

BIG PINE PAIUTE TRIBE OF OWENS VALLEY

PERSONNEL POLICIES

Adopted: May 13, 1999

Effective: June 28, 1999

TABLE OF CONTENTS

| | | |
|-------------|--|-------------|
| I. | GENERAL PROVISIONS | Page |
| 1.1 | Guiding Provisions | 1 |
| 1.2 | Personnel System Coverage | 2 |
| 1.3 | Administration of Personnel System | 2 |
| | | |
| II. | RECRUITMENT & SELECTION | |
| 2.1 | Recruitment | 3 |
| 2.2 | Job Announcements | 4 |
| 2.3 | Filing Applications | 4 |
| 2.4 | Tribal Employment Rights (TERO) | 4 |
| 2.5 | Qualifications | 5 |
| 2.6 | Evaluation of Applicant | 5 |
| 2.7 | Appointing Authority | 5 |
| 2.8 | Types of Appointment | 5 |
| 2.9 | Personnel Records | 6 |
| | | |
| III. | EMPLOYMENT | |
| 3.0 | Employee Orientation | 7 |
| 3.1 | Probation | 7 |
| 3.2 | Promotion | 8 |
| 3.3 | Reassignment/Transfer | 9 |
| 3.4 | Demotion | 9 |
| 3.5 | Separation | 9 |
| 3.6 | Conduct of Tribal Employees | 9 |
| 3.7 | Public Statements | 10 |
| 3.8 | Disciplinary Action-General Considerations | 10 |
| 3.9 | Types of Disciplinary Action | 11 |
| | | |
| IV. | CLASSIFICATION & COMPENSATION | |
| 4.1 | Classification | 12 |
| 4.2 | Compensation | 12 |
| 4.3 | Hours of Work | 13 |
| 4.4 | Overtime & Comp Time | 13 |

| | | |
|-------------|---------------------------------|-------------|
| V. | EMPLOYEE BENEFITS | Page |
| 5.1 | General Provisions for Leave | 14 |
| 5.2 | Holidays | 15 |
| 5.3 | Annual Leave | 15 |
| 5.4 | Sick Leave | 16 |
| 5.5 | Maternity Leave | 17 |
| 5.6 | Training Leave | 18 |
| 5.7 | Jury Duty | 18 |
| 5.8 | Voting Duty | 18 |
| 5.9 | Emergency Leave | 18 |
| 5.10 | Leave Without Pay | 19 |
| 5.11 | Absent Without Pay | 19 |
| 5.12 | Tardiness | 19 |
| 5.13 | Social Security & Retirement | 19 |
| | | |
| VI. | TRAINING | |
| 6.1 | General Provisions | 20 |
| 6.2 | Training Costs | 20 |
| | | |
| VII. | CONDITIONS OF EMPLOYMENT | |
| 7.1 | Employee Rights | 20 |
| 7.2 | Employee Responsibilities | 21 |
| | | |
| | CERTIFICATION | 23 |

BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY PERSONNEL POLICIES

I. GENERAL PROVISIONS

1.1 GUIDING PRINCIPLES

The purpose of this policy is to establish a system of Personnel Administration for the Big Pine Paiute Tribe of Owens Valley. This system provides means to recruit, select, develop and maintain an effective and responsive work force. It includes policies and procedures for employee hiring and advancement, training, career development, position classification, salary administration, fringe benefits, discharges, resolution of grievances and other related personnel activities.

