal member Indians and non-Indians in hiring and promotions. The following order of preference shall apply:

1. Enrolled member of the Nez Perce Tribe.
2. Enrolled member of another federally recognized Tribe.
3. Others.

## **1.5 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Nez Perce Tribe will attempt to provide equal opportunity to all qualified employees and applicants for employment. With the exception of those situations affected by the Tribal Preference policy, all aspects of employment will be governed on the basis of merit, competence, and qualifications and will not be influenced by race, color, religion, sex, age, national origin, disability, or any other basis prohibited by law.

1.5.1 Additionally, the Nez Perce Tribe makes reasonable accommodation for qualified individuals with disabilities according to the American's with Disabilities Act.

1.5.2 All decisions made with respect to recruiting, hiring, and promotions for all job classifications will be based on individual qualifications related to the requirements of the position and the sole discretion of the employer.

## **1.6 VETERANS PREFERENCE POLICY**

By law, the United States has an obligation to assist veterans of the armed forces in readjusting to civilian life and follows a policy of promoting maximum employment and job advancement opportunities for veterans. The Office of Personnel Management oversees federal agencies hiring practices and ensures that eligible veterans receive preference in federal employment. In addition, almost every state extends a preference in hiring to veterans.

1.6.1 The Nez Perce Tribe recognizes and acknowledges the sacrifices that veterans have made, and the hardships they have endured, while serving in the armed forces of the United States.

1.6.2 The Nez Perce Tribe concurs with federal and state policy in extending preference in hiring to all eligible veterans discharged from the armed forces of the United States.

1.6.3 Eligibility under this section shall apply to those veterans who receive an honorable discharge or a general discharge under honorable conditions.

1.6.4 Preference will be applied by adding five (5) percent to the total score of veterans in the interview process.

## SECTION 2: HUMAN RESOURCES

### 2.1 EMPLOYEE CLASSIFICATIONS

All employees are designated as either nonexempt or exempt under the Tribe's wage and hour policy. The following is intended to help employees understand employment classifications and employees' employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

2.1.1 **Nonexempt employees** are employees who are eligible for the minimum wage and overtime provisions described infra.

2.1.2 **Exempt employees** are generally managers or professional, administrative or technical staff who are exempt from minimum wage and overtime provisions. Although the Tribe is not subject to the United States' Fair Labor Standards Act ("FLSA"), as a matter of convenience, exempt employees hold jobs that meet the standards and criteria established for exemption under the FLSA. Adoption of the federal standards may not be construed as a waiver of the Tribe's sovereignty or immunity from suit.

2.1.3 The Tribe has established the following categories for both nonexempt and exempt employees:

- **Regular, full-time:** Employees who are not in a temporary status and who are regularly scheduled to work thirty (30) or more hours per week on a year-round basis.
- **Seasonal, full-time:** Employees who are not in a temporary status and who are regularly scheduled to work thirty (30) or more hours per week on a seasonal basis.

Generally, these employees are eligible for the full benefits package, subject to the terms, conditions and limitations of each benefits program.

- **Variable:** Variable employees include:
  - **Regular, part-time:** Employees who are not in a temporary status and who are regularly scheduled to work less than thirty (30) hours per week. Regular, part-time employees are eligible for some of the benefits offered by the Tribe subject to the terms, conditions and limitations of each benefits program.
  - **Temporary, full-time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project who are scheduled to work thirty (30) or more hours per week.
  - **Temporary, part-time:** Employees who are hired as interim replacements to temporarily supplement the workforce or to assist in the completion of a specific project and who are scheduled to work less than thirty (30) hours per week.

Variable employees are not eligible for Tribal benefits unless specifically stated otherwise in Tribal policy or are deemed eligible according to health plan documents.

#### 2.1.4 Health Plan Classifications

Full-time (permanent and seasonal) employees are expected to work thirty (30) or more hours per week on average. The Tribe offers all full-time employees health benefits, effective on the first day of the month following sixty (60) days of employment. The Tribe's Finance Department will not process the

first paycheck of a full-time employee until the employee has provided written notice of his or her intention to either elect employer-provided health benefits or decline employer-provided health benefits.

Variable employees include all other employee classifications. Any variable employee who works less than thirty (30) hours per week on average over a twelve (12) month period will not be eligible for the Tribe's Health Plan. The actual hours a variable employee works may exceed thirty (30) hours in a given week without affecting the employee's lack of eligibility for the Health Plan. A variable employee's Health Plan eligibility will only be affected by an increase in the average hours worked over a twelve (12) month period to thirty (30) or more hours. Under the Affordable Care Act, the Tribe shall track all of the hours worked by variable employees over the course of a "benefits eligibility period"—the Tribe's benefits eligibility period is twelve (12) months.

If a variable employee becomes eligible for health benefits based on the average hours worked per week over a twelve (12) month period, the Tribe shall offer health plan coverage no later than the first day of the thirteenth (13<sup>th</sup>) month following the date or anniversary of hire. When an employee is offered health plan coverage, he or she must either elect coverage or decline coverage in writing before the Tribe's Finance Department will process his or her following paycheck.

## **2.2 RECRUITMENT**

Each department shall be responsible for recruitment.

- 2.2.1 Recruitment shall be based on the development of a comprehensive class description for each available position. Each class description will specify the position's objectives, required work activity, required background knowledge, skills, experience and work environment.
- 2.2.2 The Nez Perce Tribe recognizes the need to hire tribal members and non-member Indians, as well as the need to focus on the best interests of the Nez Perce Tribe as a whole. When minimum qualifications are met, the Tribe will give the greatest consideration to Nez Perce tribal members and non-member Indians which, includes but is not limited to culture, family, community knowledge and experience working with Indians or Indian Tribes.
- 2.2.3 Upon NPTEC approval of the department's budget, which includes a particular position, the Department Executive shall develop a class description for each position, which shall be forwarded to the Human Resources Office for review and approval. No changes may be made to the class description without concurrence of the Department Executive.
- 2.2.4 The Human Resources Office shall announce all position vacancies. When the position closes, applications in the "In-House" recruitment must be screened first and, if a tribal member applicant meets the minimum qualifications, those applicants must be given preference in hiring thus closing the recruitment. Only if an applicant is not selected from the In-House recruitment, external recruitment applications will be given consideration.
- 2.2.5 If the position is not filled under 2.2.4, the Human Resources Office shall announce all position vacancies, at a minimum, in the Lewiston Morning Tribune, the Clearwater Progress, the Clearwater Tribune, in the Wa-A'Yas, in the Pi-Nee-Waus, in the Teweepuu, and the Orofino, McCall and Enterprise Satellite Tribal Offices for a minimum of two consecutive Sundays or as otherwise determined by the requesting Program Manager or Department Executive.
- 2.2.6 The Human Resources Office will conduct the initial screening of applicants for minimum qualifications, based on the approved class description. The applicants meeting the minimum qualifications and all Nez Perce Tribal members applications (qualified or not) will be forwarded to the advertising program. All applications and the screening documentation are available to the advertising

program. If the program chooses to consider an applicant who does not qualify—the class description must be revised and the position re-advertised.

- 2.2.7 The advertising department/program will conduct the secondary screening process that will consist of interviewing a minimum of three candidates and a reference check of each. The candidate selected shall be appointed under section 2.4. The Department Executive may make exception to the three-candidate minimum with sufficient cause.
- 2.2.8 Tribal preference will be applied by applying points that are 10 percent of the total score.
- 2.2.9 Indian preference will be applied by applying points that are 5 percent of the total score.
- 2.2.10 Employees hired into classes/positions in which the class description essential tasks require motor vehicle operation shall possess a valid driver's license and be insurable under the tribe's policy. Recruitment for positions that do not require driving, shall not require a valid driver's license"<sup>12</sup>.

### **2.3 CANDIDATE ELIGIBILITY LIST**

Departments or programs that have regular periodic or annual openings of positions are authorized to create a Candidate Eligibility List. All hiring guidelines established within this document will be followed. The requirements for the Eligibility List are in Appendix B.

### **2.4 APPOINTMENTS**

After review of the candidates and their qualifications, appointments shall be made as follows:

- 2.4.1 The Department Executives, as defined in 1.3.1, shall be hired by Resolution of the Nez Perce Tribal Executive Committee.
- 2.4.2 Program Managers shall be hired by the Department Executive.
- 2.4.3 All other employees shall be hired by the Program Manager after consultation with the Department Executive.
- 2.4.4 Successful candidates shall be verbally notified of their selection to fill a position by the Human Resources Office. Such notification shall be made official by a written notice of appointment, a copy of which shall be filed with the Office of Human Resources and the appropriate Department.
- 2.4.5 A copy of the notice of appointment and application shall become a part of and shall initiate an active personnel file for the newly appointed employee. Personnel files shall be maintained by the Human Resources Offices.
- 2.4.6 The applications for all unsuccessful applicants shall be maintained on file at the Human Resources Office for three years.

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<sup>12</sup> NPTEC Administrative Action, # 28 April 10-11, 2007

## **2.5 INTERNAL TRANSFERS/PROMOTIONS**

To be considered for internal transfers, an employee must complete the application for a vacant or new position and fit within the guidelines of promotion or lateral transfer as outlined in Appendix E. All applications must be completed and submitted in accordance with the announcements to fill the position.

- 2.5.1 In the event a current employee is internally transferred to fill a vacancy or new position, placements shall be made in accordance with section 2.4 above.
- 2.5.2 The transferred employee will be in an introductory period for 90-days during which the employee is subject to the guidelines established in Section 2.6 with exceptions noted herein.
- 2.5.3 Upon approval of the transferred employee's original Department Executive, transferred employees shall retain their benefits in accordance with the benefits package available in the new position.
- 2.5.4 Transferred employees will have access to the grievance process during their introductory period.
- 2.5.5 Transferred employees will continue to accrue but will not be eligible to use their annual leave during the introductory period in the new position.
- 2.5.6 Any transferred employee who is dismissed on or before the 90<sup>th</sup> day of their introductory period shall not be eligible for reinstatement in their former position.
- 2.5.7 Annual leave will be paid by the Program or Department the employee is leaving or with the approval of the Department Executive of the new position, the employee may transfer their annual leave balance.

## **2.6 INTRODUCTORY PERIOD FOR NEW EMPLOYEES**

The introductory period for new employees lasts 90 calendar days from date of hire. Employees working during the introductory period are employed "at will". This means either the employee or the Nez Perce Tribe may terminate the employment relationship at any time, with or without notice and with or without cause. Introductory employees do not have access to the grievance procedures set forth in Policy No. 5.8.

- 2.6.1 During the introductory period, employees will be rated on productivity, quality of work, punctuality, attendance, ability to learn, initiative, attitude and conduct. Upon satisfactory completion of the introductory period, an employee will become a regular employee.
- 2.6.2 The introductory period shall begin with the date of employment and shall be effective for a ninety-day period thereafter. The Department Executive shall insure that a minimum of one evaluation will be conducted during this period. The employee shall be rated on productivity, quality of work, punctuality, attendance, ability to learn, initiative, attitude and conduct. Failure by the Department Executive and any supervisors under their direction to follow through with evaluations shall be subject to disciplinary action.
- 2.6.3 During the introductory period, employees will accrue sick leave and will be entitled to use accrued sick leave. Introductory employees will not accrue annual leave until successful completion of the introductory period. Employees are eligible to contribute to the Retirement Plan beginning with their date of hire.
- 2.6.4 Under no circumstances shall the introductory period exceed 90 calendar days. *If no official written personnel action has been taken to terminate an introductory employee during the 90 day introductory period, the employee shall automatically become a regular employee.* The employees' supervisor shall initiate written personnel action to effect the change.

- 2.6.5 Any promoted employee who is dismissed on or before the 90<sup>th</sup> day of their introductory period shall not be eligible for reinstatement in their former position.

## **2.7 PERFORMANCE AND EVALUATION**

Each employee's job performance shall be reviewed a minimum of once each calendar year by the immediate supervisor. If a supervisor fails to complete the evaluations, disciplinary action may result. These reviews will provide a basis for rewarding good performance and for identifying performance deficiencies and taking corrective action. In addition, the review process will provide tribal management with a fair and effective tool for making personnel decisions. Staff will be involved in each supervisor's evaluation (Appendix C).

The review process is designed to meet the following goals:

- 2.7.1 Improve the employee's understanding of job duties and rate how well the employee is performing the duties set forth in the class description.
- 2.7.2 Help each employee identify and correct skill or performance deficiencies, if it is determined that such deficiencies can be corrected.
- 2.7.3 Help administrators make decisions about salary, promotions, training, corrective action and other personnel actions.
- 2.7.4 Provide a means for communicating individual employee performance to the employee and immediate supervisor.
- 2.7.5 Provide an opportunity for the employee to discuss their goals and desires for the position and the organization.

## **2.8 EVALUATION RESULTS**

The employee's job performance evaluation may result in any of the following actions:

- 2.8.1 Employees with identified performance of skill deficiencies will receive counseling designed to help the employee correct the deficiencies, let the employee know what will be expected in the future and what the consequences will be if the employee's performance does not improve.
- 2.8.2 The employee may be given a merit increase based upon exceptional job performance ("Exceptional job performance is ratings that are in the very good or outstanding columns on the evaluation form") as demonstrated by the documentation provided by the employee and the evaluation.
- 2.8.3 The employee may be placed on a corrective action plan.
- 2.8.4 The employee may be demoted to a lower grade and salary, demoted in job responsibility or terminated.

## **2.9 CAREER DEVELOPMENT POLICY**

The Nez Perce Tribe encourages self-sufficiency and self-government. The Tribe advocates employees to set goals for promotion. The Tribe supports career development and encourages employees to take courses that enhance their educational background in a field of their choice. The Tribe strongly encourages tribal member employees to work towards two and four year college degrees as well as graduate level pursuits. An employee must fill out a career development plan to be placed in their personnel file and reviewed on a semester basis or annual basis with their immediate supervisors. Career Development Plan is in Appendix D.

## **2.10 POSITION RECLASSIFICATION**

All positions shall be assigned to a class. The class may include a single position, or a grouping of positions which are sufficiently alike in duties, functions, and responsibilities, so that they may be identified by the same class title, use the same class specification, and are assigned a salary grade.

- 2.10.1 Class descriptions for each Tribal position will be prepared and maintained in a manner that they will accurately describe the duties and responsibilities inherent in the position. Titles will be designated by the Department Executive, with concurrence by the Human Resources. The Human Resources Office will have authority and responsibility to research, study, and propose necessary changes to the NPTEC.
- 2.10.2 From time to time, changes occur in the responsibilities of a position that require review in order to determine whether such changes dictate a change in classification for the position. Such changes can result from gradual additions and responsibilities or department reorganization. The position reclassification process is in Appendix E.

## **2.11 PROHIBITION OF HARASSMENT AND DISCRIMINATION**

- 2.11.1 Harassment. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.
- 2.11.2 Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, or disability and (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group.
- 2.11.3 Sexual Harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- 2.11.4 Employee Complaints of Harassment. The Nez Perce Tribe has a policy of not only prohibiting, but also endeavoring to prevent, harassment. Any employee who feels that a violation of this policy has occurred should immediately report the matter to his or her supervisor. If that person is unavailable or the employee believes it would be inappropriate to contact his or her supervisor, the employee should contact the Department Executive, the equal employment officer or other appropriate management personnel.
- 2.11.5 The Human Resources Office will investigate all complaints of harassment. When harassment is found to have occurred, remedial action taken will include action against the party engaging in the harassment and action for the recipient of the harassment. Any violation of this policy will result in immediate corrective action.
- 2.11.6 The complaining employee and any directly involved persons will be informed when a final decision is made on a complaint. If Human Resources employees are involved in such a complaint, the NPTEC Chairman will investigate. The information provided will include whether the Human Resources Office

found substantial evidence to support or not to support the complaint and, if the former, that some discipline has been imposed.

- 2.11.7 The exact discipline imposed will generally not be disclosed to the complainant or the alleged victim(s) if other than the complainant. If a Department Executive is involved in such a complaint, the Office of Legal Counsel shall complete the entire investigation and make written recommendations to NPTEC.
- 2.11.8 Individuals who lodge good faith complaints or who participate in an investigation will not be retaliated against or otherwise treated adversely related to their reporting of the situation or participation in an investigation.

**2.12 RULES PERTAINING TO DEPARTMENT EXECUTIVES (Amended 2/9/16 - NP 16-191)**

The Department Executives, as defined in 1.3.1 serve at the discretion of the Nez Perce Tribal Executive Committee (“NPTEC”), because of the highly sensitive and confidential nature of the work that they perform in the name of the Nez Perce Tribal Government. Each of these employees shall be hired or dismissed at-will by NPTEC resolution. All of these employees are subject to a level of accountability commensurate with the sensitive and key roles they hold within the Nez Perce Tribal Government. None of these employees, therefore, are entitled to utilize the grievance policy and procedures described in section 5 of this Manual.

## **SECTION 3: SALARY AND PAYROLL ADMINISTRATION**

### **3.1 WAGE AND SALARY SCHEDULE**

All employees shall receive the compensation provided in the salary schedule for the salary range of the position in which they are employed. A copy of the Salary Schedule is attached to this Manual as Appendix F.

- 3.1.1 New Employees: Based upon the wage and classification schedule (Appendix F), new employees shall be employed at the entry level of the range established for the position as stated in the class description, unless the Department Executive determines otherwise.
- 3.1.2 All Employees: The Nez Perce Tribal Salary schedule provides for merit increase based on an exceptional performance evaluation as provided in this policy in Appendix G.
- 3.1.3 Longevity Increase: An employee will be eligible for a ten-year (20,800 hours), one step longevity increase as well as increases in five-year increments thereafter. The employee must initiate the request to the appropriate supervisor. This increase includes service with Tribal Affiliates (Appendix H) and Military Service Time.
- 3.1.4 Implementation: The employee's appropriate hiring authority shall forward an Employee Action Notice with the necessary salary adjustments.
- 3.1.5 Interim Positions: Any employee appointed to a vacated position by the Department Executive or the NPTEC Chairman to perform in an interim managerial or supervisory position shall be compensated accordingly; and documented with an Employee Action Notice.

### **3.2 SALARY INCREASES (RAISES)**

All merit increases shall be subject to HRM Section 2.7 and 2.8. All salary increases shall be approved by the appropriate Department Executive with the following exceptions:

- 3.2.1 Salary increases for Department Executives shall be initiated by the NPTEC Chairman. Cost of Living Allowance (COLA). Each September the Department Executive may recommend a Cost of Living Allowance adjustment to the entire salary schedule for NPTEC consideration. The Finance Manager will implement any COLA's approved by NPTEC by adjusting the entire salary schedule accordingly and COLA's are not considered as part of the yearly merit increase.
- 3.2.2 Salary increases for the Department Executives shall be approved by the Nez Perce Tribal Executive Committee.
- 3.2.3 Merit increases may not exceed two steps per year.

### **3.3 PAY PERIODS AND PROCEDURES**

Shall be in accordance with the Finance Manual.

