

**CONFEDERATED TRIBES OF SILETZ INDIANS OF OREGON
PERSONNEL MANUAL
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Ordinance Number §2.800. Amended by Resolution 2003-192, dated April 23, 2003; Resolution No. 2003-455, dated October 17, 2003; Resolution No. 2003-519, dated December 19, 2003; Resolution No. 2004-263, dated June 18, 2004; Resolution No. 2004-373, dated September 24, 2004; Resolution No. 2004-507, dated December 17, 2004; Resolution No. 2005-201, dated May 21, 2005; Resolution No. 2005-361, dated September 16, 2005; Resolution No. 2005-388, dated October 22, 2005; Resolution No. 2005-481, dated December 16, 2005; Resolution No. 2006-125, dated March 17, 2006; Resolution No. 2006-192, dated May 18, 2006; Resolution No. 2006-299, dated August 18, 2006; Resolutions No. 2007-112 and 2007-113, dated March 16, 2007; Resolution No. 2007-144, dated April 20, 2007; Resolution No. 2011-158, dated May 23, 2011; Resolution No. 2013-292, dated November 14, 2013; Resolution No. 2014-330, dated December 19, 2014; Resolution No. 2018-355, dated November 15, 2018; Resolution No. 2020-179, dated April 17, 2020; Resolution No. 2021-230, dated June 18, 2021; Resolution No. 2021-283, dated August 20, 2021; Resolution No. 2021-387, dated November 17, 2021; Resolution No. 2021-425, dated December 17, 2021; Resolution No. 2022-271, dated August 19, 2022; Resolution No. 2023-054, dated February 17, 2023; Resolution No. 2023-310, dated October 20, 2023; Resolution No. 2023-333, dated November 4, 2023; Resolution No. 2024-204, dated June 18, 2024

Original Date: November 15, 2002
Subject: Personnel Manual

PERSONNEL MANUAL

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Part 1 GENERAL POLICIES

§ 2.800 SUMMARY

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- (a) **THIS MANUAL DOES NOT CREATE A CONTRACT, EXPRESSED OR IMPLIED.** This manual establishes uniform policies and procedures for Tribal operations and any programs operated by the Confederated Tribes of Siletz Indians of Oregon (CTSI). The manual is not exclusive, and other policies and procedures may apply. All Employees are responsible to know and adhere to the policies set forth in this manual. All changes, waivers, and exceptions to this manual are subject to the approval of Tribal Council.
- (b) For purposes of this personnel policy, the term "General Manager" (GM) applies equally to the "Executive Director", or General Manager of any other entity set up by Tribal law, provided they do not have their own approved personnel manual. The Chief Judge shall supervise Tribal Court personnel. The provisions of this personnel policy may be waived to meet the needs of any particular Tribal entity, subject to formal approval by the Tribal Council. If any portion of this policy is in conflict with Federal law, Federal Law will overrule.
- (c) Where an Employee has rights and responsibilities as an Employee, such as the right to grieve/appeal certain actions, such rights shall be exercised within the entity in which the Employee works.

Approved by Tribal Council 12/16/05

§ 2.801 DELEGATION OF AUTHORITY

In the case of the General Manager's absence, authority will be delegated to a designee to accomplish administrative functions.

§ 2.802 UPDATING AND REVISIONS

Maintenance and revisions of this manual are the responsibility of the General Manager. Tribal Council must approve all proposed revisions. The General Manager upon approval of Tribal Council will issue manual revisions. Staff suggestions for revisions shall be submitted in writing to the General Manager for review. Tribal Council reserves the right to amend the Personnel Manual by resolution. Approved revisions to this manual supersede any previous manual or unwritten policies. Employees are responsible for updating their individual Personnel Manuals.

§ 2.803 CONDUCT POLICY

- (a) **Introduction.** All Tribal Employees, Tribal officials, Judges and volunteers for the purposes of this policy shall be referred to as "Employees" and shall adhere to

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this Conduct Policy or be subject to the enforcement procedures outlined below. Tribal Council will follow their Ethics Policy and are not bound by this conduct policy:

- (b) **Tribal Identification Badges:** All employees, WEX placements, temporary employees, etc., must wear their ID badges so that they are visible at all times. Additionally, employees who work in the administration building are expected to swipe in and out of work at the beginning and end of their shift located at the rear entrance of the administration building. This does not take the place of signing in or out according to department or supervisor request, but is in addition to normal procedures.
- (c) All Employees shall comply with and/or recognize the laws, policies, priorities and procedures of the Tribe now in effect or issued or developed in the future.
- (d) No Employee shall use his/her position to threaten, intimidate, or attempt to influence an Employee or department in any manner inconsistent with the laws, policies, priorities, and procedures of the Tribe.
- (e) No Employee shall deviate from established Tribal policies without written authorization of the Employee's Supervisor, or if the Employee has no Supervisor, the Tribal Council or their delegate.
- (f) Employees are expected at all times to conduct themselves in a positive manner as to promote the best interests of the Tribe. A failure to behave in accordance with such expectations may subject an Employee to disciplinary action. Such conduct includes:
 - (1) Complying with all applicable laws (including criminal laws), policies, regulations or procedures. If the General Manager has reasonable grounds to believe an Employee has violated this subsection, where an investigation is ongoing, a conviction, guilty plea or plea of no contest has not been obtained, the General Manager shall have the authority to place the Employee on suspension, with or without pay:
 - (a) until an investigation is complete (or, if it appears the investigation may last more than two weeks, until the General Manager's request for a longer period of suspension can be presented to the Tribal Council as required by §2.858, at which time the Tribal Council may approve or deny an extension of the suspension), ;or

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- (b) when an Employee has been charged with a serious crime, pending resolution of any court proceedings related to the accusation of such crime.

Approved by Tribal Council 12/19/03

- (2) Complying with all Tribal safety and security regulations.
 - (3) Maintaining work place and work area cleanliness and orderliness.
 - (4) Treating all customers, visitors, and fellow Employees in a courteous manner.
 - (5) Refraining from behavior or conduct deemed offensive, undesirable, or contrary to the Tribe's best interests.
 - (6) Failing to report to the Employee's Supervisor, and/or a designated management staff person, behavior or evidence indicative of conduct by fellow Employees or clients in violation of any applicable laws, ethical obligations, or policies. The Supervisor shall immediately forward the report to the General Manager.
- (g) The following conduct is prohibited and will subject the individual involved to disciplinary action:
- (1) The reporting to work under the influence of alcoholic beverages and/or illegal drugs, including narcotics, or the sale, use, dispensing, or possession of alcoholic beverages and/or illegal drugs or narcotics on Tribal property.
 - (2) The use of profanity or abusive language.
 - (3) The possession of firearms or other weapons at the workplace, unless authorized otherwise by the General Manager or applicable law.
 - (4) Insubordination or the refusal by an Employee to follow a Supervisor's authorized instructions concerning a job-related matter.
 - (5) Fighting or assault on a fellow Employee or client.
 - (6) Theft, destruction, defacement, or misuse of Tribal property or of another

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Employee's property.

- (7) Altering without authority, or falsifying any Tribal record or report.
- (8) Threatening or intimidating Supervisors, Tribal officials, co-workers, or clients.
- (9) Violations to the dress code.
- (10) Engaging in any violation of the Productive Workplace Policy
- (11) Violating the procedures for disclosing confidential information as outlined in this manual, Section 2.811, Confidential/Privileged Information.
- (12) Attempt to enter into a relationship with a client that conflict with the interest of the client, or one that may impair professional judgment and increase the risk of exploitation of the client.
- (13) Employees are expected to model positive behavior when working with children and youth. This includes but not limited to, personal behavior when they represent the Tribe or Tribal Programs. This behavior includes refraining from smoking and/or alcohol use during an event sponsored by the Tribe.

The examples provided above are illustrative of the type of behavior that will not be permitted, but are not intended to be an all-inclusive listing. Any questions with this policy should be directed to the Human Resources Manager.

- (h) **Favors or Gifts:** Employees shall not accept any favors, services, gifts, or other items, excluding meals and food, from any vendor, contractor or individual firm having, or proposing to have business with the Tribe, when the value of such item exceeds \$300. Any Tribal Employee who receives such favor or gift will notify his or her Supervisor immediately and will return the item immediately.
- (i) **Conflict of Interest:** No Employee shall engage in any decision, which would be likely to result in a financial benefit or advantage to them, or their immediate family. Immediate family includes father, mother, son, daughter, husband, wife, sibling, or any other person living in the household. A conflict of interest does not exist when an Employee's decision benefits a general class of persons. A conflict of interest, for example, also exists when an Employee participates in any

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job interview where a qualified applicant for that job is a member of the Employee's immediate family.

- (j) **Contract Awards:** No contract for services to Tribal Government will be entered into if a Tribal Employee has an interest in the contracting entity without full disclosure to the Tribal Council, and approval of the Tribal Council prior to executing such contract.
- (k) **Supervision of Relatives.** No Tribal Employee will directly supervise or be supervised by a member of the Employee's immediate family.
- (l) **Enforcement Procedure.** Tribal Employees under the supervision of the General Manager and Tribal volunteers shall be subject to the disciplinary sanctions identified in the Siletz Tribal Personnel Manual, up to and including termination of employment.
- (m) **Appeals of Enforcement.** Tribal Employees may appeal disciplinary decisions as provided in the Siletz Personnel Manual.

Revision Approved by Tribal Council 12/17/04

§ 2.804 NON-DISCRIMINATION POLICY

Tribal Government will adhere to the application of the established Siletz Indian preference policy as stated in this manual. Tribal government will not discriminate in its employment practices.

§ 2.805 HOURS OF WORK

- (a) The standard work week will be 40 hours of work per week. All Tribal offices will be opened Monday through Friday from 8:00 a.m. to 4:30 p.m.; unless officially closed for a Tribal holiday, adverse weather conditions, or other functions approved by Tribal Council. Employees shall have a half-hour lunch break and two fifteen-minute breaks for each full day worked. No Employee will work through their lunch period and add it to hours worked, without prior approval from their immediate Supervisor. Each Supervisor has the responsibility of assuring that sufficient Tribal staff is present on a daily basis to conduct Tribal business.
- (b) The Employee's immediate supervisor and the General Manager must approve

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non-standard work schedules that fall outside the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, or the regularly scheduled shift. A Personnel Action Notice (PAN) will be completed designating the new hours and how long the action is to be in effect. A Personnel Action Notice will not be completed for Flextime or Comp time. The procedures for flextime and comp time are outlined in Section 2.808 – Flextime and Section 2.810 – Comp time, of this manual.

(Revised 11/14/13, Reso. No. 2013-292)

- (c) Employees are expected to be on the worksite at the start of their shift. An Employee who reports to work late may be subject to disciplinary action. A Supervisor may dock a non-exempt Employee who arrives late for their work schedule. Non-exempt employees who log in late will not be paid for time missed.

§ 2.806 SMOKE FREE WORKPLACE POLICY

The Tribe recognizes the health concerns related to the use of Commercial tobacco. Effective 02/19/10, “The use of commercial tobacco products will not be permitted on any tribal campus in and around Siletz Tribal offices, except in designated smoking areas.” The restricted areas where smoking and the use of smokeless tobacco is prohibited and will not be allowed on or near the grounds; these include the Fitness Center, Gymnasium, Childcare facility, and the new Health Clinic facility.

It additionally prohibits smoking within 25 feet of tribal building entrances and exits, in tribal vehicles. It generally establishes no smoking zones in, around or near areas where smoke could enter buildings. Designated smoking zones other than the balcony at Administration I will be established and clearly marked.

The policy further establishes and supports the Tribe’s efforts to protect the tribal youth from the harmful effects of tobacco use, tobacco smoke, and the use of smokeless tobacco.

- (a) Smoking or the use of smokeless tobacco by Employees while on duty is permitted only in designated smoking areas during the Employee's lunch and two 15-minute breaks.
- (b) Employees will take the responsibility for reminding one another and visitors of the no smoking policy, also each Employee will be responsible for making sure that refuse is disposed of in a safe and sanitary manner.

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Revised by Tribal Council 02/19/10

§ 2.807 DEFINITION OF WORK WEEK

The work week is defined as beginning at 12:00 a.m. on Saturday and ending at 11:59 p.m. on Friday.

§ 2.808 DEFINITION OF TIMES

ALTERNATE WORK SCHEDULES

The Employee's immediate supervisor and the General Manager must approve non-standard work schedules that fall outside the normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, or the regularly scheduled shift. A Personnel Action Notice will be completed designating the new hours and how long the action is to be in effect. This allows employees to schedule their regular working hours in a way that accommodates their personal preference and/or family commitments.

FLEX TIME

Employees who are in positions that, from time to time, require alteration of working hours, are to flex their working hours within the 7-day work week, so as not to exceed the normal amount of 40 working hours for the work week. Employees must get approval from his/her immediate supervisor, prior to each occurrence.

(Revised 11/14/13, Reso. No. 2013-292)

§ 2.809 OVERTIME PAY

When funds are available, the General Manager may authorize a non-exempt Employee to work in excess of 40 hours in one workweek, and to be paid overtime for such extra work. Overtime must be approved in advance and in writing, signed by the Employee's Supervisor, Manager, and the General Manager. Overtime work will be approved only when circumstances prohibit the use of flextime. Overtime will be paid at the hourly equivalent of one and a half times the Employee's regular hourly wage for actual hours worked that are in the excess of 40 hours per work week.

§ 2.810 COMPENSATORY TIME

(a) A non-exempt Tribal Employee may be occasionally required to work in excess of 40 hours in a 7-day work week. Employees must get approval from his/her

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immediate supervisor prior to each occurrence. Employees are required to keep a record of comp time and submit comp time log to payroll quarterly. If the employee's actual work hours exceed 40-hours, he/she will accrue comp time at time and a half. If the employee's actual work hours are less than 40-hours, he/she will accrue comp time at straight time

- (b) The Employee must secure the prior written approval of his/her immediate Supervisor and the Employee's program Manager in order to work over 40 hours within any given work week. In the event an Employee accrues more than eight (8) hours of compensatory time in one pay period, the Manager shall receive prior approval of the General Manager before authorizing accrual of additional hours. The maximum number of compensatory time hours any Employee may carry for a three-month period is 24 hours.

(Revised 11/14/13, Reso. No. 2013-292)

§ 2.811 **CONFIDENTIAL/PRIVILEGED INFORMATION**

- (a) Tribal Employees are prohibited from disclosing confidential information to any other individuals, including other Tribal Employees or Tribal officials, except for official reasons and with the express consent of their Supervisor, and the General Manager; or by an order of a court of competent jurisdiction. No information will be considered confidential or privileged if it is part of the public record of the Tribe, or any other public or Tribal entity. All work products, including confidential information, produced by an Employee in the performance of his/her duties are the property of the Tribe.

The following shall be considered confidential information:

- (1) Discussion or materials from an executive session of the Tribal Council, unless the Council specifically authorizes disclosure of such discussions or materials.
- (2) Client information of a personal nature, such as personal or household income, health, academic records, paternity, arrest records, and court proceedings, except to the extent such information is necessary to determine the client's eligibility or continued eligibility for Tribal services or to provide such services to the client.
- (3) Employee information of a personal nature, such as personal or household income, health, academic records, previous criminal history, disciplinary

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actions, and performance evaluations, except to the extent such information is necessary to determine an Employee's or applicant's suitability for Tribal employment, or in disciplinary investigations or proceedings.

- (4) Tribal personnel reports provided to the Tribal Council by the General Manager or Human Resources Manager.
- (5) Records in the enrollment office, including enrollment information and enrollment applications. Confidential information in the possession of enrollment staff may be disclosed to other Tribal Employees as necessary and appropriate for legitimate Tribal purposes, and on a "need to know" basis. A person's name, enrollment number and blood quantum shall not be considered confidential information. A person's address, unless explicitly excluded, shall not be considered confidential information.
- (6) Medical, counseling, or other health related records regarding patients or clients of the Tribal Clinic, Behavior Health Program, or other medical or counseling programs of the Tribe. These records may be disclosed only in accordance with applicable federal law and state licensing requirements.
- (7) Tribal mailing lists except to the extent such information is necessary for Tribal business.
- (8) Any other information which the Tribal Council directs will be kept confidential.

§ 2.812 REPRESENTATION OF THE TRIBE

An Employee may not assume the role of policy spokesperson for the Tribe, unless directed to do so by the General Manager, Tribal Chairman, or the Tribal Council. An Employee shall not make substantive statements, either verbally or in writing, on behalf of the Tribe, unless authorized to do so.

§ 2.813 ATTENDANCE AT TRIBAL MEETINGS

Unless their attendance is specifically requested by the Tribal Council, or required by their regular job responsibilities, Tribal Employees shall not be compensated for attendance at Tribal or General Council meetings. Tribal Employees are however encouraged to attend meetings of the Tribal Council and General Council on their own

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time.

§ 2.814 ABSENCE FROM WORK

Employees are required to make direct contact with their Supervisor within 15 minutes after the beginning of their scheduled shift on each day that will be missed. If the immediate Supervisor is unavailable the Employee will contact the next Supervisor in their departmental chain of command (see Appendix C. - Organizational Chart.) (Voice mail messages are not sufficient). Employees are required to inform their Supervisor of each subsequent day of absence and the reason for the absence. Failure to report within the required time may result in leave without pay. If an Employee is absent for three consecutive workdays without contacting his/her immediate Supervisor, he/she will be terminated from employment with the Tribe.

§ 2.815 OFFICE DRESS CODE

- (a) Employees of the Tribe (including all programs), represent the Tribe to members of the public, co-workers, and employer. Therefore, employee's appearance is a factor in job performance. All employees are expected to wear appropriate office attire. Employees should be neat, clean, well groomed, and present a professional business appearance at their daily location, in meetings with the public, or wherever they represent the Tribe. On those occasions where they will be working in the field under adverse conditions, supervisors will authorize appropriate attire. The department manager or supervisor, as part of employee's departmental orientation, will notify employees of any specific dress requirements within their department.
- (b) Employees who appear for work inappropriately dressed may be sent home, and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.
- (c) The General Manager may designate casual dress days. Casual dress may include clean, well-kept denim jeans. Casual dress will not include shorts, t-shirts with logos of tobacco, alcohol or other drugs, or other non-professional attire.