The Guiding Principles for the Big Pine Paiute Tribe of the Owens Valley personnel system will be:

- (a) to recruit, select and advance employees on the basis of their relative abilities, knowledge and skills;
- (b) to provide equitable and adequate compensation;
- (c) to train employees to ensure high-quality performance;
- (d) to retain employees on the basis of adequacy of their performance, correcting inadequate performance and separating employees whose inadequate performance cannot be corrected;
- (e) to ensure fair treatment of applicants and employees without regard to political affiliation, family ties, age, race, color, national origin, sex, marital status, religious creed, disability or other non-merit consideration and with proper regard for privacy and other constitutional rights as citizens, except that Indian Preference and Tribal Employee Rights will apply;

- 10 compel to a course of action
To dominate or restrain forcibly.
To bring about by threat or force.
- (f) to ensure employees are protected against coercion from partisan political activity and to prohibit their use of official authority for the purpose of interfering with or affecting the results of an election or nomination for office;
- (g) to ensure that all employees of the Big Pine Paiute Tribe of the Owens Valley are subject to these policies. Any waivers or outside procedures must be submitted in writing to the Tribal Administrator or designee and will be acted upon by the Tribal Council; and
- (h) to require all Big Pine Paiute Tribe of the Owens Valley employees follow these policies in all matters pertaining to personnel management and administration.

1.2 PERSONNEL SYSTEM COVERAGE

These personnel policies and procedures will apply to all Tribal employees, except for the following positions which are exempt from coverage (although travel and per diem policies may apply):

- (a) Members of the Tribal Council
- (b) Consultants and Contractors
- (c) Legal Counsel

1.3 ADMINISTRATION OF THE PERSONNEL SYSTEM

- (a) Big Pine Paiute Tribal Council of the Owens Valley

The Council, as the supreme legislative authority, is responsible for approving personnel policies. The Chairperson of the Tribe and two other council members (as designated) will comprise the Personnel Committee. The Policy's authority stems from the Tribal Council to the Personnel Committee, who provides overall supervision of all Tribal employees and then delegates duties and directives to the appropriate program staff with Tribal Council's consent.

The Council is the final authority in the interpretation of these policies. The Council also exercises control over personnel management by approving positions and allocating funds through the annual budget process.

(b) Tribal Administrator

The Tribal Administrator will be selected/appointed by the Council. Subject to the direction of the Council, they will have general supervision over the administration of the business affairs of the Tribe and will be charged with the management of its' policies.

II. RECRUITMENT AND SELECTION

2.1 Recruitment

- (a) To assure that interested and qualified persons are informed and attracted to compete, job openings will be publicized for a minimum of ten (10) working days. If there are no qualified applicants, the announcement will be extended an additional ten (10) days or remain open until filled.
- (b) Vacancy announcements for the Tribal Administrator will be publicized for a minimum of thirty (30) days.
- (c) Announcements will be posted on bulletin boards, inserted in newspapers, mailed to other organizations and otherwise advertised to the greatest extent and made available to members of the community and other interested parties.
- (d) Every consideration will be given to filling vacancies or new positions by promotion or transfer of current Tribal employees who meet all qualifications for the position. Selection for all positions will be in accordance with the Indian Preference Law, candidate qualifications and records of performance.

2.2 JOB ANNOUNCEMENTS

Vacancy announcements will include the title, filing deadline, salary range, a brief description of major duties and responsibilities, positions supervised, minimum qualifications for the position and an Indian Preference statement.

2.3 FILING APPLICATIONS

- (a) Applications for employment must be made on forms provided by the Tribal office and/or TERO and must be filed on or prior to the closing date specified in the announcement. The applications will be date stamped by either the Executive Secretary or Receptionist and logged in.
- (b) Applicants will be considered if they meet all minimum qualifications.
- (c) All applications must be signed by the applicant.
- (d) An applicant may be denied consideration, if it is found that the person misrepresented himself/herself, lied about significant information, or used political or other pressure to obtain employment.

2.4 TRIBAL EMPLOYMENT RIGHTS (TERO)

- (a) Candidates for employment will be considered without regard to political affiliation, family ties, age, race, color, national origin, sex, marital status, disability, religious creed or other non-merit factors.
- (b) To the extent feasible, qualified Indian applicants will be given preference hiring. This policy is in keeping with the intent of the Big Pine Paiute Tribe of the Owens Valley's Tribal Employment Rights Ordinance (TERO), and also in keeping with the intent of Public Law 93-638, Section 7 (Indian Self-Determination Act). Verification of entitlement to Indian Preference will be required.