### **3.4 COMPENSATORY TIME**

The normal work week consists of 40 hours per week. Non Exempt Employees who are authorized by their immediate supervisor to work more than 40 hours per week may take compensatory time off. Employees will receive one and one-half hours of compensatory time for each authorized hour worked over 40 hours per week. If taking approved leave during the 40 hour work week, employees will be compensated hour for hour as authorized.

- 3.4.1 Compensatory time shall be taken within ninety (90) days in which it is worked or at the discretion of the supervisor; the employee will be compensated for the hours worked.
- 3.4.2 Employees who are eligible to take compensatory time must arrange for the time off in advance with the employee's immediate supervisor.
- 3.4.3 The employee's immediate supervisor will maintain records of each employee's eligibility to take compensatory time and the employee's use of compensatory time.
- 3.4.4 Lunch time in the office will not be counted as compensatory time unless the employee is expressly requested by the immediate supervisor to remain at the workstation.
- 3.4.5 Exempt employees do not earn and are not entitled to Compensatory time off. Exempt employees may be allowed discretionary time off with pay as approved by their supervisor.
- 3.5 **PAYMENT FOR TRIBAL BOARDS, COMMISSIONS AND GENERAL COUNCIL**  
Employees who participate in non-job related elective or appointed office must be on their own time; annual leave or leave without pay.

## **SECTION 4: GENERAL POLICIES GOVERNING PERSONNEL**

### **4.1 WORK HOURS AND ATTENDANCE**

The Nez Perce Tribe's normal work week consists of 40 hours. Any deviation from these guidelines must be approved by the Department Executive.

- 4.1.1 Tribal business hours shall be 8:00 a.m. to 4:30 p.m., with a 30-minute lunch break at 12:00 noon and two 15-minute breaks, one in the mid-morning and one in the afternoon.
- 4.1.2 Some employees, due to work requirements, work different hours. The daily schedule, i.e., lunch period and rest breaks, should roughly approximate the duration and timing of breaks scheduled for the standard Tribal business day.
- 4.1.3 Employees, with their supervisor's permission, may take up to one hour for lunch to participate in the Tribe's exercise program. This includes: walking, running, playing basketball, volleyball, or tennis, weight training or other athletic activities that provide exercise.
- 4.1.4 Employees, with their supervisor's permission, may take up to one hour for lunch to participate in educational activities. (i.e., language classes, public school activities, award assemblies, Head Start activities, etc.).
- 4.1.5 Employees taking advantage of the noon exercise program shall not take additional time off for lunch before, during or after the exercise hour.
- 4.1.6 "Effective October 1, 2007, employees will not be allowed to work at home and be compensated for their time".

### **4.2 TRAVEL**

Routine travel, on or near the reservation, which is consistent with the employee's class description constitutes authorized travel. Approval for travel and travel advances shall be obtained in accordance with the procedures of the Finance Manual.

### **4.3 NEPOTISM**

Nepotism is defined as a display of favoritism on the basis of family relationships. Because Nez Perce Tribal Members and many employees are related to one another, the nepotism policy is not drawn to exclude all family members from dealing with each other in Tribal business matters. The policy is drawn, however, to eliminate the potential for favoritism in personnel dealings between close family members who are Tribal employees. The anti-nepotism policy shall be defined by the following guidelines:

- 4.3.1 Close or immediate family members include the following relatives:

Mother, father, son, daughter, husband, wife, brother, sister, in-laws (mother, father, brother, sister, son, daughter) and biological grandparents/grandchildren, adopted father, mother, brother, sister and grandparents or any other relative living in the same household.

- 4.3.2 No person shall hold or shall be hired, promoted, demoted, or transferred to a job, which requires the employee to directly supervise or be supervised by an immediate family member.

### **4.4 OUTSIDE EMPLOYMENT**

The Nez Perce Tribal Executive Committee established the following policies in regard to outside or self-employment by Tribal employees:

- 4.4.1 Employees may engage in outside or self-employment unless the supervisor or the department or division determines that such employment:
- (A) Detracts from the employee's performance and efficiency;
  - (B) Conflicts with the interest of the Nez Perce Tribe; or
  - (C) Discredits the Nez Perce Tribe.
- 4.4.2 Employees may hold more than one (1) part-time position within the Tribe as long as they do not work over 40 hours a week.
- 4.4.3 No full-time employee shall hold another full or part-time job within the Tribal organization without prior written approval from their immediate supervisor, and the Department Executive.
- 4.4.4 Consulting to the Tribe is allowed by an employee as long as it does not directly relate to the position in which the employee is serving full time and is not conducted during normal working hours.

#### **POLITICAL ACTIVITY**

Employees are encouraged to assume leadership positions and citizen participation roles in tribal, public affairs and professional societies.

Employees who hold non-job related elective or appointed office for non-job related activities (other than NPTEC) shall deal with the requirements of the office on their own time.

No employee shall speak on behalf of the Nez Perce Tribe, on any policy matter without the prior express approval of NPTEC. When an employee speaks on job related activities for the organization, statements shall be accurate and show proper respect for the Nez Perce Tribe.

#### **RECEIPTS OF FAVORS OR GIFTS**

Employees may not accept favors, gifts, or other forms of compensation from vendors, contractors or any other persons who has or who proposes to have business dealings with the Nez Perce Tribe.

#### **NO SOLICITATION**

The Nez Perce Tribe does not allow employees or any other persons to solicit its employees during working time. Accordingly, the following no-solicitation policy is in effect:

- 4.7.1 No employee shall solicit for any cause or organization during his or her working time or during the working time of the employee or the employees solicited. For the purpose of these rules "working time" does not include meal time.
- 4.7.2 No employee shall distribute or circulate any electronic, written or printed solicitation material in work areas at any time, during his or her working time, or during the working time of the employees to whom such activity is directed, regardless of location.
- 4.7.3 Employees not on shift must not be on tribal premises except on work related business. For the purpose of this rule, "tribal premises" includes the interior and exterior of work areas. Any exception to this rule requires permission from the supervisor.

#### **RESIGNATION**

An employee may, at any time and for any reason, voluntarily terminate employment by resigning.

4.8.1 The Nez Perce Tribe requires that its employees must give ten (10) working days written notice of intended resignation. Non-compliance of this section will result in termination. Exceptions may be granted, if approved by the Department Executive.

4.8.2 Once the supervisor is given notice of resignation, the supervisor shall initiate an Employee Action Notice (EAN) that documents the effective date of the resignation. This EAN and the letter of resignation will become a permanent part of the employee's personnel file.

#### **4.9 DISMISSAL**

When circumstances warrant, an employee may be terminated. The General guidelines governing involuntary termination are contained in section 5. The instrument of dismissal shall be an Employee Action Notice for termination signed by the appropriate officials as designated below:

4.9.1 The Department Executives shall be terminated by appropriate resolution of the Nez Perce Tribal Executive Committee.

4.9.2 Except for the Department Executives, all employees may only be terminated according to the process defined in section 5.4 of this Manual. **(Amended 2/9/16 – NP 16-191)**

4.9.3 Involuntary terminations of employees are subject to the grievance procedure of section 5 of this Manual, subject to the exceptions defined in sections 2.6 and 2.12. **(Amended 2/9/16 – NP 16-191)**

4.9.4 Should a terminated employee be reinstated prior to, or as a result of, the grievance process, the employee shall be entitled to all leave and other benefits that would have accrued and paid for all hourly wages withheld from the date of termination through date of reinstatement.

4.9.5 Any employee who is terminated "for cause" shall not be appointed to another position in the Tribal employment structure without approval of the NPTEC.

#### **4.10 REDUCTION IN FORCE**

A reduction in force or lay-off of employees may occur due to a number of reasons, including reduction in program funding.

4.10.1 When more than one employee is affected by a reduction in force, the Department Executive shall establish lay-off criteria, in consultation with Human Resources. The Department Executive retains absolute discretion to decide which criteria he/she will consider and how much weight he/she will give each criteria in making these employment decisions.

4.10.2 Employees laid off during a reduction in force shall be given preference priority and rehired should their job become available again and/or for available jobs within the Tribal organization for which the laid-off employee is qualified, unless they have accepted and appointed to another position of employment with the organization. This preference shall be in effect for a period not to exceed 90 days and as outlined in Section 2.

4.10.3 The Nez Perce Tribe will give a minimum of ten (10) working days' notice of a reduction in force. Exceptions may be granted, with approval of the Department Executive.

#### **4.11 DEATH**

Upon the death of an employee, all compensation and benefits due will be calculated and paid to the employee's designated beneficiary or by natural order.

**4.12 CONFIDENTIAL INFORMATION**

No employee shall disclose privileged information about clients, personnel actions, property acquisitions, tribal financial transactions, policy actions prior to implementation or any other confidential information to unauthorized individuals or entities. This prohibition applies during and after the employment relationship. Unauthorized disclosures that can be documented may be grounds for disciplinary action including termination or legal action. Employee Confidential Statement is in Appendix I.

## **SECTION 5: EMPLOYEE RELATIONS**

### **5.1 GENERAL CONDUCT**

Each tribal employee is a representative of the Nez Perce Tribe. In this role, each employee is obliged to conduct themselves in a manner that will reflect positively upon the Nez Perce Tribe. Each employee shall be subject to the following responsibilities and constraints:

- 5.1.1 Employees shall at all times promote good relations between the Tribal government and those people in the reservation and non-reservation community by performing quality work and by displaying a positive service attitude.
- 5.1.2 A tribal employee shall not assume the role of a policy spokesman for the Nez Perce Tribe. Individuals elected or appointed to tribal office or employees who are delegated to speak on behalf of the Nez Perce Tribal Executive Committee are exempted from this policy but shall confine their activities strictly to that category in which they are assigned.
- 5.1.3 Tribal employees shall conduct themselves and shall dress according to the normal performance demands of their work stations, utilizing accepted protocol standards and safety.
- 5.1.4 Employees shall not bring children into the work stations during working hours and are required to keep social visits to a minimum during working hours. Children shall be allowed to check in with parents before and after school as long the visit is kept to a minimum. Children are not allowed to loiter in or around the Tribal offices waiting for the parent/s to complete their workday. Children are not allowed to utilize Tribal equipment in the offices or break rooms such as computer equipment, microwaves, photocopiers, etc. Nursing mothers may be afforded nursing time to nurse children if authorized by their immediate supervisor and time away from workstation is not excessive.

### **5.2 EMPLOYEE RELATIONS**

All employees shall respect each other's basic human rights and human dignity and shall work cooperatively in performing tribal services. Appendices that relate directly to Employee Relations are the Drug Free Work Workplace (Appendix P) and the AIDS Policy (Appendix Q).

- 5.2.1 No employee shall ridicule or reprimand another employee in public or in the presence of co-workers during normal working hours or while attending a conference, meeting, training or other such function while such conference, meeting, training or other such function is in session.
- 5.2.2 All personnel shall express their occupational differences of opinion or any other difference of opinion respectfully.
- 5.2.3 No employee shall discriminate against another employee on the basis of race, religion, age, sex, or any other protected class.
- 5.2.4 Employees shall cooperate one with another in the execution of their duties.
- 5.2.5 All employees shall, when requested, share non-privileged work information or knowledge with fellow personnel during work activities.

### **5.3 WHISTLE BLOWER POLICY**

- 5.3.1 Reporting of improper activities without retaliation. An employee may file a written complaint with the Department Executive, or his designee, with a copy to the Human Resources Office, communicating in good faith the existence of waste of tribal finances, property or manpower, or a violation of a law, rule

or regulation under the Nez Perce Tribe's Human Resources Manual, Finance Manual or Tribal Code. The complaint must be supported by documentation or other evidence. Unsupported allegations will not be considered.

### 5.3.2 Investigation

The Department Executive or designee shall conduct an investigation into the complaint. For complaints against the Department Executives, the NPTEC Chairman or their designee shall be responsible to conduct the investigation. A response to the complainant shall be provided within ten (10) business days. Such response will not contain any confidential personnel information. Specific findings will be reported to the appropriate supervisor within the same time frame, which shall include a determination as to whether the complaint was made in good faith or was frivolous.

### 5.3.3 Retaliation

A supervisor or another employee may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of tribal or grant funds, property or manpower, or a violation or suspected violation of a law, rule or regulation under the Nez Perce Tribe's Human Resources Manual, Finance Manual or Tribal Code.

A supervisor or another employee may not take adverse action against an employee because an employee participates in good faith or gives information in good faith for an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review.

### 5.3.4 Improper Complaint

An employee who makes a bad faith or frivolous complaint of improper activities shall be subject to disciplinary action in accordance with Section 5.4 and 5.5 of the Human Resources Manual. The findings shall be reported to supervisor, who will determine appropriate personnel action, if any.

## 5.4 **DISCIPLINE-GENERAL GUIDELINES**

It is the policy of the Nez Perce Tribe to take or authorize corrective measures when an employee engages in conduct or activities which detract from the effectiveness of the employee's work performance or which is contrary to the best interest of the Nez Perce Tribe. Any or all of the following progressive steps of discipline may be utilized, depending on the individual circumstances and the nature of the infraction.

All acts of discipline unless otherwise indicated under section 5.5 shall be initiated within 5 working days of supervisors knowledge of said infraction and shall be documented in writing by the disciplined employee's immediate supervisor and shall be incorporated into the employee's permanent personnel file.

This list is provided as a general guideline and does not restrict the supervisor's discretion to discipline or discharge employees for any appropriate reasons."

5.4.1 Corrective counseling. This is an informal and documented discussion between the employee and his or her Supervisor. The Supervisor should detail the reason(s) for the discussion and give the employee an opportunity to respond. The supervisor should then let the employee know what will be expected in the future and what the consequences will be if the performance does not improve. When appropriate, the supervisor will provide management personnel with the copies of all informal and documented discussions.

The Nez Perce Tribe's hope is that the counseling process will allow the employee to meet the Nez Perce Tribe's expectations and will make any further disciplinary action unnecessary.

- 5.4.2 Verbal reprimand. If an employee has violated a policy or procedure, the employee's supervisor shall, immediately, discuss the infraction with the employee and warn the employee not to repeat the infraction. Such infraction shall be documented and placed in the employee's file.
- 5.4.3 Written reprimand. This may be used when other corrective action steps have not worked to help the employee correct the problem or where the problem is considered severe. The written warning step requires immediate and continued improvement. The written warning remains in the employee's personnel file. Further corrective action will result from any recurrence of the problems addressed in the written warning or any other discipline or performance problems.
- 5.4.4 Suspension. Suspension is a corrective action step used by the Department Executive in more serious circumstances. For example, it may be used when it is necessary to remove the employee from the workplace so that a complete and fair investigation of the incident(s) may be made. Generally, suspension will last for that period of time deemed necessary by the Department Executive and may be paid or unpaid, depending on the circumstances.
- 5.4.5 Termination. This is the most serious disciplinary action the Nez Perce Tribe can take. Any employee who is involuntarily terminated from employment with the Nez Perce Tribe loses all employment seniority and all service time for leave earning privileges.
- 5.4.6 For offenses not described in Section 5.5 below, it is the responsibility of the appropriate supervisor to apply disciplinary action as described in sub-sections 5.5.1 through 5.5.5 commensurate with the severity of the infraction. Such offenses shall be referred to the Human Resources Manager for inclusion per section 1.3 Manual Revisions.]
- 5.4.7 All acts of discipline unless otherwise indicated under section 5.5 shall be initiated within 5 working days of supervisors knowledge of said infraction and shall be documented in writing by the disciplined employee's immediate supervisor and shall be incorporated into the employee's permanent personnel file.
- 5.4.8 The Tribe will generally provide progressive discipline, but any of the steps above may be skipped at the discretion of the Department Executive.

## **5.5 INFRACTIONS AND DISCIPLINE GUIDELINES**

As a general rule the following kinds of violations will be dealt with by the following sequence of disciplinary actions. Any violations not described in this section which may occur and have been addressed under sub-section 5.4.6 above shall be referred to the Human Resources Manager.

- |       |  |  |
|-------|--|--|
| 5.5.1 | Tardiness, excessive absence or unauthorized absence from work.  | 1 <sup>st</sup> Verbal reprimand<br>2 <sup>nd</sup> Written reprimand<br>3 <sup>rd</sup> Suspension<br>4 <sup>th</sup> Termination |
| 5.5.2 | Loitering, or leaving work station during work hours without authorization. Visiting other Employees during working hours. | 1 <sup>st</sup> Verbal reprimand<br>2 <sup>nd</sup> Written reprimand<br>3 <sup>rd</sup> Termination                               |
| 5.5.3 | Willful violation of safety rules or carelessly endangering the safety of self or others.                                  | 1st Written reprimand<br>2nd Termination   |

5.5.4	Failure to report an on-the-job injury occurring in accordance with established guidelines.	1st Written reprimand 2nd Termination
5.5.5	Threatening, coercing or interfering with fellow employees during work hours, or retaliating against an individual.	1st Suspension 2nd Termination
5.5.6	Making false, vicious, or malicious statements about any employee of the Nez Perce Tribe.	1st Written reprimand 2nd Suspension 3rd Termination
5.5.7	Misusing, destroying, or damaging any Tribal property during work hours	1st Written reprimand 2nd Termination
5.5.8	“Employee’s failure to meet the reasonable expectations of his/her Employment”; and	1st Written reprimand 2nd Termination
5.5.9	Disclosing without authorization from ones immediate supervisor, Tribal or program information.	1st Written reprimand 2nd Termination
5.5.10	Provoking a fight or fighting during work.	1st Suspension 2nd Termination
5.5.11	Sleeping on the job.	1st Suspension 2nd Termination
5.5.12	Insubordination or refusing to carry out a valid work or task request made by one’s authorized supervisor.	1st Written reprimand 2nd Termination
5.5.13	By-passing the appropriate chain of authority or procedure.	1st Verbal reprimand 2nd Written reprimand 3rd Termination
5.5.14	Falsifying work-related records or theft of tribal property.	1st Suspension 2nd Termination
5.5.15	Threatening to use or Possessing dangerous weapons or explosives on Tribal administrative properties without authorization.	1st Suspension 2nd Termination
5.5.16	Removal of any tribal property from work premises without written authorization of one’s immediate supervisor.	1 <sup>st</sup> Suspension 2 <sup>nd</sup> Termination
5.5.17	Reporting for work under the influence of alcohol or illegal drugs	1 <sup>st</sup> Suspension for three days without pay and corrective/ counseling/treatment 2 <sup>nd</sup> Suspension for five days Without pay plus probation 3 <sup>rd</sup> Termination

5.5.18	Consumption, possession or sale of alcohol or any drugs while on the job.	1 <sup>st</sup> : Suspension 2 <sup>nd</sup> : Termination
5.5.19	Violation of the Finance Manual.	1 <sup>st</sup> Verbal reprimand 2 <sup>nd</sup> Written reprimand 3 <sup>rd</sup> Suspension 4 <sup>th</sup> Termination
5.5.20	Job Abandonment, unauthorized absence from work for 5 days.	1 <sup>st</sup> : Termination
5.5.21	Computer Misuse	1 <sup>st</sup> Written reprimand 2 <sup>nd</sup> Suspension 3 <sup>rd</sup> Termination
5.5.22	Neglect or willful refusal to conform to the grievance process.	1 <sup>st</sup> Written reprimand 2 <sup>nd</sup> Suspension 3 <sup>rd</sup> Termination
5.5.23	Unauthorized access to Tribal Offices	1 <sup>st</sup> Written reprimand 2 <sup>nd</sup> Suspension 3 <sup>rd</sup> Termination
5.5.24	Harassment	1 <sup>st</sup> Suspension 2 <sup>nd</sup> Termination

**5.6 GRIEVANCE PROVISION**

A grievance is a formal complaint lodged by an employee regarding disciplinary action taken against the employee. Any regular employee who has been suspended, reduced in pay, demoted or dismissed shall have the right of appeal to the Grievance Process. Notice of the appeal must be filed not later than five (5) days after the effective date of the action. The employee’s notice of appeal must be in writing and must set forth the reason why the disciplinary action is thought to be improper. Human Resources will promptly review and equitably address grievances of individual employees or group of employees, which have been submitted through the process. Human Resources shall furnish the Program Manager concerned with a notice of the grievance in advance of the hearing through the grievance process as outlined in section 5.8.