§ 2.816 CHILD ABUSE REPORTING REQUIREMENT

- (a) All Tribal Employees who have a reasonable cause to suspect that a minor has been abused or neglected shall report the suspected abuse or neglect to the Tribal Indian Child Welfare (ICW) Department. Any Employee who files a report of suspected abuse or neglect may, upon request and approval of the Court, remain

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anonymous, except those individuals who are required to report abuse according to their licensed professional standards. This policy does not supplant other professional mandates, or reporting requirements for child abuse reporting by licensed professional Employees.

- (b) All Employees or agencies reporting in good faith, known or suspected instances of abuse or neglect, shall be immune from either civil liability or criminal prosecution for such report.
- (c) While discipline may be imposed for failure to comply with reporting requirements, the reporting requirement shall not otherwise create civil liability for the employee, agency, or tribe.

§ 2.817 ADVERSE WEATHER CONDITIONS

- (a) When weather creates hazardous driving conditions, the Administrative staff will be responsible for notifying their staff by 6:00 a.m. of delayed office openings or office closures. The General Manager or designee shall make a determination whether to alter office hours and/or grant administrative leave based on local weather conditions.
- (b) In the event an Employee feels the weather conditions in their residential area are hazardous they should contact their Supervisor by the beginning of their scheduled shift to make arrangements regarding flexing their work hours, or request approval for annual leave.

§ 2.818 SECONDARY EMPLOYMENT

- (a) All Employees are required to notify their Supervisor, Manager, and General Manager in writing of any and all secondary employment by entities other than the Tribe and any businesses or entities of the Tribe. Such employment cannot result in any of the following:
 - (1) Conflict with or impairment of assigned duties.
 - (2) Conflict of interest.
 - (3) Unfavorable publicity or poor relations to the Siletz Tribe.
 - (4) Violate the propriety of Tribal documents.

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- (b) The General Manager shall forward the Employee's written notification of secondary employment to the Human Resources Department for inclusion in the Employee's file.

§ 2.819 **WELLNESS/FITNESS PROGRAM**

- (a) Full-time Regular Employees may participate in a wellness/fitness program using the following guidelines:
 - (1) An Employee may seek the approval of their immediate Supervisor for thirty (30) minutes each day (not to exceed three (3) days per week) to participate in a wellness/fitness activity of his/her choice (walking, running, etc.).
 - (2) Participation in off-site activities will be subject to verification.
 - (3) A written agreement between the Employee and his/her Supervisor shall be forwarded to Human Resources (HR) for approval. The Supervisor must verify that the time taken by the Employee is for wellness/fitness activities, and not for conducting other business.
 - (4) If the Employee misses his/her wellness/fitness activity for the allotted time, the Employee will not be allowed to make it up later.
 - (5) The Employees' time that is to be designated is to be staggered within a department, at the supervisor's discretion, to ensure adequate departmental coverage.
 - (6) Approval will not be granted for requests that require participation during the first or last thirty (30) minutes of the employee's scheduled workday.
 - (7) All wellness/fitness program agreements can be renewed on the annual anniversary of the original agreement.
 - (8) Employees will be responsible to initiate the renewal of their original agreement in writing.
 - (9) A copy of all written or rescheduled agreements will be forwarded to the Manager.

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- (10) Supervisors may disallow approved activity based on workload or departmental need.

PART 2 PAYROLL PRACTICES

§ 2.820 TIMESHEETS

The Accounting Department is responsible for the preparation of the Confederated Tribes of Siletz's payroll. Payroll checks will not be issued without a time sheet, which, includes the signature of the Employee/participant and approved by his/her immediate Supervisor. It is the Employee's responsibility to get his/her time sheet to the Supervisor so that these can be verified prior to the due date. It is the Supervisor's responsibility to ensure the time sheets are accurate and submitted in a timely fashion. A statement of gross earnings, an itemization of all deductions, and net earnings will accompany each paycheck.

§ 2.821 PAY DAYS

Tribal paydays will be every other Friday, unless the regular payday falls on a Tribal holiday, then paychecks will be issued on the preceding day. Under no circumstances should a check be cashed, or deposited prior to the date on the paycheck. Supervisors will retain any and all leave slips.

§ 2.822 LEAVE ADJUSTMENTS

The Accounting Department will automatically adjust an Employee's next regular paycheck for any leave without pay taken during the previous pay period for which the Employee was paid. In calculating the amount overpaid, the Accounting Department will not consider any leave accrued after the pay period in which the overpayment occurred.

§ 2.823 EMPLOYEE DEDUCTIONS/ BENEFITS

- (a) The following list includes benefits/deductions currently available through the Tribe. The Tribe reserves the rights to modify, add, or delete benefits that are not required by law. For Regular Employees who otherwise meet the eligibility requirement for benefits, a break in service that is due to circumstances within the program/department, and does not exceed two weeks will not be considered as a break in service for benefit eligibility.
- (1) FICA. Federal Insurance Contribution Act (FICA), commonly known as Social Security imposes taxes on the employers and Employees. These taxes finance Federal Old Age, Survivors, and Disability Insurance, and Medicare.

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- (2) **UNEMPLOYMENT INSURANCE.** Unemployment Insurance taxes are imposed only on the employer. These taxes pay for unemployment benefits received from the state of Oregon.. Participation in the state unemployment compensation program shall not constitute a waiver of the Tribe's sovereign immunity.
- (3) **WORKER'S COMPENSATION.** Worker's Compensation benefits are provided in accordance with the Siletz Worker's Compensation Claims Ordinance, §5.500.
- (4) **MEDICAL AND DENTAL INSURANCE.** Medical and dental insurance coverage will be provided through a group policy whose premiums will be paid by Tribal government for eligible Tribal Employees. Tribal Employees may acquire coverage for their spouse and dependents by authorizing a payroll deduction to pay the additional premium for this coverage. The insurance coverage will begin on the first day of the month following 30 days of employment and upon submission of the completed enrollment forms. An Employee who declines coverage is not entitled to the premium. For plan coverage information, and eligibility requirements refer to the handbook of each plan.
- (5) **RETIREMENT PLAN.** A 401(k) retirement plan may be provided for eligible Tribal Employees. Employees may voluntarily contribute into this tax deferred retirement account. For plan coverage information, and eligibility requirements refer to the handbook of the plan.
- (6) **DISABILITY.** The Tribe provides disability insurance for eligible Tribal Employees. For exclusions, limitations, and eligibility requirements refer to the handbook of the plan.
- (7) **LIFE INSURANCE.** The Tribe provides Life Insurance for eligible Tribal Employees. Additional coverage may be available through a payroll deduction. For plan coverage information, and eligibility requirements refer to the handbook of the plan.
- (8) **AUTOMATIC DEPOSIT.** Automatic Deposit of payroll checks is available and encouraged. Information and forms may be obtained from the payroll department.
- (9) **GARNISHMENT/OFFSET.** Paychecks are subject to garnishment and/or

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offset to the extent authorized by Siletz Tribal Law for any outstanding debts owed to the Tribe.

- (10) **VOLUNTARY DEDUCTIONS.** Voluntary payroll deductions other than those offered as CTSI employee benefits will be limited to fixed amount deductions for Tribal Programs (i.e. Housing, Clinic, STRCP and Child Care) and special onetime deductions authorized by the General Manager. Deduction starts/stops changes will be limited to one time per quarter. If the purpose of the deduction is to satisfy a Tribal debt, it is the responsibility of the employee to notify the Payroll department that the debt has been satisfied and to stop the deduction. CTSI reserves the rights to refuse non-Tribal program deductions. All employees who want voluntary deductions must complete a voluntary deduction form and submit it to the Payroll department.

Revision Approved by Tribal Council 08/18/06

§ 2.824 FINAL PAYCHECK POLICY

- (a) Terminated Employees, whether the termination be voluntary, involuntary or mutual consent, will be paid following completion of their final working day, subject to offset/reduction for unpaid debts owed to the Tribe or unreturned property. Supervisors of Employees resigning, or terminated are responsible for forwarding the necessary paperwork to the Accounting Department.
- (b) Employees who terminate their employment shall complete a check-out sheet certifying that all paperwork has been completed, all equipment and office supplies have been accounted for, all keys have been turned in, all outstanding travel reimbursements have been completed, and the Tribal Employee identification card and credit cards have been turned in before receiving their final paycheck.

PART 3 HIRING POLICIES

§ 2.825 DELEGATION OF AUTHORITY

- (a) The General Manager may delegate his or her authority to hire Tribal Employees to another Tribal Manager, Administrator, or Supervisor; either on a case by case basis or by general order on such terms as he or she believes will best serve the

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interests of Tribal government, provided such delegation is in accordance with the policies outlined in this manual.

- (b) Managers are responsible for coordinating all position vacancies with the Human Resources Department and ensuring funds are available to fund the vacancies.
- (c) The Tribal Council delegates to the Human Resources Manager the following authority to provide oversight of the hiring process:
 - (1) To ensure that all appropriate Tribal hiring policies and procedures are followed.
 - (2) To provide consistency in the hiring process.
 - (3) To provide technical assistance to staff on hiring issues.
 - (4) To coordinate and facilitate hiring activities in a timely manner.

§ 2.826 **TRIBAL REGULATIONS APPLIED TO JOB VACANCIES**

(a) **Indian Preference Policy**

- (1) The Tribe will give a preference in hiring, first to enrolled Siletz Tribal members; and secondly to enrolled Indians of other federally recognized Tribes.
- (2) Preference will be given to those individuals who provide documentation of Tribal enrollment at the time of application submission, and who are determined to meet the qualifications identified in the position description. When two or more applicants meet the qualifications for a position the preference set out above will be used to select from among the applicants.
- (3) Following interviews, an applicant eligible for Indian preference shall be hired for the position unless the applicant is determined to be unsuitable for the position. The Interview Committee shall document the reasons for non-selection of an applicant who qualifies for Indian Preference.

(b) **Veteran Consideration Policy**

- (1) The Confederated Tribes of Siletz Indians recognizes and acknowledges the sacrifices that veterans have made, and the hardships they have

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endured, while serving in the armed forces of the United States.

- (2) Consideration will be applied by adding five (5) additional points in the rating process to qualified veterans who meet the requirements of the job description. This consideration does not supersede Tribal preference in hiring.
- (3) Eligibility under this section shall apply to those veterans who receive an honorable discharge or a general discharge under honorable conditions. Applicants must provide a copy of their DD214 or discharge certificate to receive Veterans Consideration.

Approved by Tribal Council 04/20/07

(c) Pre-Employment Background Check Requirements

- (1) Criminal history background investigations will be completed on all Employees or potential Employees, including temporary employees and volunteers, before beginning work with the Tribe. All criminal history background investigations shall meet or exceed the standards required under the Indian Child Protection and Family Violence Prevention Act, 25 U.S.C. §3201 *et seq.* and 25 C.F.R. Part 63. Temporary Pow Wow employees are exempt from this Section.
- (2) A background check described above may also be performed after the pre-employment period if reasonably necessary to insure the safety of children, Elders, funds, workplace, or to otherwise comply with applicable laws and regulations.
- (3) Additionally Head Start employees, ICW, Child Care providers, or other program staff that may be designated by the General Manager will be required to be enrolled in the Criminal History Registry operated by the Oregon Department of Employment.
- (4) No person(s) shall be hired or allowed to work (including volunteers, work experience, interns, etc.) in any position that has regular contact with, or control over children if the person has ever been found guilty, entered a plea of no contest, or entered a plea of guilty to any offense under federal, state, or Tribal law which involves violence, threat of violence, sexual assault, molestation, exploitation, prostitution, crimes against persons, or offenses committed against children.

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- (5) Applicants for any position shall be required to list any and all convictions, no contest pleas, diversion agreements, any other adjudication of guilt, and/or pending charges for any crime. Applicants must sign consent to a criminal history authorization.
- (6) The Human Resources Department shall coordinate the criminal history check through the appropriate agency. No person shall begin work in any position that has regular contact with, or that has control over, children until a criminal background check is completed.
- (7) Driving record checks of three years non-employment reports will be required on any applicant or employee who is or reasonably may be required to drive in the performance of his or her job.
- (8) A background check and/or driving records check described above may also be performed after the pre-employment period if reasonably necessary to insure the safety of children, Elders, funds, vehicles, property or workplace to otherwise comply with applicable laws, regulations, and to meet employment requirements.
- (9) The General Manager will be the sole authority to evaluate the applicability and effect of the results of any criminal history checks. Except where an applicant is barred from a position by subsection (4) above, the General Manager shall have discretion to approve or disapprove any offer of employment to an applicant based on the results of the pre-employment criminal history background and/or driving records check. The General Manager shall consider the nature and/or severity of any negative report, the timing of the report (whether relatively recent or distant), rehabilitation activities, and the position requirements.

(d) Pre-employment Drug Testing

The Tribe's policy is to maintain a work place that is free from the effects of drug and alcohol abuse. The Tribe will not hire applicants whose current use of such substances impairs their ability to perform work safely and adequately. For that reason, the Tribe will test all applicants to whom offers of employment are made, for illegal drug use or misuse of legal drugs, as a condition of employment with the Tribe. After an offer of employment is made, but prior to beginning work, the candidate will submit to a drug test scheduled by Human Resources. The Tribe reserves the right to withdraw the offer of employment if the test results indicate illegal drug usage, or misuse of legal drugs. Temporary Pow Wow employees are exempt from this Section.

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(e) **Valid Driver's License and Insurability Requirements**

- (1) Prior to beginning employment, in those jobs that require a valid driver's license, an applicant or employee must provide documentation of a current valid driver's license, automobile insurance, and a three year non-employment driving record. In cases where transports are a major part of an applicant's job duties, or if the Tribe's insurance carrier requires, the applicant or employee must agree to provide a three year non-employment driving record check.
- (2) Proof of a valid driver's license and insurance will be documented at orientation. If for any reason, an Employee loses his/her driver's license or automobile insurance they must immediately notify their immediate Supervisor in writing. Failure to notify will result in disciplinary action. The General Manager shall have the authority to determine if a Driver License and automobile insurance is a necessary requirement of the job. An Employee may be terminated for failure to meet job requirements if it determined that driving is mandatory requirement of the position.
- (3) New Employees with out of state driver's licenses shall be required to obtain a valid Oregon driver's license within the time frames required by state law. Failure to obtain an Oregon driver's license in a timely fashion may be grounds for termination

(f) **High School Diploma/GED Waiver**

The High School Diploma/GED requirement for entry level positions will be waived for enrolled Tribal members who are 55 years of age or older.

§ 2.827 PROCEDURES FOR FILLING JOB VACANCIES

(a) **Establishment of New Positions**

Any Supervisor seeking to add a new position (salaried, part-time, temporary, volunteer or seasonal) must:

- (1) Design a job description to meet the need of the job duties. The job description shall include job title, job location, and scope of work, overall responsibilities, specific job duties, the qualifications, and suggested

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salary/wage.

- (2) Complete and submit a job requisition form, which includes a justification for the new position and a description of resources available to fund the position.
- (3) Coordinate through the Human Resources Department, which will review the job description to ensure consistency with hiring policies and procedures, obtain Tribal Council approval (or General Manager approval for temporary positions), and complete the recruitment process.
- (4) The Chief Executive Officer is authorized to make edits to approved job descriptions, provided it does not significantly alter the job responsibilities and does not result in a change in Tribal wage level.

Approved by Tribal Council 2/17/2023

(b) Filling an Existing Vacancy

- (1) As a position becomes vacant, the Manager will submit a Job Requisition form to the Human Resources Department requesting advertisement of the position. The Manager shall send a job description that includes any proposed revisions from the previous job description.
- (2) Tribal Council must approve revisions on all regular job descriptions. Human Resources will review the job description for consistency with hiring policies and procedures. Following the review, Human Resources will notify the Manager of any changes and determine a closing date and appropriate advertising medium.
- (3) The General Manager has the authority to fill temporary vacancies that do not exceed 120 days without following the advertising and competition procedures described in this manual. A Job Requisition form must be submitted by the Supervisor, and approved by the General Manager for any temporary position.
- (4) Temporary vacancies exceeding 120 days, which include replacements for Employees on maternity leave, prolonged illness, or other unscheduled long-term absence must be approved by Tribal Council. Recruitment will occur to identify more than one qualified candidate. The supervisor will submit selections, and the General Manager will approve the selection.

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(c) **Transfers**

- (1) The General Manager may initiate or approve Employee job transfers from one job to another, or from one location to another if all of the following conditions are met:
 - (A) The Employee's position is being eliminated due to organizational restructuring or loss of funding -OR- the Employee has a documented medical condition that prohibits the Employee from performing the essential duties of his/her position.
 - (B) The Employee has not been working under a grant provided by an outside entity of limited duration, other than a self-governance contract, for a period of less than three years.
 - (C) The Tribe has employed the Employee for at least six months.
 - (D) The Employee has not received any disciplinary action for the past six months.
 - (E) There is a current job vacancy, and the Employee meets the requirements as stated in the job description. If the transfer request is based upon a medical condition, the Tribe shall require a physician's statement to verify the Employee's ability to perform the essential duties of the new position.
- (2) The Employee will be eligible for a transfer once the event giving rise for the need of a transfer is documented. If two or more Employees are eligible for a transfer into one job vacancy, the interview process will be conducted.

(d) **Advertisement and Recruitment**

- (1) The Human Resources Department will advertise vacancies for a period of at least two weeks. Vacancies may be advertised utilizing the following resources:
 - (A) Tribal Newsletters and/or Newspapers.
 - (B) Other Tribes and Native organization.

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- (C) Local Newspapers.
- (D) Professional publication/newsletters.
- (E) Job opening announcements may also be sent to local Indian organizations, schools, and training institutes.
- (F) Websites.

- (2) If the advertisement/recruitment process does not result in at least two qualified candidates, the Human Resources Department shall re-advertise the vacancy for an additional two week period.

(e) Submission of Job Application

- (1) An applicant must submit a current, updated Tribal employment application to be considered for a position with the Tribe. An applicant will be required to submit an employment application for each position he/she desires to apply for. Applications will remain on file for six months. Applicants will be required to show and demonstrate that they meet the qualifications of the job description, and submit the required supplementary material required in the job announcement in order to be considered for an interview for any job vacancy.
- (2) Incomplete applications will be returned to the applicant for completion.
- (3) Job applications must be received by the close of business as set forth in the job announcement. Applications are date stamped on the date received by Human Resources department or the front desk receptionist.