2.5 QUALIFICATIONS

- (a) The Tribal Administrator, TERO Officer, Personnel Committee or all, will screen all applicants for minimum qualification requirements established for the job.
- (c) No minimum educational requirements will be prescribed without provision for substitution of equivalent training and/or experience, except when the duties of a scientific, technical or professional position cannot be performed by a person who does not have a prescribed minimum education.
- (c) The minimum qualifications for Tribal positions will be determined by the Administrator and approved by the Tribal Council.

2.6 EVALUATION OF APPLICANTS

- (a) In consultation with the Tribal Council, the Administrator will determine the type of evaluation to use in evaluating applicants.
- (b) Evaluation may be by means of interviews, evaluation of training and experience, written tests, background or reference checks, any combination of these, or any other selection devices which validly evaluates the applicant's qualifications.

2.7 APPOINTING AUTHORITY

The appointing authority will be the Tribal Council.

2.8 TYPES OF APPOINTMENT

- (a) Full-Time - Any employee who works a minimum of forty (40) hours per week on a continuing basis.
- (b) Part-time - Any permanent employee who works thirty (32) hours or less per week on a continuing basis.
- (c) Permanent - Any employee who completed the probationary period either

in a full-time or part-time capacity. Positions involved are of a permanent nature: i.e., the functions are on-going and very unlikely to be discontinued.

- (d) Temporary - Any employee who receives an assignment with the understanding that it is a short-time assignment. A temporary employee does not accumulate sick leave or annual leave and is not eligible to participate in any health insurance plan. Should a temporary employee become a permanent employee, their anniversary date will be the date the employee acquired permanent status.

2.9 PERSONNEL RECORDS

- (a) Personnel records will be kept for each employee in an individual folder or file in the bookkeeper's office.
- (b) Personnel records will include the following forms which are to be filled out completely/accurately and signed by Administrator or authorized person:
 - 1. Employment application
 - 2. Job Description
 - 3. Employee action forms
 - 4. Personnel policy letter
 - 5. W-4
 - 6. Timesheet file
 - 7. Request for leave forms
 - 8. Employee evaluation forms
 - 9. Confidentiality Statement
 - 10. Drug-free Workplace Statement
- (c) Records will be kept on all personnel actions including, but not limited to, hiring, promotions, dismissals, reprimands and resignations of both full-

time and part-time employee.

- (d) Employee personnel records are not public information and are therefore treated as confidential. Access to personnel records is limited to the designated personnel officer.

- (e) An employee may request to review the contents of their file at any time, but cannot take the file out of the Tribal office. No document(s) are to be added or taken from the file without notifying the employee.

III. EMPLOYMENT

3.0 EMPLOYEE ORIENTATION

- (a) The Administrator will be responsible for developing a program, with Tribal Council approval, to orientate each new employee when they enter the Tribal work force.
- (b) Orientation Procedure - On their first day, all new employees will meet with the Tribal Administrator or Personnel Committee and conditions of employment, i.e. personnel policies, fringe benefits, hours of work, rate of pay and their responsibilities will be discussed. Each employee will receive a Personnel Policy Manual and any other pertinent literature concerning employment. The Tribal Administrator will assure that all pertinent items on the orientation checklist are covered.
- (c) Each employee will be required to sign an affidavit of employment that they have read, understand and will abide by Tribal policy.

3.1 PROBATION

- (a) All new employees will be placed on probation for a period of 60 (sixty) calendar days. The Tribal Administrator's position will serve a

probationary period of six (6) months and will be evaluated by the Tribal Council.