- 5.6.1 Only regular and seasonal employees have the right to appeal disciplinary actions. Employees who have not successfully completed the introductory period do not have access to this grievance process.
- 5.6.2 No employee will be retaliated against or subjected to discrimination for filing a grievance regardless of its disposition.
- 5.6.3 Whenever possible, employees and immediate supervisors are encouraged to resolve potential grievance issues on an informal and mutually cooperative basis. Human Resources is available to assist with this process.
- 5.6.4 Until a grievance has been settled, all parties involved shall refrain from discussing the grievance outside formal proceedings of the grievance process itself.

5.6.5 A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final third step.

## **5.7 THE NEZ PERCE TRIBAL HEARING OFFICER**

5.7.1 If the Human Resources Office Hearing Officer has a conflict with the grievance at issue, i.e., if the grievant is a family member, an alternate Hearing Officer will be appointed.

5.7.2 The Hearing Officer shall conduct a hearing on the second (2<sup>nd</sup>) Wednesday of each month unless no grievance requests have been filed, in which case the Hearing Officer will conduct a hearing on the second (2<sup>nd</sup>) Wednesday of the next month in which a grievance has been filed.

## **5.8 GRIEVANCE PROCEDURE**

Grievances filed by Tribal employees will conform to the three step procedure set forth below:

### 5.8.1 Step One.

- (A) A written grievance statement must be presented by an employee to the immediate supervisor within five (5) days of the effective date of the action at issue. A copy must be provided to the Human Resources Manager. If the grievance involves the immediate supervisor, the employee may proceed directly to step two (2).
- (B) Within five (5) working days of the presentation of the written grievance statement, the immediate supervisor shall meet with the grievant to discuss the grievance. Within five (5) working days of this meeting, the supervisor shall return in writing his/her decision for the disposition of the grievance. The supervisor will meet with the grievant to discuss and/or resolve the grievance.
- (C) If a supervisor fails to arrange a grievant discussion meeting within five (5) working days of the presentation of a grievant statement, or if a supervisor fails to return a written disposition of a grievance within five (5) working days of a grievant meeting, an employee may present the grievance to the supervisor's immediate supervisor. This will initiate the second step of the grievance procedure.
- (D) If the supervisor's disposition of the grievance is satisfactory, the grievant shall acknowledge acceptance of the supervisor's disposition by writing on the grievant response document "I accept the disposition offered above" and by signing and dating the acceptance statement. The Human Resources Office will log the grievance, provide a receipt to the Grievant.
- (E) If the grievant and the supervisor cannot agree on a disposition of a grievance, the grievant may file the grievance statement with the supervisor's immediate supervisor within five (5) working days after the supervisor returns, or should have returned, written disposition on the grievance. This will take the matter to the second step of the grievance process.

### 5.8.2 Step Two

- (A) In this step, a written grievance statement must be presented to the Program Manager or Department Executive.
- (B) Within five (5) working days of the presentation of the grievance statement, the Program Manager or Department Executive will meet with the grievant(s) to discuss the grievance.

Within five (5) days of this meeting, the Program Manager shall return in writing their decision for the disposition of the grievance.

- (C) If the Program Manager or Department Executive fail to hold the grievance meeting or to return the grievant disposition within the specified time limits, and employee may submit the presentation of the grievance to the Nez Perce Tribal Hearing Officer, thus initiating step three of the grievance process. Presentation to the Human Resources Office must occur within five working days after the date the written decision was, or should have been presented to the aggrieved employee.
- (D) If an employee is not satisfied with the Program Manager's or Department Executive's disposition of the grievance in Step Two, the employee may request presentation of the grievance to the Nez Perce Tribal Hearing Officer within five (5) working days. This will initiate the third step of the process.

### 5.8.3 Step Three

- (A) In step three, the employee must present a written grievance to the Human Resources Office who will maintain all grievance records on behalf of the Hearing Officer. The Human Resources Office will immediately notify the Hearing Officer and the grievance shall then be scheduled for the next Hearing Officer hearing.
- (B) Both the grievant and the involved management personnel shall be given an opportunity to present in the Hearing any additional information not in their written statement, before the Hearing Officer. (Hearing Procedures attached as Appendix J) The Hearing Officer may request additional hearing, hear witnesses, or take any other action it deems appropriate to resolve the grievance. The Hearing Officer shall render a decision of the grievance within two (2) weeks of the first hearing session on the grievance. No grievance procedure exists beyond the decision of the Hearing Office.
- (C) The only action an aggrieved employee may take beyond step three of the grievance process is the filing of a legal complaint with the Nez Perce Tribal Court.
- (D) No portion of the grievance process shall be construed to allow for the hearing of grievances by the Nez Perce Tribal Executive Committee (NPTEC). All grievances are restricted and limited to the three (3) step process set forth above.

## 5.9 **OTHER EMPLOYEE COMPLAINTS**

All other employment related complaints must be taken to the Human Resources Office with a copy to the immediate supervisor. The Human Resources Office will meet with the employee and the immediate supervisor to discuss the issue and/or try to resolve the complaint. If no resolution is obtained, the complaint will be processed through the appropriate chain of command. The Department Executive shall have final determination based on the documentation of the complaint. (Complaint Form Appendix K) Employees directly supervised by the Department Executive shall process the complaint to the NPTEC Chairman for final determination based on the documentation of the complaint.

## 5.10 **EMPLOYEE PHYSICAL EXAMINATION**

An offer of employment may be contingent upon an applicant's successful completion of a medical examination, and if multiple finalists are tested, contingent on an available position to fill from the list. The Nez Perce Tribe may require finalists on an eligibility list or the leading applicant to take a pre-employment physical examination. If required, this examination will be provided by the Nez Perce Tribe at its expense. Any information gathered will be treated as a confidential medical record.

In order to insure continued qualification for employment, the Nez Perce Tribe periodically may request its employees to submit to a medical examination at the Nez Perce Tribe's expense.

#### **5.11 BACKGROUND CHECKS**

Employees in sensitive positions or where contact with children, juveniles and vulnerable adults is included in their job responsibilities shall be required to undergo a criminal history check at the employer's expense. Any information gathered will be treated as confidential. Such investigation shall occur within the first 90 days of employment or prior to employment. The Nez Perce Tribal background check policy will apply. (Background Policy Appendix L)

- 5.11.1 Background checks will be conducted based on the class description for all sensitive positions or positions that provide public service prior to fulfillment of the position. Background checks conducted after hiring may warrant immediate termination.
- 5.11.2 Background investigations may be required for other positions, so long as such a check is reasonably related to the employee's job or is required by any applicable law.

#### **5.12 HEALTH PRACTICES**

All personnel shall observe health practices that contribute to their own fitness and to the services effectiveness of all Tribal components. Personnel shall observe these health practices:

- 5.12.1 Employees should not report to work if they are ill. A sick employee performs poorly, prolongs the recovery process and endangers the health of other employees.
- 5.12.2 All employees shall promote a healthy working environment by cooperating with one another in keeping their work area clean. Employees shall report potential health hazards to their supervisor immediately.

#### **5.13 SAFETY**

The Nez Perce Tribe supports a general program of safety consciousness and safety practice among employees. The Safety Officer will maintain all documentation regarding the safety compliance for each employee.

- 5.13.1 Safety efforts and safety regulations shall be overall responsibility of the Nez Perce Tribal Safety Officer. All personnel shall cooperate to promote safety and to see that safety regulations are observed.
- 5.13.2 Employees shall report unsafe conditions and work practices or any safety violations to their supervisor.
- 5.13.3 All such reports shall be investigated, immediately, by the Nez Perce Tribal Safety Officer. If a report proves to be valid, corrective measures shall be taken immediately to remedy the problem.
- 5.13.4 Defensive Driving, CPR and First Aid training may be required for certain positions. Department Executives shall be responsible for ensuring that employees obtain the required certificates. The Safety Officer shall conduct training quarterly. All field personnel must have Defensive Driving, CPR and First Aid training annually and medical kits available in vehicles. Employees are required to notify supervisors if there are any medical conditions and/or medications that inhibit performance.

#### **5.14 WORKERS COMPENSATION CLAIM PROCEDURES**

When an on-the-job accident occurs, employees at the scene shall call for appropriate medical, police or fire assistance and then immediately report the incident to their supervisor. The supervisor shall, immediately, notify the Human Resources Office and fill out an accident report/workman's compensation form and make certain that a copy of the accident report is forwarded to the appropriate

personnel file within the one day. The supervisor shall ensure that the employee(s) involved in any accident shall immediately be evaluated by an appropriate medical provider. 13 Appendix R

**5.15 NEZ PERCE CLEAN AIR POLICY**

The passage of the Nez Perce Clean Air Policy is dedicated to all the Nez Perce members who suffer from commercial tobacco related cancers and diseases or have respiratory distress conditions. The Nez Perce Clean Air Policy is enacted to protect the public health of the Nez Perce Tribe, now and in the future. Appendix S

## **SECTION 6 PERSONNEL BENEFITS AND SERVICES**

### **6.1 FRINGE BENEFITS**

All employees are entitled to the fringe benefits as outlined in Appendix M.

### **6.2 HOLIDAYS**

All Tribal employees shall be given time off with pay for the following holidays and memorial days:

New Year's Day  
Martin Luther King's Birthday  
President's Day  
National Indian Day  
Memorial Day  
Nez Perce War Memorial Day (Whitebird) June 17th.  
Independence Day  
Nez Perce War Memorial Day (Big Hole) Aug. 9th.  
Labor Day  
Nez Perce War Memorial Day (Bear Paw) Oct. 5th.  
Veterans Day  
Thanksgiving Day (Thur. & Fri)  
Christmas

- 6.2.1 The NPTEC Chairman shall post a notice of all holidays in January of each year designating the holidays for that year.
- 6.2.2 If a holiday falls on a Sunday, it will be observed on the following Monday. If a holiday falls on a Saturday, it will be observed on the preceding Friday. If an employee is authorized to work (10) ten hour shifts for four (4) days, the employee is authorized to observe the holiday on the preceding Thursday.
- 6.2.3 Regular full-time employees receive one day of pay. Regular part-time employees will receive a prorated amount based on the number hours they are normally scheduled to work each day.
- 6.2.4 An employee authorized by their immediate supervisor to work, and who works on a holiday will be paid double time or will be given the equivalent in compensatory time.
- 6.2.5 An employee shall not be charged annual leave or sick leave for leave which occurs on a holiday.
- 6.2.6 To be eligible to receive holiday pay, an employee must have been in a paid status the working day before and the working day after the holiday.

### **6.3 GENERAL LEAVE POLICY**

It is the policy of the Nez Perce Tribe to grant various kinds of paid leaves of absence and unpaid leaves of absence. All leaves must be authorized. Employees who are absent without authorization shall be considered absent without leave (AWOL). Leave records shall be maintained in each employee's payroll file.

### **6.4 ADMINISTRATIVE LEAVE**

It is the policy of the Nez Perce Tribe to grant authorization for employees to utilize administrative leave in lieu of other types of leave absence.

- 6.4.1 The NPTEC Chairman may, under certain circumstances and at his discretion, declare the Tribal Offices closed. All Tribal employees will be authorized administrative leave for those working hours affected by the closure.
- 6.4.2 NPTEC may under certain circumstances authorize administrative leave for employees to participate in certain events and/or activities such as, but not limited to; cultural activities, memorials, workshops, donating blood, community clean up, etc.
- 6.4.3 An employee shall be authorized to utilize administrative leave not to exceed sixteen (16) hours per calendar year. The sixteen (16) hour limitation shall not apply to administrative leave granted under Section 6.4.1.

## **6.5 ANNUAL LEAVE**

Annual leave is a benefit for Tribal employees.

- 6.5.1 Annual leave shall be accrued according to the following:
  - (A) Full-time and seasonal employees who have successfully completed the introductory period will accrue four (4) hours of annual leave each eighty (80) hours worked.
  - (B) Honorable active duty, military service (evidenced by honorable discharge or appropriate documentation) shall be considered as employment by the Nez Perce Tribe for the purpose of computing annual leave.
  - (C) Full-time and seasonal employees with the equivalent of three years of service shall accrue six (6) hours of annual leave each eighty (80) hours worked.
  - (D) Full-time employees and seasonal with the equivalent of fifteen years of service shall accrue eight (8) hours of annual leave each (80) hours worked.
  - (E) Temporary employees do not accrue and are not eligible to take annual leave. Seasonal and Part-time employees who become regular employees will accrue benefits on a pro-rated basis.
  - (F) Regular, part-time employees shall accrue annual leave on a pro-rated basis, based upon the number of actual hours worked each pay period.
- 6.5.2 Employees begin to accrue annual leave after successfully completing the introductory period.
- 6.5.3 Employees may accumulate up to 240 hours of annual leave benefits. An employee may not carry over more than 240 hours into the next calendar year.
- 6.5.4 An employee must arrange annual leave in advance with his immediate supervisor. The employee must request leave in writing designating the dates requested. Appaloosa Express Transit system drivers are required to submit their annual leave requests, in writing, two weeks in advance to keep the service operating at all times with adequate coverage by all drivers. The supervisor must approve the request in writing.
- 6.5.5 Employees may be allowed to receive pay for accrued unused annual leave for up to 120 hours per calendar year. Employees may be allowed to receive pay for accrued, unused annual leave for up to two (2) annual leave pay requests per calendar year. Employees must maintain a minimum of forty (40) hours in annual leave balance to accommodate both anticipated and unanticipated annual leave requests. All annual leave pay requests must be approved by the employee's supervisor and the Finance Manager.

6.5.6 Upon resignation or layoff, an employee shall be paid for all unused annual leave.

**6.6 SICK LEAVE**

Regular full-time and seasonal employees shall accrue four (4) hours of sick leave per each eighty (80) hours worked. Regular part-time employees shall accrue sick leave on a pro-rated basis, based upon the number of actual hours worked.

6.6.1 Sick leave shall be used only when the employee is ill and cannot come to work or when employee's dependents have medical appointments.<sup>13</sup>

6.6.2 An employee shall notify his or her immediate supervisor within one (1) hour before the scheduled starting time. Employees who use sick leave for a reason which qualifies under family medical leave must meet the notice requirements of the Family Medical Leave Policy. See Policy 6.7.

6.6.3 Employees who use five (5) consecutive work days of sick leave must submit medical certification in support of the leave. Employees who qualify may use the FMLA to take sick leave.

6.6.4 Employees shall not receive payment for unused sick leave under any circumstances.

6.6.5 An employee who has depleted all sick leave may, with the employee's supervisor's approval, take annual leave. If the employee has no annual leave available the employee may be placed on an unpaid leave of absence.

**6.7 FAMILY MEDICAL LEAVE POLICY**

Employees are required to file a FMLP form with the Human Resources Office at the first medical notification of serious health illness, long term care, or other types of family medical leave. The Policy is attached as Appendix N. This policy outlines the Nez Perce Tribe's voluntary compliance with the federal Family Medical Leave Act (FMLA).

**6.8 UNIFORMED SERVICES LEAVE AND REEMPLOYMENT**

6.8.1 General.

This policy applies to all employees within the Nez Perce Tribe and is intended to be in full conformance with all federal and local laws regarding the rights of military personnel and re-employment of veterans. Nothing in this policy shall subjugate those rights under the applicable federal or local laws.

6.8.2 A full-time employee who is a member of a reserve component of the United States Armed Forces shall be allowed leave for required annual military training or duty for a period not exceeding 15 working days per year. If the time of the training period is optional, the employee and his immediate supervisor shall mutually arrange a military leave time that is most compatible with the employee's work requirements.

6.8.3 Military leave shall be accounted as leave without pay. An employee on military leave shall continue to accrue annual leave and sick leave credits during the military leave period.

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<sup>13</sup> Approved by Administrative Action - # 21 August 26, 2003

## **6.9 CONTINUING EDUCATION LEAVE**

6.9.1 Regular employees may attend accredited classes to pursue formal college degrees during work hours under the following conditions.

- (A) That the employee's absence be approved by his supervisor, in writing as Leave Without Pay or some other form of employment arrangement is set up with the employee's supervisor, such as part-time employment or flexible work schedules.
- (B) That the proposed schooling be processed through the appropriate channels, including obtaining Program Manager and Department Executive's approval prior to the start of the schooling;
- (C) The employee shall make their own financial arrangement for such schooling;
- (D) That proof of successful completion of the classes be provided within thirty (30) days of the last date of the schooling for inclusion in the employee's personnel file; and
- (E) That the employee signs a letter of commitment or contract stating that he fully intends to continue working for the Tribe.
- (F) Failure to successfully complete classes in which continuing education leave has been authorized shall result in termination of any continuing education leave authorized.
- (G) Requests must be submitted at least one month in advance with review and approval of the Program Manager and Department Executive.

6.9.2 An employee's request to attend formal schooling will not be approved if the result is to reduce services to tribal members.

6.9.3 Employee's requests to attend formal schooling will be determined on a case-by-case basis. Factors that will be considered are:

- (A) The length of employment;
- (B) Benefit to the Tribe;
- (C) Benefit to the employee, employees demonstrated commitment toward achieving higher education goal;
- (D) Past job performance;
- (E) Availability of advancement within the tribal system and grade point average.

## **6.10 JUDICIAL DUTY**

Leave of absence for jury duty or to respond to a valid subpoena will be granted. An employee shall be granted a leave of absence with pay. During any paid period of leave, the employee will be required to sign over any payment the employee receives from the court for sitting on jury duty. An employee on jury duty will be expected to work as much of his or her regular scheduled shift as his or her jury schedule permits.