(f) Applicant Screening

The Human Resources Department will conduct the initial screening of all employment applications. Applications will then be forwarded to the Program Manager and Immediate Supervisor for their review, along with a recommendation from Human Resources on which applicants to interview and their preference status. Enrolled Siletz Tribal Members who meet the qualifications as stated on the Job Announcement will be granted an interview. The Manager and the Immediate Supervisor will review applications, identify an interview date, and develop interview questions. The Human Resources Manager will schedule applicable testing and interviews.

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(g) Interview Committee Formation

- (1) For all positions other than the General Manager, Assistant General Manager, Council Secretary, Chief Judge, Gaming Commissioners, Gaming Monitor, and Tribal Attorney, a committee shall be appointed of not less than three members including the immediate Supervisor of the position being filled.
- (2) No Employee will be eligible to participate as a member of the Interview Committee if he/she is an immediate family member of the interviewee. Immediate family member is defined as: Father, mother, son, daughter, husband, wife, brother, sister, or any other person living in the same household.
- (3) The HR manager will designate the interview committee make-up, which shall include the Program Manager, Supervisor and either a Tribal Council member or Committee member of that department. In the event that a council member or committee member is not available, another supervisor will be selected.

(h) Notification to Applicants Not Selected for Interview

- (1) The Human Resources Department will ensure that all applicants not selected for an interview are notified in writing.
- (2) If an enrolled Siletz Tribal Member is notified that they do not meet qualifications for a position, and he/she disagrees with that decision, the applicant shall have 5 working days from the date on the notification letter to submit a written appeal for reconsideration with the General Manager. The General Manager will review the applicant's application to determine if he/she did meet the qualifications. If the General Manager determines that the applicant did meet the qualifications, the applicant's name will be added to the interview list. The General Manager's decision on whether the applicant meets the qualifications of the position shall be final for the Tribe.

(i) Reference Checks.

- (1) Human Resources will be responsible for scheduling interviews.
- (2) The Human Resources Department will conduct reference checks on those

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applicants selected for an interview. To the extent possible, reference checks will be available to the committee for viewing prior to the interview.

- (3) Tribal Managers and/or Supervisors who receive internal requests for reference checks shall complete those checks with candor, within five (5) working days of receipt. The Manager or Supervisor may seek assistance from Human Resources or the Legal Department for any questions regarding reference checks. Failure to promptly complete internal reference checks may be grounds for disciplinary action.

(j) **The Interview Process.**

- (1) Human Resources will be responsible for scheduling interviews.
- (2) Prior to the interview date, Human Resources will prepare the interview questions that the Manager and Immediate Supervisor developed. Human Resources will review the interview questions, and any testing material to ensure they are in line with the qualifications as stated on the Job Announcement and other Tribal policies.
- (3) At a minimum, during the interview process, the applicant will be asked the following:
 - (A) To state the specific nature of his/her experience that relates to his/her ability to successfully complete job duties;
 - (B) Whether the applicant can perform the essential duties of the job, and;
 - (C) Whether the applicant has any objections to undergoing a drug screen prior to employment.

The Human Resources Department will maintain the Interview Committee's records of each applicant's responses to the "standard" questions.

(k) **Recommendation for Hire**

- (1) After the interviews are completed the Interview Committee will review all relevant material and make a recommendation for hire.

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- (2) In determining the final selection, committee members should evaluate candidates on the following basis:
 - (A) Applicant's written and oral responses to each listed job requirement.
 - (B) Extent to which the applicant's listed experience and abilities are related to the job opening and are verifiable.
 - (C) Applicant's work record with particular emphasis on stability, dependability, and potential for growth.
 - (D) Whether applicants meet requirements and can perform the job qualifications of the position.
 - (E) Applicant's general conduct during the interview, with principal emphasis on the applicant's ability to work with the Council, community, Tribal Employees, and other agencies; and his/her ability to meet general rules of conduct for all Employees. After completing the interview process, the Interview Committee will forward all interview notes, records, along with the recommendation for hire, to Human Resources.
 - (F) All information, selection, interview notes are confidential. No decision is final until approved by General Manager.

(1) **Final Authorization for Hire**

- (1) After reviewing the Interview Committee's recommendation, the Human Resources Department will forward the selected applicant's file to the General Manager. The General Manager will review and, if acceptable, sign off on the hiring recommendation.
- (2) In the event that a Tribal member is disqualified by the Interview committee, the committee is required to document, in writing the reason for such disqualification.
- (3) If the General Manager disagrees with the hiring committee's recommendation, the General Manager will convene a meeting with the Interview Committee to discuss his/her concerns.

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- (4) The final authorization for hire rests with the General Manager and is considered final for the Tribe.

(m) **Hiring**

- (1) After the General Manager's signature is obtained, the Human Resources Department will notify the applicant of his/her selection, and schedule an appointment for them to undergo a drug screen and run a criminal history check. Upon verification of a satisfactory drug screening and criminal history approval, the Human Resources Department will set up an orientation appointment for the new probationary Employee.
- (2) In the event that the person selected refuses the job offer or terminates employment within ninety days, the General Manager is authorized to use the same interview list to fill the position. The Human Resource Department, after General Manager approval can offer the position to the Interview Committee's next choice.

(n) **Non-Selection**

Applicants not selected for the position will be notified as soon as the official hiring process is complete. Employees who are temping in the position will be notified by the supervisor of non-selection. There are no appeal rights for non-selection.

(o) **Personnel Action Notices (PAN)**

A new hire Personnel Action Notice will be created by the HR Department, the information will include salary, position, evaluation dates, funding sources and previous tribal employment from the applicant's application. Since the General Manager has signed the rating form for the approval of hiring, new hire Pans will not require GM signature.

PART 4 EMPLOYEES TRAINING AND ORIENTATION

It is the policy of the Siletz Tribe to encourage all Employees to continue educational endeavors, to improve their skills, and to pursue advancement in their job status.

§ 2.828 **NEW EMPLOYEE ORIENTATION**

All new hire employees are required to attend a mandatory New Hire Orientation and

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Benefits Orientation.

- (a) An orientation program will be developed by the Human Resources Manager to Acquaint each new Employee with Tribal government and to familiarize them with their jobs. Each Employee's Supervisor will be responsible for assuring that the orientation program is carried out.
- (b) At a minimum, the orientation program will include the following:
 - (1) An opportunity for the Employee to read and ask questions about this manual.
 - (2) An opportunity for the Employee to read Tribal government materials that are relevant to the Employee's job; including work plans, program contracts and grants, annual reports and program budgets.
 - (3) An opportunity for the Employee to meet Tribal Employees, representatives, and officials which whom the Employee will work with.
 - (4) An opportunity for the Employee to resolve any questions about the work for which the Employee is responsible, either through the Employee's direct Supervisor or through another Tribal Employee.
 - (5) Information about the importance of work related safety, and the Employee's responsibility for safety.

§ 2.829 **SKILL DEVELOPMENT AND TRAINING - EMPLOYEE DEVELOPMENT PLAN**

- (a) The Employee and his/her immediate Supervisor may develop an annual Employee Development Plan (EDP) which outlines the Employee's need for training and education to improve their performance relating to his/her current position, or prepare the Employee for future promotional opportunities. Training and education shall be defined as continuing education, conferences, seminars, and professional training. The Immediate Supervisor approves the EDP. An approved EDP does not constitute approval for specific travel or training.
- (b) Training Requests must be submitted and approved by the Employee's immediate Supervisor, Program Manager, and the General Manager. Out-of-area training requests must follow the procedures outlined in the Operations Manual. Training Requests will be evaluated on the length of time the employee will participate in

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the training, and the overall benefit to the Tribe. Employees within their probationary period can attend training with appropriate approvals.

- (c) If feasible, each program is responsible for determining and including training funds in their program budgets. Approval of funding for training does not constitute approval of training.

PART 5 PERFORMANCE EVALUATIONS

§ 2.830 TIMING OF EVALUATIONS

- (a) Evaluations will generally be held at the designated times indicated in this section, but may be conducted more frequently, or less frequently depending upon the business needs of the Tribe.
- (b) All new employees shall have a performance evaluation at the midpoint (three months) of the probationary period. A salary increase will not be received at the midpoint evaluation.
- (c) All new Employees will be evaluated upon completion of their probationary period, which, will be their six (6) months evaluation.
- (d) All other Employees will be evaluated on the anniversary date from their six months evaluation. Evaluations are to be completed and submitted with the appropriate signatures to the Human Resources Department on the anniversary date of when the Employee obtained Regular Employee status.
- (e) Evaluations that are not completed within 45 days of due date will be considered satisfactory and a Personnel Action Notice will be completed to include the normal step increase if applicable. Untimely completion of evaluations may subject supervisor/Managers to disciplinary actions and/or may affect their own evaluation.
- (f) An evaluation Personnel Action Notice will be created by the HR Department, the information will include any salary increases, position changes, evaluation dates, and funding source. Since the General Manager has signed the evaluation form, Evaluation PANS will not require GM signature.

§ 2.831 PROCEDURES FOR EVALUATIONS

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- (a) The immediate Supervisor will complete an Evaluation Form for each Employee. A draft evaluation will be reviewed by the second line supervisor prior to conducting the evaluation with the Employee. At this point, the second line supervisor may add input, as they deem appropriate. The Supervisor and the Employee will then meet to review and discuss the final evaluation. After the review and discussion is complete, the Employee shall sign the evaluation to acknowledge the review took place. The Employee may include a written response to the evaluation. The Employee's written response must be submitted to the Employee's immediate Supervisor and the Human Resources Department within ten working days after the completed review.
- (b) Evaluations will be based upon an assessment of the Employee's job Responsibilities and performance
- (c) Each evaluation will result in a determination by the Supervisor that the Employee's work is "Distinguished", "Commendable", "Satisfactory", "Needs Improvement", or "Unacceptable".
- (d) If an Employee's overall rating is Distinguished in two consecutive non-probationary evaluations, and if there is money available in the program budget, the Supervisor may recommend that the General Manager approve a permanent merit increase not to exceed 6% of the Employee's salary.
- (e) If any Employee's overall rating is Satisfactory, at the Employee's request, the Supervisor should identify those areas of the Employee's performance, which can be improved.
- (f) If an Employee's overall rating is Needs Improvement, or Unacceptable, the Supervisor will identify those areas of the non-probationary Employee's performance which must be improved and develop a work plan to cover the following 90 day period, at which time another evaluation will be conducted. Overall ratings below effective, is an overall average score lower than 2.6. Upon satisfactory completion of the work plan the employee will be re-evaluated and if their rating is satisfactory they will receive their step increase from the date of a satisfactory evaluation. The normal evaluation date will not change.
- (g) If an Employee's overall rating is Unacceptable, the Employee may be discharged from Tribal government employment.
- (h) If the Employee is on probation, performance that could be rated as "Needs

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Improvement" or "Unacceptable" may result in termination of employment. Termination of a probationary Employee need not, however, specify a reason for such termination.

- (i) A non-probationary Employee who disagrees with his/her evaluation may appeal the evaluation under the terms of the Employee Appeal Procedure.
- (j) Tribal Council will evaluate Employees that they directly supervise.
- (k) The Human Resources Department may alter the evaluation process, with approval of the Tribal Council to fit the needs of different job positions.
- (l) The Human Resources Manager shall periodically review performance of the evaluation process to ensure that it is accomplishing the purpose of encouraging superior Employee performance. The Human Resources Manager may suggest changes in the evaluation process from time to time as appropriate and such changes shall be included in this manual after approval by the Tribal Council.

Revision Approved by Tribal Council 10/17/03

PART 6 SALARY ADMINISTRATION

§ 2.832 SALARY SCHEDULE

- (a) The salary schedule (see Appendix B) will be reviewed annually by Tribal Council, and may be adjusted for cost of living increases or other increases if Tribal Council so warrants. The salary scale ends at step 10. Employees who reach step 10 are only eligible for approved COLA's.
- (b) Pay Differential Policy:
 - (1) Intent: Authorize the CTSI CEO to implement a Pay Differential Policy in an effort to appropriately compensate employees for reasons listed below. Not addressing pay differentials related to such reasons can cause pay disparity and inequity. Pay differential may be needed in order to recognize:
 - (A) Recruitment and retention difficulties
 - (B) Undesirable work location or ship assignment
 - (C) Performance of atypical duties
 - (D) Recognition of special but temporary responsibilities

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- (2) Definition: Pay Differential - A special additional pay recognizing unusual competencies, circumstances, or working conditions applying to some or a group of employees.
- (3) Policy: The CEO may authorize a pay differential not to exceed ten percent of the base salary to address the situations listed under the Intent of this policy. Under an approved emergency declaration, the CEO may authorize a pay differential not to exceed twenty percent of the base salary. The CEO in consultation with the Human Resources Director will consider the following when determining if a pay differential is appropriate and to determine an appropriate differential amount:
- (A) Are the duties included in the employee job description? If the duties in question are expected to be permanent, a revised job description shall be drafted, rated and presented to Tribal Council for approval. If the duties are temporary, attempts will be made to hire temporary staff.
 - (B) Is the employee temporarily assuming full responsibility of an unoccupied position as the interim holder instead of his/her regular position? CEO shall consider the additional duties and hours dedicated to the interim position that are assumed.
 - (C) Supervisor temporarily assumes responsibilities for a subordinate employee.
 - (D) An employee temporarily assumes responsibilities of a position that is either paid equal or paid less than his/her regular position. An increased workload in these situations should be addressed by workload redistribution and/or hiring temporary staff.

The employee or supervisor must submit a Pay Differential Request Form to the Human Resources Director. The form must include:

- (A) Copies of relevant job descriptions(s).
- (B) A list of the higher level responsibilities.
- (C) The number of hours which are devoted to, or expected to be devoted to, the additional higher-level responsibilities, plus the number of hours in the employee's work week.
- (D) The time period during which the subject employee is expected to perform the additional higher-level responsibilities (including beginning and end dates).

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- (E) Explanation of the need for higher-services compensation (as opposed to permanently filling the position or other alternatives).
- (F) The plan for ending the temporary responsibilities.
- (G) Identify an appropriate budget.

If the pay differential is approved, the CEO will direct the Human Resources Department to process a PAN outlining the pay differential amount and timeframe. If an extension is required beyond the approved timeframe, approval will be required to continue the pay differential with a new plan. The Human Resources Department will track pay differential approvals and report monthly to Tribal Council. If the request is not approved, the Human Resources Director will provide the employee or supervisor a written decision including recommendations to address the Justifications included on the Request Form. This decision is final for the Tribe.

Revision Approved by Tribal Council 11/04/2023

§ 2.833 NEW EMPLOYEES

Salaries for new Employees are established within the ranges of the established salary schedule. At the recommendation of the department supervisor, new employees will be placed on the salary scale at Tribal Level Step One for the established pay grade. If program budgets permit, new employees may be placed on the salary scale based on the Hire-In tool, at a step no higher than five. The Hire-In tool factors in years of education, years of direct experience and professional certifications directly related to the position.

§ 2.834 MERIT INCREASES

- (a) Merit Increases are given upon receipt of a satisfactory performance evaluation at the conclusion of the probationary period and thereafter based on satisfactory or higher level of performance and upon availability of funding. The general guidelines for merit increases are as follows:
 - (1) Satisfactory completion of six months probation period: 2.5% increase.
 - (2) Satisfactory performance merit increase: One step 2.5% increase for step 1 – 7, at step 8, step increases will be every other year until the employee has reached step 13. The merit increase for steps 11-13 is at 2.0%. The performance evaluation score must be "Satisfactory", or better for an Employee to be eligible to receive the step increase.

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- (3) If the overall evaluation score is below Satisfactory, (rating lower than 2.6), then the Employee will be ineligible to receive a step increase on his/her evaluation.
- (3) Distinguished Performance Merit Increases: Within the limits of available funds, the Tribal Council may set aside sufficient funds to award Tribal Employees a permanent merit increase based on Distinguished performance. Merit increases may be granted to Employees for sustained Distinguished performance over a period of time as evidenced by two performance rating periods, in which all of the Employee's job elements must have been performed in a manner substantially exceeding normal requirements.

Distinguished performance merit increase shall not exceed 6% of the Employee's gross wages, and must not conflict with the salary schedule. No merit increase, which exceeds the salary ceiling for the Employee's position, will be approved without the consent of Tribal Council. Distinguished performance merit increases will be awarded, based upon the individual Employee's performance. Recommendations must be submitted by the Employee's immediate Supervisor, and approved by the Manager, and the General Manager. If the General Manager is the Employee's immediate Supervisor, the Tribal Council must approve the recommended merit increase. Merit increases for the General Manager must be recommended by a member of Tribal Council, and approved by the Tribal Council.

The Human Resources Manager is responsible for assuring the consistent and equitable application of merit increase procedures throughout Tribal government. The General Manager may reject any recommended merit increase, which he/she believes is not supported by the performance evaluations, or which he/she believes is not in the best interest of Tribal government.

Revision approved by Tribal Council 10/17/03

§ 2.835 CHANGE IN JOB ASSIGNMENT

A job assignment may change due to position reclassification, temporary transfers, or being selected through the hiring process for another position within Tribal

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administration. When an Employee is assigned to a new Tribal Level (TL), his/her anniversary date of employment will change to the effective date of the new Tribal Level assignment.

§ 2.836 POSITION RECLASSIFICATION

Additional job duties may be assigned to a position, if it is the job within the department to which the responsibility logically would fall. Revised job descriptions must be submitted by the Supervisor with a written justification that outlines the changes, which have been made in the job and the reasons for the changes. In addition, an Employee may request to his/her immediate supervisor that his/her position description be updated and re-evaluated due to a permanent change in job duties and responsibilities that have occurred over a period of time. The Supervisor, Manager, General Manager and Tribal Council must approve all revisions. The Tribal Council has final approval for job description revisions.

If the position is reclassified and warrants a Tribal Level increase, the Employee's current pay will be increased by two percent and then located on the higher Tribal Level. If the pay increase is substantial, and cannot be located on the new Tribal Level, then the Employee will start out at step-one of the new Tribal Level. If the position is reclassified and it warrants a pay decrease, the Employee's current compensation will remain frozen until it comes in line with the new Tribal Level.

§ 2.837 TEMPORARY ASSIGNMENTS

An Employee who is temporarily assigned to a different position will receive his/her current salary/wage if the temporary position is paid at a lower rate. If the position is paid at a higher rate, and the Employee can perform all of the duties in the job description the Employee will be paid at the higher rate assigned to the temporary position. If the Employee cannot perform all of the duties in the job description, a modified job description will be developed and evaluated for the appropriate compensation.