- (b) If, during the probationary period, the Administrator/Personnel Committee determine the services of employee has been unsatisfactory, the employee will be terminated without the right of appeal, except in the case of alleged discrimination.
- (c) All employees will be evaluated by the Tribal Administrator and/or immediate supervisor at the end of their probationary period. Once evaluated, this will be considered their anniversary date.
- (d) Upon successful completion of the probationary period, an employee may be granted permanent status. All annual and sick leave accrued is fully credited to them and they may be considered for a merit increase in pay.
- (e) Employees terminated during the probationary period will not be eligible for payment of accrued annual leave.

3.2 PROMOTION

- (a) Promotion occurs when an employee moves from their current position to a position of increased responsibility and complexity which is compensated at a higher rate of pay.
- (b) No employee may be promoted temporarily or permanently if they do not meet the minimum qualifications of the higher level position.
- (c) Employees who are promoted must serve a probationary period from the date of promotion. However, they may use annual and sick leave which has been accrued up to the date of their probation.
- (d) Temporary promotions may be made in certain situations, such as periods of extended leave, special temporary assignments, etc. The employee must be

performing the higher level duties for at least two pay periods and will be paid at the rate set for the higher level position.

3.3 REASSIGNMENT/TRANSFER

Reassignment or transfer occurs when an employee is moved from one position to another which has different duties and responsibilities and is compensated at the same rate of pay.

3.4 DEMOTION

Demotion occurs when an employee moves from their current position to another which has less responsibility and complexity and is compensated at a lower rate of pay.

3.5 SEPARATION

- (a) Resignation - Resignation is the separation of an employee by their voluntary act. The employee should give at least two (2) weeks written notice to the Tribal Administrator and their immediate supervisor.
- (b) Layoff - An employee may be laid off whenever it is deemed necessary by reason of lack of work or funds. The employee will be notified of an impending layoff at least ten (10) working days before the effective layoff date. The notice will state the reason(s) for the layoff and the options the employee has, if any, for reassignment and subsequent reemployment.
- (c) Dismissal - An employee may be dismissed due to poor job performance or too affect disciplinary action.

3.6 CONDUCT OF TRIBAL EMPLOYEES

- (a) Employees of the Tribe are expected to conduct themselves, both on and off the job, in a manner which will bring credit to the Tribe.
- (b) When traveling on official business, employees are to maintain proper conduct when representing the Tribe.

- (c) Employees are to exercise the utmost discretion concerning all matters of official business and records.
- (d) Use of intoxicants, on or off the premises, during the working hours (including the lunch period) is cause for immediate suspension.
- (e) No employee will engage in conduct that reflects discredit on the Tribe or seek to interfere with the proper functioning of any operation of the Tribe. This includes efforts to promote factionalism or discord between individuals / groups, or to impair the effectiveness of any employee, Tribal official or lower the prestige of the Tribe and/or cause strained relations between other employees.

3.7 PUBLIC STATEMENTS

An employee may not speak to the public media as an official spokesman of Tribe without prior clearance of the Tribal Chairperson or the Tribal Council. Any deviation from this policy will be considered a serious infraction of regulations and will be subject to disciplinary action.

3.8 DISCIPLINARY ACTION - GENERAL CONSIDERATIONS

Disciplinary action will be taken for any of the following reasons:

- (a) Insubordination
- (b) Excessive tardiness
- (c) Unsatisfactory job performance
- (d) Drinking alcohol or illegal drug use on the job
- (e) Reporting to work exhibiting the after effects of prior intoxicant use
- (f) Breach of confidence
- (g) Any other conduct on the job not in keeping with acceptable standards of behavior.

3.9 TYPES OF DISCIPLINARY ACTION

Disciplinary action means verbal warning, reprimand, corrective action, suspension and termination. Such actions will take place when an employee violates a regulation or misconduct occurs.