## **6.11 EMERGENCY LEAVE**

All employees may be eligible for a paid leave of absence for a death or serious illness in the employee's immediate family, attendance at funerals, and inability to report to work because of unusually severe

weather or natural disasters. Eligibility for emergency leave for death, serious illness or attendance at funerals shall be determined by the employee's immediate supervisor. Eligibility for emergency leave because of unusually severe weather or natural disasters shall be determined by the Department Executive.

- 6.11.1 Emergency leave not to exceed five (5) days or forty (40) hours per calendar year may be granted to an employee due to death, life threatening injury or life threatening illness in the employee's immediate family. Immediate family members are defined in sub-section 4.3.1 of this policy. Absence of more than five (5) days for the purposes specified in this sub-section shall be unpaid or the employee may be allowed to utilize accrued annual leave.
- 6.11.2 Up to 16 hours of the 40 hours of emergency leave per calendar year may be used to attend memorials and /or funerals for members of the employee's extended family. This leave is not in addition to the leave granted in section 6.11.1.
- 6.11.3 Emergency leave shall be granted to employees during the time that extreme weather conditions or such natural disasters as fires or floods prevent them from working or reporting to work. Such conditions of emergency shall be determined by the NPTEC Chairman and announced by suitable means of communication.
- 6.11.4 Each employee shall report emergency leave circumstances to his or her immediate supervisor as soon as the employee becomes aware of such circumstances.
- 6.11.5 If the reason for the emergency leave qualifies as family medical leave, the employee will be required to meet the notice and medical certification requirement of the family medical leave policy. Section 6.7 or Appendix N.

## **6.12 LEAVE WITHOUT PAY**

Under circumstances, when other forms of leave are not available, leave without pay may be granted by the employee's immediate supervisor.

- 6.12.1 Under no circumstances shall leave without pay be authorized for more than three (3) weeks (120 hours) per calendar year without specific written authorization from the Department Executive. Under no circumstances shall leave without pay ~~is~~ be authorized in order that an employee may fill another position within or outside the organization.
- 6.12.2 The Department Executive may grant a full-time employee leave without pay for a period not to exceed one year or 2,080 hours.
- 6.12.3 The Nez Perce Tribe has no obligation to hold an employee's position or pay level during a leave without pay, over the authorized period as stated in 6.12.1 or 6.12.2, and the Nez Perce Tribe cannot guarantee the employee a job if federal law does not require reinstatement. Employees lose any reinstatement rights they may have when the period of leave exceeds the authorized period of leave.

## **6.13 FURLOUGHS**

When continued and expected funding for a tribal program is delayed for lack of an approved federal budget or otherwise, employees within that program may be placed on furlough by the Department Executive. Seasonal employees may also be furloughed at the end of the field season. Employee Furlough Statement is in Appendix O.

- 6.13.1 The purpose of a furlough is to relieve employees of their responsibility to perform their jobs when funds are temporarily not available to pay their salaries/wages and benefits. During a furlough, an

employee will continue to accrue time for the purposes of calculating continuous service as a tribal employee.

- 6.13.2 A furlough is a temporary action in which an employee is notified that he or she will not be required to report for work beginning on a specific date until further notice. Throughout the furlough period, the employee does not lose status as an employee and the employee's position remains in place. An employee shall be given as much advance notice of a furlough as possible and shall be notified of the end of the furlough period as soon as possible.
- 6.13.3 A furlough will end when the expected funds are available to the Tribe for the affected program. Notice to an employee that a furlough has ended may be in person, by telephone or in writing to the employee's home address. Program Managers or Department Executives shall be responsible to give notice to furloughed employees from their respective programs.
- 6.13.4 During a furlough, an employee will continue to accrue time for the purposes of calculating continuous service as a tribal employee. No actions by the employee is required to return to work after a furlough. The supervisor shall initiate an Employee Action Notice (EAN) that documents the effective date of employee's return, the employee's pay status and budget classification".<sup>14</sup>
- 6.13.5 Employees on furlough will not be eligible to accrue or use any paid leave benefits. Medical, Life, and Retirement benefits will be determined on a case-by-case basis.
- 6.13.6 Employees will not be paid their salary/wages while in furlough status. However, in anticipation of continued Program funding, employees may voluntarily report to work after being placed on furlough.
- 6.13.7 Employees who voluntarily report for work during a furlough period must sign a form provided by the Finance Department confirming that they understand that should their position of employment not be funded, they will not be compensated for work performed, or reimbursed for expenses incurred, while on furlough.
- 6.13.8 The Finance Department shall provide appropriate special forms to document the dates and hours worked by employees on furlough. Furloughed employees and their supervisors shall maintain records of hours worked on a daily basis. The form is Appendix O.
- 6.13.9 If the Program is funded/refunded and retroactive payment is authorized by the funding agency, those employees who voluntarily worked during the furlough period will be paid their salary/wages, will be reimbursed for any legitimate expenses incurred and will also be credited for sick and annual leave that would have normally accrued during the furlough period.
- 6.13.10 Employees who did not voluntarily work during the furlough period will not receive any type of payment or benefits regardless of whether retroactive payment is authorized when Program funding becomes available.

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<sup>14</sup> Approved Administrative Action – September 23, 2003

## SECTION 7 GLOSSARY

- 7.1 ADVANCEMENT:** A promotion in career development and a salary increase granted to an employee by advancing him/her in job step.
- 7.2 CONFLICT OF INTEREST:** A situation wherein the best interests of the employer, the Nez Perce Tribe, do not coincide with the personal interests of the employee, thus creating a situation which could impair the employee's loyalty to the employer or could create the appearance of the possibility of such impairment.
- 7.3 DATE OF EMPLOYMENT:** The date of hiring approved by the Department Executive or NPTEC Chairman.
- 7.4 DEPARTMENTS:** A main unit of Tribal Government assigned one large responsibility or a number of related responsibilities.
- (A) Executive Direction
  - (B) Finance
  - (C) Office of Legal Counsel
  - (D) Department of Fisheries (DFRM)
  - (E) Natural Resources
  - (F) Law and Order Executive Office
  - (G) Human Resources
  - (H) Enterprises (Enterprises operate under a separate HRM)
- 7.5 DEPARTMENT EXECUTIVE:** shall mean the top managers in the chain of command of their department supervised by the NPTEC Chairman in the Organizational Chart adopted by NPTEC on September 29, 2015.
- 7.6 DEPENDENT:** A minor or adult who relies on an employee for care and/or support.
- 7.7 DETACHED DUTY EMPLOYEE:** An employee detached from an agency such as the Bureau of Indian Affairs or Indian Health Service to work within the management/staff structure of the Nez Perce Tribe.
- 7.8 DISCIPLINARY ACTION:** Imposition of sanctions to correct or punish employee conduct detrimental to the Nez Perce Tribe.
- 7.9 DISMISSAL:** Involuntary termination of an employee's employment from the Nez Perce Tribe.
- 7.10 DIVISION/PROGRAM:** A secondary unit of Tribal Government operating within a department.
- 7.11 EMPLOYEE:** Any person employed by any component of the Nez Perce Tribe.
- 7.12 EXTENDED FAMILY:** Biological aunt, uncle, first and second cousins, foster mother, father, brother, sister-in-law, grandfather, grandmother, and step children.
- 7.13 FURLOUGH:** A temporary action in which an employee is notified that he or she will not be required to report for work beginning on a specific date until further notice usually because of a temporary unavailability of funds.

- 7.14 GRIEVANCE:** An employee's formally lodged complaint regarding disciplinary action subject to the grievance process.
- 7.15 GRIEVANT:** An employee who has formally lodged a complaint regarding disciplinary action subject to the grievance process.
- 7.16 IMMEDIATE FAMILY MEMBER:** An employee's mother, father, son, daughter, husband, wife, brother, in-laws (mother, father, brother, sister, son, daughter) and biological grandparents/grandchildren, adopted father, mother, brother, sister and grandparents or any other relative living in the same household.
- 7.17 IMMEDIATE SUPERVISOR:** The person responsible for directly supervising the work of other personnel. This is a role and not a title. Thus, an immediate supervisor may be anyone with supervisory responsibility.
- 7.18 INDIAN:** A person of at least one-quarter Indian Blood or a member of a federally recognized tribe.
- 7.19 INDIAN PREFERENCE:** A policy of giving preferential treatment to Indian individuals in hiring and job upgrading.
- 7.20 CLASS DESCRIPTION:** A comprehensive written description of the objectives to be accomplished in a position, the work activities required to fulfill those objectives, and the background knowledge, skills and experience required to effectively carry out those work activities.
- 7.21 LEAVE:** Authorized release of an employee from work obligations for a specific purpose and within a fixed time frame. Leave may be paid or unpaid.
- 7.22 NEPOTISM:** Favoritism shown in official business on the basis of family relationships.
- 7.23 NEZ PERCE TRIBAL EXECUTIVE COMMITTEE (NPTEC)** The nine (9) person board elected by the General Council of the Nez Perce Tribe. The official governing body of the Nez Perce Tribe.
- 7.24 PAYROLL DEDUCTIONS:** Employee financial obligations deducted by the employer from the employee's pay.
- 7.25 PROGRAM/DIVISION:** A secondary unit of Tribal Government operating within a department.
- 7.26 PROMOTION:** Assignment of an employee to a position involving greater responsibility. A promotion is usually accompanied by an advancement in pay.
- 7.27 REDUCTION IN FORCE:** Laying-off employees due to reorganization, reduction in program funding and scope or other-administrative realignments.
- 7.28 REPRIMAND:** A verbal or written corrective warning issued by a supervisor to an employee for employee conduct which violates Tribal Government policy or is detrimental to the Nez Perce Tribe.
- 7.29 SENIORITY:** Length of service which may entitle an employee to priority consideration in filling some job openings.
- 7.30 SUSPENSION:** A disciplinary action which temporarily removes an employee from work.
- 7.31 TERMINATION:** Discontinuation of an employee's employment.

- 7.32 TRANSFER:** Change of an employee from one position to another, usually in the same job group classification.
- 7.33 TRIBAL MEMBER:** An enrolled member of the Nez Perce Tribe.
- 7.34 WORK DAY:** A daily work shift consisting of eight (8) hours.
- 7.35 WORK WEEK:** A five-day working period which consists of 40 hours.

# The Nez Perce Tribe Intern Program

## Guidelines and Standards

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## **A. Mission Statement**

**The Mission of the Nez Perce Tribe Internship Program is to assist Nez Perce Indian college students in professional career development. This is accomplished by providing scholarships, mentoring and employment opportunities that will develop and enhance Nez Perce Human Resources.**

## **B. Nez Perce Indian Education Background Information**

The Nez Perce Tribe realizes the importance of an education and promotes education for all Indian students. Seventy percent of the Nez Perce people are high school graduates, and 7.1% have bachelor's degrees or other higher education degrees. At the present time, Nez Perce college students are unlikely to major in the sciences or mathematics. In general, Native Americans are the most under-represented minority in the scientific and technical professions. One of the prominent factors responsible for this is believed to be a cultural conflict between scientific and traditional values.

The Tribe is especially interested in education, which weaves traditional knowledge and respect for educating the whole person rather than discreet training in individual scientific disciplines. It is the Tribe's belief that cultural and spiritual values should be incorporated into the education of our people.

## **C. How to become a Nez Perce Tribe Intern.**

These are the criteria that must be met in order to become an intern.

1. Tribal Preference will apply.
2. Must have completed at least one successful semester of college. A successful semester is defined as completion of a full-time/part time student load and a minimum 2.0 cumulative GPA.
3. Must declare major of interest to partner student with appropriate discipline/program.
4. Must submit:
  - A) Minimum of two letters of recommendation from:
    - 1) The local community (employer, pastor, etc.), or
    - 2) The academic community (professor, advisor, etc.), or
    - 3) The Indian community (tribal official, elder, etc.)
  - B) College transcript; (high school transcript if waiver granted) (A minimum 2.0 GPA must be maintained); and
  - C) Describe how internship will be relevant to their education.
5. Selection:

Intern positions will be advertised beginning in April based on funding availability and class description.

1. Program staff will select interns based on recommendation letters, letter of interest, transcripts and interviews. Students who solicit intern placements on a non-compensated basis may solicit programs directly and this policy shall apply.

2. Internships are subject to availability. Budget and workload may dictate internship openings. All criteria must be completed before student will be considered. Application for internship should be submitted to:

**Nez Perce Tribe  
P.O. Box 365  
Lapwai, Idaho 83540**

#### **D. Intern Academic Eligibility Standards**

Interns must meet academic standards to remain eligible for the Intern Program's benefits. In order to remain eligible to the Intern Program:

1. Submit a quarter/semester grade report within one month after each completed semester. Reports should include how classes went, what obstacles were overcome, expected graduation date, etc.
2. Prior to each fall term, must submit a baccalaureate plan to Mentor that outlines graduation requirements and prospective fall and spring classes.
3. Support of each intern will be limited to:

Undergraduate	4 years
Graduate	2 years
Ph.D.	3 years

- Students that do not meet these requirements will be placed on a semester probation. If standards are not met during that semester, they are no longer eligible to participate.

#### **E. Intern Employment Standards**

The following are the employment standards that interns must comply with during employment as an intern:

1. Must have the responsibility to approach their internship with the professionalism of a full-time employee.
2. Each intern is obligated to conduct himself/herself in a manner that will reflect positively upon the Nez Perce Tribe. It is the policy of the tribe to take corrective measures when an intern engages in conduct or activities which detract from the effectiveness of an intern's work or performance which is contrary to the best interest of the Nez Perce Tribe or program.
3. Must sign-in and out at the start and end of each workday.
4. Must read and follow the Nez Perce Tribal Human Resources Manual.
5. Must respect the department's chain of command. When there are problems interns will seek out assistance according to the chain of command.
6. Must be doing actual work as assigned. Interns will not be paid to do homework. Interns may need to use initiative in seeking out work from the staff if assigned tasks are completed.
7. Must be willing to spend summers away from home if employed by a hosting organization.

8. Must be able to take constructive criticism.
9. Must work with an assigned mentor to establish project(s).
10. Must keep the mentor informed on work activities and absences.
11. Must attend all staff and other meetings upon request, when available.
12. Provide written status reports as requested by mentor.
13. Must be willing to travel to training and conferences, when available.
14. Provide detailed trip reports for meetings attended, including knowledge gained and information gathered.
15. Interns will be evaluated each year by the mentor to help provide guidance to interns and to determine the disposition of future work activities.
16. Provide a written report within two months of completion of internship period and may be requested to give an oral presentation.

## **F. Intern Opportunities Enhancements**

The following are benefits, which will be made available during the course of the internship. Benefits will be provided as long as all standards in previous sections are achieved.

1. Professional employment experience related to their educational and career goals.
  - a. Interns will have work opportunities with the tribal department during the school year when their academic schedule permits.
  - b. Interns will have work opportunities during their academic breaks.
2. Technical staff mentoring:
  - a. All mentors will provide sufficient guidance and direction to ensure that assigned tasks can be successfully completed.
  - b. Goals will be set regarding project expectations.
  - c. Improvement of technical writing skills.
  - d. Guidance on educational opportunities and career development
3. Pay scale. (based on academic standing and evaluation).
  - a. Pay will be determined according to class description, education, experience and performance.
  - b. Interns pay may change during the course of out-placement sponsors may determine the intern's salary. Stipends and scholarships awarded to interns for an out-placement will be subject to review as to whether additional funding will be required to support the placement.

Interns will be given the opportunity to participate in professional conferences such as American Indian Science Engineering Society, American Indian Physicians Association, Indians into medicine, and others.

## **G. The Internship Working Agreement**

The guidance listed below provides the recommendations for working agreements between tribal technical staff that serve as mentors and college interns.

**Technical staff have the following responsibilities:**

1. Provide guidance and oversight on a project agreed to by the mentor, intern, and the manager.
2. Provide sufficient guidance and direction to ensure that assigned tasks can be successfully completed.
3. Work with intern to set goals regarding project expectations.
4. Help interns improve technical writing skills.
5. Provide guidance on education opportunities and career development.

**Interns have the following responsibilities:**

1. Agree upon a project or projects with mentor, and/or managers.
2. Provide written status reports as requested.
3. Provide detailed trip reports for any meetings, conferences, trainings attended including knowledge gained and information gathered.
4. Let mentor know location of work and study. Inform mentor of any absences.
5. Provide a written report within two months of completion of internship period and be prepared to give an oral presentation to NPTEC or other sponsoring agencies concerning your project.
6. Be self-motivated and be able to work independently when required.
7. Be able to take constructive criticism in a positive manner.
8. Interns are responsible for remaining alcohol and drug free during the course of their internship. In the unforeseeable event that an intern is convicted of being under the influence of alcohol or non-prescribed drugs, or any other drug/alcohol related conviction (illegal possession, DUI, etc.), the internship relationship with the Nez Perce Tribe will be terminated.
9. Compliance with Section E.

Nez Perce Tribe  
Applicant Eligibility List

Applicant Eligibility Lists can be developed for programs that require periodic or annual position openings. The following is the process and requirements.

1. An approved class description must be on file in Human Resources. If one does not exist, the program must have a class description developed according to the Human Resource Manual (HRM) Sections 2.2 and 2.2.3.
2. The position must be advertised according to HRM Section 2.2.4 and 2.2.5.
3. The applications will be screened according to HRM Section 2.2.6.
4. The applicants who meet the minimum qualifications will be qualified for the Applicant Eligibility List.
5. The list will be forwarded to the programs and the applicants who do not qualify will be notified by Human Resources.
6. Interviews will be conducted with the qualified applicants. Those selected through the interview process will qualify for the Applicant Eligibility List. The list will be maintained by Human Resources.
7. As the need arises, the program will forward a written notice to Human Resources of position opening(s).
8. Human Resources will provide the applications of the applicants who made the Applicant Eligibility List to the program for review and selection for hire according to HRM Sections 2.4.3 through 2.4.6 and sections 2.6, 2.6.1 and 2.6.2.
9. Positions must be reviewed or advertised every six months. Applicants that qualify will remain on the list for six months from the date of the advertisement.

Nez Perce Tribe  
Evaluation of Supervisors

Name of supervisor \_\_\_\_\_ Title \_\_\_\_\_

1. What are the strengths of this supervisor?

\_\_\_\_\_  
\_\_\_\_\_

2. What are areas that need improvement?

\_\_\_\_\_  
\_\_\_\_\_

3. On a scale of one (1) to five (5) with 5 being the highest, rate this supervisor on the following factors:

- A. \_\_\_\_\_ Knows and follows their class description essential tasks.
- B. \_\_\_\_\_ Knows and abides by their position expectations.
- C. \_\_\_\_\_ Has a working knowledge of the Human Resource Manual.
- D. \_\_\_\_\_ Abides by and implements the Human Resource Manual.
- E. \_\_\_\_\_ Has a working knowledge of the Finance Manual.
- F. \_\_\_\_\_ Abides by and implements the Finance Manual.
- G. \_\_\_\_\_ Provides clear and reasonable expectations for staff.
- H. \_\_\_\_\_ Oral communication skills
- I. \_\_\_\_\_ Professional treatment of staff.
- J. \_\_\_\_\_ Appropriate attire.
- K. \_\_\_\_\_ Organizational skills.
- L. \_\_\_\_\_ Leadership skills.