§ 2.838 HIRED FOR A NEW POSITION

- (a) If an Employee is selected for another position within Tribal administration, the Employee will be paid at the same rate if the position is classified at the same Tribal Level and current step.
- (b) If the new position is at a higher Tribal Level the Employee's current pay will be

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increased by two percent and then located on the higher Tribal Level. If the pay increase is substantial, and cannot be located on the new Tribal Level, then the Employee will start out at step zero.

- (c) If the new position is at a lower Tribal Level, then the Employee's pay will be lowered to reflect the new Tribal Level. The employee will maintain his/her current step for satisfactory performance and years of service.
- (d) All new hires will serve the six-month probation period, unless specifically stated in the job description.

PART 7 EMPLOYEE RECOGNITION and INCENTIVE AWARDS

§ 2.839 GOAL OF RECOGNITION and INCENTIVE AWARDS PROGRAM

The Employee Incentive Award Program has been designed and implemented to recognize Employees whose individual or group efforts have increased the efficiency, economy, or effectiveness of Tribal government operations; and/or recognize Employees for their outstanding performance of official or non-official duty.

§ 2.840 INCENTIVE COMMITTEE

- (a) The General Manager will appoint the Incentive Committee. The Incentive Committee should consist of the following representatives: 1 Management staff, and 4 program staff. The Human Resources Department will act as non-voting coordinators. The Incentive Committee will be effective January 1 to December 31 of each year.
- (b) A quorum of at least three voting members must be present for the committee to make selections.
- (c) Awards are not mandatory nor are they an entitlement. The decision to approve or disapprove an award, is the incentive committees prerogative. An award or recognition may be approved in an amount or type that differs from the original nomination, or be disapproved. The committee may decline repeat nominations for employees or departments. Final approval remains with the General Manager.

§ 2.841 NOMINATIONS AND AWARDS

- (a) Nominations will be solicited from all CTSI Employees on a quarterly basis, for the previous quarter for the following:

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1. Spot Awards – A spot award is a monetary or non-monetary award designed to grant “immediate” recognition to an employee or groups of employees for their day-to-day extra efforts and contributions.
2. Employee Suggestion/Invention Award – An employee suggestion award is for reduction, elimination, improvement or development in the cost of or labor saving operation, services or improves employee morale.
3. Special Acts or Service Award – A special act or service award is given to recognize a meritorious personal effort, act, or service or other achievement accomplished within or outside of the normal job responsibilities.
4. Time off Award – Employees may be granted up to 8 hours of paid time off during an year as an award for achievements or performance contributing to the Tribe’s mission.
5. Extra Effort Award – Extra effort awards recognizes employees or groups of employees who make a significant one-time contribution to the Tribe or program goals.
6. Performance Bonuses – A performance bonus is monetary recognition given to an employee for overall accomplishments achieved during normal day-to-day duties in relations to established performance standards.

An Employee(s) of the Quarter or Year may be selected from new nominations, incentive committee nominations or nominations received for all categories throughout the year.

§ 2.842 DEFINITIONS

- (a) The following terms are used in this policy:
 - (1) **Award or Recognition.** A monetary or non-monetary award.
 - (2) **Suggestion/ Inventions.** An employee suggestion award is for reduction, elimination, improvement or development in the cost of operation or services and improves employee morale.
 - (3) **Non-Monetary Awards.** Letters of commendation, appreciation or certificates granted to recognize employee contributions. Nominees who are not selected will receive a letter and token of the tribes recognition for the nomination received.

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- (4) **Special Acts or Services.** A special act or service award is given to recognize a meritorious personal effort, act, service or other achievement accomplished within or outside of the assigned job responsibilities.
- (5) **Spot Awards** – A spot award is a monetary or non-monetary award designed to grant “immediate” recognition to an employee or groups of employees for their extra efforts and contribution on a day-to-day bases.
- (6) **Performance Bonus** – A performance bonus is monetary recognition given to an employee for overall accomplishments achieved during their normal day-to-day duties in relations to established standards. Employee can demonstrate this in many ways, for example, regularly demonstrates high work output, consistently completes work products of high quality or provides exceptionally prompt and courteous service to customers, clients and co-workers.
- (7) **Time Off Awards** – Employee may be granted up to 8 hours of paid time off during the year as an award for achievement or performance contributing to the Tribe’s Mission. All time off awards must be approved by the General Manager.

(b) Nominators Staff, Managers and Supervisors Responsibilities

- Recognize employees for specific achievements.
- Ensure recognition is distributed equitably and based in appropriate justification.
- Consider input from appropriate sources when making recognition decision.
- Recognize contributions in a timely manner.
- Emphasize the importance of teamwork through recognition of group accomplishments.
- Use non-monetary recognition as an alternative to monetary awards for specific achievement or when monetary awards are not authorized.
- Promote the recognition program by encouraging employee participation, arranging for appropriate presentations and periodically publicizing recognition activities.
- Forward suggestions and inventions to the appropriate parties for evaluation.
- Review nominations to ensure that the recognition is linked to the contribution and that the award amount accurately reflect the value of the contribution.

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§ 2.843 **ELIGIBILITY**

All full time, part time, and seasonal tribal employees, excluding temporary personnel, WEX, Summer Youth, Interns, contractual, volunteers and Tribal Council are eligible.

§ 2.844 **AWARD PRESENTATION AND PUBLICITY**

To be effective, presentation of awards should be made by General Manager before staff meetings or employee assemblies whenever possible. In-house publications and bulletin boards to publicize the achievements of award recipients are encouraged.

Revisions approved by Tribal Council 05/21/05

PART 8 EMPLOYEE CLASSIFICATION

§ 2.845 **CLASSES OF EMPLOYEES**

Employees of the Confederated Tribes of Siletz Indians of Oregon are classified in the following categories.

(a) Probationary Employee (New and disciplinary)

- (1)** New Employees will serve a six-month probationary period to enable Tribal government to determine their suitability as a Tribal Employee. If leave or layoff occurs during the probation period, the probationary period will be extended by an equivalent amount of time. A probationary Employee may be terminated at any time during the probationary period by the recommendation of the Employee's Supervisor, Manager and the approval of the General Manager. No reason need be given for such termination.
- (2)** Probationary Employees accrue sick and annual leave during their probation period; but may not use any leave during the first 90 days of the probation period. Any absences during the first 90 days of the probation period will be designated as Leave Without Pay. All leave (annual/sick/funeral/administrative) will be forfeited if the Employee is terminated during the probationary period. Where an Employee has had a change of position with no break in service, the Employee will be eligible to use accrued Annual or Sick leave during the first 90 days with supervisor approval.

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- (3) Employees who have previously worked for Tribal government shall be treated as a new Employee in any new position.
- (4) At the completion of the Employee's probationary period, the Employee's Supervisor will evaluate the Employee's performance under the procedures of this manual and will decide if the Employee is entitled to regular Employee status.
- (5) Except for alleged substantive constitutional violations and procedural irregularities in the termination or a disciplinary process, probationary Employees shall have no right to appeal any disciplinary action taken during the probationary process under other sections of this manual. The extent of a probationary Employee's appeal rights shall be set out in any disciplinary or termination notice.

(b) Regular Employee

- (1) A Regular Employee is a part-time (less than 30 hours), part-time/on-call (part-time schedule hours and on-call up to 40 hours) or full-time (30 hours or more) Employee who has been retained in his/her appointed position after the successful completion of his/her probationary period. Regular Employees shall be subject to the disciplinary procedures set forth in this manual.
- (2) A Regular Employee may include Employees who are employed on a seasonal basis. It is not necessary to re-advertise to fill such positions after a seasonal layoff. Such Employees shall accrue leave and other benefits provided to regular Employees only during their period of active employment.

(c) Temporary Employee

- (1) An Employee, other than seasonal worker, hired for up to 120 days on either a full-time or part-time basis. Temporary Employees are not eligible for annual, holiday, administrative, or sick leave; life and disability insurance, health insurance, or retirement benefits. The General Manager can authorize appointment of a Temporary Employee whenever a short-term vacancy occurs, or when he/she determines it to be in the best interest of the Tribe. A temporary position may be filled without following the advertising and competition procedures described in this

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manual.

- (2) Temporary appointments may not exceed 120 days without Tribal Council approval.

(d) Limited Duration Employees

An Employee hired for a limited duration of time as specified by need or grant funding. Limited duration positions shall be eligible for annual, holiday, administrative, or sick leave, life and disability insurance, health insurance, or retirement benefits. Limited duration employees shall be subject to the 6-month probationary period. In the event that additional grant funding is received that continues supporting the ongoing grant objectives the employee will retain their position and a break in service will be allowed up to 90 days where grant funding lapses. If a limited duration position becomes a regular funded position, the position will be re-advertised and filled through the regular CTSI hiring process. Limited duration positions that are extended by department funding for the completion of the project must be approved in advance by the General Manager.

(e) On -Call Employees

An Employee is considered on-call when he/she does not have a fixed schedule and is utilized for periods when regular staff is unavailable, or during peak hours. On-call staffs are not eligible for insurance benefits. On-call Employees who work over 1,000 hours in a calendar year will be eligible to participate in the Tribe's retirement plan. On call employee are not eligible for annual, holiday, administrative, or sick leave, life and disability insurance, health insurance, step increase (except for COLA, if approved).

(f) Seasonal Employees

A Regular Employee who works full or part-time for a specified period of time each calendar year. Seasonal Employees are eligible for annual and sick leave according to Tribal policies, but are not eligible for retirement or health benefits unless they work for six months or longer during each calendar year. Seasonal Employees will not accrue annual and sick leave during periods of non-employment. Retirement and health benefits will be suspended during periods of non-employment unless the Employee pays the premiums. Head start employees shall receive health/dental, disability, & life insurance benefits during the Summer Break if they are otherwise eligible for coverage immediately prior to the start of the break.

(g) Detached Duty Employee

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An Employee assigned from another agency (such as the Bureau of Indian Affairs, or Indian Health Service) to work within the management/staff structure of the Tribe. A detached duty Employee will work within the functional policies in this manual, but will receive compensation and personnel benefits under the provision of the assigning agency.

(h) Exempt Employee

Exempt employees are employees who, because of their position, duties, responsibilities, and level of decision making authority, are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

Exempt employees are expected to work whatever hours are necessary to accomplish the goals and deliverables of their position. Thus, exempt employees have more flexibility in their schedules to come and go as necessary to accomplish work than non-exempt employees.

(i) Non-Exempt Employee

Non-exempt employees are subject to all Fair Labor Standards Act (FLSA) provisions including the payment of overtime. Non-exempt employees are normally required to

account for hours and fractional hours worked and are paid for all hours and fractional hours worked.

(j) 477 Training Employees (WEX)

The General Manager may establish an agreement with the 477 program to provide an opportunity for unskilled Tribal members and other Indian applicants to enter the Tribal government work force. The 477 participant, who satisfactorily completes a related Work Experience placement, may be hired by the General Manager in an entry level On-the Job Training position without regard to formal recruitment and selection policies. The General Manager is authorized to use the 477 Program to fill entry-level positions.

(k) Intermittent Employees - Exemption

The USDA warehouse workers who work intermittently less than 20 hours per week shall be classified as intermittent Employees, and shall be exempt from the hiring policies and procedures outlined in this manual. The hiring authority shall be with the Supervisor, who will also be responsible for the completion of appropriate forms and scheduling the

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drug screen and backgrounds check. Intermittent Employees are not eligible for Tribal Benefits except as required by law.

(l) Volunteers

A Volunteer is an individual who performs a service for the Tribe, but does not receive compensation from the Tribe. Before a Volunteer can begin work, he/she must sign a Volunteer Agreement complete an application, drug screening and criminal history check which will be maintained in the Human Resources Department. Volunteers are not considered Employees of the Tribe, and are not entitled to Tribal Employee benefits.

(m) Job Share

Job share is permitted if beneficial to the Tribe. Leave will be pro-rated based on hours worked. Other benefits will be based on eligibility requirements of the specific benefit. At no time will combined benefits exceed 1 full time equivalent.

(n) Student Interns

A Student intern is an individual who can be compensated or not compensated and is a student working for the Tribe to gain work experience in a field of study. These individual are considered work experience employee and are not eligible for Tribal Employee benefits, unemployment benefits and usually are tax exempt.

Revision Approved by Tribal Council 09/24/04

PART 9 EMPLOYEE LEAVE POLICY

§ 2.846 ANNUAL LEAVE ACCRUAL & SELLBACK

(a) Regular full-time Tribal Employees will accrue annual leave based on their length of employment with Tribal government, as follows:

Annual Leave Earned per month -	(1) Up to 2 years	8 hours
	(2) 2 to 4.99 years	10 hours
	(3) 5 to 9.99 years	12 hours
	(4) 10 to 19.99 years	14 hours
	(5) 20+ years	16 hours

(b) Regular part-time Tribal Employees will accrue prorated annual leave based on

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the number of hours worked compared to the full-time equivalency.

- (c) Regular Employees will be paid for accrued annual leave upon termination of employment. New probationary Employees who are terminated shall not be paid for annual leave accumulated during their probationary period.
- (d) Each Tribal Employee will provide his/her Supervisor at least 24 hours advance notice of planned absences and will obtain the approval of his/her immediate Supervisor before taking annual leave. Probationary Employees will accumulate leave at the regular rate; but may not use their annual leave during the first 90 days of the probation period. After the 90-day period, the immediate supervisor may approve the use of annual leave. Employees with no break in service will be eligible to use accrued Annual or Sick leave during the first 90 days with Supervisor approval.
- (e) Employees who voluntarily terminate employment with Tribal government; Siletz Tribal Gaming Regulatory Agency Administrative staff prior to 01/01/02, STEDCO, Siletz Indian Housing Authority Administrative Staff; and employees who are laid off and are subsequently re-hired will be considered a new Employee, but will retain their annual leave accrual rate.
- (f) Employees who are transferred, promoted, or accept another position within Tribal Administration will maintain their current hourly leave balance and/or annual accrual rate.
- (g) Annual Leave sellback: Available 2 times per year:
 - 1. Last pay period in May, and/or
 - 2. The first or second pay period in December.
- (h) Annual Leave Sellback Requirements:
 - 1. Must have used 20 hours of Annual Leave prior to the last pay period in May to qualify for a sellback in May, and 40 total hours of Annual Leave during the Calendar year to qualify for sellback in December.
 - 2. After sellback, must have combined Annual leave or Sick Leave balance of at least 40 hours.
- (i) Annual Leave Sellback form will be prepared and signed by the employee. Sellbacks are subject to the approval of the Supervisor and Chief Executive Officer.

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- (j) Automatic Leave Sellback: Any employee carrying more than 320 Hours as of the last pay date in December will have their excess balance automatically paid out to bring the balance down to 320 hours for the following calendar year.
- (k) Sellback Calculation: Pay rate to determine the sellback amount will be the employees' normal pay rate as of the sellback date (i.e. it will not include any temporary differentials).
- (l) Emergency Use: Employee may request a leave sellback one time per calendar year for emergencies as determined by the supervisor and CEO. Annual leave requirements in section (h)(1) are not applicable to emergency use.
- (m) Implementation: The first year of implementation will include a sellback limit of 200 hours and waive (h)(1) above.

§ 2.847 **SICK LEAVE**

- (a) Regular full-time Tribal Employees accrue sick leave at the rate of 8 hours per month, up to a maximum of 320 hours. Regular part-time Tribal Employees will accrue pro-rated sick leave based on the number of hours worked compared to the full-time equivalency. Accrued sick leave will not be paid to an Employee upon termination, and sick leave is forfeited upon termination.
- (b) Probationary Employees will accrue sick leave, but may not use their sick leave during the first 90 days of the probation period. After the 90-day period, the immediate supervisor may approve the use of accrued sick leave. Employees with no break in service will be eligible to use accrued Sick leave during the first 90 days with supervisor approval.
- (c) Sick leave is authorized only for medical necessity relating to the Employee or an Employee's immediate family member, and may be used for the following purposes only:
 - (1) Illness
 - (2) Appointments with health care providers.
 - (3) Hospitalization or outpatient treatment.
 - (4) Quarantine based on exposure to contagious disease, when documented by

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a physician's statement.

- (d) Each Tribal Employee will notify his/her immediate Supervisor as soon as possible after the need for sick leave is known. The Supervisor may require the Employee to substantiate, by doctor's letter or similar document, that the sick leave was necessary. Sick leave of three (3) days or more duration shall require documentation by doctor.
- (e) In addition to imposing disciplinary sanctions for abusing sick leave, the General Manager may disallow sick leave unwarranted under this section and either charge it against an Employee's annual leave or consider it leave without pay. Sick leave may not be used by an Employee in lieu of annual or other personal leave.
- (f) In cases where excessive absences of an Employee are determined to be negatively impacting work performance, clients, the worksite, or Tribal government, the General Manager shall have the authority to terminate employment.
- (g) Employees who are transferred, promoted, or accept another position within Tribal Administration will maintain their current hourly leave balance.

§ 2.848 **HOLIDAY LEAVE**

- (a) The following shall be recognized and observed as paid holidays for Regular/Probationary Tribal Employees. On the observance of these holidays by Tribal government, all Tribal offices will be closed. Tribal Employees who are in Leave Without Pay status the workday before or the workday following a Tribal Holiday will not receive holiday pay for the Tribal Holiday.
 - (1) New Year's Day
 - (2) Martin Luther King's Birthday
 - (3) President's Day
 - (4) Memorial Day
 - (5) Juneteenth
 - (6) Independence Day

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- (7) Labor Day
- (8) All Treaty Day September 10th
- (9) Veteran's Day
- (10) Restoration Day
- (11) Thanksgiving Day
- (12) Native American Heritage Day
- (13) Christmas Day

Revised by Tribal Council 6/18/2021 & 8/20/2021 & 12/17/2021

- (b) In addition to the above holidays, the Tribal Council may close Tribal offices for other official holidays or commemorations. Such holidays shall be paid, unless decided otherwise by the Tribal Council.
- (c) Full-time Regular/Probationary Tribal Employees will receive 8 hours of pay for Tribal holidays. Part-time Employees will receive pro-rated pay, based on the number of hours worked per week.
- (d) If a non-exempt Employee is required and authorized by the General Manager to work on an official Tribal holiday, the Employee will receive 1.5 times the regular rate for the actual hours worked.
- (e) Tribal holidays will be observed on the same date such holiday is observed by the federal government or on such date as designated by the Tribal Council. If the Tribal holiday falls on a Saturday, it will be observed the previous Friday. If a Tribal holiday falls on a Sunday, it will be observed the following Monday.
- (f) Tribal Employees are not encouraged to work on Tribal holidays. If they do, no additional compensation will be provided unless authorized in writing by their Supervisor and the General Manager, who may also authorize compensation time as set forth in this manual, as an alternative to paid compensation.
- (g) Temporary employees are not allowed to work any Tribal holiday or non work day without a supervisor present and GM approval.