- (a) Verbal Warning: The Administrator/Personnel Committee will give verbal warning and "notice" to the employee (informal).
- (b) Reprimand: A verbal warning with written documentation and placed in employee's file. The reprimand will be removed from employee's file after one year, if there are no further occurrences.
- (c) Corrective Action: Written (formal) warning will contain the specifics of the misconduct/violation and what correction action is necessary. It will also state what will be the consequence of continued behavior. The employee and Administrator /Personnel Committee will sign document and placed in their file, with copy given to employee.
- (d) Suspension: When warranted, employee will be suspended, with or without pay. Length of suspension for infraction will be at the discretion of Administrator/immediate supervisor and/or Personnel Committee.
- (e) Termination: Termination of employment may occur by two methods, voluntary (resignation) or involuntary (dismissal).
 - 1. Resignation: An employee may, at any time, terminate their employment. They must give at least 2 (two) weeks notice of resignation or forfeit all accrued benefits.
 - 2. Dismissal: Unless otherwise specified within this document, dismissal it is the ultimate result of disciplinary action. Recommendation must come from the Administrator or Personnel Committee.

3. Exit Interview: All employees are expected to participate in an exit interview with Supervisor/Administrator prior to their departure from the Big Pine Paiute Tribe of the Owens Valley.

The purpose will be to receive any Tribal property, keys, etc., assigned to them; obtain knowledge of pertinent projects & status of such projects they've been working on; determine if any outstanding debts/travel, etc. are owed and what, if any, annual is owed them.

IV. CLASSIFICATION AND COMPENSATION

4.1 CLASSIFICATION

- (a) When a new position is created, the Tribal Administrator will develop an initial draft of the position description and minimum required qualifications. The draft is submitted to the Tribal Council for approval.
- (b) A position may be reclassified on the basis of changes, or reevaluation of the duties, responsibilities and qualification requirements of the position.
- (c) A master file of all position descriptions will be kept in the Tribal office. Copies of their description will be given to employee when they are first hired and whenever significant revisions are made for their positions.

4.2 COMPENSATION

- (a) The Tribal Administrator will recommend rate of salary to Tribal Council for all Tribal employees. In setting salaries, consideration will be given to the following factors:
 1. Salaries for similar positions
 2. Availability of funds
 3. Minimum wage
 4. Comparable prevailing rates

- (b) Pay period endings (PPE) are every two weeks. A PPE will commence on a Monday and end on Sunday.
- (a) Cost-of-living allowances (COLA's) will be reviewed annually and awarded based on the government-allowed rate for the year.
- (c) Upon promotion, an employee will receive the minimum pay for the new position or a ten percent (10%) increase, whichever is the greater.
- (d) When an employee is transferred to a position in another class, within same salary grade, they will continue at the same rate.
- (e) Salary advances will not be authorized, no exceptions.

4.3 HOURS OF WORK

- (a) The full-time work week for employees will be forty (40) hours, Monday through Friday; eight (8) hours a day, from 8:00 a.m. to 5:00 p.m., with one (1) hour for lunch and two (2) fifteen minute rest breaks per day.
- (b) Each employee will maintain a record of their work hours by use of a time clock and card. Compensation will be based on the hours recorded on the time card. The supervisor must approve written notations on time cards.
- (c) All employees must punch their own time card
- (d) All time sheets must be signed and completed by employee and their supervisor's approval given before action is taken to process payroll.
- (e) A written request, by employee, is required to release check to others.
- (f) Paydays will be on Thursday, following the pay period ending.

4.4 OVERTIME AND COMPENSATION TIME

- (a) Overtime work is to be held to a minimum and reserved for essential or emergency situations.

- (b) Overtime work must be approved in advance by the Tribal Administrator or immediate supervisor; except in cases of emergencies, then it must reported as soon as possible after occurrence.
- (c) A record of compensatory time earned and used will be maintained by the bookkeeper. Compensatory time is paid at the rate of 1.5 hours, if the employee has already worked over 40 hours, with prior approval.
No more than forty (40) hours of compensatory time can be accumulated.
- (d) Compensatory time for travel will be earned only if the actual work plus travel time exceeds the normal work period, i.e. traveling on a Saturday or Sunday.
- (e) Flex time will be used where Compensatory time is applicable and will be used within that pay period ending.