4. Policy, directives and information are provided from the Executive Director through the managers and the chain of command. Does your supervisor provide this information on a regular basis? How?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Does your supervisor set goals for your program? If so how?

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6. Does your supervisor allow staff to participate in the planning process for your program? If so how?

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7. Employee development includes training and education. Do you have employee training plans and are you given the opportunity to determine your training needs?

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8. Do you have any recommendations for change in your program?

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9. How would you describe your supervisor's knowledge of their position?

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10. What do you think should be the priority your supervisor needs to address?

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11. What is the most beneficial thing your supervisor has done for you?

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12. What is your supervisor's most significant accomplishment?

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Nez Perce Tribe  
Career Development Plan

Name \_\_\_\_\_ Date \_\_\_\_\_

Career Objective: Clearly state the profession/position you would like.

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Assess training, education and experience necessary.

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Inventory achievements and skills.

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Strategy to achieve goal: (Set time frames; Identify school, funding, childcare, transportation, etc.)

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Nez Perce Tribe  
Position Reclassification Process

Position classification must come in writing through the Department Manager to the Human Resource Office. To expedite the review of this request, the following information shall be included in the submittal:

1. A copy of the approved class description of the affected position.
2. A detailed listing of the specific additions, deletions or modifications recommended for reclassifying the position.
3. The background material to document the change related to the job complexity, job knowledge, accountability, or supervisory responsibility of the position.
4. A narrative of the changes recommended that provides a complete rationale for the changes.

The revised recommended class description will be reviewed by Human Resources as follows:

1. The salary grade as it related to the minimum qualifications in terms of experience, education, supervisions and performance.
2. The technical level of the essential tasks as they relate to the education and experience requirements.
3. The Indian/Tribal Preference as it relates to the funding agency of the position.
4. Comparing the current and recommended class descriptions in terms of the three above listed items.

Human Resources will provide a written review and recommendation of the request to the affected employee, supervisor and department manager within sixty (60) days. The employee, supervisor and manager will review and respond to the recommendations within five (5) days. Human Resources in concert with the employee, supervisor and manager will finalize the class description within ten (10) days and submit the revised class description to the Executive Director for final approval.

Upon approval of the new class description, the incumbent will remain in the position if reclassified to a lower grade, and their salary frozen until the salary of the position reaches the current pay of the employee.

If the reclassification elevates the position, the employee's qualifications will be evaluated to determine if they qualify for the position through the Employment Action Notice and Human Resources Manual Sections 2.2.1 and 2.2.3.

Reclassifications shall not be used for the purpose of avoiding restrictions concerning demotions and promotions.

## **Nez Perce Tribe Wage and Salary Classification**

### **I. INTRODUCTION**

The purpose of the Wage & Salary Classification Guideline is to provide for the uniform recruitment, selection, and compensation guidelines for employees of the Nez Perce Tribe. The three (3) major components of the classification are:

1. Class Descriptions (format of the HR Program)
2. Wage & Salary Schedule
3. Nez Perce Revised Human Resources Manual

The key point is the matching of the educational and experience requirements with the starting and ceiling (salary grade). Other qualifying factors are 1) three years of related experience = one year of college; 2) years of administrative experience; 3) years of related field experience; 4) years of experience with another tribe or agency; and 5) years of experience with the Nez Perce Tribe. Other areas of concern are to match educational requirements in the related field. Please see the classifications for example(s). The basic criteria to prepare and develop class descriptions are as follows: 1) Education (high school, technical, higher, graduate, doctorate); 2) Related experience; 3) Administration/Management experience; 4) Supervision experience; 5) Technical expertise in specialized field; 6) Experience in the unique Federal-Indian relationship; 7) Requirement of published documents, studies (i.e., technical reports); 8) Requirements to work in area of Policy Analysis/Formulation.

The MGT Study will provide the basic framework for the preparation and development of the class descriptions. Once the class descriptions are prepared and developed, the next step is to match position with the approved Wage & Salary Schedule. There are basically three (3) grades for each classification within the organizational structure. After the matching of the class description with the Wage & Salary Schedule, the position must be included in the organizational structure of the department or program.

The revised Nez Perce Human Resources Manual will provide the basic process for advertisement, recruitment, placement, discipline, and promotions for the tribal employees. The Wage & Salary Classifications will become a major element (appendix) of the revised Nez Perce Human Resources Manual.

**NEZ PERCE TRIBE**  
**WAGE/SALARY EMPLOYEE CLASSIFICATIONS**

- I. The Nez Perce Tribe, to provide for the orderly recruitment, promotion, and compensation of the employees, has developed the following employee classifications. The Wage & Salary Schedule of 10/01/99, as approved and updated, provides the method of computation of compensation for the employee. The key factors of the classifications are the educational, experience, supervision, and length of employment requirements. The following are the classifications of the employees of the Nez Perce Tribe:
- A. Executive Director/Department Managers/Professionals (i.e., Lawyers, etc.). The position will direct, supervise, and coordinate programs and program areas of the Nez Perce Tribe assigned to the department.
1. Minimum Education, experience, and supervision requirements are as follows: Master's Degree in Administration, Management, or related field. Requires three (3) to five (5) years of experience in their related field and three (3) to five (5) years of supervisory experience. Also three (3) to five (5) years of experience in working with the unique Federal-Indian relationship. Must also have demonstrated grants/contracts writing skills, knowledge of compliance requirements, and knowledge of financial management.
  2. Salary Grades Grade 13 through 17 dependent upon the education, experience, supervision and length of employment requirements. The four (4) levels of classification are:
    - a. Level 1 (Grade 13) – meets the minimum qualifications (department Managers).
    - b. Level 2 (Grade 14) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) programs and seven (7) years of documented experience (department managers).
    - c. Level 3 (Grade 15) – exceeds the educational, experience, and programs and has twelve (12) years documented experience (department managers).
    - d. Level 4 (Grade 16) – meets the educational, experience, and supervisory requirements. Also supervises four (4) programs and has seven (7) years of documented experience (professional classification).
    - e. level 5 (Grade 17) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) to seven (7) programs and has twelve (12) years of documented experience (professional classification).
- B. Program Directors. The position will direct, supervise, and coordinate the assigned program of the Nez Perce Tribe.
1. Minimum Educational, experience, and supervision requirements are as follows: Bachelor of Science and/or Arts degree in their respective field, and Master's Degree in lieu of experience. Requires one (1) to three (3) years of experience in their related field

and three (3) years of supervisory experience. Also, requires the ability to learn and understand the unique federal-Indian relationship. Must also have demonstrated grants/contracts writing skills, have knowledge of compliance requirements and knowledge of financial management.

2. Salary Grades Grade 9 to 11 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classifications are:

- a. Level 1 (Grade 9) – meets the minimum requirements.
- b. Level 2 (Grade 10) – exceeds the educational, experience, and supervisory requirements. Also supervises one (1) to four (4) personnel of the assigned program and has seven (7) years of documented experience.
- c. Level 3 (Grade 11) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) to seven (7) personnel and has twelve (12) years of documented experience.

- C. Technical (i.e., forestry, Fisheries, Water Resources, Environmental). The position will direct, supervise, and coordinate the assigned program elements of the Nez Perce Tribe.

1. Minimum Educational, experience, and supervisory requirements are as follows: Bachelors of Science and/or Arts degree in Administration, Management, or related field (Master's degree preferred). Requires one (1) to three (3) years of experience in their related field and one (1) to three (3) years of supervisory experience. Also, one (1) to three (3) years working with the unique Federal-Indian relationship. Must also have demonstrated grants/contracts writing skills, have knowledge of compliance requirements, and knowledge of financial management.

2. Salary Grades Grade 11 through 13 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:

- a. Level 1 (Grade 11) – meets the minimum requirements.
- b. Level 2 (Grade 12) – exceeds the educational, experience, and supervisory requirements. Also supervises one (1) to four (4) components and has seven (7) years of documented experience.
- c. Level 3 (Grade 13) – exceeds the educational, experience, and supervisory requirements. Also supervises four (4) to seven (7) components and has twelve (12) years of documented experience.

- D. Technician/Office Manager/Teachers/Bookkeepers. The position will direct, coordinate, and supervise the skilled and unskilled labor. There will also be the assignment of specific tasks to be performed in the office or field.

1. Minimum Educational, experience, and supervisory requirements are as follows: Requires two (2) to four (4) years of college in a related field. Associate of Arts degree preferred (Bachelor of Arts in lieu of experience). Requires one (1) year of related experience, one (1) year of administration/management experience and one (1) year of supervisory experience. Also, must be willing to learn and understand the unique Federal-Indian relationship.

2. Salary Grades Grade 8 through 10 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:

- a. Level 1 (Grade 8) – meets the minimum requirements
- b. Level 2 (Grade 9) – exceeds the educational, experience, and supervisory requirements. Also supervises one (1) to three (3) personnel of the assigned programs and has seven (7) years of documented experience.
- c. Level 3 (Grade 10) – exceeds the educational, experience, and supervises one (1) to three (3) personnel and also has twelve (12) years documented experience.

- E. Counselors/Outreach Workers/Assistants/Secretaries. The position will not supervise but will be required to perform specific, assigned tasks.

1. Minimum Educational, experience, and supervisory requirements are as follows: High School diploma or GED equivalency and documented and certified skills in the related field. Also one (1) to three (3) years' experience. Must be willing to upgrade skills on an annual basis.

2. Salary Grades Grade 6 through 8 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:

- a. Level 1 (Grade 6) – meets the minimum requirements.
- b. Level 2 (Grade 7) – exceeds the educational and experience requirements and has seven (7) years of documented experience.
- c. Level 3 (Grade 8) – exceeds the educational and experience requirements and also has twelve (12) years of documented experience.

- F. Skilled Labor (Clerks, Aides). The position will perform specific assigned tasks requiring certain skills and will require supervision.

1. Minimum Educational and experience requirements are as follows: High School diploma or GED equivalency and skills in related field. Also one (1) to three (3) years of experience in related field.

2. Salary Grades Grade 4 through 6 dependent upon the education, experience, supervision, and length of employment requirements. The four (4) levels of classification are:

- a. Level 1 (Grade 4) – meets the minimum requirements.
- b. Level 2 (Grade 5) – exceeds the minimum requirements and has (seven) 7 years of documents experience.
- c. level 3 (Grade 6) – exceeds the minimum requirements and also has twelve (12) years of documented experience.

- G. General Labor. This position will perform assigned tasks with constant supervision.
1. Minimum Education and experience requirements are as follows: High School diploma or GED equivalency and the ability and willingness to learn and follow directions.
  2. Salary Grades – Range 1 through 4 dependent upon the education and experience requirements. The four (4) levels of classification are:
    - a. Level 1 (Grade 1) – minimum wage.
    - b. Level 2 (Grade 2) – meets the minimum requirements.
    - c. Level 3 (Grade 3) – exceeds the minimum requirements and also has seven (7) years documented experience.
    - d. Level 4 (Grade 4) – exceeds the minimum requirements and also has twelve (12) years of documented experience.

The Wage & Salary Classification System will also provide the compensation standard for personnel of the Nez Perce Tribe. The classifications are based upon the organizational structure of the Tribe.

The following are guidelines to be utilized with the classification system:

1. An employee may receive up to two (2) merit increases and one (1) cost of living increase per annum adjusts the Wage and Salary Schedule on a total basis. The total increase may not exceed two (2) salary steps per annum.
2. An employee may advance one (1) grade based upon the factors of qualifications, supervision, and experience. The employee must initiate the advance through the appropriate supervisor. The total advance may not exceed one (1) grade level per annum.
3. An employee may be promoted according to the approved and revised Human Resource Manual.

The supervisor must approve the class description in the final format as described above and as available in Human Resources.

The Nez Perce Tribe is organized based upon a departmental basis. There are ten (10) departments currently developed and approved (see organizational chart). The definitions of a department and program are as follows:

1. Department – the coordination and supervision of four (4) to seven (7) programs.
2. Program – the coordination or supervision of one (1) to seven (7) personnel and/or program elements.

The purpose of organization is to provide an effective and efficient management network and process. Each new grant, contract, or program elements will be assigned to a department during the preparation of the program element and upon approval by the grantor agency. A new

department must be approved by the Nez Perce Tribal Executive Committee (NPTEC) and the organizational chart revised accordingly.

## Employee Evaluation Form

Employee's Name (Last, First & Initial)	Employee #
Department/Title	Supervisor's Name (Last, First & Initial)
Review Type Regular _____ Probationary _____ Special _____	Review Period (Dates) From: _____ To: _____

**Department Mission Statement**

**Department Vision Statement**

**Job Description**

(Describe all major job duties and responsibilities in order of importance. Attempt to limit job duties to 10 or less. Expand or delete job duty numbers as needed.)

Job Duty 1

Job Duty 2

Job Duty 3

Job Duty 4

Job Duty 5

## Definition of Ratings

- 5 -- Performance consistently exceeds to a significant degree
- 4 -- Performance consistently exceeds expectations
- 3 -- Performance consistently meets expectations
- 2 -- Performance is intermittently below expectations
- 1 -- Performance is consistently below expectations
- N/A – Performance on a particular item could not be evaluated for this review

**Reviewer Instructions:** At the start of the review period, list the duties to be reviewed in order of importance and indicate the acceptable level of performance expectation for each. At the end of the review period, indicate the employee's performance rating for each duty and provide written justification in the "Comments" section. Reference to any attachments should be made on the evaluation form.

Job Duty 1:  
Rating \_\_\_\_\_

Performance Expectations: (Provide measurable standard for the proficient level)

Comments: (Documentation/justification for rating)

Job Duty 2:  
Rating \_\_\_\_\_

Performance Expectations: (Provide measurable standard for the proficient level)

Comments: (Documentation/justification for rating)

Job Duty 3:  
Rating \_\_\_\_

Performance Expectations: (Provide measurable standard for the proficient level)

Comments: (Documentation/justification for rating)

Job Duty 4:  
Rating \_\_\_\_\_

Performance Expectations: (Provide measurable standard for the proficient level)

Comments: (Documentation/justification for rating)

Job Duty 5:  
Rating \_\_\_\_\_

Performance Expectations: (Provide measurable standard for the proficient level)

Comments: (Documentation/justification for rating)

**Performance Factor Checklist**

**A. EFFECTIVENESS AS A TEAM MEMBER**

Rating	1	2	3	4	5
N/A					
Ability to work with others within the department					
Accepts responsibility					
Ability to work with other departments					
Accepts change					

Comments:

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**B. PERSONAL COMMUNICATION SKILLS**

Rating	1	2	3	4	5
N/A					
Courteous					
Respects Others					
Confidentiality					

Comments:

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**C. INDIVIDUAL EMPLOYEE ATTRIBUTES**

Rating	1	2	3	4	5
N/A					
Attendance					
Observance of Work Hours					
Dependability					
Personal Appearance					
Effectiveness Under Stress					
Compliance with Policy					

Comments:

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**Employee Personal Development Plan:** Individual plans developed by all employees with their supervisors completed to identify specific performance and career goals providing a systematic process of renewal, learning and growth. The Professional Development Plan (PDP) should include both short-term and long-term goals along with the training plan for achieving such goals for the upcoming evaluation period. (Use a blank additional page if needed.)

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**Professional Development Plan Review from Previous Evaluation – Goals entered for 20\_\_ - 20\_\_**  
(previous evaluation period)

	Achieved	In Progress or Not Achieved
1.		
2.		
3.		
4.		
5.		
6.		

Comments:

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**Professional Development Plan – CURRENT Review – Short-Term Goals: (Within next year)**

1	
2	
3	
	Comments:

*Training Plan for Achieving Short-Term Goals*

1	
2	
3	

**Professional Development Plan – CURRENT Review – Long-Term Goals**

1	
2	
3	
	Comments:

*Training Plan for Achieving Long-Term Goals*

1	
2	
3	

---

**Corrective Action Plan Required: (check one)**

\* Yes \_\_\_\_\_ No \_\_\_\_\_

\* An unsatisfactory rating earned must be identified with goals for accomplishing by completing a Corrective Action Plan. In the event needed, the Corrective Action Plan will be prepared as a separate document supplied by the Department of Human Resources. The Corrective Action Plan should be completed, signed, and filed within 30 days after the evaluation date with the Department of Human Resources.

**Are all employee evaluations current for employees directly supervised by this employee?**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Are all employee evaluations current for employees indirectly supervised by this employee?**

Yes \_\_\_\_\_ No \_\_\_\_\_

**Notes:**

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**Merit Increase Recommended: (check one)**

1 Step \_\_\_\_\_ 2 Step \_\_\_\_\_ No Merit \_\_\_\_\_

**Employee Comments:**

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**Employee Acknowledgement:**

I have read and understand this performance review. I have had the opportunity to discuss this review with my supervisor and have entered comments that I felt were appropriate. I understand that I have the option of filing a written rebuttal to this review. My signature indicates only that I have read the review and that I have received a copy. My signature does not necessarily indicate that I agree with its contents.

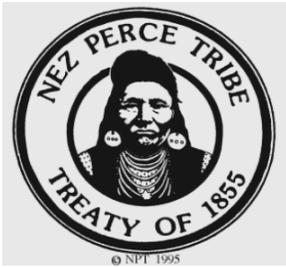
Employee's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Reviewer's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Nez Perce Tribe  
Affiliate Entities

For purposes of calculating the longevity of tribal employees, the employee may include employment time with tribal affiliates as identified below:

1. Nez Perce Tribal Housing
2. Nimiipuu Health
3. Nez Perce Tribal Enterprises
4. Any or all entity under the auspices of the Nez Perce Tribal Executive Committee.



Nez Perce Tribe  
Employee Confidentiality Statement

I have read and understand the Nez Perce Tribe's Confidentiality Policy HRM 4.12. I understand and agree that I must hold in strict confidence all client information, fellow employee information, tribal financial information and financial transactions; and property acquisitions I am privy to, and any personnel information and information related to drug testing, the grievance process, employee complaints, statistical, scientific and legal information I have access to as an employee of the Nez Perce Tribe.

I understand that this prohibition applies during and after the employment relationship with the Nez Perce Tribe. I further understand that unauthorized disclosures that can be documented may be grounds for disciplinary action, including termination; or legal action.

I further understand that certain records are protected by Federal Privacy Act, .5 USC Sections 552A, federal regulations promulgated under the Act and 442 CFR part 2.