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§ 2.849 **FUNERAL LEAVE**

- (a) Regular full-time Tribal Employees may use up to five days or 40 hours of funeral leave each calendar year. Regular part-time Tribal Employees may use pro-rated funeral leave based on the number of hours worked compared to the full-time equivalency. If additional days are required, the Employee shall request permission from his/her Supervisor to use accrued annual leave. Probationary employees will be granted funeral leave during their probationary period with supervisory approval.
- (b) A Tribal Employee who is designated by the Tribal Council to represent the Siletz Tribe at a funeral is entitled to receive his/her regular pay for such attendance without regard to the provisions of this section.

Revised by Tribal Council 06/18/04

§ 2.850 **ADMINISTRATIVE LEAVE**

The General Manager may approve leave for administrative purposes as follows:

- (a) **JURY DUTY:** Tribal Employees who are required to serve on a jury will be entitled to administrative leave for the period of time such service requires. If the Employee receives payment for such services, these funds will be surrendered to the Accounting Department, excluding any mileage payment.
- (b) **CULTURAL PRESENTATIONS:** Administrative leave may be taken for Tribally approved cultural presentations to outside agencies, such as schools and nursing home, upon approval by the General Manager. Employee is allowed up to one-day, not to exceed 8 hours, per month.

Revised by Tribal Council 12/19/2014

- (c) **CULTURAL DAY:** Employees are authorized one cultural activity per year. Employees will receive 8 hours of administrative leave with supervisory approval per calendar year. Paycheck stubs will show at the beginning of each year 8 (eight) hours of Culture. Cultural time is not available for carryover nor is payable upon termination.
- (d) **OTHER:** Other types of administrative leave shall be approved at the discretion of the General Manager. Except for the staff representative, Employees who volunteer for Standing Committees will be required to use Annual Leave to attend

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committee meetings, related training, and committee functions.

- (e) **SAFETY DAY:** An employee who completes one year of employment without any lost time injury shall be awarded a paid day off (Safety Day). New employees will be eligible for a safety day after they have complete one year of service from their original hire date. After one year of service, time will be allotted by calendar year. Paycheck stubs will show at the beginning of each year 8 (eight) hours. Time is not available for carryover nor is payable upon termination. If injured with a lost time injury, the counter will reset to zero and the employee will not be eligible until the beginning of the following year.

Approved by Tribal Council 03/17/06

- (f) **VETERANS HONOR GUARD:** Administrative leave may be taken for approved veteran presentations to outside agencies, such as schools and community events, memorial services, upon approval by the General Manager. Employee is allowed up to one-day, not to exceed 8 hours, per month. GM may approve additional time for memorial services. If employee is on administrative leave, employee is not eligible for stipend or honorarium.

Approved by Tribal Council 12/19/14

- (g) **EMERGENCY:** Due to an emergency including, but not limited to, natural disaster, earthquake, fire, tsunami, pandemic, or other emergency as declared by Tribal Emergency Declaration and shall be in effect until such time as the Emergency Declaration has been suspended.

(Approved 4/17/20; Reso No. 2020-179)

§ 2.851 LEAVE WITHOUT PAY

- (a) Personal Leave
 - (1) Personal Leave may be granted for the following reasons:
 - (A) Serious illness in the Employee's immediate family requiring attention of the Employee.
 - (B) Compelling personal business.
 - (C) Extreme personal emergencies.

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- (D) Approved absences during the first 90 days of the probation period.
- (2) Requests for personal leave (LWOP) for less than two weeks shall be in writing on approved leave slips in advance to the employee's immediate Supervisor, and shall contain reasonable justification for approval.
- (3) Requests for personal leave in excess of two weeks shall be approved by the General Manager, and will be processed with a Personnel Action Notice. In no case will personal leave be granted in excess of twelve months.
- (4) Personal leaves are granted with the understanding that the Employee intends to return to work upon completion of the leave and that the retention of the Employee is desirable. If the personal leave is for longer than 30 days, the written approval for such leave shall contain a discussion of conditions, if any for return of the Employee to his/ her prior position
- (5) Requests for personal leave will only be granted when such leave can be scheduled without adversely affecting the operation of the Tribal organization and when the needs of the Employee are sufficiently important to offset the cost and inconvenience to the Tribal organization. Personal leave will not be granted to allow an Employee to work for another organization or company unless approved in writing by the General Manager, with the concurrence of the Tribal Council.
- (6) The employee embarking on personal leave is responsible for making necessary arrangements to continue his/her participation in the group insurance plan during his/her leave.
- (7) Employees on leave without pay will not accrue sick leave, annual leave, or length of service accrual in their absence.
- (8) In cases where excessive absences of an Employee are determined to be negatively impacting work performance, clients, the worksite, or Tribal Government, the General Manager shall have the authority to terminate employment.
- (9) A Personnel Action Notice must be completed to authorize the Employees return to work.

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(b) Military Leave

- (1) Military leave will be granted to a Regular Employee who is drafted into active duty with the Armed Forces of the United States. This section shall not cover voluntary enlistment in the Armed Forces. Voluntary enlistment in the Armed Forces Reserves and subsequent call-up shall be considered "drafted" under this section.
- (2) Upon honorable discharge from such service, the Employee shall return to a position in the same class as his/her last position held, at the salary rate prevailing for such class, without loss of seniority or employment rights. If it is established that he/she is not physically able to perform the duties of his/her former position by reason of such service, he/she shall be reinstated to other work that he/she is able to perform at the nearest appropriate group to the former classification if at all possible.
- (3) Application for reinstatement must be made to the General Manager at least 90 days prior to separation from service. A decision on reinstatement shall be made prior to the separation date. Employees must report to work within 30 days following separation from active military duty.
- (4) A Regular full-time Employee who is required to attend a summer encampment of the Reserve of the Armed Forces or the National Guard shall be granted a military leave for a period not to exceed thirty days in any calendar year.

(c) Educational Leave

- (1) The General Manager may approve educational leave not to exceed one year for such purposes as attending a special school or completing a college degree. Educational leave will only be granted when a training request, and leave form have been completed. The Human Resources Department will verify that the educational request is job related, and that Tribal Administration feels it is in the best interest of the Tribe. The Employee shall be entitled to reinstatement in his/her previous position at the end of his/her educational leave.

§ 2.852 **FAMILY /MEDICAL LEAVE**

- (a) The Tribe has elected to provide Tribal Family Medical Leave with employer and employee responsibilities similar to those described in the federal Family Medical

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Leave Act (FMLA). The Tribe's utilization of federal FMLA standards does not constitute submission to non-tribal jurisdiction.

- (b) Family Medical leave may be granted for: the birth of a child; obtainment of a child through adoption or foster care; to care for an immediate family member with a serious health condition; or because the Employee is unable to perform his or her job because of a serious health condition.
- (c) It is the policy of CTSI to grant up to twelve weeks of Family/Medical leave during a fixed twelve (12) month period, to eligible employees. The family medical leave is usually taken after the employee uses up his or her accrued paid leave, however, the employee may opt to ask for family medical leave before or concurrent with paid leave.
- (d) In order to qualify for Family/Medical leave the employee must have worked for the Tribe for twelve (12) months, and worked at least 1250 hours in the previous twelve (12) month period. The twelve (12) month Family/Medical leave entitlement period shall be based on a fixed twelve (12) month period measured from the first day leave is taken.
- (e) Employees on Family/Medical leave will have their insurance continued in the same manner as if they were not on leave. Employees who are required to contribute to part of the cost of health insurance must make arrangements with the Fringe Benefits Department for timely payments of premiums. Annual and Sick leave will not accrue while an employee is on unpaid Family/Medical leave.
- (f) Reasonable efforts will be made to place employees back into the same jobs they left upon return from approved leave. If the same job is not available, an equivalent position may be found. If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Tribe will require the employee to reimburse the amount paid for the employee's health insurance premiums during the leave period.
- (g) Employees eligible for FML have an initial choice on whether to first take appropriate Annual and Sick leave before unpaid FML is applied, or to implement FML leave concurrently, or to use unpaid FML prior to using Annual or Sick leave.
- (h) Spouses both working for a Tribal entity and other situations not specifically addressed above should refer to federal FMLA standards as the Tribal FML standards are intended to be comparable to federal standards.

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- (i) Procedures for requesting FML
 - (1) Request FML from your direct supervisor as soon as you know you will need time off.
 - (2) Supervisor/Employee will request paperwork from Human Resources Department.
 - (3) Human Resources will mail or forward companies paperwork to employee or designees.
 - (4) Employee will complete all paperwork and have the doctor complete the medical certification paperwork.
 - (5) All paperwork will be returned to Human Resources prior to any time off except in case of an emergency. Paperwork must be completed on company forms; no prescription letters will be accepted.
 - (6) Human Resources Manager will review paperwork and make decision on whether the employee qualifies for FML. The Human Resources Manager will send a letter to the employee and supervisor outlining the FML acceptance, dates and employee's responsibilities and/or re-certification requirements.
 - (7) Additional time off requests must be submitted in writing through the General Manager.

§ 2.853 ANNUAL LEAVE DONATION POLICY (DAL)

- (a) This program is designed to aid employees suffering from any illness or injury to the employee or to a member of an employee's immediate family member by enabling them to draw upon annual leave donated by other employees when the employee is unable to work for a period greater than 2 calendar weeks.
- (b) Employees may donate annual leave directly to another specified employee suffering from illnesses/injuries pursuant to the terms and conditions set forth by this policy.

The donated annual leave program is to allow Tribal employees to receive donated leave not only for illness or for injury to themselves but also for illness or

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injury to an immediate family members and who requires the personal attendance of the employee. The maximum usage for donated leave is 22 days per fixed calendar year from the first day any leave (paid or unpaid) is taken. Employee may not use DAL and Short Term Disability together.

- (c) The following is a brief summary of the major provisions of the Policy:

Please Note: The following provisions apply to all DONORS and DONOR RECIPIENTS in completing any Donated Annual Leave Program forms.

(1) **DONATED LEAVE**

Employees may donate accrued annual leave to another designated employee who meets the requirement of this policy.

(2) **DONATED LEAVE CONVERSION**

The Payroll department will convert the donated leave into cash value at the donor's rate of pay, then shall re-convert the cash value to hours of leave at the recipient's rate of pay, and then credit the recipient's account for the equivalent hours.

(3) **ILLNESS**

Donated leave may be used by a recipient only for an illness of the recipient or of an immediate family member diagnosed by a physician and certified by the physician as rendering the employee or the member of the employee's immediate family unable to work. In the case of immediate family member who does not work, the family member meets the medical equivalent of "unable to work" for a period greater than 2 calendar weeks. Separate periods of disability lasting 7 calendar days or more each, resulting from the same or related medical condition and occurring within any 12 rolling month period, shall be considered the same period of disability.

Revised by Tribal Council 12/19/14

(4) **OTHER REQUIREMENTS**

Before receiving donated leave time, the requesting employees shall: (1) have been a Tribal employee for at least ninety (90) days prior to the

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request; (2) have used all of his/ her sick leave, annual leave and Safety Day; and (3) have established medical justification, which must be renewed every 30 days.

(5) EFFECTIVE DATE

Direct donations may begin immediately upon approval of this policy on April 2, 2007.

(6) PROGRAM MANAGEMENT

The Human Resources Department has developed the following forms and process checklist for departments (attached) to activate the provisions of the policy:

- DL-1: Request for Donated Annual Leave
- DL-2: Request to Make a Direct Annual Leave Donation
- DL-3: Authorization to Release Information for Solicitation

(7) SOLICITATION FOR DONATED LEAVE

- (A) Employees must complete the Donated Annual Leave application including the DL-3, "Authorization to Release Information for Solicitation Purposes." The DL-3 must contain the language the employee would like HR to include in the solicitation for donated leave.
- (B) The HR Department will issue a Tribal Wide Solicitation. The Solicitation must contain the language provided by the employee.
- (C) The HR department will process all donations received through the result of the Tribal Solicitation.
- (D) The Payroll department will process approved donations.

(8) EXCESS LEAVE DONATIONS

In the event that annual leave donations outweigh the employee's needs, the balance will be prorated and returned to the donating employee's leave accruals.

Approved by Tribal Council 03/16/07

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PART 10 DISCIPLINARY ACTION

§ 2.854 GENERAL PRINCIPLES

- (a) A Tribal Manager, Administrator, or Supervisor may take disciplinary action, up to and including discharge, against Tribal Employees when there is sufficient cause. A Tribal Manager, Administrator, or Supervisor will have the discretion to determine whether or not there is sufficient cause for disciplinary action, and if so what level of discipline is appropriate within the guidelines set forth in this manual.
- (b) Whenever possible, discipline shall be of increasingly progressive severity. The Supervisor shall discuss the improper or inadequate performance with the Employee to allow the Employee to correct the deficiencies and avoid disciplinary action. However, if an Employee's misconduct is so egregious as to pose a threat to the physical safety of other persons, Tribal property, or to impair the operation of the program so as to render impractical his/ her continued employment, the Employee may be immediately discharged.
- (c) A written notice shall be given to each Employee for each disciplinary action, stating the reasons for the disciplinary action, the date it shall take effect, and the Employee's appeal rights. The notice shall be given to the Employee at the time such action is taken. With the exception of informal reprimands, a copy of all such notices, signed by the Employee, shall be placed in the Employee's personnel file and shall serve as evidence of delivery. If an Employee refuses to sign the notice, such refusal shall be documented.
- (d) A non-probationary Employee may appeal any disciplinary action, including discharge, under the Employee appeal policy set forth at Section 2.870 of this Policy.

Revised and Approved by Tribal Council 04/23/03

§ 2.855 GROUND FOR DISCIPLINARY ACTION

- (a) Tribal Employees shall not violate the established rules and regulations of Tribal government. Conduct outside of work shall not be covered by these rules except as such conduct impacts job performance or violates the Conduct Policy as set forth in Section § 2.803 of this manual.
- (b) Just cause for discipline, up to and including discharge, shall include, but not be

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limited to the following infractions:

- (1) Verbal harassment or intimidation of a Tribal Employee, official, or client.
- (2) Use of foul or abusive language.
- (3) Assaulting or threatening to assault a Tribal Employee, official, or client.
- (4) Refusal to carry out the directions or instructions of Tribal Supervisors.
- (5) Any violation of this Personnel Policy, and/or failure to follow Personnel procedures
- (6) Any violation of the Drug Free Workplace Policy
- (7) Excessive absenteeism, leave abuse, or tardiness.
- (8) Misusing or damaging Tribal property.
- (9) Failure to follow the Employee grievance/appeal procedure in this manual or circumventing its provisions.
- (10) Instituting or threatening disciplinary action against an Employee without justification.
- (11) Intentionally or recklessly endangering the safety of other Tribal Employees or violating safety rules and standards.
- (12) Disclosure of confidential information.
- (13) Deliberately falsifying Tribal records or deceiving Tribal Supervisors about job-related activities.
- (14) Theft or destruction of the property or funds of the Tribe, or another Tribal Employee.
- (15) Falsification or intentional misrepresentation of a material nature on an Employee's application for employment.
- (16) Unsatisfactory job performance, after being given the means and opportunity to improve.

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- (17) Failure to return to work after an approved leave of absence or suspension.
- (18) Any violation of the Productive Workplace policy.
- (19) For probationary employees, failure to satisfactorily perform their new job duties within the six month probation period at a satisfactory level.
- (20) Engaging in criminal activity on or off the premises.
- (21) Unexcused absences from work.
- (22) Unauthorized Internet use

§ 2.856 LEVELS OF DISCIPLINARY ACTION

Disciplinary action can take the following forms: Oral or Written Reprimands, Suspension, Probation, and Discharge. Factors to be taken into consideration in determining appropriate disciplinary action include, but are not limited to: severity and frequency of the infraction, level of responsibility of the Employee, and Employee's work history with the Tribe. If an offense is sufficiently grave, the Employee may be discharged immediately.

§ 2.857 ORAL OR WRITTEN REPRIMAND

Reprimands shall generally be in writing and placed in the Employee's personnel file. An oral reprimand may not be used to support subsequent formal disciplinary actions unless this reprimand has been documented at or near the time such reprimand occurs, and is communicated to the Employee. Such documentation will not be included in the Employee's personnel file until it becomes necessary to support a subsequent formal disciplinary action.

§ 2.858 SUSPENSION

- (a) A disciplinary suspension will extend no longer than two weeks from the date of the Supervisor's decision. During the period of suspension, the Employee may not earn any salary and will not accrue or use any annual or sick leave.
- (b) Tribal Council must approve disciplinary suspensions that last longer than two weeks.

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§ 2.859 PROBATION

- (a) A disciplinary probation will extend no longer than two months from the date of the Supervisor's decision, or until resolution of any appeal filed by the Employee. During the period of probation, the Employee will not be entitled to take annual or sick leave without the approval of the General Manager.
- (b) Tribal Council must approve disciplinary probation periods that exceed two months.

§ 2.860 DISCHARGE

- (a) Discharge will take effect immediately on the date of the General Manager's authorization.
- (b) The Tribe will not re-hire a discharged Employee for a period of six months after the discharge becomes final. The six-month penalty will not apply to new employees who are discharges, while on probation, for inability to perform job duties at a satisfactory level. However, any probationary employee who is discharged due to disciplinary action shall be subject to the six-month penalty.

If an employee is terminated due to the drug or alcohol abuse or misuse, the penalty for re-hire eligibility shall follow the guidelines set forth in the Drug Free Workplace Policy, Section 2.877, of this manual.

- (c) The General Manager may delegate his/her authority to discharge employees to another Tribal Manager, Administrator, or Supervisor; either on a case-by-case basis, or by general order; on such terms as he/she believes will best serve the interests of Tribal government.

PART 11 TERMINATION OF EMPLOYMENT

§ 2.861 DISCHARGE AUTHORITY

Recommendation for discharge is made by the immediate Supervisor and approved by the Department Manager, and General Manager. The General Manager makes the final authorization and determination for discharge. The General Manager's discharge decision shall be final for the Tribe.