V. EMPLOYEE BENEFITS

5.1 GENERAL PROVISIONS FOR LEAVE

- (a) When employees transfer from one position to another, they may transfer accrued sick leave and be given a choice of being paid for or accruing annual leave. Employees can not transfer accumulated compensatory leave and will use it prior to the transfer.
- (b) Annual and sick leave will be earned when an employee is absent from work on a Paid Leave status. Employees will not accumulate leave benefits while on Leave Without Pay status.
- (c) Approved Leave Without Pay, in excess of thirty (30) days, will not constitute a break in service.

- (d) Annual and sick leave will be accrued during the probationary period and can be used only after probationary period is successfully completed.

5.2 HOLIDAYS

- (a) The following holidays with pay will be observed:

- | | |
|--|-----------------------------|
| 1. New Year's Day | 7. Calif. Indian Day |
| 2. President's Day <i>Martin Luther</i> | 8. Veteran's Day |
| 3. Memorial Day <i>Cesar Chavez</i> | 9. Thanksgiving Day |
| 4. Annual Tribal Election Day | 10. Christmas Eve (1/2 day) |
| 5. Independence Day | 11. Christmas Day |
| 6. Labor Day | |

- (b) Any day appointed by the President of the United States, Governor of California, Tribal Council or by an act of Congress.

- (c) When a holiday falls on Saturday, the proceeding Friday will be observed as the holiday. If holiday falls on Sunday, it will be observed on the following Monday. If there is exception to the above, directives will be issued by the Tribal Administrator (with Tribal Council approval).

5.3 ANNUAL LEAVE

- (a) After completion of one year of continuous employment, an employee is eligible to take accumulated annual leave.

- (b) The rate of annual leave is determined by length of employment:

| | |
|---|----------------------|
| ¹⁰ 1st year = 7 days | 2-5 years = 10 days |
| 5-10 years = 15 days | 6-10 years = 20 days |

- (c) All full-time employees are to take at least forty (40) consecutive hours of annual leave each year. The balance may be taken in shorter segments.

- (d) Part-time permanent employees will accrue annual leave at 1/2 (half) rate of full-time employees. It will be in accordance with their length of employment.
- (e) The maximum hours of annual leave accrued is not to exceed 120 hours.
- (f) Annual leave must be requested and approved, at least, one week in advance by the employee's supervisor and availability of time verified by the bookkeeper. When conflicts of time off occur, the person submitting their written request first will be given approval, if the parties cannot come to a mutual agreeable arrangement.
- (g) All unused accrued leave will be paid at termination with their final payroll check, provided employee has returned all Tribal property they had been assigned. A signed release from the immediate supervisor will be required before the final check is released to the employee.
- (h) When a holiday occurs during annual leave, the holiday is not considered a day of annual leave.
- (i) Upon notification of death of a Tribal employee, a payment of their accrued annual leave will be made to the employee's beneficiaries or estate. The Tribal Council will instruct the Tribal Administrator on the disposition in such cases.

5.4 SICK LEAVE

- (a) Full-time employees will accumulate sick leave at the rate of 2.0 hours per pay period, not to exceed a total of 52 hours a year. Persons employed on an intermittent or irregular basis will not accrue sick leave with pay.

- (b) Sick leave will be accrued from the date of hire, but the employee will not be eligible to use accumulated sick leave with pay, until the successful completion of their probationary period is deemed.
- (c) When sick leave more than three (3) days occurs, the supervisor may require employee to submit a physician's statement.
- (d) The employee will notify their supervisor of their illness before the start of their shift or no later than one-half (1/2) hour after the start of their shift. Failure to notify supervisor will result in the denial of sick leave approval. If the immediate supervisor is unavailable; the next level supervisor will be notified.
- (e) Leave taken due to illness or death in the immediate family may be charged to sick leave.
- (f) Sick leave can be carried forward continuously, but not to exceed 120 hours, then no accrual will occur. All remaining sick leave will be forfeited upon termination.