Print Employee Name \_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

**Nez Perce Tribe  
Grievance Hearing Procedures**

1. **Statement of Purpose.** The Nez Perce Tribal Executive Committee (NPTEC) has authorized these Grievance Hearing Procedures (“GHP”), in addition to the administrative procedures contained in Chapter 2-5 of the Nez Perce Tribal Code, for the purpose of ensuring that all Tribal Employees receive fair and objective administrative hearings of grievances filed in accordance with Step Three of the grievance procedures contained in: the Nez Perce Tribe Human Resource annual; the Human Resource Manual of the Nez Perce Tribal Gaming Enterprise; and the Nimiipuu Health Human Resource Manual.
2. **Confidentiality.** All information pertaining to any grievance shall be confidential and shall not be disseminated beyond the involved Human Resources Office, the Hearing Officer, and the Parties or their attorneys. All persons participating in a grievance are bound by this confidentiality provision.
3. **Role of the Involved Human Resources Office.** The “involved” Human Resources Office is the one from the Tribal entity that employs the Grievant. The involved Human Resources Manual is the one from the Tribal entity that employs the Grievant. The involved Human Resources office will serve as staff for grievance proceedings involving that entity’s employees, which includes: providing a Grievant with copies of requested documents from the Grievant’s personnel files; providing the Hearing Officer with appropriately numbered copies of documents from any earlier steps of the grievance process; assisting grievants with the preparation and numbering any7 addition exhibits; making the tape recordings of grievance hearings; serving as timekeeper for grievance hearings; providing notice to the Parties of all hearing and conference dates; receiving all documents to be submitted to the Hearing Officer; and preparing the official record for appeal.
4. **Parties to the Grievance Hearing.** The Parties to a grievance hearing are the Grievant and the Grievant’s Supervisor or the Supervisor’s designee. These are the only persons who will be permitted to remain in the hearing room throughout the hearing, other than the Hearing Officer, a staff member from the involved Human Resources Office, and the Parties’ attorneys if the Parties choose to be represented by attorneys.
5. **Conduct Required.** All persons participating in a grievance proceeding must conduct themselves in an ethical and courteous manner.
6. **Conflict of Interest.**
  - a. Prior to any hearing, the Hearing Officer shall determine whether the Hearing Officer has a conflict of interest. A conflict will exist if the Grievant, the Grievant’s Supervisor, or the Supervisor’s designee is a close family member of the Hearing Officer. Close family members include:
    - i. biological mother, father, son, daughter, husband, wife, brother, sister in-laws (mother, father brother, sister, son, daughter), grandparents, or grand

- ii. children; or
  - adopted father, mother, brother, sister, or grandparents; or
  - iii. any other relative living in the same household.
- b. If the Hearing Officer determines that a family conflict or any other conflict of interest exists; the Hearing Officer shall promptly notify the involved Human Resources Office and an alternate Hearing Officer shall be designated to hear the grievance.

**7. Date of the Grievance Hearing**

- a. The Hearing Officer will conduct hearings on the second Wednesday of each month unless there are no grievances to hear or the Parties and the Hearing Officer agree informally to a different day.
- b. The involved Human Resource Office shall send notice of the date, time, and location of the grievance hearing to:
  - i. the Grievant's supervisor(s) by confidential inter-office mail; and location of the grievance hearing to:
  - ii. to the Grievant by united States mail to the most recent home mailing address indicated in the Grievant's personnel file; and
  - iii. to the Hearing Officer.
- c. It is the responsibility of the grievant to inform the involved Human Resources Office of the Grievant's current home mailing address.

**8. Failure of the Grievant to Appear at the Grievance Hearing.** If the Grievant fails to appear at a scheduled grievance hearing, the Grievant waives the right to a hearing on the disciplinary action at issue and the Hearing Officer will decide the grievance based on appropriate written materials that have been submitted by the involved Human Resources office.

**9. Subject Matter for the Hearing.** The only issue before the Hearing Officer is whether the grievant's disciplinary action was an abuse of discretion under the involved Human Resource Manual. Only information relating to that issue will be heard and the Hearing Officer will determine whether any offered evidence is relevant. It will be in the Parties' best interests to provide only information which relates to that issue.

**10. Hearing Length.** Hearings will not exceed 90 (ninety) minutes and will be conducted as follows:

- a. The Hearing Officer will determine that the Parties are present and will explain the procedure to be followed during the hearing.

- b. The Grievant will have 15 minutes to explain why the grievant believes that the disciplinary action was an abuse of discretion.
- c. The Supervisor, or the Supervisor's designee, will have 15 minutes to explain why the disciplinary action was taken.
- d. The Hearing Officer will have 15 minutes to ask questions of the Parties.
- e. The Grievant will have 15 minutes to ask additional questions of the Parties.
- f. The Hearing Officer will have 15 minutes to ask additional questions of the Parties.
- g. The Hearing Officer may use the remaining 15 minutes to clarify any issues and close the grievance hearing.

**11. Hearing Procedures:**

- a. The Grievant has the burden of providing that the disciplinary action taken was an abuse of discretion under the involved Human Resource Manual.
- b. All grievance hearings are closed to the public.
- c. If the Hearing Officer allows witnesses to testify, they will wait outside the hearing room until called to address the Hearing Officer, and they will be asked to leave immediately following their participation in the hearing.
- d. A designated timekeeper from the involved Human Resources office shall notify the Parties when only two minutes of their allotted times remain. Time restrictions will be strictly enforced.
- e. The involved Human Resources Office will make an audio record of the hearing and maintain a copy of the recording. This audio recording will be the official record of the grievance hearing, and no other form of recording by either Party will be allowed. Either Party may obtain a copy of the recording, but may be required to reimburse the involved Human Resources office for copying costs.
- f. If, at the end of the Hearing officer needs no further information in order to render a decision, the hearing record will be closed, and the Parties will be excused.
- h. Official Notice. The Hearing Officer may take official notice of any facts that could be judicially noticed in Nez Perce Tribal Court. Either before or during the grievance hearing, and before entry of an order based on officially-noticed facts, the Hearing Officer shall notify the Parties of the specific facts or material noticed and the source of the material noticed and shall give the Parties an opportunity to contest and/or rebut the facts officially noticed.

**12. Exhibits.** All documents submitted for consideration by the Hearing Officer shall be submitted through the involved Human Resources Office and shall be identified sequentially on the bottom of each page.

- a. All documents from any earlier steps of the grievance process shall be identified on the bottom of the page with the initials "HR" followed by a number beginning with 001, and each page shall be numbered in order thereafter. Example: HR 001, HR 002, HR 003.
- b. Any additional documents submitted on behalf of the Grievant shall be identified on the bottom of each page with the Grievant's initials followed by a number beginning with 001, and each page shall be numbered in order thereafter. Example: XX001, XX002, XX003, etc. At the request of the Grievant, the involved Human Resources Office will assist the Grievant with the properly numbering documents before they are presented to the Hearing Officer.
- c. Any additional documents submitted on behalf of the Supervisor or the Supervisor's designee shall be identified on the bottom of each page with the initials "NPT" followed by a number beginning with 001, NPT 002, NPT 003, etc.
- d. If the Hearing Officer allows the Parties to submit any other documents, those documents shall be numbered as above with the appropriate initials and beginning with the next number in order.
- e. Exhibits identified at hearing are subject to appropriate and timely objection before the close of the proceedings. Exhibits to which no objection is made are automatically admitted into evidence without motion of the sponsoring Party.
- f. Any materials not capable of duplicating by still photograph or reproduction on paper (such as motion pictures, slides, opaque projections, videotapes, or audiotapes) shall not be presented as exhibits without advance approval of the Hearing Officer.

**13. Participation by Attorneys Optional.** The grievance process is intended to be informal and does not contemplate that the Parties will be represented by attorneys. Grievants and Tribal staff may represent themselves. If either Party chooses to have an attorney appear and represent them during the grievance hearing, the following addition procedures apply.

- a. Notices of Appearance. Attorneys for the Parties shall submit their Notice of Appearance to the involved Human Resources office which will immediately provide a copy to the Hearing Officer. The notice of Appearance shall include the times at which the Party's attorney is available for a pre-hearing conference during the next ten (10) business days, and shall be served as follows:
  - i. The Grievant's attorney shall serve a copy on the Tribe's Office of Legal Counsel; by hand delivery at 100 Agency Road, Lapwai, Idaho

83540; by facsimile at 208-843-7377; or by United States mail (postage prepaid) at P. O. Box 305, Lapwai, Idaho 83540.

- ii. Office of Legal Counsel shall serve a copy on Grievant's counsel; by hand delivery; by facsimile; or by United States mail (postage prepaid).
- b. Pre-hearing Conference. The Hearing Officer will schedule a pre-hearing conference, which may be telephonic, within five (5) business days after receiving the Notices of Appearance from the Parties' attorneys. If the pre-hearing conference cannot be scheduled within the 5 (five) business days, the Hearing Officer shall schedule it as soon as possible taking into consideration the Hearing Officer's schedule and the schedules of the Parties' attorneys.
- i. The purpose of the pre-hearing conference is to: consider the scheduling of any appropriate pre-hearing motion; formulate or simplify the issues to be heard; consider any stipulations as to the facts or the applicable law; identify and/or limit the number of allowable exhibits in order to avoid irrelevant or repetitive exhibits; consider motions for discovery and schedule discovery if a discovery motion is granted; arrange for the exchange of proposed exhibits or prepared testimony; limit witnesses; establish procedures to be used at hearings; and address any other matters that may expedite orderly conduct and disposition of the grievance.
  - ii. Pre-hearing conferences may be held formally (on the record) or informally (off the record), at the discretion of the Hearing Officer and according to the Hearing Officer's order or notice. Agreements by the Parties to the conference may be put on the record during formal conferences or may be reduced to writing and submitted to the involved Human Resources offices after the conference.
  - iii. The Hearing Officer shall issue a pre-hearing order based upon the results of the agreements reached at or rulings made at a pre-hearing conference and on pre-hearing motions. A pre-hearing order will control the course of subsequent proceedings unless modified by the Hearing Officer for good cause.
  - iv. The Hearing Officer also may convene the Parties off the record at the beginning of the grievance hearing or during a recess to discuss any matters that may facilitate orderly conduct of the hearing. The Hearing Officer shall state the results of the conference on the record.

- c. Discovery, No Party is entitled to engage in discovery unless discovery is authorized by the Hearing Officer after the filing of a motion requesting discovery, an opportunity to respond to the motion, and a hearing on the motion. If discovery is authorized, the Hearing Officer shall enter a written order specifying the scope of discovery, the type of discovery that may be used, and a schedule for completing the discovery.
- d. Evidentiary Objections and Offers of Proof. Grounds for objection to the admission or exclusion of evidence must be stated briefly at the time the evidence is offered. Formal exceptions to rulings admitting or excluding evidence are unnecessary and need not be taken, but the Hearing Officer shall allow an offer of proof consisting of a concise statement of the substance of excluded evidence.
- e. Rules of Evidence and Rules of Procedure. The Hearing Officer is not bound by the Nez Perce Tribal Rules of Evidence or the Nez Perce Tribal Rules of Civil Procedure, but the Hearing Officer may consider those rules during the grievance hearing process.

**14. Ex Parte Communications.** The Hearing Officer shall not communicate directly or indirectly with any Party regarding any substantive issue in the grievance, except upon notice and opportunity, for all parties to participate in the communication. Any *ex parte* communications concerning procedural matters (i.e., scheduling), shall be in writing and shall be served on all Parties.

**15. Decision.** Within ten (10 business days from the date the grievance hearing record is closed, the Hearing Officer shall render a written decision containing a statement of any matters officially noticed, findings of fact, and conclusions of law. The Hearing Officer shall send the decision to the involved Human Resources office along with any other documents that are part of the official record. The involved Human Resources Office will send a copy of the decision to both Parties in the same manner as notice of the grievance hearing; if the Parties are represented by attorneys, the involved Human Resources office will send a copy of the decision to each Party's attorney. The decision of the Hearing Officer is final, subject only to an appeal to the Nez Perce Tribal Court pursuant to Chapter 2-5 of the Nez Perce Tribal Code.

**16. Official Record.** In the event a decision of the Hearing Officer is appealed to the Nez Perce Tribal Court, the official record of the Grievance will be prepared by the involved Human Resources Office.

- a. The involved Human Resources offices shall submit the official record to the Tribal Court with a list of its contents and shall serve copies on the Parties addressed to:
  - i. the Tribe's Office of Legal Counsel by confidential inter-office mail; and
  - ii. to the grievant by United States mail to the most recent home mailing address indicated in the Grievant's personnel file; or

iii. to the Grievant's attorney by United States mail at the address indicated on the attorney's Notice of Appearance.

b. The official record of the Grievance shall consist of the following:

- i. all notices of the proceedings;
- ii. all written motions, briefs, and memoranda submitted to the Hearing Officer and the Hearing Officer's written rulings on any motions;
- iii. any evidentiary rulings made by the Hearing Officer;
- iv. a copy of the tape recording of the hearing made and maintained by the involved Human Resources office;
- v. all documents received or considered by the Hearing Officer; and
- vi. the written decision of the Hearing Officer.

**Nez Perce Tribe  
Complaint Form**

Please answer the following questions, explaining the concern you have in filing this complaint and file a copy with the Human Resources Office. (Please type or print)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_

\_\_\_\_\_

Work Extension: \_\_\_\_\_

\_\_\_\_\_

A written complaint statement must be presented by an employee to the immediate supervisor within (5) working days of the effective date of the action at issue. A copy must be provided to the Human Resource Office. If the complaint involves his/her immediate supervisor, the employee may proceed directly to Step Two.

Please provide the following information pertinent to this complaint:

1. Name of your immediate supervisor and title \_\_\_\_\_

2. Date of incident: \_\_\_\_\_

3. Name of the individual(s) involved with this complaint: \_\_\_\_\_

\_\_\_\_\_

4. Specifically, please state the issue of the complaint and exactly how the incident transpired:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. What results/disposition are you requesting?

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A signed copy must be returned to the complainant on the day filed, or a copy of submission to supervisor must be received in the Human Resources Office on the day of delivery to the supervisor. The supervisor must meet with complainant within five (5) business days of submission of complaint and respond, in writing within five (5) business days to complainant after this meeting.

Both supervisor and complainant must comply with time lines in regard to filing and response times. If time lines are not met by either party, the complaint will go to the next step in accordance with the Human Resources Manual.

Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

**Nez Perce Tribe  
Background Check**

Purpose

The major focus of the investigation will be to determine the suitability of the applicant/employee to the position. Specific criteria and expectations for each position must be defined by the program director and manager. The criteria include but are not limited to stability, trustworthiness, past performance, criminal record and federal requirements.

Process

Background checks will be conducted on all employees in positions that have contact with children, elderly, vulnerable adults, and persons in fiduciary or key management positions, (i.e., program directors and managers). Background checks will also be conducted as required by a funding agency. Program directors will be responsible to notify Human Resources of this requirement in their contract.

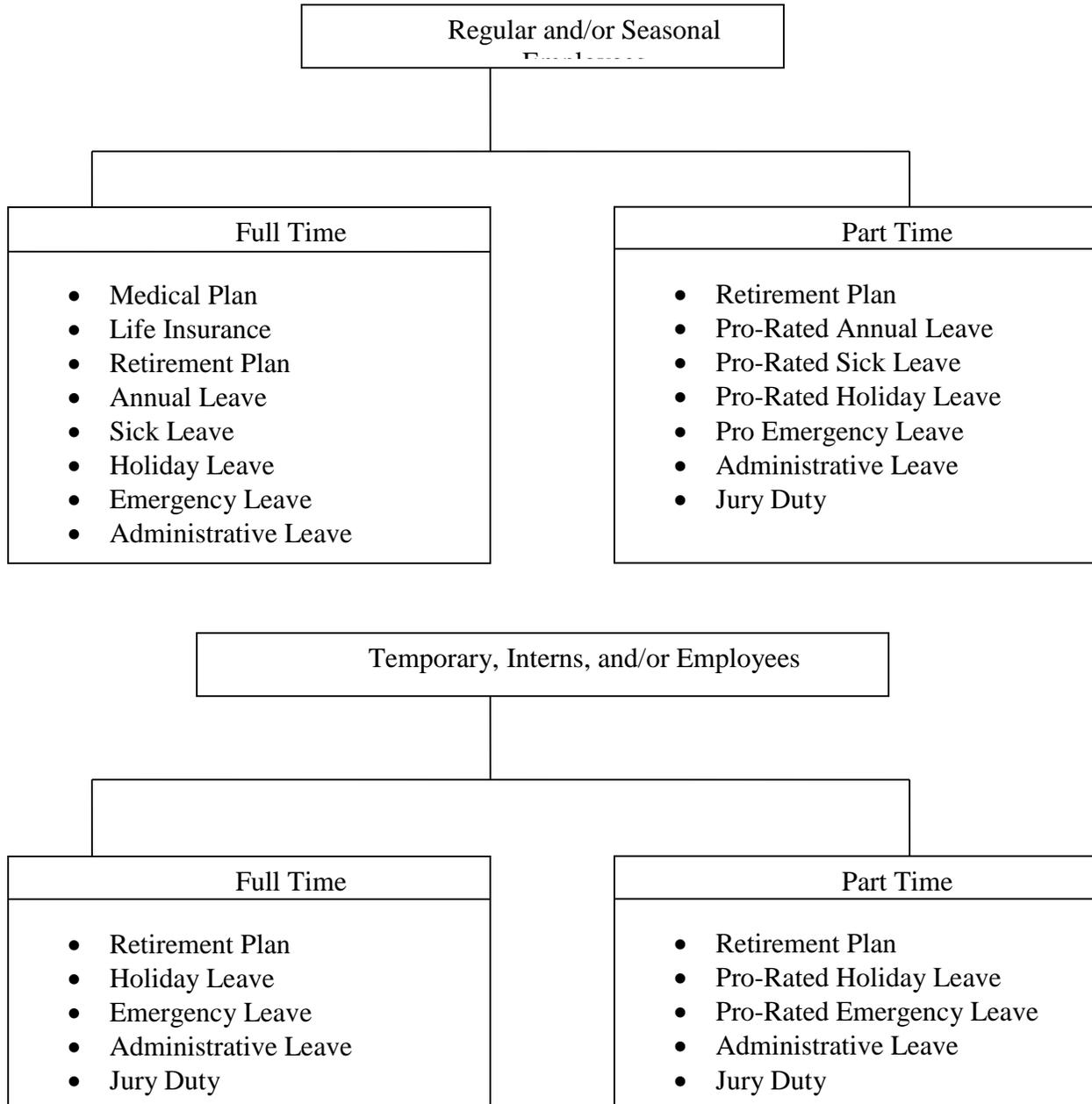
The Employment Application form shall include the questions “Have you ever been convicted?” All applications must provide an answer to this question. If the applicant does not answer this question, the application packet will be considered incomplete. If the applicant answers “yes” that will be a disqualifying factor for further consideration for positions as listed in A.

The Department Managers will be responsible to provide Human Resources with the names of individuals in positions as defined above. Human Resources will process the background investigation at the level as defined by the essential tasks of the class description that require contact with children, vulnerable adults, key positions, etc. (i.e., education, financial, criminal, etc.). Employees/applicants must complete the background investigation form. This information is held strictly confidential.