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Revised and approved by Tribal Council 04/23/03

§ 2.862 PROCEDURES FOR DISCHARGE

A Supervisor who believes that discharge of an Employee is justified will document the reasons for discharge, and submit them to all appropriate levels of supervision, for review. If discharge is approved, the Supervisor will contact the Human Resources Manager so a Personnel Action Notice can be completed. The Employee's final time sheet must immediately be forwarded to the Accounting Department for immediate preparation of the Employee's final pay. The Supervisor shall ensure that keys, equipment, and other Tribal property have been returned before release of final paycheck. The Accounting Department will ensure that advances have been collected and/or accounted for, annual leave has been calculated, and any amounts due to the Tribal organization have been withheld from the final payroll check prior to issuance. Refusal to return Tribal property will result in the value of the property and incidental expenses being deducted from the Employee's final paycheck.

§ 2.863 LAYOFF (REDUCTION IN FORCE)

- (a) A layoff (or reduction in force) is an action to reduce the number of employees in a work unit or at the Tribe overall. A layoff may become necessary due to reduced funding, or reorganization. Employees who are to be laid off for such reasons shall be given written notice thirty (30) days prior to their termination date, or as much notice as possible. The General Manager will authorize the layoff.

- (b) It is the policy of the Tribe that employees are to be laid off only after examining all other available alternatives, including delay in the filling of vacant positions, position re-design and work unit reorganization, and job sharing.

- (c) Prior to the layoff date, the General Manager shall grant a request by the laid off employee to follow the procedures outlined in section §2.826. Procedures for Filling Job Vacancies- Transfers. With respect to such employee, if suitable work cannot be found prior to the layoff date, the employee will be offered the opportunity to fill job vacancies for which he/she meets the qualifications, for a period of six months from the date of termination. The laid off employee will not have to interview for the position. The laid off employee will be notified of a pending opening and offered the position. It is the responsibility of the laid off employee to notify the Human Resources Department of changes in address, and telephone numbers. If an employee cannot be reached in 10 working days after

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registered date of notification, the position shall be advertised.

- (d) When two or more employees are on layoff status, and meet the qualification for a vacancy, the laid off workers shall be interviewed under section § 2.827 of this manual to determine which worker will be selected to fill the vacancy.
- (e) If a laid off Employee is re-hired within six months of the layoff, such re-employment shall not constitute a break in service for purpose of Tribal benefits.
- (f) This policy does not apply to laid off employees of Chinook Winds, or to any employee who has been working under a grant provided by an outside entity of limited duration. Such positions shall be designated as a "Limited duration" position

§ 2.864 RESIGNATIONS

- (a) Employees are requested to give at least two (2) weeks written notice of resignation. Managers, Gaming Hearing Officers, and the Tribal Attorneys shall give at least 30 days notice of resignation. Resignation letters shall be submitted to, and accepted by the Employee's immediate Supervisor.
- (b) When an Employee gives **written** notification of their resignation the Tribal organization will not be obligated to accept a withdrawal of the written resignation. It is at the discretion of the Employee's Supervisor and the General Manager to approve a request from the Employee to withdraw their resignation.
- (c) The Supervisor shall ensure that keys, equipment, and other Tribal property have been returned. The Accounting Department will ensure that advances have been collected and/or accounted for, annual leave has been calculated, and any amounts due to the Tribal organization have been withheld from the final payroll check prior to issuance. Refusal to return Tribal property will result in the value of the property and incidental expenses being deducted from the Employee's final paycheck.

§ 2.865 EXIT INTERVIEWS

- (a) All persons who voluntarily leave employment with the Siletz Tribe shall have an exit interview with their immediate Supervisor.

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- (b) The interview shall contain reasons for resignation; status of work completed and assignments pending; return of Tribal property and Tribal Employee identification card.
- (c) The Supervisor shall document, as accurately as possible, the contents of the exit interview and forward this documentation to the Human Resources Department to be placed in the Employee's personnel file.

PART 12 GRIEVANCES AND EMPLOYEE APPEALS

All work related grievances and disputes which occur between Employees in their employment roles shall be resolved by following the Grievance Policy of this section. An Employee's complaint regarding another Employee's job performance while providing official services or other official activity on behalf of the Tribe to the Complainant is not a grievance subject to this process. Such complaints will be directed to the direct Supervisor of the complained-about Employee.

This Grievance Policy shall not be used to resolve disciplinary or adverse Personnel actions, which shall be resolved in accordance with the Employee Appeal Policy, § 2.870.

A formal grievance is the only process available for the formal resolution of Employee grievances. Employees who do not follow these procedures to resolve grievances may be subject to disciplinary action.

It is the policy of the Tribe that job related difficulties be resolved informally whenever possible. However, when informal methods have failed to achieve a satisfactory resolution, or if an Employee chooses not to utilize the informal resolution process, an aggrieved Employee shall follow the formal grievance procedures of this section.

A. GRIEVANCE POLICY

§ 2.866 INFORMAL GRIEVANCE RESOLUTION

- (a) It is the intention of the Siletz Tribal Council and the policy of those charged with administering Tribal government to provide procedures for resolving disputes involving two or more Employees, in a manner that is respectful in its process and supportive of all people's dignity.
- (b) It is the policy of the Tribe to resolve Employee related disputes as soon as appropriately possible after they arise. Employees are expected to make every

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effort to resolve job-related dispute or problems with the other Employees in an informal, respectful manner. An Employee shall initiate an attempt to informally resolve any dispute within three (3) working days after the event occurred, or three working days after the Employee should reasonably have been made aware of the event giving rise to the problem, whichever is later. An Employee may choose to make use of the formal grievance policy rather than use this informal grievance policy, without incurring penalty or disciplinary action as a result of his/ her choice. *FOR INFORMAL RESOLUTION GUIDANCE PLEASE SEE HUMAN RESOURCES FOR A PAMPHLET.*

§ 2.867 **FORMAL GRIEVANCES POLICY**

- (a) Step 1. File a written statement with the Immediate Supervisor of the Employee you are filing a Grievance against (“the Opposing Employee”). The Person filing the Grievance is called the Complainant.
- (1) The Complainant must submit the grievance in writing within ten (10) working days of the dispute's occurrence, or ten (10) working days after the Complainant should reasonably have learned of the event giving rise to the grievance, whichever is later. This time requirement shall exist and continue to run even if the Employees are engaged in informal grievance resolution process. The Complainant must submit his/ her written grievance with the **immediate Supervisor of the Opposing Employee**. This written grievance must explain the problem or dispute that is the basis for the grievance, any attempts to informally resolve the problem, and a description of what remedy the Complainant seeks to resolve the dispute. The Complainant must attach all relevant documentation to his/ her grievance.
- (2) The immediate Supervisor of the Opposing Employee shall investigate the Grievance, including obtaining the Opposing Employee’s response to the description of the dispute and proposed solutions. The Supervisor shall respond in writing to the grievance within ten (10) working days after receiving the grievance (excluding date of receipt of the grievance), describing his/her decision and setting forth the reasons behind it. Both Employees will acknowledge in writing receipt of the Supervisor's decision. The Supervisor will give a copy of the acknowledged decision to both Employees and will route the decision to the Human Resources Department to be placed in both Employee's personnel files.

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- (b) Step 2. Filing Second Level Grievance - Appeal to a Higher Level
- (1) If the Employee's grievance is not resolved satisfactorily at Step 1 either Employee may choose to submit the grievance to the Manager level, within five (5) working days after receipt of the immediate Supervisor's written response or the date by which the Employee should have received the Supervisor's response (excluding date of receipt of the grievance). The relevant Manager is required to respond to the grievance in writing, describing his/her decision and setting forth the reason behind it, within ten (10) working days after receipt of appeal. In the event that the decision is not satisfactory to either employee, the next level is the General Manager (GM). The General Manager will follow the procedures in step 3
- (c) Step 3. Discretionary Review by the General Manager.
- (1) Upon completion of Step 2, if either Employee is dissatisfied with the decision in Step 2, the Employee may request further review by the General Manager. The Employee's request must be in writing, and must be submitted to the General Manager within five (5) working days from the date of the Manager's decision or the date the Manager should have issued a decision. The General Manager shall have complete discretion to uphold or overturn the decision of the Manager, or to refer the grievance to a Conflict Resolution Mediator selected by the General Manager. In making his/her decision on a grievance, the General Manager shall consider factors such as broad importance of the grievance to tribal operations, and whether the issue has been decided in a previous appeal. If the General Manager decides not to refer the grievance to a Conflict Resolution Mediator, the General Manager shall issue his/ her decision on the grievance within ten (10) working days after receiving the appeal (excluding date of receipt of the appeal). The decision will be issued in writing and a copy given to the Employee.
- (2) Except in the case where a Conflict Resolution Mediator is appointed by the General Manager, the General Manager's decision under this section will be final for the Tribe. If a Conflict Resolution Mediator is appointed, the Mediator will inform the General Manager whether resolution of the grievance has been reached, which resolution shall be entered by the General Manager as the final decision of the Tribe. If the mediator cannot achieve resolution of the grievance, the grievance shall be returned to the General Manager for final decision pursuant to this Section.

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§ 2.868 GRIEVANCE CONFLICT OF INTEREST

In any situations where it would be a conflict of interest for a Supervisor or Manager to hear and or decide a specific grievance, or if for any reason a Supervisor or Manager excuses him/ her from hearing or deciding a specific grievance, that Supervisor or Manager will forward the grievance to the next higher level of supervision. If that level is the General Manager, he/she may appoint an alternate Supervisor or Manager to hear and decide the grievance.

§ 2.869 PROCEDURE WHERE GRIEVANCE IS AGAINST THE GENERAL MANAGER

- (a) An Employee who has a grievance against the General Manager may attempt to resolve his or her grievance against the General Manager informally using the procedures set out in Section 2.866. If informal resolution is not successful or the Employee chooses not to pursue informal resolution, the Employee shall file his/ her grievance directly with the Tribal Council. The grievance policy shall not be used to appeal any personnel decision made by the General Manager against an Employee; such actions may be appealed only as set forth in Section 2.870 below. The grievance shall be submitted in writing to the Tribal Council Executive Secretary within ten (10) working days of the event's occurrence, or ten (10) working days of the date the Employee should reasonably have learned of the event giving rise to the grievance, whichever is later (excluding date of receipt of grievance).

- (b) The Tribal Council shall review and respond to the grievance as they deem appropriate, and may conduct a hearing and /or request submission of documentation and testimony as is necessary to decide the grievance. The Tribal Council will decide grievances made against the General Manager within 45 days unless they deem a longer time is necessary. If an individual Tribal Council member has a conflict of interest or excuses him/herself from hearing or deciding a specific grievance against the General Manager, he/she will recues himself from that specific grievance after stating the reason. The Tribal Council's decision as to a specific Employee grievance against the General Manager shall be final for the Tribe.

B. EMPLOYEE APPEAL POLICY

§ 2.870 EMPLOYEE APPEAL OF DISCIPLINARY OR ADVERSE PERSONNEL ACTION

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- (a) An Employee may appeal a disciplinary or adverse personnel action (“the action”) taken against him or her pursuant to Section 2.870. An appeal must be submitted in writing within ten (10) working days after Employee's receipt of the written action (excluding the date of receipt of the action) to the Supervisor or person who issued the original action.
- (b) The appeal shall explain the reasons why the Employee is appealing the action and the remedy the Employee is requesting. The Supervisor or Manager deciding the appeal may receive written statements or documentation relevant to the appeal from either the Employee or from the Tribal Administration, and may conduct a hearing if he/she decides a hearing would be appropriate. The Supervisor or Manager deciding the appeal shall make his/ her decision within ten (10) working days after receiving an Employees appeal, provided that the time for making a decision will be extended by the amount of time necessary to schedule and conduct the hearing. Such decision shall be made in writing and shall contain an explanation of the reason for the decision, and shall be given to the Employee.
- (c) In the event the Employee is dissatisfied with the decision made on his/ her appeal, he/she may appeal that decision to the next level of the departmental supervision within five (5) working days after receipt of the decision set out in the previous paragraph. The time frame will be the same as the above paragraph.
- (d) In the event the Employee is dissatisfied with the decision made on his/ her Employee disciplinary appeal, he/she may appeal that decision to the General Manager within five (5) working days after receipt of the decision set out in the previous paragraph. The appeal shall be submitted in writing and shall set out the reasons why the decision is wrong and the remedy requested.
- (e) The General Manager shall have complete discretion whether to affirm, overturn, or review the Department Manager’s decision, either by the General Manager’s own review or by designating, in writing, another Manager who will be assigned to review the appeal, or finally, if warranted, by a Review Board. A Review Board will be used only where warranted (see §2.871(c)). The GM will provide a copy of this written designation to the Employee within ten (10) days after receiving the appeal. The designated decision maker shall make a decision on the appeal within five (5) working days after receipt of assignment. The decision shall include an explanation of the findings of facts leading to the decision and the tribal rules, laws or regulations applicable to the decision, and copies shall be provided to the Employee, Manager, Supervisor and Human Resources. The decision made at this level of appeal **shall be final for the tribe,**

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except as set forth in Section 2.871 below.

- (f) In the event any Supervisor or Manager has a conflict of interest in deciding a particular Employee appeal, or otherwise recues him/ her self for any reason from hearing any such appeal, the appeal shall be forwarded to the next level of supervision for decision. If that level is the General Manager, he/she may appoint another Supervisor or Manager to determine the Employee discipline appeal. Please see Section 2.871 if a Review Board is empanelled.

C. REVIEW BOARD POLICY

§ 2.871 REVIEW BOARD

- (a) A Review Board may be used only as set forth in this Section. The Review Board will be used, if it is empanelled, to hear an appeal of (1) a termination decision made pursuant to Section 2.861, or (2) an additional appeal of disciplinary or adverse personnel action taken pursuant to Section 2.854. A Review Board shall consist of (3) Managers and/or Supervisors appointed by the General Manager.
- (b) Request for a Review Board - General. Upon completion of the above steps under Section 2.870, if the Employee is dissatisfied with the disciplinary or adverse personnel decision or if the Employee desires to appeal a termination decision made by the General Manager under Section 2.861, the Employee may make a request to have the decision reviewed by a Review Board. The Employee's request shall be submitted in writing to the General Manager within ten (10) working days from the date the Employee was given the last decision. The request shall state whether the Employee wants to have a hearing before the Review Board, if one is empanelled. If the request does not include a request for a hearing, it will be presumed that no hearing will be conducted.
- (c) General Manager Discretion to Empanel a Review Board in Disciplinary or Adverse Personnel Action Appeals:
The General Manager shall have complete discretion whether to affirm, or Overturn, or to empanel a Review Board with regard to a particular disciplinary or adverse personnel action decision. In making his/her decision, the General Manager shall consider factors such as the importance of the particular issue to tribal administration or operations, and whether the same or a similar issue has been addressed in a previous appeal. If the General Manager decides that a Review Board will not be empanelled, the decision will be issued in writing within ten (10) working days after receiving the appeal request, and shall be given to the Employee, Departmental Management, and Human Resources.

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- (d) If the General Manager does not refer a disciplinary or adverse personnel action appeal to a Review Board, the General Manager's decision to affirm or overturn a discipline decision will be final for the Tribe. A copy of the General Manager's discipline decision will be placed in the Employee's personnel file.
- (e) Review Board Procedures Regarding Appeals of Disciplinary or Adverse Personnel Actions:
If the General Manager decides to empanel a Review Board to review an action under Section 2.870, the following procedures shall be followed after the Employee has been notified in writing of the General Manager's decision to empanel a Review Board.
- (1) The Review Board will be appointed and empanelled within five (5) working days of deciding to approve the request. The General Manager will notify the Employee in writing that the Review Board has been empanelled. The Notice shall inform the Employee that if the Employee did not ask for a hearing in the request for a Review Board, no hearing will be held unless the Employee requests one within five (5) days.
 - (2) The Review Board shall have ten (10) working days after being empanelled within which to review the appeal and hold any hearing or meeting it deems is appropriate in the matter.
 - (3) The Review Board may accept submissions of written statements and documentary evidence from both parties, if requested, and may hold a hearing to take oral testimony or receive evidence.
 - (4) Upon completing its review of an appeal as set forth in paragraph 2, the Review Board shall have ten (10) working days in which to consider the matter and render its written decision, provided, that the Review Board may be granted a ten (10) day extension of time to render its decision by the General Manager.
 - (5) The Review Board will issue its decision in writing, with a copy given to the Employee and to the General Manager. A copy of the decision will be given to the Human Resources Manager, and a copy will also be placed in the Employee's personnel file. The decision of the Review Board shall be final for the Tribe.
- (f) Review Board Procedures: Termination Appeals. If an Employee requests that a

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Review Board be empanelled to review an employment termination decision under Section 2.861, the General Manager shall empanel a Review Board to evaluate whether the termination should be upheld or overturned. The Review Board is the only administrative review for non-probationary terminations. The following procedure will be followed when an Employee requests that a Review Board be empanelled to review a termination decision made by the General Manager.

- (1) The Employee's request to empanel a Review Board to review a termination decision must be submitted in writing to the General Manager within ten (10) working days after the date the Employee received written notification of the General Manager's termination decision.
- (2) A Review Board will be empanelled by the General Manager within five (5) working days of receiving a request from an Employee.
- (3) Within five (5) working days after being empanelled, the Board will set a hearing date, if one was requested, which must be within ten (10) working days and/or a date to submit additional documentary evidence or written statements. Notice of the date, time and location of the hearing will be mailed to all interested parties.
- (4) The Employee may, at his/her discretion, waive a hearing by failing to request one as directed herein or by explicitly stating that no hearing is requested. If the Employee waives a hearing, the Review Board decision must be completed within thirty (30) days after being empanelled.
- (5) The Review Board shall have discretion over the procedure to follow at the hearing, except that the Employee and General Manager or his or her designate shall have the opportunity to make a statement to the Board and to present any relevant evidence and/or witness testimony at any hearing.
- (6) After the hearing, if one has been scheduled, or at any time after being empanelled if no hearing is requested, the Review Board will review the appeal and decide whether to uphold or overturn the appeal. The standard of review that the Review Board must apply is that a discharged Employee has the burden of proof to show that there was no reasonable basis for his/her termination.
- (7) The Review Board will reduce its decision to writing and give a copy to the Employee, the General Manager, and the Human Resources Manager.