5.5 MATERNITY LEAVE

- (a) Employees will be permitted to use accrued annual and sick leave for maternity purposes. Any additional time will be counted as leave without pay.
- (b) The employee must request leave in advance, including the type of leave, approximate dates and anticipated duration. This is to allow the Tribe time to prepare for staffing adjustments, if necessary.
- (c) Leave will be granted prior to delivery as determined by physician and up to six weeks after delivery of baby.
- (d) Complications of pregnancy will be treated as any other illness for the purpose of sick leave.

- (e) The employee's position may be filled on a temporary basis, if needed.
- (f) The employee will have re-employment rights to their former position.

5.6 TRAINING LEAVE

- (a) Attendance with pay at conferences, training sessions and meetings helpful/useful to the Tribe, contingent on availability of funds and work load, may be authorized by the Tribal Administrator and/or Tribal Council.
- (b) In the event that the time of such training is optional, the time will be designated at the discretion of the supervisor.

5.7 JURY DUTY

Leave of absence with pay will be granted to any employee who serves on a jury or who is a witness for the Federal Government, State of California or a political subdivision thereof. Proof of jury duty must be provided before leave.

5.8 VOTING LEAVE

Any employee who is a registered voter may be excused with pay, for a maximum of two (2) hours on election day, for the purpose of voting. If voting locally, this does not apply. This leave will not be charged to annual leave.

5.9 EMERGENCY LEAVE

- (a) Emergency leave with pay, up to three (3) days, will be granted for death in the immediate family (mother, father, children, sister, brother, spouse, grandparents, grandchildren). This leave will not be charged to annual leave.
- (b) Other emergency situations, such as extreme weather conditions or disasters, which prevent employees from going to work or performing their duties, may be granted at the discretion of the Tribal Administrator. This leave will not be charged to annual leave.

5.10 LEAVE WITHOUT PAY

In instances where the work will not be jeopardized by the temporary absence of an employee, the Tribal Administrator or Tribal Council may grant a leave of absence without pay, not to exceed ninety (90) calendar days. Requests for such leave must be in writing and must establish reasonable justification for approval of the request. Such leave will not be approved for employment outside of the Tribe.

5.11 ABSENT WITHOUT LEAVE

- (a) All absences must be reported as soon as possible to the employees' immediate supervisor and/or Tribal Administrator .
- (b) Failure to report absences in the above manner will result in the absence being declared "Absent Without Leave" and a deduction of pay will be made for such period of absence.
- (c) Such absence will be grounds for disciplinary action.
- (d) Voluntary absence without leave for three (3) consecutive working days is an automatic resignation of service. The Personnel Committee or Tribal Council may reinstate an employee who makes a satisfactory explanation for their absence.

5.12 TARDINESS

While tardiness of less than fifteen (15) minutes will not be penalized, it is considered tardy and a consistent pattern of tardiness will be subject to disciplinary action. It is the responsibility of each employee to be at their work station at the designated starting time.

5.13 SOCIAL SECURITY AND RETIREMENT

All employees are covered under the provisions of the Social Security Act and are eligible for the benefits which are provided.

VI. TRAINING

6.1 GENERAL PROVISIONS

The Big Pine Paiute Tribe of the Owens Valley encourages and promotes training to employees to update skills or knowledge, when feasible. Included, is training to:

1. Improve efficiency/proficiency in employee's present position.
2. Gain advancement of employee's position, when applicable.

6.2 TRAINING COSTS

Training costs include registration fees, lodging, per diem and travel expenses. The Tribal Administrator and the Bookkeeper's determination of availability of funds must approve all training and related expenses prior to disbursement of check.