The immediate supervisor and manager will be provided written determination of the suitability of the employee/applicant for the position they have applied for. The confidential results of the investigation will be retained by Human Resources for three years.

**Nez Perce Tribe  
Fringe Benefits by Employee Category**

Employees may be entitled to Nez Perce Tribal Fringe Benefits as listed below:



\*Family Medical Leave (FMLP) is available provided qualifications as outlined in Policy 6.7 are met.

## NEZ PERCE TRIBE FAMILY & MEDICAL LEAVE POLICY

**Basic Leave Entitlement:** It is the policy of the Tribe to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care of child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care (if both parents are employed by an entity of the Nez Perce Tribe, each shall be entitled to six (6) weeks of FMLP leave);
- To care for the employee’s immediate family member (as defined in the applicable HRM) or other dependent who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee’s job.

**Military Family Leave Entitlements:**

- Eligible employees may use their 12-week leave entitlement to address certain qualifying exigencies for an immediate family member on active duty or call to active duty status in the National Guard or Reserves. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.
- Eligible employees are entitled to up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

**Benefits and Protections:**

- During FMLP leave, the Tribe will maintain the employee’s **health coverage** under any “group health plan” on the same terms as if the employee had continued to work.
- Upon return from FMLP leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- Use of FMLP leave cannot result in the loss of any employment benefits that accrued prior to the start of an employee’s leave.

**Eligibility Requirements:** Employees are eligible if:

- They have worked for the Tribe for at least one year; and
- They have worked 1,250 actual work hours over the previous 12 months.

**Definition of Serious Health condition:** A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s job, or prevents the qualified family

member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by:

- A period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider;
- One visit to a health care provider and a regimen of continuing treatment;
- Incapacity due to pregnancy; or
- Incapacity due to chronic condition.
- Other conditions also may meet the definition of continuing treatment.

**Use of Leave:** An employee does not need to use this leave entitlement in one block. Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

**Substitution of Paid Leave for unpaid Leave:** Family Medical Leave is not in addition to an employee's accrued sick leave and annual leave. Employees must use any sick leave and annual leave they have accrued at the same time they are using Family Medical Leave. If an employee exhausts his or her paid leave before the end of the applicable job-protected period, then the balance of the job-protected period will be unpaid Family Medical Leave.

**Employee Responsibilities:** Employees must provide 30 days advance notice of the need to take FMLP leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and in accordance with the Tribe's normal call-in procedures. Employees must provide sufficient information for the Tribe to determine if the leave may qualify for FMLP protection and the anticipated timing and duration of the leave. Sufficient information may include:

- That the employee is unable to perform his or her job functions;
- The family member is unable to perform daily activities;
- The need for hospitalization or continuing treatment by a health care provider; or
- Circumstances supporting the need for military family leave.
- Employees must inform the Tribe if the requested leave is for a reason for which FMLP leave was previously taken or certified.
- Employees may also be required to provide certification and periodic recertification supporting the need for leave.

**Notice:** The Tribe will notify employees requesting Family Medical Leave whether they are eligible.

- If the employee is eligible for Family Medical Leave, the Tribe will:
  - Inform employees that the leave will be designated as FMLP protected;
  - Specify any additional information required as well as the employee's rights and responsibilities; and
  - Inform the employee how much sick leave and annual leave will be

counted toward the employee's Family Medical Leave entitlement.

- If the employee is not eligible for Family Medical Leave, the Tribe will inform the employee that the leave is not FMLP protected and provide the reason for ineligibility. Employees may appeal the denial of Family Medical Leave to the Tribe's Grievance Hearing Officer, who shall conduct the appeal using the Grievance Hearing Procedures contained in Appendix T, and who decision shall be final.

**The Tribe Will Not:**

- Interfere with, restrain, or deny the exercise of any right provided under FMLP; or
- Discharge or discriminate against any person for opposing any part of the FMLP.

**ALTHOUGH NOT REQUIRED TO COMPLY WITH  
FAMILY MEDICAL LEAVE ACT (FMLA) 29 U.S.C. 2601, et seq., THE NEZ PERCE TRIBE  
CHOOSES TO OFFER FMLA-LIKE BENEFITS AND HEREBY ADOPTS THE  
DEFINITIONS OF TERMS SET FORTH IN THE FMLA AND THE CORRESPONDING  
SECTIONS OF THE CODE OF FEDERAL REGULATIONS. 29 CFR § 825,ET SEQ.**

**USE OF FEDERAL FMLA FORMS SHALL NOT BE CONSTRUED  
AS A WAIVER OF THE TRIBE'S SOVEREIGN IMMUNITY.**

FMLP applications and other related forms are available from Human Resources.

Nez Perce Tribe  
Furlough Form

Employees may be placed on unpaid status due to delayed funding. Employees are not required to report to work while on furlough. However, an employee may choose to report to work on a voluntary basis.

I, \_\_\_\_\_, understand that furlough status is an unpaid status and that, if I choose to voluntarily report to work, I may not be compensated for the hours worked.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

**NEZ PERCE TRIBE  
DRUG AND ALCOHOL POLICY  
HRM 5.2 Employee Relations**

**Purpose and Goal**

The Nez Perce Tribe is committed to provide a safe and healthy work environment for our valued employees and recognize that alcohol and drug abuse pose a significant threat to our goals. To strengthen our commitment and balance our respect for individuals' health rights the Nez Perce policy provides the assurance required by some federal agencies which fund our programs. The destructive and dangerous impacts of drugs and alcohol are recognized and we strive to deter employee involvement with alcohol and drugs in our workplace. Our objective is to decrease injuries on the job, decrease absenteeism, decrease the financial burden on tribal health and benefit costs, decrease workplace theft, increase employee morale, increase productivity, and elevate the quality of employee production and services. As a condition of employment, employees are required to adhere to this policy. Employees are encouraged to voluntarily seek help with drug and alcohol problems.

**Covered Entities**

Any individual who is conducting business for the Nez Perce Tribe or on the organization's property is covered by our policy. Our policy includes, but is not limited to executive management, managers, directors, supervisors, full-time employees, part-time employees, seasonal employees, temporary employees, off-site employees, volunteers, interns, Nez Perce Tribal Executive Committee and all elected officials on the Tribe's boards and commissions. The policy applies during all working hours, including delegation, whenever conducting business or representing the Tribe; while on-call or paid standby.

**Transferred Employees**

Employees transferring to a sensitive position will be treated as new employees; and must pass a drug and alcohol screening before they may transfer. Employees who transfer from one sensitive position to another sensitive position and have not had a screening in the prior six (6) months must pass a drug and alcohol screening before the transfer is approved.

**Notice**

Communication of our policy is critical to our success. Supervisors and employees must know their role and responsibility. The policy is an appendix to the Human Resource Manual Section 5.2 "Employee Relations".

- It will be the Manager's responsibility to ensure each employee is provided a copy of the policy.
- This policy shall be distributed by Human Resources as a part of "new employee orientation" and serve as notice to employees of this policy.

- Each Employee shall sign and have notarized the “Declaration of Compliance with Alcohol and Drug Policy” form which becomes part of their personnel file.
- Employee education on alcohol and drugs and available treatment resources will be provided by Human Resources at least twice annually.
- Supervisor training will be provided annually to recognize and provide assistance and guidance to their employees as necessary.
- The Supervisor will ensure that the Rehabilitation Plan is initiated and followed. Failure, by the supervisor, shall result in a violation of **the *Human Resource Manual, Section 5.4.8*** “*Employee restriction of performance and incompetence*” under the “*Supervisors are responsible to*” section 5.3.6.

## **Testing**

The Nez Perce Tribal Executive Committee has implemented Resolution NP 90-113 Drug and Alcohol Testing Policy to maintain a Drug Free Workplace. This policy applies to all tribal programs, tribal boards and Commissions elected by General Council and the Nez Perce Tribal Executive committee unless a more stringent requirement is mandated by the funding agency. Managers are responsible to notify Human Resources of such requirement to Human Resources.

Testing shall occur during or immediately after the regular work hours and shall be deemed work time for purposes of compensation and benefits. The Nez Perce Tribe will be responsible for all testing costs under this policy (including employee transportation when necessary). Human Resources will coordinate all testing and testing will be according to applicable health and safety codes. Testing of employees at the satellite offices will be contracted with providers in their area (if available). Testing procedures will ensure there is no contamination of the specimen.

The following are types of drug and alcohol “testing” employees are required to participate in as a condition of employment:

- **Pre-employment:** Applicants selected for “critical” positions will be tested as a condition of employment. Critical positions are those that require driving or operation of any equipment as an essential task of the class description; management and fiduciary positions or other positions as defined by the department manager. Job announcements will include this requirement where applicable.
- **Management:** All employees who are designated as managers and directors; and elected board, commissions and NPTEC shall be tested at least once annually.
- **Reasonable Suspicion:** A supervisor may request testing with the authorization of the Executive Director, if they have “reasonable suspicion” that their employee is under the influence of alcohol and/or drugs. The reasonable suspicion is based on the observation of the employee’s drug use; apparent drug intoxication; abnormal or erratic behavior; drug and/or alcohol odor; legal investigation, arrest or conviction of drug/or alcohol-related offenses; workplace theft; reports of reliable and credible sources.
- **Specific condition testing:** Supervisors may require testing for employees involved in on-the-job accidents or unsafe work practices. Any employee who proximately causes a workplace accident resulting in property damage or personal injury (including self-injury) must submit to drug and alcohol screening.

- **Follow-up:** Employees who have had positive test results will be subject to testing for a year following completion of their Rehabilitation Plan.
- **Baseline:** NPTEC, managers or program directors may request testing of an entire department or program. Justification must be provided to and approved by the Executive Director.

### **Compliance Issues**

- Employees who refuse to provide a sample for testing will be subject to HRM 5.5.17
- 1<sup>st</sup> Three day suspension; 2<sup>nd</sup> Five day suspension; 3<sup>rd</sup> Termination.
- Employees who contaminate the test sample will be terminated.
- Applicants who refuse to provide a sample or contaminate the sample will be disqualified for employment, for that recruitment; and for the following 60 days.
- Employees who are suspended for refusing a drug and alcohol test must submit to a drug and alcohol test before returning work.

### **Positive Test Results**

The Nez Perce Tribe values our employees and encourages them to seek help for them or their families. Regular employees will be provided with options to rehabilitate as a condition of continued employment. The Tribe recognizes that alcohol and drug abuse and addiction are treatable illnesses and that early intervention and support improve the success of rehabilitation. An Employee Assistance Program will be available for regular employees that will:

- Provide employees education on alcohol and drugs;
- Provide their families an opportunity to participate in their counseling.
- Provide supervisors opportunities to assist their employees toward wellness;
- Provide employees the opportunity, information and skills to assume responsibility for their wellness;
- Provide employees the opportunity to rehabilitate

Treatment may be covered by the employee benefit plan; however the ultimate financial responsibility for treatment belongs to the employee.

Confirmed positive drug or alcohol test results will require that the employee:

- Be provided the opportunity to provide legitimate medical explanation, such as a physician's prescription, and a documented chain of custody.
- Participate in a certified in-patient or intensive out-patient drug and alcohol counseling/treatment program.
- Provide a *Rehabilitation Plan* that includes participation in a certified in-patient or intensive out-patient rehabilitation/treatment program within ten business days of the positive notice to their immediate supervisor and Human Resources. The plan must be signed by the employee, the supervisor, department manager and counselor/provider.
- Maintain an alcohol and drug-free life-style.
- Be subject to HRM 5.5.17 Alcohol and Drug Policy Compliance:
  - First confirmed positive alcohol or drug test – 1<sup>st</sup> Three day suspension.

### **Relapse or Further Positive Test Results**

- If an employee has a relapse in their rehabilitation program; or has a second confirmed positive drug or alcohol test result, the employee will be subject to:  
HRM 5.5.17 2<sup>nd</sup> offense – Five day suspension and requirements as outlined in the first adverse result.
- Any further relapses or positive test results will be subject to:  
HRM 5.5.17 3<sup>rd</sup> offense - Termination.
- Employees may request a “level of drug” test if they test positive in the follow-up random; if it is determined that the employee has not “used” since the first drug test no disciplinary action will be taken. The cost of this test will become the employee’s responsibility if it is determined that the level of the drug is the same as the first test.

### **Fitness for Duty**

- Any employee who, under a physician’s prescription must use mind altering drugs, will not operate any equipment or vehicle and must provide a doctor’s certification that they are no longer using the drug.
- When an employee has received a positive test result they must undergo a return-to-duty testing by an appropriate provider and receive a negative result prior to resuming employment.

An employee who is in in-patient or intensive out-patient treatment must complete the timeframe of the treatment plan as prescribed by their counselor/provider. Employees who abort their treatment program without just cause will be terminated.

### **Abort Treatment**

An employee who is in in-patient or intensive out-patient treatment must complete the time frame of the treatment plan as prescribed by their counselor/provider. Employees who abort their treatment program without just cause will be terminated.

### **Documentation**

The supervisor responsibility is to:

- Ensure that this policy is implemented and that employees under their supervision comply with this policy;
- Ensure that a rehabilitation plan is developed with the employee and their counselor with appropriate signatures within ten business days.
- Secure a “client release of confidential information authorization” to discuss the rehabilitation plan with the counselor.
- Forward all documentation to Human Resources within 15 business days.
- Human Resources will maintain a separate confidential records management system for alcohol and drug testing documents as required by Employment Law.

### **Self-Disclosure**

Employees who come forward and disclose to their supervisor that they have a drug and/or alcohol problem and request assistance and support to rehabilitate will be offered the opportunity to enter into a Rehabilitation Plan and will not be subject to disciplinary action, random or other testing.

Employees who disclose their use of drugs when they have either been drug tested or notified that they will be drug tested will be subject to the procedures outlined under 1<sup>st</sup> positive drug/alcohol test result.

### **Confidentiality**

The privacy of our employees must be respected and compliance with federal and other contractual assurances must be maintained. This policy will comply with HRM 4.12 Confidentiality and Appendix I Confidentiality Statement. Human Resources will ensure compliance with applicable employment laws. All Drug and Alcohol information on employees will be kept in a separate confidential file. Access to this information is limited to those with a legitimate need to know and when necessary the appropriate signed authorization for release of information.

### **Shared Responsibility**

Employees and management have important cooperative roles to play to achieve a safe and productive drug-free workplace.

Employees are encouraged to:

- Be concerned about working in a safe environment
- Support fellow workers in seeking help
- Utilize the Employee Assistance Program and other available resources
- Report dangerous behavior to their supervisor.

Supervisors are responsible to:

- Inform employees of the policy
- Observe employee performance and behavior
- Investigate reports of dangerous practices and accidents
- Counsel employees as to job expectations and performance improvement
- Refer employees to the Employee Assistance Program, tribal Drug and Alcohol Program and other resources.
- Clearly state the consequences of policy violations.

Employees shall not report to work or be subject to duty while their ability to perform is impaired to on-or off duty use of alcohol or other drugs. In this case, employees are subject to:

HRM 5.5.17 *Reporting to work under the influence of alcohol or other illegal drugs:*  
1<sup>ST</sup> Offense

- *Suspension for three days without pay*
- *Required to participate in a certified in-patient or intensive out-patient drug and alcohol counseling/treatment program.*
- *Provide a rehabilitation Plan with appropriate signatures within ten business days to their supervisor and Human Resources.*
- *Submit to testing during and for one year after completion of their Rehabilitation Plan.*

### 2<sup>nd</sup> Offense

- *Suspension for five days without pay*
- *Same requirements as first offense*

### 3<sup>rd</sup> Offense

- *Termination*
- *Ineligible for employment for the following 60 business days.*

## **Notification of Convictions**

Any employee who is convicted of a criminal drug violation, loses their license or driving under the influence of alcohol or other drugs must notify their supervisor within five days of the conviction or loss of driving privileges. Supervisors must take immediate action if the class description essential tasks require driving and the employee has lost their driving privileges or become uninsurable under the tribe's policy; and no later than five days as per HRM 5.4.7.

## Nez Perce Tribe Drug and Alcohol Policy

### REHABILITATION PLAN

**Purpose:** The employee has tested positive for drugs or reported to work under the influence of drugs/alcohol thus violating the Drug and Alcohol Policy. The Nez Perce Tribe values our employees and endeavors to provide assistance and support in the rehabilitation of employees as a “last chance” to overcome their drug/alcohol problem and become productive, healthy employees.

**Acknowledgement:** The employee acknowledges receipt and understanding of the Nez Perce Tribe Drug and Alcohol Policy by their signature to this document.

As a condition of continued employment the employee voluntarily authorizes “Release of Information” for the employer to receive and request information from medical providers regarding continuing treatment recommendations and to monitor employee compliance. The employee will maintain and provide documentation of attendance to their supervisor and Human Resources.

The employee will comply with all aspects of the medical providers treatment recommendations.

The employee will be subject to follow-up testing for one year following completion of their Rehabilitation Plan. The employee agrees to abstain from the use of alcohol and or other drugs except when prescribed by a physician who has been informed of the employee’s difficulty with substance abuse.

The employee agrees that all costs of treatment and monitoring not covered by the employee’s insurance is the responsibility of the employee. If absence from work is required as a part of rehabilitation, it will be regarded as Family Medical Leave, sick leave, annual leave or some combination thereof depending on leave availability.

The employee understands this is their last chance to successfully address their problem with alcohol and/or other drugs. The employee must satisfactorily comply with their Rehabilitation Plan and have no positive follow-up testing results for the duration of their employment with the Nez Perce Tribe.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Supervisor Signature \_\_\_\_\_ Date \_\_\_\_\_

Manager Signature \_\_\_\_\_ Date \_\_\_\_\_

Counselor/Provider Signature \_\_\_\_\_ Date \_\_\_\_\_

Copies: Employee, supervisor, Counselor/Provider, Human Resources

\*Revised Drug and Alcohol Policy – HRM, Section 5.2., Employee Relations Approved July 13 & 14, 2004 Administrative Action.

**Nez Perce Tribe  
AIDS Policy Statement**

The Nez Perce Tribe recognizes the importance of protecting the health of employees and the public of the Nez Perce Reservation from the spread of Acquired Immunodeficiency Syndrome (AIDS).

AIDS is a major public health problem in the United States. The causative organism is a blood borne virus (Human Immunodeficiency Virus – HIV) which is transmitted primarily through sexual activity and also through sharing equipment in intravenous (IV) drug use.

The modes of transmission for Hepatitis B virus (HBV) are similar to those of HIV. However, the risk of contracting HBV through incidental contact is greater than for HIV infection. General practices to prevent transmission of HIV will also minimize the risk of HBV infection.

The following policy statement will be reviewed and revised as necessary, to reflect the latest medical research and legal opinion.

Definitions

As used herein, the following terms shall have the meaning indicated:

- (A) HIV positive: serology that is positive for either specific HIV viral antigens or the antibodies to HIV.
- (B) HIV infection: persons who are HIV positive with or without signs and symptoms of infection as defined by the Centers for Disease Control in Atlanta, Georgia.
- (C) Infected employee or person: any person who has HIV infection.
- (D) Occupational exposure: employee contact with blood or visible bloody body fluids through percutaneous inoculation, direct contact with an open wound, mucus membrane or non-intact skin during the performance of job duties.

Employees

- (A) HIV Testing: HIV testing will not be required as a prerequisite for employment. HIV testing will be provided for any employee who requests it. Testing will be performed according to North Central District Health Department policies.
- (B) Persons with impaired immune systems resulting from HIV infection or other causes are at increased risk of acquiring serious complications of infectious diseases. Of particular concern is the risk of severe infection following exposure to other persons with contagious diseases such as measles or chicken pox.

In order to maintain protection for infected employees and the public, the infected employees are encouraged to inform their Department Manager of their status (see section 2.13.5 Confidentiality).

- (C) The Department Manager, in consultation with the employee and the attending physician, will make a determination as to whether or not the infected employee can safely and adequately perform the functions according to the employee's class description without endangering the employee's health or the health of the public. The determination shall include findings of fact based on reasonable medical judgments given the state of knowledge about the nature of the disease.

Outside medical consultation may be obtained with the consent of the employee. If the infected employee can perform the functions of the job without risk to clients, to workers, or self or without endangering the public health, no action will be taken. The performance and health of the infected employee will be monitored to assure that the essential functions of the job are carried out.

If it is determined that the infected employee is not able to perform the essential functions of the job without endangering the public or employee's own health, the Department Manager will notify the employee of that determination.

When it is determined that the infected employee is not able to perform the essential functions of the job safely, consideration will be given as to whether any reasonable accommodations by the Tribe would enable the infected employee to perform those functions or other functions within the Tribe's work structure.

Accommodation is not reasonable if it either imposes undue financial and administrative burdens on the Tribe or requires a fundamental alteration in the nature of the job.

If an HIV infected employee is determined not to be qualified for continued employment even with reasonable accommodations and declines to resign, the Nez Perce Tribe may take appropriate steps to terminate the employment of the infected employee due to physical or mental incapability. Appropriate procedural requirements as established in the personnel policies of the Tribe shall be observed in all cases in which they are applicable. Any infected employee desiring to separate voluntarily shall be permitted to do so.

Employees who refuse to work with another employee who has AIDS or HIV infection may be terminated in accordance with personnel procedures.

### Occupational Exposure

United States Public Health Service Recommended Precautions for Health Care Workers and Allied Professionals Regarding AIDS will be followed when handling or disposing of all specimens, secretions and excretions, including prosecutions and court personnel handling items of evidence.

Tribal employees will follow the universal precautions when exposed to blood or any body fluids visibly contaminated with blood. Those who elect not to follow these precautions do so at their risk.

In the event of accidental or occupational exposure, a baseline HIV serology will be drawn from the employee as soon as possible unless a negative HIV has been documented previously. Serologies

should be repeated again at three (3) months and six (6) months after exposure in the following cases:

Exposure is from a person known to be HIV positive or having AIDS.

Exposure is from a person where HIV status is unknown.

The person from whom the exposure occurred should be provided information about HIV testing and serology for HIV is **STRONGLY** recommended.

If the HIV antibody test of the exposed person is positive, routine epidemiologic follow-up will take place.

No follow-up is needed if exposure has been to persons considered at low risk (i.e. infants, children) unless these persons are known to have HIV infection.

Documentation will record the date of exposure, name and address of the person from whom the exposure occurred if possible, name of person exposed, and type of exposure.

Specific guidelines have been developed for employees who share offices where the risk of transmission is minimal. The following guidelines will be followed by employees:

#### Prosecution and Court Personnel:

Sharp items (needles, knife blades and other sharp instruments) should be considered as potentially infective and be handled with extraordinary care to prevent accidental injuries.

Disposable syringes and needles, knife blades and other sharp items should be placed into puncture resistant containers located as close as practical to the area in which they are used. To prevent needle stick injuries, needles should not be recapped, purposely bent, broken, removed from disposable syringes or otherwise manipulate by hand.

When the possibility of exposure to blood or other body fluids exists, routinely recommended precautions should be followed. The anticipated exposure may require gloves, as in handling items soiled with blood or equipment contaminated with blood or other body fluids. Hands should be washed thoroughly and immediately if they accidentally become contaminated with blood.

To minimize the need for emergency mouth-to-mouth resuscitation, mouthpieces, resuscitation bags or other ventilation devices should be strategically located and available for use in areas where the need for resuscitation is predictable.

Pregnant employees are not known to be at greater risk of contracting HIV infections than employees who are not pregnant; however, if an employee develops HIV infection during pregnancy, the infant is at increased risk of infection resulting from prenatal transmission. Because of this risk, pregnant employees should be especially familiar with precautions for preventing HIV transmission.

#### Food Service Workers:

All FSW's should follow recommended standards and practices of good personal hygiene and food sanitation. All FSW's should exercise care to avoid injury to hands when preparing food. Should such an injury occur, both aesthetic and sanitary considerations would dictate that food contaminated with blood be discarded. FSW's known to be infected with HIV need not be restricted from work unless they have evidence of other infection or illness for which any FSW should also be restricted.

Routine serologic testing of FSW's for antibody to HIV is not recommended to prevent disease transmission from FSW's to consumers.

#### Other workers sharing the same work environment:

No known risk of transmission to co-workers or public exists from HIV infected workers in other settings. This infection is spread by sexual contact with infected persons, injection of contaminated blood or blood products and by prenatal transmission. Workers known to be infected with HIV should not be restricted from work solely based on this finding. Moreover, they should not be restricted from using telephones, office equipment, toilets, showers, eating facilities and water fountains. Equipment contaminated with blood or other body fluids of any worker, regardless of HIV infection status, should be cleaned with soap and water or a detergent. A disinfectant solution or a fresh solution of sodium hypo chlorite (household bleach) should be used to wipe the area after cleaning.

#### Evaluation of On-The-Job Exposures

Any employee who has direct exposure (needle stick injury, splash of blood into eye, etc.) to potentially infectious body fluids while performing their assigned duties shall report the exposure to their supervisor immediately. If medical evaluation is necessary, it will be conducted at the Tribe's expense.

#### Confidentiality

All notices, reports, actions, hearings and decisions concerning an HIV infected person or a person suspected of being infected in which the name or any personally identifiable characteristic of the person is communicated shall be strictly confidential and shall not be released without the consent of the individual to anyone except those with a legitimate need to know including health care personnel, doctors, nurses, dentists, persons providing emergency medical services, morticians, lab technicians and school authorities. All confidential medical information is protected by statutes and any unauthorized disclosure by employees may lead to immediate dismissal.

### Reporting

All positive HIV serologist, AIDS Related Complex (HIV infection with symptoms) and AIDS among employees will be reported unless the employee resides in a state when positive serologies are not reportable (i.e. Washington).

### Education

The Nez Perce Tribe will provide AIDS education and updates to all employees on a regular basis.

**NEZ PERCE TRIBE  
RETURN-TO-WORK POLICY  
and  
WORKER'S COMPENSATION CLAIM PROCEDURES**

**I. INTRODUCTION**

The Nez Perce Tribe is genuinely concerned about the safety and well-being of its Employees and has implemented a comprehensive safety and loss prevention program designed to reduce the potential for work-related injuries and illnesses.

All employees are expected to participate in this program. In the event an employee does experience a work-related injury or illness, the Tribe also is dedicated to bringing that employee back to productive employment as soon as possible. Therefore the Tribe has implemented a Return-To-Work (RTW) program for employees who are absent from work for more than five days because of work-related injury or illness.

The goals of the RTW Program are to:

- 1) provide an opportunity for the employee to become productive while recovering from an injury or illness through assessment of the employee's individual situation and creation of a plan to get the employee back to work;
- 2) accelerate reintegration of the employee into full productive employment; and
- 3) provide a means for the employee to feel positive about contributions to the work place during medical recovery and with appropriate medical supervision.

The function of the RTW Program is not to provide job placement for those employees whose disabilities are considered permanent or "long term." It is primarily designed to keep the lines of communication open between a covered employee, the medical care provider(s), the Tribe, and the claims office that administers the Tribe's worker's compensation benefits in order to return employees to work as soon as possible and to maintain a safe, supportive, and productive work environment.

**II. RETURN-TO-WORK TEAMS**

A Return-to-work team will be established for: management of cases involving a compensable, work-related injury or illness causing, an employee to be absent from work for more than five days; and to maintain communication between the employee, medical care provider(s), the Tribe, and the claims office. The RTW team will consist of the treating

physician and the Tribe's safety officer. The team leader will be the Safety Officer who will set a meeting schedule to coordinate the team's RTW activities.

Consultants to the team, could include the employee's supervisor, other medical care providers, the Tribe's insurance broker, and a representative from the claims office as needed. The primary responsibility of the RTW team is to return employees to their regular job, a part-time, job, a light-duty job, or a modified job meeting the employee's medical capabilities as soon as practically possible.

The employee's return to work will occur only after written approval by the employee's physician, which shall specify the level of work employee will be released to perform. The physician will continue to take the lead, as the RTW team makes its determinations.

### **III WORKER'S COMPENSATION CLAIM PROCEDURES**

The method in which a claim is handled can affect the progress and resolution of a worker's compensation claim as well as the severity of dollar loss. Well-established and timely claims procedures are of primary importance in any RTW effort.

#### Claim Procedures

1. Employees must immediately report all injuries and accidents to their supervisor. Supervisors must immediately notify the Safety Officer and fill out the first report of injury form.
2. Upon receipt of the first report of injury form, the Safety Officer will explain worker's compensation procedures including any documentation required for medical appointments, treatment, and lost work time.
3. Safety Officer will promptly provide a copy of the first report of injury form to the Human Resource Department and to the Safety Committee.
4. Employee may be referred to preferred medical providers.

This communication system will alert the employer in advance of an employee's readiness to return to work. Specific plans for an employee's return to work will be determined by the RTW team based on recommendations made by the physician and the adjuster.

All cases should be reviewed at least monthly by the RTW. The RTW team will establish follow-up plans on a case by case basis. Cases can be considered resolved after 4 weeks of symptom-free work activity at normal duty.

## Nez Perce Clean Air Policy

### **PREAMBLE:**

The passage of the Nez Perce Clean Air Policy is dedicated to all the Nez Perce members who suffer from commercial tobacco related concerns and diseases or have respiratory distress conditions. The Nez Perce Clean Air policy is enacted to protect the public health of the Nez Perce Tribe, now and in the future.

### **Section 1. Authority**

The Nez Perce Tribe enacts this policy pursuant to the Revised Constitution and By-Laws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961 and approved by the Acting commissioner of Indian Affairs on June 27, 1961.

- (1) All person who work or visit any Nez Perce Tribal facilities are subject to the Nez Perce Clean Air Policy. Compliance with this Policy is a condition of use of tribal facilities.

### **Section 2. Findings**

The Nez Perce Tribal Executive Committee finds that:

- (1) Nez Perce cultural, spiritual, and ceremonial use of tobacco is an inherent immutable component of the Nez Perce Cultural Landscape. The Nez Perce Clean Air Policy does not ban, prohibit or restrict in any manner the traditional, cultural, spiritual, and ceremonial sacred tobacco use of the Nez Perce people.
- (2) The Nez Perce cultural tobacco use was for healing and does not support abuse of tobacco in any way that can lead addiction and illness.
- (3) The Nez Perce Clean Air Policy is intended solely to protect and restore the health and welfare of the Nez Perce people by regulation of secondhand tobacco smoke.
- (4) Based upon scientific studies, no safe levels of ventilation for secondhand smoke exists that can ensure the protection and prevention of secondhand smoke health related illnesses.
- (5) The Nez Perce Clean Air Policy is enacted to protect children, adolescents, adults and elders, especially those affected by chronic respiratory distress conditions, from secondhand smoke that results from the use and addiction to commercial tobacco products.
- (6) Commercial tobacco is highly addictive and all available support resources will be offered to daily commercial tobacco users.

### **Section 3. Policy**

- (1) This Nez Perce Clean Air Policy is an addition to the existing Nez Perce Tribe Tobacco Policy, adopted January 10, 1995, that recognizes the dangers of secondhand smoke and bans smoking and use of smokeless tobacco in all tribal facilities, buildings, vehicles.
- (2) The Nez Perce Clean Air Policy expands the existing Nez Perce Tribe Tobacco Policy, which covers enclosed public places, i.e. indoors. The Nez Perce Clean Air Policy is

enacted to protect the public from health hazards of secondhand smoke on the Nez Perce reservation in locations where it is usual that the public is allowed to enter. Those public places include but are not limited to the following:

- i. Buildings and Offices where the public is allowed
  - ii. All areas within 25 feet of all facility doorways, open windows, enclosed walkways and ventilation systems to prevent exposure to secondhand smoke to general traffic and to prevent smoke from entering enclosed buildings and facilities.
- (3) All facilities under the Nez Perce Clean Air Policy must designate a “smoking area”, outside of the facility and in compliance with sub-paragraphs i or ii of paragraph 2 of section 3 of this Policy. Further signs designating areas as “smoke free” or “smoking permitted” must be posted in conspicuous places to areas applicable under this policy.
- (4) Existing ash trays will be moved outside of the 25 feet range, will provide an overhead cover for smokers at the expense of the Nez Perce Tobacco Coalition.
- (5) Alternate “smoking permitted” sites, outside the 25 feet range, will provide an overhead cover for smokers at the expense of the Nez Perce Tobacco Prevention Coalition,
- (6) The Nez Perce Clean Air Policy is not intended to regulate commercial tobacco use in:
- i. Private residences
  - ii. Privately owned vehicles
  - iii. Non-Tribal Facilities

#### **Section 4. Definitions**

- (1) Enforcement of the Nez Perce Clean Air Policy will be carried out by the Nez Perce Tribe’s Executive Director’s Office, including tribal Administration.
- (2) The Nez Perce Clean Air Policy will become a permanent addition to the Nez Perce Tribe’s Human Resource Manual (HRM). Adherence to HRM policies are required by all tribal employees and contractors.

#### **Section 5. Effective Date**

The Nez Perce Clean Air Policy shall be effective March 1, 2008, to allow for plant maintenance changes and employee and public awareness of implementation of the policy. The Nez Perce Clean Air Policy is passed by NPTEC Resolution, NP 08-066, December 11, 2007, in accordance with the Nez Perce Tribal Constitution and By-Laws.

**NEZ PERCE TRIBE**  
**Social Media Policy**

**PURPOSE**

The purpose of this policy is to provide guidelines and define individual and departmental responsibilities for the use of social media. Social media includes, but are not limited to, Social networking sites such as Myspace, Facebook and LinkedIn, micro-blogging tools such as Twitter, and audio-visual sites such as YouTube.

**PROCEDURES**

- A. Prior to creating social media site, entities should consider the need and value of a Department program dedicated site versus relying on the main Tribal website to disburse entity or department information. Since social media sites lose the interest of their audiences when not updated regularly, staff should calculate the time and effort it will take to maintain a site so that visitors continue to find value over time. As a rule of thumb, social media sites should be updated at least once per week.
- B. Department Managers must obtain approval from the Executive Director prior to creating a social media account.
- C. Department Managers must approve the creation of social media accounts within their departments and appoint specific staff members to maintain the sites. Department Heads are responsible for ensuring their staff follow the procedures set forth in this Social Media Policy and monitoring the sites for appropriate use by their employees.
- D. All approved uses of social media must be reported to the entity's Department of Technology Service (DTS) Manager will maintain a list of all the entity's social media sites that are operating, including login information and password. The DTS Manager must be informed I the department intends to stop operating their social media site.
- E. Department staff are responsible for monitoring comments, removing any Prohibited content, and saving content.
- F. Employees are expressly forbidden to misuse any social media access privileges in any way including, but not limited to:
  - Using social media accounts for unlawful activities, including violations of Copyright law, or for activities that are malicious or have the effect of harassing other users.
  - Violating the acceptable use of policies of any network to which they connect to the account.

- Misrepresenting a program or policy of the Tribe or any of its entities.

## **ACCESS TO SOCIAL MEDIA, STREAMING MEDIA, AND WEB BASED EMAIL**

- A. Employee internet access to any categories will be determined by the immediate Supervisor, approved by the Program Director and the Department Manager.
- B. Supervisors will be solely responsible to monitor employee internet usage.
- C. Managers, Directors and Supervisors may request employee internet use history report at any time.
- D. Cellular service and plan options are determined by the above process however access on these devices are subject to this Policy and can also be monitored as the Manager, Director and Supervisor deems necessary.

## **INFORMATION POSTED TO SOCIAL MEDIA SITES**

### **Entity-Posted Information**

- A. The most appropriate uses of entity media sites are: (1) time-sensitive and emergency information; and (2) as communications/marketing tool which increases the entity's ability to broadcast its messages to the widest possible audience.
- B. Wherever possible, content posted to entity social media sites will also be available on the Tribe's main website.
- C. Social media sites should contain links directing users back to the Tribe's main Website for in-depth information, forms, documents, or other online services and information
- D. Information posted on social media sites must be copied from the site, pasted into a Word document and saved in a searchable electronic folder as often as possible, but not less than once per work day.
- E. Social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
- F. Social media sites shall be used only for official business; personal comments, Participating in personal discussions, or any other personal communications are not allowed on the main Tribal site or an entity's site. This applies to all employees, members of all boards or commissions, and members of NPTEC.
- G. Information posted on social media sites must be related to an official Tribal or entity matter.

### **Information Posted by Outside Individuals**

- A. For all social media sites that allow posts, those sites are limited public forums for member of the Nez Perce Tribe, moderated by Tribal staff to ensure content posted by outsiders is appropriate.
1. Posted content (including comments) that are subject to immediate removal from the site include, but are not limited to, content that:
- Is not topically related to the particular article being commented upon;
  - Promotes or advertises commercial services, entities or products;
  - Supports or opposes political candidates or any resolution;
  - Is obscene;
  - Discusses or encourages illegal activity;
  - Promotes, fosters, or perpetuates discrimination on the basis of creed, color, age, religion, gender, marital status, national origin, physical or mental disability, or sexual orientation; or
  - Provides information that may tend to compromise the safety or security of the public or public systems.
- B. Inappropriate content must be removed immediately and a copy retained by the IS Department.

## **RETENTION OF POSTED INFORMATION**

- A. Department staff are responsible for ensuring retention of the original source content in organized, searchable electronic folders. Original content posted on social media sites must be saved in Word document or appropriate media file. The records should be retained in such a manner that entire folders can be deleted after reaching the Tribe's minimum retention period. Destruction must be appropriately logged and submitted to the Department of Technology Services.
- B. All comments posted on social media sites by outside users, including those that are inappropriate and removed by staff, must be retained. Staff must copy these posts, including the Tribal information to which they are responding if applicable, into a Word document to be retained as set forth in this policy. In addition, when staff removes inappropriate content they need to include their name and the date and time the content was removed.