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The Review Board's decision will be made within sixty (60) days of being empanelled unless the General Manager has granted an extension of time. If the Review Board upholds the termination, the decision will be final for the Tribe. If the decision of the Review Board is to overturn the termination, the matter will be remanded to the General Manager for reconsideration in light of the Review Board's finding of facts and conclusions of law. A copy of the Review Board's decision will be placed in the Employee's personnel file.

PART 13 HUMAN RESOURCES RECORDS AND REPORTS

§ 2.872 EMPLOYEE PERSONNEL RECORDS

- (a) Personnel records for each Employee will be maintained in the Human Resources Department. These records will include:
 - (1) Employee's job application.
 - (2) A copy of the job description under which the Employee was hired and any signed updates.
 - (3) Training/education obtained while working for the Tribe.
 - (4) All records relevant to informal and formal grievance/appeal procedures concerning the Employee.
 - (5) Evaluations.
 - (6) Any work plans developed for the Employee.
 - (7) Personnel Action Notices.
 - (8) Exit Interview information.
 - (9) Any other information relevant to the Employee's employment with the Tribe.
 - (10) Disciplinary actions and Memos.
- (b) Employee records are confidential, accessible only to the Employee, his/her Supervisors, General Manager, Human Resources Department Employees, and the Tribal Attorney for official business reasons. A "Request for Employee

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Information from the Personnel Records" form must be completed and approved by the General Manager in order to access an Employee's personnel file.

- (c) Other than those identified above, a release form signed by the Employee must accompany all other requests for personnel information.
- (d) A Personnel Action Notice shall be used to initiate and/or update personnel records. The Personnel Action Notice must have the appropriate signatures before any action is to take place and be considered official.

§ 2.873 **PERSONNEL REPORT**

- (a) The Human Resources Manager will provide a monthly written report to the Tribal Council on any changes in personnel matters under his/her authority. The Human Resources Manager's monthly personnel report to the Tribal Council will include at a minimum:
 - (1) The names, positions, responsibilities, and compensation levels for new, transferred, and rehired Employees.
 - (2) The names, positions, and compensation levels for all Employees who have received performance evaluations during the month.
 - (3) The names, positions, and compensation levels for all Employees who have received compensation adjustments during the month.
 - (4) The names and positions for all Tribal Employees who have left Tribal government, including reasons for their termination.
 - (5) The status of all recruitment efforts to fill Tribal government vacancies.
 - (6) Any other personnel matter the Human Resources Manager deems necessary to be brought to the attention of Tribal Council.
- (b) The Human Resources Manager's monthly report to the Tribal Council will be considered confidential and will not be available to persons other than the Human Resources Manager, General Manager, Assistant General Manager, and members of the Tribal Council.

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PART 14 EMPLOYEE ASSISTANCE PROGRAM (EAP)

§ 2.874 **PURPOSE**

- (a) The Employee Assistance Program exists primarily to promote the Employees' well being; to assist Tribal Employees in retaining their jobs, and to provide the Tribe with options necessary to retain valued Employees.
- (b) The goal of the Employee Assistance Program is to create a safe and healthy work environment; improve the quality and quantity of services being rendered, and improve the well being of all Tribal Employees.

§ 2.875 **BACKGROUND**

- (a) Supervisors should be aware that the proper functioning of any organization is directly related to each Employee's job performance. Whenever an Employee's problems interfere with job performance, the Supervisors should consider two important factors. The first is the welfare of the organization, and the second is the welfare of the Employee. Dealing with the problem of the Employee can be a difficult and frustrating experience for any Supervisor. Understanding and applying these guidelines can make the job much simpler and can be a rewarding experience when the Employee responds favorably to assistance.
- (b) Employee Assistance Programs provide resources to workers to help them deal with factors that have a negative impact on work and life in general. These factors may include:
 - (1) Stress
 - (2) Marital/Family Problems
 - (3) Psychological/Emotional Problems
 - (4) Substance Abuse
 - (5) Financial Problems
 - (6) Medical/Health Problems
- (c) This program should not be regarded as a permissive mechanism or as a device to avoid problems for which Supervisors are accountable. It should be regarded as a

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program to assist Supervisors and Employees in coping with problem situations, which have been ignored in the past due to a lack of understanding and a fear of misdirecting troubled Employees.

§ 2.876 **POLICY**

- (a) Tribal government is concerned about any problems that reduce the Employee's productivity. Therefore, when an Employee encounters a problem that impairs the Employee's work performance, attendance, conduct, or reliability; it will be the Supervisor's responsibility to take appropriate action to address the problem. The Supervisor should take the following steps:
 - (1) Document all instances where an Employee's work performance or attendance fails to meet standards, or where performance appears to be deteriorating.
 - (2) Conduct corrective interviews with the Employee when performance falls below standards and document the interview. Provide the Employee a copy of the interview summary, and obtain the Employee's signature to acknowledge receipt.
 - (3) Encourage the Employee to address problem area(s), and notify the Employee of the assistance available through the Employee Assistance Program.
- (b) The Supervisor will develop a work plan that identifies the areas that need improvement and the time frame in which such improvement is to take place.
- (c) Supervisors will document the referral and/or work plan and submit the documentation to the Human Resources Department.
- (d) The Employee is responsible to correct unsatisfactory job performance.
- (e) Participating in the Employees Assistance Program can be voluntary or mandated by CTSI. The Employee is subject to the disciplinary actions outlined in the manual if within a reasonable time after a formal referral is made the Employee's performance does not improve, and/or they do not meet the objectives outlined in their work plan. Employees are required to sign a release of information for any formal referrals.
- (f) Employees will be permitted a reasonable amount of leave (annual, sick, or leave

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without pay) to participate in the voluntary Employee Assistance Program. All leave requests must follow the guidelines set forth in this manual. If the employee is mandated to attend EAP, the Employee's time will be covered, if the appointment is during work hours it is considered work time.

- (g) Employees are responsible to contact Human Resources to determine the level of services provided under the Employee Assistance Program. Employees should contact their health care insurance provider, Contract Health Services, or Indian Health Services (if applicable) to see if additional services/treatment could be covered under their health plans.

PART 15 DRUG FREE WORKPLACE POLICY

§ 2.877 POLICY

- (a) It is the policy of the Tribe to provide its Employees with a safe and healthy work environment. To accomplish the purpose of a Drug Free Work Place, the Tribe has instituted the following policies and procedures:
 - (1) Drugs and Alcohol in the Workplace Prohibited: The Tribe prohibits the use, possession, sale, purchasing, manufacturing, or dispensing of illegal drugs and alcohol beverages in the work place, or the attempt to do so.

The Tribe has determined that, for tribal administrative purposes (but not for purposes of compliance with the Federal Drug Free Work-place Requirements), the presence in an Employee's system of any prohibited substance at any detectable level shall establish the possession of that substance in the work place.

The Tribe does not recognize the legality of Marijuana use pursuant to Oregon state law, which is inapplicable within the tribal jurisdiction. However, because we reside within the borders of the State of Oregon, we will not test for THC during the pre-employment drug screen. The Tribe will test for THC under all other drug screens including those for Reasonable Cause, For Cause and Random Pool for Special Class of Employee.

[Amended by Resolution No. 2018-355, dated 11/15/18]

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- (2) Regulation of Prescription Drug Use: In addition to prohibiting illegal drugs, the Tribe regulates and monitors the use of legal or prescription drugs that may impair an Employee on the job performance. At any time that an Employee must use prescription drugs, over the counter drugs, remedies, or narcotics that may affect their job performance, the Employee shall, within one business day, report this fact to their Supervisor, along with acceptable medical documentation. Employees are also required to notify their supervisors of any medications changes or any adverse effects of the medications they are taking. The Supervisor shall consult with the HR Manager (who may consult with the General Manager, if necessary). The HR Manager, General Manager, and/or the GM's designee shall then determine whether the Employee should be able to perform his/her job safely and properly, taking into account any accommodations suggested by the Employee.
- (3) Internal Release of Information: Any Tribal department, program, or entity, that test an Employee shall report to the HR Manager any test results that indicate the presence in an Employee's system of any prohibited or regulated substance. This requirement covers all Employees, as that term is used in Section 2.803, Conduct Policy (to include all Tribal Employees, Tribal Officials, Judges and volunteers, WEX placements, etc.). The HR Manager shall release such information to any other internal Tribal department, program, or entity, where the release is necessary for official reasons, with the consent of the General Manager.

§ 2.878 **VIOLATIONS OF THE POLICY**

- (a) Violations Discovered by Employee Drug Testing Program: Depending on the circumstances, and at management's discretion, the Tribe's policy is to allow one "Last Chance Agreement" to an Employee who has tested positive for possession of a prohibited substance, as defined herein. However, it is not mandatory for the Tribe to offer the Employee a "Last Chance Agreement," particularly where other conduct violations occur in conjunction with a positive test.

If an Employee tests positive a second time, the Employee will be terminated. The Tribe will not re-employ any Employee terminated because of a second positive test result until the Employee can provide documentation of completion of a certified drug and/or alcohol rehabilitation program and have been drug and alcohol free for a period of six (6) months.

- (b) Actual Use or Possession in the Worksite: Where facts establish that an Employee has used or physically possessed any prohibited substance in the

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worksite, or where any such substances are found on the person, or in or about the Employee's personal belongings, the Employee will be considered as a positive UA and/or shall be subject to discharge.

§ 2.879 **EMPLOYEE DRUG TESTING PROGRAM**

- (a) The Tribe conducts drug testing in the following circumstances:
- (1) Pre-Employment: All Applicants recommended for hire.
 - (2) Reasonable Cause: Employees where there is probable cause to suspect drug or alcohol use and/or intoxication in the work place.
 - (3) For Cause: Any Employee involved in an on-the-job accident, or on-the-job accident claim.
 - (4) Random Pool for Special Class of Employees: Selected employees such as Headstart Assistant Teacher/Bus Drivers, On-Call Transporters and/or Transporters whose primary job duty is to operate a motor vehicle with passengers will be placed in a random selection pool for the purposes of compliance for certifications and/or ensuring the safety of tribal clients, program participants, youth and elders.

[Amended by Resolution No. 2018-355, dated 11/15/18]

(b) Test Program Procedures

Procedures: The HR Department will notify an Employee that they must report to the U.A. collection site. Depending on the circumstances and the HR Manager's discretion, either 1) HR or other member of management may escort the Employee to the collection site, or 2) HR will inform the Employee to report to the collection site within fifteen minutes. Failure to comply with the escort, or failure to report within fifteen (15) minutes as ordered, will be grounds for termination.

- (1) Pre-Employment U.A. Screen: The Tribe has no intention or responsibility to hire persons who misuse legal and/or any illegal substance. Prior to employment with the Tribe all potential Employees will be required to submit to a drug test...
 - (A) If test results are negative, the applicant will be considered for hire.

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- (B) If test results are positive, and if the positive result is not due to the applicant's prescribed use of legal prescription drugs, the applicant will not be hired. If test results are positive due to prescribed medication or over the counter medication or remedies to treat a medical condition, then the test results will be classified as negative upon, and only upon, receipt of authentic and verifiable medical documentation and review is completed by a Medical Review Officer (MRO).

[Amended by Resolution No. 2018-355, dated 11/15/18]

- (2) Reasonable Cause U.A. Screen: When an Employee's Supervisor or Management has reasonable cause (which means a cause based on actual evidence and/or observation of behavior); the Supervisor may request that the HR Manager call the employee in for a test for reasonable cause. The HR Manager shall inform the Employee that the test is "for reasonable cause" and the basis for that cause.

- (A) If test results are negative, the HR Manager will inform the Supervisor and the Employee and will meet with them both to address any remaining issues that led to the referral for reasonable cause.

- (B) If test results are positive, the Tribe will implement the procedures pursuant to section 2.879 (c) Positive Results.

[Amended by Resolution No. 2018-355, dated 11/15/18]

- (3) "For Cause" U.A. Screen: When an Employee is involved in an on-the-job accident or files an on-the-job accident claim, the employee shall be tested immediately, or as soon as practical. The first on-scene Manager shall arrange for testing, whether directly or by coordination with the Employee's supervisor. The Supervisor is responsible for making contact with HR and informing them of the on-the-job accident.

[Amended by Resolution No. 2018-355, dated 11/15/18]

- (A) If test results are negative, the HR Manager will inform the Supervisor and the Employee.

- (B) If test results are positive, the Tribe will implement the procedures Pursuant to section 2.879 (c) Positive Results.

[Amended by Resolution No. 2018-355, dated 11/15/18]

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(4) Random Pool for Special Class of Employees. The select employees whose primary job duties are to transport tribal clients, program participants, youth and elders are placed in a Random Pool and may be randomly drawn at any time for a drug test. The computer program will assign a hidden number to each Employee when entered into the pool. At specified times during the year, the Human Resources Department will generate numbers, which are matched to employee names, who will be required to submit to a drug test.

(A) If test results are negative, the Employee's name will be re-included in the Random Pool and may be redrawn.

(c) Positive Results

(1) First U.A. screen test that shows positive results during an Employee's employment with the Tribe will proceed in the following manner:

(A) The Employee will immediately be placed on leave without pay until he/she can produce a negative drug screen result through a designated testing site, which will forward the result of each screen directly to the Tribe's Human Resources Department. If the Employee does not produce a negative screen within 30 calendar days from the date of the first positive test, the Employee shall be terminated from employment with the Tribe. The Employee shall pay the fees for all retest drug screens.

(B) In addition, at management's discretion, the Employee may be offered the opportunity to sign a "Last Chance Agreement," which specifies the conditions of continued employment. The conditions shall include, but not be limited to, the following:

(1) completion of an alcohol and drug assessment.

(2) terms for complying with assessment goals.

(3) completion of any necessary Releases of Information and provisions of all documentation required demonstrating successful progress of assessment goals.

(4) Submission to urine tests on a periodic basis

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not to exceed one (1) year from the date of the assessment.

- (C) If the Employee declines to enter into the “Last Chance Agreement” or does not comply with the above listed requirements, the Employee shall be terminated. Those Employees who choose to resign or who are terminated due to non-compliance will not be eligible for re-employment with the Tribe until they can provide documentation of completion of a certified drug and/or alcohol rehabilitation program and in addition have been drug and alcohol free for a period of six (6) months.

[Amended by Resolution No. 2018-355, dated 11/15/18]

Refusal or failure to take a drug screen test for Reasonable Cause, For Cause or Special Class of Employee Random Pool may result in termination of employment. Tampering with a specimen will result in termination of employment.

[Amended by Resolution No. 2018-355, dated 11/15/18]

§ 2.880 **CRIMINAL DRUG WORKPLACE VIOLATION REPORTING REQUIREMENTS**

Employees who plead guilty or no contest to, or who are convicted of any violation of Federal or State criminal drug statute occurring in the worksite, must notify in writing their immediate Supervisor of such an occurrence no later than five (5) days after such conviction or plea of guilty or no contest. Any Supervisor learning of such occurrence must notify the Human Resources Manager immediately, or no later than the next business day. The Human Resources Manager, in consultation with the General Manager, will notify any federal granting agencies as required by law within ten (10) days.

Revisions approved by Tribal Council 03/16/07

§ 2.881 **PROBABLE CAUSE FOR SEARCH POLICY**

Upon evaluation that probable cause exists to suspect an Employee’s possession or sale of an illegal or illicit drug while on the job and/or on Tribal property, Law Enforcement or other personnel designated by the General Manager may conduct a physical search of that Employee’s office area and furnishings; in addition, the Employee may be requested to empty his/her pockets, purse, lunch container, briefcase, parcels, tool boxes and other such items where a substance could be found. Depending on the circumstances, the Tribe may request that the Employee allow the search of his/her automobile parked on Tribal

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property, in order to determine whether the Employee is in possession of any of the prohibited drugs and/or drug paraphernalia.

Approve by Tribal Council 05/18/06

PART 16 PRODUCTIVE WORK ENVIRONMENT POLICIES (PWEP)

§2.882 PWEP POLICY

The Tribe strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the Tribe should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, positive atmosphere. The accomplishment of this goal is essential to the mission of the Tribe. For that reason, the Tribe will not tolerate unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, the Tribe will seek to prevent, correct and discipline behavior that violates this Policy.

§2.883 PROHIBITED CONDUCT

1. Discrimination:

a) It is a violation of this Policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, body, appearance, or marital status.

b) Discrimination in violation of this Policy is a ground for Disciplinary action, up to and including termination.

2. Bullying and Harassment:

Bullying and Harassment is prohibited. The definition of bullying and harassment is: verbal or physical conduct designed to threaten, intimidate, coerce or significantly and unreasonably impair another person's personal or professional morale. This may include verbal taunting (including racial and ethnic slurs) which, in the employee's opinion, impairs his or her ability to perform his or her job.

Examples of bullying and/or harassment are:

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(1) Verbal: Negative comments regarding any person's nationality, origin, race, color, religion, gender, sexual orientation, age, body, pregnancy, disability, or appearance, epithets, slurs, and negative stereotyping.

(2) Non-verbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, body, marital or other protected status, physically aggressive actions.

3. Sexual Harassment:

Sexual harassment in any form is prohibited. Sexual harassment which includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

a) Is made explicitly or implicitly a term or condition of employment or

b) Is used as a basis for an employment decision or c) Unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, and that lowers morale and therefore interferes with work effectiveness.

4. Malicious Gossip.

Malicious gossip is prohibited in the workplace. The definition of malicious gossip is communication between two or more individuals regarding another person or persons, which is not directly related to either communicators' employment responsibilities and is intended to, or is likely to (regardless of intent), negatively impact the person or persons being discussed, whether the injury would be to their professional standing, emotional well-being, family well-being, or reputation. Malicious gossip may or may not also constitute a breach of confidentiality, depending on the circumstances. Communications directly related to carrying out an Employees' work responsibilities are not malicious gossip.

5. RETALIATION

(1) The Tribe hereby prohibits any adverse personnel action for:

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- a) Telling any other Employee, in an appropriate manner, that their behavior may violate this Productive Workplace Policy; and/or
- b) Filing or responding to a bona fide complaint of a violation of the Productive Workplace Policy;
- c) Acting as a witness in the investigation of a complaint; or
- c) Serving as an appointed investigator.

(2) Retaliation or attempted retaliation is a violation of this Policy.

§2.884 RESPONSIBILITIES

1. All CTSI employees are responsible to avoid, prevent, and report Productive Workplace Policy violations, whether on their own or others behalf.
2. Managers and supervisors have a heightened responsibility to act promptly to eliminate any Productive Workplace Policy Violation. If a manager or supervisor knows that any Productive Workplace Policy Violation is occurring, or receives information that any Productive Workplace Policy Violation might be occurring, he or she must take immediate action to address the problem. Such action should include common sense action to halt any current activity, assess the parties' personal safety, and file a written incident report for submission to the Human Resource Manager.
3. The Human Resource Manager has the primary responsibility for implementing this Policy. In particular, Productive Workplace Policy Violation shall be reported to the H.R. Manager, who will investigate and respond to inquiries and complaints from management and employees regarding PWPVs; maintain records of Productive Workplace Policy Violation these inquiries and complaints as well as their resolution, and report to the General Manager and Tribal Council.

§2.885 COMPLAINT PROCEDURE AND DISCIPLINARY PROCESS

The following complaint procedure will be followed in order to address a complaint regarding, harassment, discrimination, or retaliation.

- 1) A person who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a Productive Workplace Violation Form with the H.R. Manager. The employee (complainant) making the complaint) may use the Productive Workplace Violation Form. If a

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supervisor or manager becomes aware of any Productive Work place Policy Violation, either from personal observation or as a result of an employee coming forward, the supervisor or manager should immediately file an Incident Report with the H.R. Manager.

2) Upon receiving the Productive Workplace Violation Form, the H.R Manager will notify the General Manager, and review the complaint with the Tribe’s Legal Counsel and the Manager of the department in which the alleged Productive Work place Policy Violation is occurring.

3) Within five (5) working days of receiving the complaint, the H.R. Manager will: Initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this Policy occurred.

4) At a minimum, the H.R. Manager or other appointed investigator (and, at the General Manager’s discretion, legal counsel or other management employee), will interview the complainant, the respondent (person allegedly harassed), and any witnesses.

5) Within fifteen (15) business days of receipt of the Productive Workplace Violation Form, or the matter being referred to the H.R. Manager, the investigator will conclude the investigation and submit a report of his or her findings to the General Manager, Department Manager, complainant, and respondent.

Approved by Tribal Council 11/17/2021

6) If it is determined that a Productive Work place Policy Violation has occurred, appropriate disciplinary action will be taken. The appropriate action will depend on the following factors: (i) The severity, frequency and pervasiveness of the conduct; (ii) Prior complaints made by the complainant; (iii) Prior complaints made against the respondent; (iv) The quality of the evidence (first hand knowledge, credible corroboration etc.), and the criteria included in Part 10, Disciplinary Action at §2.856, Levels of Disciplinary Action. Appeals of any disciplinary action resulting from a Productive Work place Policy Violation shall be taken pursuant to Part B, Employee Discipline Appeal Policy.

PART 17 SAFETY

§ 2.886 PURPOSE

It is the policy of the Siletz Tribe to protect the safety and health of all Employees. Injury and illness, and loss from accidents are needless, costly, and preventable. A safety and health program has been established which is adapted to fundamental occupational safety and health concepts that will help prevent injury and illness due to hazards.

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Employee involvement at all levels is critical for a successful program. To accomplish this task, a safety committee has been established. Its purpose is to bring workers and management together in a non-adversary, cooperative effort to promote safety and health in each work place.

§ 2.887 RESPONSIBILITY

- (a) Tribal Management is responsible for the prevention of injury, illness, and accidents; and is held accountable for all aspects under their span of control. Management provides direction and full support to Supervisors and Employees (Employees shall include, Tribal Judges, and Tribal Committee Members) regarding safety and health procedures, job trainings, and methods to eliminate safety hazards.

- (b) The Safety Committee shall be comprised of at least five members and will encompass all enterprises and entities of Tribal Government. Responsibilities include but are not limited to:
 - (1) Hold regular safety meetings once a quarter and more frequently if needed. Minutes of meetings shall be maintained and provided to the General Manager, members of the Safety Committee, and posted in each office setting. All reports, evaluations, and recommendations shall be made a part of the minutes of the safety committee meeting.
 - (2) Establish a system to allow the committee members to obtain safety-related suggestions, reports of hazards, or other information from Tribal Employees. The information obtained shall be recorded in the minutes at the next safety committee meeting, and shall be recorded for review by Tribal Management.
 - (3) Conduct periodic work place inspections to locate and identify safety and health hazards. Each department shall be inspected on at least an annual basis.
 - (4) Define discrepancies and remove obstacles to prevent accidents, identify hazards, and recommend corrective actions.
 - (5) Help identify Employee safety training needs and establish accident investigation procedures.
 - (6) Investigate on the job injuries, which workers suffer in connection with

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their employment, and determine the means that should be taken to prevent recurrence. Make recommendations to the General Manager for appropriate safeguards or corrections

- (c) Supervisors/Managers/Persons in Charge shall be responsible for but not limited to:
 - (1) The safe conduct of Employees while under their supervision.
 - (2) Provide a written report to the General Manager with a copy to the Safety Committee Chairman within two workdays from the time of occurrence for all on the job injuries.
 - (3) Conduct periodic work place inspections to identify safety and health hazards. (These should be done on a quarterly basis) Provide copies of these inspections to the Safety Committee for review.
 - (4) Employment Services Programs shall incorporate this policy into their orientation for new clients prior to placing them in the field.
- (d) Employee responsibilities shall include but are not limited to:
 - (1) If the Employee cannot safely make a corrective action, the Employee must immediately report any work-related hazards to his/her Supervisor.
- (e) If an accident or incident occurs, the Employee must do the following:
 - (1) Report all accidents/incidents, no matter how slight, immediately to the Supervisor. Reporting on the next work shift is not an acceptable practice. Urine Analysis is required for all work injuries or accidents.
 - (2) If medical treatment is sought the Employee must complete the "worker" portion of the Workers' Compensation Claim Form.
 - (3) The Employee must bring the Work Release form to physician on the first visit. Should the Physician authorize time loss, there is a three-day waiting period before time loss benefits will begin. To avoid loss of wages, the Employee must inform the doctor that light duty is available and the Physician must complete the Work Release/Physical Capacity form.

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- (4) Immediately report the physician's findings to the Supervisor. Return the completed Work Release/Physical Capacities form to the Supervisor.
- (5) Immediately report progress or findings after each subsequent physician's visit to the Supervisor. The Work Release/Physical Capacities form should be completed at each physician visit and returned to the Supervisor.
- (6) Report immediately to the Supervisor and no later than the next scheduled shift once a physician's work release is obtained.

§ 2.888 SAFETY RULES

- (a) For the protection and safety of all employees, Confederated Tribes of Siletz Indians has established the following rules designed to prevent accidents and injuries. Compliance with these rules is mandatory.
 - (1) All work related injuries and accidents, no matter how minor, must be reported immediately to the Supervisor.
 - (2) Unnecessary and excessive haste is the cause of many accidents. Exercise caution at all times.
 - (3) Proper clothing and footwear will be worn at all times. Do not wear loose clothing around machinery.
 - (4) Long hair, head or facial; will be secured when working with or around heavy machinery.
 - (5) When handling hazardous materials, follow prescribed safety procedures and use required safety equipment. If the employee is in doubt as to the procedures to follow, they need to ask for a complete briefing from their supervisor before moving ahead with the task. When using secondary containers filled by others, make sure that they are appropriately labeled as to their contents and hazards.
 - (6) Safety shoes are required while working in the designated areas of Warehouse, Public Works, and Natural Resources.
 - (7) Eye protection is required when working with cutting equipment, chemical applications, and designated equipment or as posted.

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- (8) Hearing protection is required in designated areas and with designated equipment.
- (9) Employees should not operate any equipment they are not familiar with or trained on.
- (10) Only certified personnel will operate forklifts.
- (11) Horseplay, running, fighting or any other non-work activity that may result in injury will not be tolerated and is subject to disciplinary action.
- (12) Jewelry should not be worn while working on or working around dangerous equipment.
- (13) Equipment must be operated with all guards in place. Tampering with safety devices is cause for immediate termination.
- (14) Any defect in materials, machinery, tools and equipment must be reported immediately to a Supervisor.
- (15) Do not leave tools, materials, or other objects where they may be stepped on, which might cause others to trip and fall. Emergency or fire Exits must be kept clear at all times.
- (16) Avoid risk of rupture, internal injury, or back injury in attempting to lift or push excessive loads (i.e. 50 pounds). If an object is too heavy to move without strain, ask for help.
- (17) Observe the correct position for lifting. Stand with feet slightly apart, assume a squatting position with knees bent and tuck your chin. Tilt head forward, grasp the load with both hands and gradually push up with the legs, keeping the back straight and avoiding any abrupt movements.
- (18) Do not distract others while working. When approaching, for any purpose do so from the front or the side in a way that he/she will see you coming and will not be shocked or surprised.
- (19) Smoking is not permitted inside any building, Tribal vehicle or Smoke Free designated campus. Smoking is allowed in *designated smoking areas only!* Cigarettes must be disposed of in proper trash receptacles.

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- (20) Seat Belts: All employees and passengers who drive or ride in GSA vehicles or personal vehicles while on Tribal business must wear seat belts.
 - (21) Housekeeping: All employees are required to keep their work area clear of debris.
 - (22) No burning incense, candles, grasses or other materials without authorization of the General Manager.
- (b) It is imperative that all employees become thoroughly familiar with the above safety rules. Failure to comply with safety rules or procedures, or failure to wear appropriate safety equipment may result in disciplinary action up to and including termination. These rules are not all-inclusive, and are subject to change and update.

§ 2.889 TEMPORARY ALTERNATE WORK ASSIGNMENTS

(a) Most injured employees are best served when we **do not** require a 100% medical release prior to returning an injured employee to work when an employee has a **temporary** physical restriction. Instead, our objective is to eliminate lost-time incidents through close communication with the treating physician and the utilization of Temporary Alternate Work Assignments. This is not to be considered light duty work, but rather a **temporary alternate assignment**, which will not aggravate the specific employee injury.

Individuals who experience a work-related injury are usually best served if they can continue working in some type of work assignment rather than being off work due to an injury. The continuation of work status will provide regular wages and also give the employee the emotional satisfaction of knowing that he/she is still a productive member of our team. Additionally, personnel studies show that alternate work assignments serve as good therapy for most injuries and therefore facilitate a more speedy recovery.

When an employee is off work due to a work-related injury, we pay for temporary disability benefits, medical costs, and all costs associated with administering the program. Obviously, we enjoy no productivity whatsoever from a lost-time work-related injury and incur the cost of bringing in another employee to cover work assignments. On the other hand, if we utilize Temporary Alternate Work Assignments, which meet the physical limitations established by the treating physician, we could avoid the cost of temporary disability payments and still benefit from the productivity of the employee.

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§ 2.890 EARLY RETURN-TO-WORK GUIDELINES

(a) In order to minimize serious disability due to on-the-job injuries and to reduce the effects to our injured employees, guidelines need to be developed to deal with time loss claims in which the employee can be offered modified work temporarily. Modified jobs will be identified after obtaining and examining the injured employee's physical limitations or restrictions. "Modified" might be the employee's regular job, modified by removing heavier tasks and reassigning those to other employees; a different regular job currently existing; or a job that is specifically designed around the employee's restrictions. A modified job, if offered, will end with the date the employee receives a regular release, and may be ended at any time if there is no longer a need for the modified work. Each case will be assessed individually based on needs. Modified work may not be implemented in every time loss claim. Wages will not necessarily be the same as that of the regular job.

(b) A team consisting of the injured employee, his/her supervisor, the HR Manager, the workers compensation insurance company, and the injured employee's physician will handle on-the-job injuries and occupational diseases. The team approach is the most effective method for achieving a return to productive work at the earliest opportunity.

(c) Return-to-work programs show that the employer cares about the injured worker. They pay for themselves by helping the injured employee mend rapidly and maintain confidence in his/her ability to work. They keep work skills sharp and prevent further injury once the employee gets back on the job.

Approved by Tribal Council 10/22/05

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PART 18 APPENDICES

APPENDIX A - Definitions

APPENDIX B - PARKING MAP

APPENDIX C - Salary Schedule

APPENDIX D - C.T.S.I. Organizational Chart

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APPENDIX A - Definitions

1. Application: The executable programs and their associated files that make-up an entire program.
2. Area Offices: Offices set up to provide accessible services to Tribal Members and other Native Americans located outside the Siletz Area, but within the eleven county services area.
3. Assistant General Manager: Tribal Official designated as the assistant to the General Manager, who is responsible for assisting with the proper administration of all Tribal operations.
4. General Manager: The General Manager of the Tribe who is responsible for the proper administration of all Tribal operations and who reports directly to Tribal Council.
5. Computer: A general term for all computers that are, or are not, physically attached to the network.
6. Computer Equipment: Encompasses all equipment such as, but not limited to, modems, printers, scanners, Lap tops or external drives. This equipment may or may not be physically attached to the network.
7. Computer System: Pertains to the network as a whole. Includes each computer that is physically attached to the network.
8. Contract Employee: A person who works for the Tribe as an independent contractor or consultant and is not considered to be a Regular Tribal Employee, and who shall only have those rights which are specifically identified in the contract document with the Tribe.
9. Department: A major functioning unit of the Tribal government.
10. Detached Duty Employee: An Employee of another agency who has been assigned to Tribal government or a Tribal entity on a full or part-time basis for a definite period of time.
11. Discharge: A written decision by the General Manager, or a designated official who has been given authority from the General Manager, to terminate an Employee.
12. Disciplinary Action: The imposition of a penalty on an Employee such as a reprimand, warning, suspension, demotion, etc., including discharge, as a result of Employee

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- misconduct. Disciplinary action may include corrective action(s) necessary to alleviate the penalty imposed or to avoid future penalties, including penalties of greater magnitude.
13. Exempt Employee: An Employee whose position exempts them from wage and hour laws pertaining to overtime.
 14. Fiscal Year: The calendar year, unless otherwise stated in a contract or grant.
 15. Formal Reprimand: Written communication by a Supervisor, Program Manager, or by the General Manager which warns a Tribal Employee of action or conduct which could result in further disciplinary action.
 16. Full-time Employee: A Tribal Employee, either probationary or regular, who is employed for 30 hours or more of work per week.
 17. Appeal: A Tribal Employee's written expression of dissatisfaction with a management decision affecting him/her, or an alleged violation of his/her rights, for the purpose of obtaining a reconsideration, which may include an adjustment or reversal of the cause of said dissatisfaction.
 18. Hard copies: Copies of reports or data that are printed out on paper.
 19. Immediate Family: Father, mother, son daughter, husband, wife, brother, sister, or any other person living in the same household.
 20. Informal Reprimand: An oral communication by a Supervisor, Department Manager, or by the General Manager which warns a Tribal Employee of action or conduct which could result in further disciplinary action. An informal reprimand may be memorialized in written form and included in the Employee's personnel file, but shall not be the basis for any formal disciplinary action and shall not be used for any other purpose until communicated in writing to the Employee.
 21. Intermittent Employee: An Employee who works for the Tribe intermittently and less than 30 hours per week.
 22. 477 Participant (WEX): A person who is officially enrolled in the Self Sufficiency Services program.
 23. Layoff: A separation from Tribal employment because of organizational changes, lack of work, lack of funds, or for other reasons not reflecting upon the work record or performance of an Employee. Layoffs longer than six months constitute a break in

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- continuous service.
24. Network: Two or more computers physically connected together by wire or coaxial cable.
 25. New Employee: A person who is new to Tribal employment, or who was previously employed by the Tribe and terminated such employment, either voluntarily or involuntarily.
 26. Non-exempt Employee: An Employee whose position involves activities, which are not exempt from wage and hour laws pertaining to overtime.
 27. Part-time Employee: An Employee who normally works less than a scheduled 29 hours per week for the Tribe or its entities in any capacity.
 28. Personnel Action: Any action taken with reference to appointment, compensation, transfer, promotion, layoff, discharged, bonuses, benefits, or other action affecting the status of employment.
 29. Probation: The period of time set by a Supervisor, department head, or General Manager that an Employee's performance will be closely monitored in order to obtain Regular Employee status, or to avoid further disciplinary action. A new Employee shall be on probation for the first six months of his/her employment, but shall not necessarily be subject to corrective action.
 30. Probationary Employee: A new Tribal Employee who has not completed his or her initial six month period of probation, or an Employee whose term of probation has been extended, or who has been placed on probation as the result of disciplinary action.
 31. Promotion: The advancement of an Employee from a position in one group classification to a position, which has a higher rating or salary range.
 32. Reclassification: A change in a job classification of a position by raising it to a higher job classification, or reducing it to a lower classification.
 33. Regular Employee: A full or part-time Tribal Employee who is not on probation.
 34. Repeated: Conduct or action, which occurs more than once.
 35. Supervisor: Any person who is responsible to a higher level of authority within the Tribe

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and who directs the work of others, including Managers, Assistant General Manager, and the General Manager.

36. Suspension: An Employee who is temporarily relieved of their employment with or without pay or fringe benefits for disciplinary purposes for a specified period of time.
37. Temporary Employee: An Employee whose job responsibilities, on either a full or part-time basis, do not exceed 120 days unless extended by the Tribal Council.
38. Termination: When a Tribal Employee leaves his or her employment with the Tribe, either voluntarily or involuntarily.
39. Transfer: A change of an Employee from one position to another within the Tribe.
40. Tribal Council: The duly elected governing body of the Confederated Tribes of Siletz Indians of Oregon under the Tribe's Constitution.
41. Tribal Employee: An Employee of the Siletz Tribal government
42. Tribal Entity: An arm of the Confederated Tribes of Siletz Indians of Oregon or a Tribal corporation of the Tribe set up to conduct the business affairs of the Tribe. A Tribal entity shall not include enterprises set up by such entity, such as a business enterprise set up by STBC.
43. Tribal Official: An authorized representative of the Tribe, and/or a person that is designated as an official spokesperson for the Tribe.
44. Unauthorized Absence: Any absence from employment that is not obtained according to the procedures outlined in this Manual.
45. Workday: Any day or shift which an Employee is scheduled to work.
46. Workplace: One or more geographic locations where an employee engages in work for the Tribe; all real property, facilities and structures of or owned by the Tribe; other vehicles including an Employee's vehicle, when used for Tribal employment purposes; any non-residential property not owned by the Tribe being used for any activity, event or function sponsored by the Tribe, involving clients who are under the jurisdiction and/or control of the Tribe such as a field trip, Area Offices, etc.
47. Workweek: The regularly scheduled workweek of 40 hours.