VII. CONDITIONS OF EMPLOYMENT

7.1 EMPLOYEE RIGHTS

- (a) New employee will receive orientation of job requirements by their immediate supervisor.
- (b) Employee will be informed of the performance requirements of the position they fill and receive a current copy of their job description.
- (c) Employee will receive a copy of the Tribal Personnel Policies and will be required to sign a statement attesting to the fact they have read and understand the policies.
- (d) Employee will be informed of any inadequacy in their job performance and will have the opportunity to improve through counseling by supervisor.
- (e) Employee will have an opportunity to apply for any new/vacant position. Vacated or new positions will be filled, as much as possible, by the promotion of qualified current employees.

- (f) Employee will be encouraged to voice complaints and criticism of known problems to the appropriate officials. All such complaints will be evaluated and handled on an individual basis with consideration given to the cause of the complaint and to circumstances and personnel involved.
- (g) If an employee feels they did not receive a just solution to the complaint from their immediate supervisor, they may appeal in writing to the Tribal Council for a review of the decision. In such cases, the decision of Tribal Council will be final.
- (h) Employee will be informed in writing of any adverse action directly affecting them.
- (i) Personal information regarding Tribal employee is confidential. The personnel files will only be made available to employee and officially authorized personnel.
- (j) Employees' work environment will be clean, hazard-free, properly heated and ventilated.

7.2 EMPLOYEE RESPONSIBILITIES

- (a) Employees are to provide complete and accurate information on their job application.
- (b) Employees are to perform "Other Job Duties As Assigned", provided these duties are within their scope of related work. Duties that are significantly below or beyond their normal job duties, can be performed on an emergency basis, when there is no other available employee.
- (c) Employees will be kept informed of changes and revisions to this manual and will seek clarification when necessary.

- (d) Employees will not accept outside employment that interferes, in any manner, with the full and proper discharge of the duties of their position or results in a conflict of interest.
- (e) Employees will submit appropriate forms for administrative matters directly affecting them: i.e. travel request forms, travel expense receipts, Worker's Compensation claims, time sheets, grievances, etc. Only the Administrator or immediate supervisor can initiate requests to promote, reassign, transfer, demote, terminate or otherwise effect employee's status.
- (f) No employee, of the Big Pine Paiute Tribe of the Owens Valley, may speak for or act on behalf of the Tribe without prior written approval of the Tribal Administrator or Tribal Council.
- (g) Employees will dress in a manner appropriate to their position and provide proper attire in respect to specific occasions.
- (h) Employees will not use their official authority, or influence, for the purpose of interfering with an election or a nomination affecting the result thereof. Directly/indirectly coerce, command or advise another to pay; lend or contribute salary; use Tribal property or equipment for political purposes.

Engage in any political activity during scheduled working hours; neglect their assigned duties or responsibilities for political activity; discriminate in favor of or against a Tribal officer, employee or applicant because of political affiliation. Promise or use influence to secure Tribal employment or other benefits/services in exchange for political activity; solicit or accept gifts, contributions, favors, etc., from any person or organization doing business

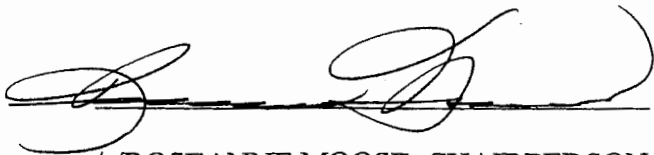
with the Tribe. The only exception to this rule is the acceptance of items normally distributed by a company for advertising purposes.

- (i) No tribal employee will sit on a Tribal committee, unless so elected.

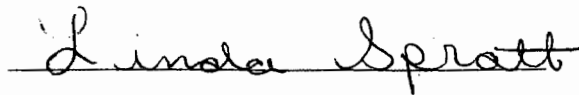
CERTIFICATION

We, the undersigned, duly elected members of the Big Pine Paiute Tribe of the Owens Valley, do hereby certify that the foregoing Personnel Policy was adopted on the 13th day of May, 1999; with a vote of 3 "FOR", 0 "AGAINST" and 0 "ABSTAIN".

ATTEST:



/s/ROSEANNE MOOSE, CHAIRPERSON



/s/LINDA SPRATT, SECRETARY

SEAL: