



FORT BELKNAP INDIAN COMMUNITY COUNCIL

PERSONNEL POLICIES MANUAL

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PERSONNEL POLICIES MANUAL

Fort Belknap Indian Community Council
Harlem, Montana 59526

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INTRODUCTION

This manual has been prepared to serve as a guide to all management and staff of the FORT BELKNAP COMMUNITY COUNCIL (hereinafter referred to as FBCC). It details the personnel policies of the FBCC in its efforts to deliver the highest quality of services to provide employment opportunities to all members of the Fort Belknap Indian Community. The FBCC requires policies within which employee initiatives can be directed in furtherance of these and other FBCC objectives and in the promotion of individual interest. Each employee must know what is expected by way of job performance and working environment that combines productivity with job satisfaction. Consistent application of these policies is the key to successfully maintaining employee morale and productivity, and, thus the delivery of quality services.

As the FBCC extends its authority over programs having both direct and indirect effects on the Fort Belknap Indian Community, it becomes essential for effectual administration that personnel policies be essential for effectual administration in a consistent and equitable manner. To be continuously effective, this manual must keep abreast of changing condition in employment standards, government regulations, applicable labor laws and other organizational matters.

*** NOTICE ***

The policies in this manual are to be considered as guidelines. The FBCC at its option, may change, delete, suspend or discontinue any part or parts of the policies in this manual at any time without prior notice. Any such action shall apply to existing as well as future employees with continued employment remaining a negotiable matter between the FBCC and the employee. No group or individual other than the FBCC may alter or modify any of the policies in this manual. No statement or promise by a supervisor, manager/foreman or department director may be interpreted as a change in policy nor will it constitute an agreement with an employee. Should any provisions in the Personnel Policies Manual be found to be unenforceable or otherwise invalid, such finding does not invalidate the entire manual, but only the subject provision.

SECTION 100: ADMINISTRATION

Policy No. 100. Personnel Policies Manual — Purpose

Policy Statement:

100.1 The Personnel Office of the FBCC disseminates all personnel policies and is responsible for the management of all employee related matters. The duties and responsibilities authorized in the personnel policies apply to all programs of the FBCC, including any subsidiaries. They are to remain in effect unless revised or otherwise superseded as prescribed in the FBCC's applicable procedures for doing so.

Procedures:

Administrative Rights and Objectives.

100.2 The FBCC retains the right to exercise all customary managerial functions, including, but not limited to, the right to:

- A. Assign duties and supervise day to day performances of those duties and to counsel and discipline employees who fail to perform the requirements of their positions.
- B. Evaluate employee performance.
- C. Determine and change reporting times, quitting times, and shift work when necessary.
- D. Transfer employees within programs/departments or into other programs/departments, as deemed necessary or appropriate in the furtherance of FBCC goals.
- E. Determine and change the size and qualifications of the work force as required by the availability of funds and administrative priorities.
- F. Determine and change methods by which FBCC operations are carried out.
- G. Assign duties to employees in accordance with FBCC needs and requirements.
- H. Establish, modify and abolish policies and regulations.
- I. Determine at the discretion of the FBCC any policies for personnel matters not considered in this manual.

100.3 It is the objective of the FBCC to establish personnel policies that will:

- A. Employ candidates on the basis of qualifications and suitability for employment.
- B. Provide salaries and benefits considered reasonable and competitive within the region and consistent with sound business practices.
- C. Maintain a safe, healthy and drug-free working environment.
- D. Establish reasonable hours of work.

- E. Delegate responsibilities among employees so as to ensure the successful completion of tasks.
 - F. Place employees in positions best suited to their abilities, professional development and the requirements of the FBCC.
 - G. Provide for professional growth through educational and training opportunities as funding allows.
 - H. Establish a system through which employees may have their concerns heard by management.
 - I. Allow for the free exchange of views between administration and staff, and encourage suggestions relating to the work place as well as policies.
 - J. Encourage employees to be creative and flexible in the discharge of their duties and responsibilities in a manner directed toward improving and enhancing the FBCC's goals.
 - K. Take all actions necessary to profitably operate the FBCC and preserve its assets for future activities.
- 100.4 When necessary for a particular program, departments or operation, supplementing and implementing procedures may be issued to cover specific requirements. Nothing in these supplementing or implementing procedures shall supersede or duplicate the requirements of these personnel policies, except as dictated by individual funding agency requirements and with the approval of FBCC.
- 100.5 All management and staff of the FBCC shall comply with these personnel policies.

Primary Duties - Personnel Office

- 100.6 One of the primary responsibilities of the Personnel Office is labor management, from planning through implementation of policies and programs necessary to maintain a consistent, motivated labor force. In order to meet this responsibility, activities which Personnel Office representatives must perform include the following:
- A. Communications
 - B. labor relations
 - C. attitude surveys
 - D. affirmative action
 - E. employee recruitment and appraisal
 - F. training and development
 - G. personnel administration
 - H. organizational analysis

100.7 As part of these efforts, attention shall be given to creating a working atmosphere which encourages productivity and loyalty and promotes a safe working environment, free from drugs and alcohol. Wherever possible, the creating and use of employee handbooks and manuals shall be used to convey the rules and regulations of the FBCC, to help explain the reasons for such policies and to aid in reducing misunderstanding which might arise in the absence of written materials. It is the duty of each supervisor to make sure that employees have received and understand the material contained in these writing. In the event the supervisor is unsure as to an area, a superior should be consulted.

Policy No. 110. Personnel Authority and Operations

Policy Statement

110.1 The FBCC, the governing body of the Fort Belknap Indian Community, maintains a Personal Committee pursuant to Article 1, Section 1, By-Laws of the Fort Belknap Indian Community. This Personnel Committee has final authority over personnel policies and operations. The Personnel Committee delegates its authority in daily business matters to the FBCC's Chief Administrative Officer, who further delegates such authority to the Personnel Officer. The Personnel Officer has responsibility for managing all personnel operations through the Personnel Office, including the administration of all activities related to employee planning, placement, training, development, wages and benefits and related employee relations.

Procedures:

Personnel Committee Duties

- 110.2 All personnel actions taken or prescribed by the Personnel Committee are final and binding. The FBCC's Personnel Committee reserves to itself the following rights and duties:
- A. To review personnel policies and to recommend changes to the Fort Belknap Community Council.
 - B. To make the final decisions in appointing successful applicants to permanent, part-time intermittent and seasonal positions following recommendations from the Personnel Officer and the supervisor or department director of the position being filled.
 - C. To review and adjudicate any appealed grievances or charges of discrimination and harassment as the final appellate authority of the FBCC.

Communications of Personnel Policies

110.3 The Personnel Officer is responsible for the development and issuance of all communications regarding the FBCC's personnel policies. Normally, these will be issued in writing, whether as part of the FBCC's Personnel Policies Manual, or through either implementing or supplementing handbooks, notices, memoranda and so on.

Essential Elements of Employee Communications Programs

- 110.4 The FBCC believes its interests and the interests of its employees are best served when communications programs are a two-way process. In developing its programs, the Personnel Officer shall consider the following types of information as those needed by the FBCC to pass on to its employees. as well as those needed from employees:
- A. Subjects to be communicated to Employees
 - 1. Organizational lines of responsibility
 - 2. FBCC policies and the reasons why they are needed.
 - B. Subjects to be communicated to Management
 - 1. Employee Complaints and grievances.
 - 2. Employee observations regarding work conditions.
 - 3. Employee suggestions.
 - 4. Other pertinent employee feedback.

Coordination

- 110.5 Since employees are involved with and report to their supervisors, nothing herein is intended to replace the authority within each department and program for the FBCC. However, for the purposes of ensuring continuity and consistent treatment throughout the organization, the Personnel Office provides support services as well as transmits the formal policies which all employees are required to follow. Close cooperation between department directors and supervisors and those engaged in personnel functions is the best way to ensure fair and equitable treatment for all employees.

Policy No. 120. Revisions to Personnel Policies Manual

Policy Statement:

- 120.1 It is FBCC policy to establish and maintain Personnel Policies of the highest standards. This may require that, in the best interest of the organization, certain policies and procedures be amended from time to time that more accurately reflect daily business activities.

Procedures:

- 120.2 The Personnel Officer is to conduct periodic reviews (at least once each year) to ensure that the FBCC Personnel Policies Manual reflects current and planned business conditions and the latest techniques of human resources management, and that the Personnel Policies continue to remain consistent with all other FBCC policies.
- 120.3 Should it be determined that substantive revisions are appropriate, the proposed revisions will be submitted jointly by the Personnel Committee for review and comment.
- 120.4 Upon receiving feedback form the Personnel Committee, the proposed changes will then be posted on FBCC bulletin boards, and employee comments and suggestions will be requested.

Upon twenty (20) calendar days from the date of posting, the Personnel Officer and the Chief Administrative Officer will review all comments and suggestions and deliver the final revision to the Personnel Committee for final review.

- 120.5 The Personnel Committee, upon editing the final version proposed by the Personnel Officer, will forward the revision to the full Community Council for official acceptance, rejection and modification of the proposal as necessary and to amend or repeal the appropriate section of the Personnel Policies Manual.
- 120.6 The effective date for policy implementation will be set by the Chief Administrative Officer. In no case, will the effective date be retroactive.
- 120.7 Minor revisions to the Personnel Policies Manual which involve updating language, clarifying intent, correcting inconsistencies, providing additional details or any other editorial revisions which do not change the substance of written policy or procedure are exempt from the preceding procedures in this policy. Such editorial revisions may be immediately adopted by the Personnel Office following careful review.
- 120.8 Substantive revisions to the Personnel Policies Manual which result from direct legislative action of the FBCC are also exempt from the preceding procedures in this policy. Such revisions will be implemented immediately by the Personnel Officer. It is the responsibility of the Personnel Officer to ensure that all employees are knowledgeable regarding such revisions.

Policy No. 130. EEOC Harassment / Discrimination Policy

Policy Statement:

- 130.1 The FBCC's long-standing policy prohibits racial or sexual harassment or discrimination of any kind. This policy applies to all employees. Violations of this policy will not be permitted and may result in disciplinary action, up to and including termination.

Procedures:

Policy Guidelines

- 130.2 Racial or sexual harassment or discrimination of any kind in the work place or as a condition of employment is not permitted. The U.S. Equal Employment Opportunity Commission (EEOC) has issued guidelines which specifically address prohibited acts of sexual harassment in the work place. These guidelines define sexual harassment as:
 - A. unwelcome sexual advances.
 - B. requests for sexual favors.
 - C. verbal or written conduct such as sexual joking, comments or innuendos, stereotyping, sexually suggestive objects or pictures, graffiti or pranks.
 - D. physical contact of a sexual nature such as touching.
- 130.3 These behaviors are illegal if:

- A. submission to such conduct is necessary for an individual to be hired or to stay employed.
- B. an employee's acceptance or rejection of such conduct is used as a basis for employment decisions affecting the employee, such as promotion, training, compensation and benefits.
- C. such conduct interferes with an employee's work performance or creates a hostile or offensive work environment for the employee.

130.4 While the EEOC guidelines apply to sexual harassment, at the FBCC they also apply to any form of harassment based on race, color, religion, national origin, handicap or age.

Complaint Procedure

130.5 Employees who believe that they have been harassed or discriminated against should report the behavior to their supervisor. In cases where the supervisor is involved, then employees should contact the next level of management or the Personnel Officer. Complaints should address the answers to the following questions:

- A. What was said or done?
- B. Who did it?
- C. When and where did it happen?
- D. Did anyone else observe or hear it?
- E. What did you do? Was the harasser confronted? What was the response?
- F. Has this happened before? Was the same person(s) involved? How did you handle it in the past?
- G. To your knowledge, have others had similar experiences?

Action by the FBCC

130.6 The Personnel Office will ensure that all policies are administered fairly and equitably. When a complaint is filed, this includes seeing that the following guidelines are adhered to:

- A. That complaints are handled confidentially, promptly, fairly and fully investigated.
- B. Provide feedback to the complainant.
- C. Ensure, to the maximum extent possible, that investigations protect the privacy of all parties concerned.
- D. Monitor to prevent any retaliation from being taken.
- E. See that proper disciplinary action, up to and including termination, is taken against violators of policy.

SECTION 200: PERSONNEL SELECTION

Policy No. 200. Employment Announcements

Policy Statement:

200.1 The Personnel Office is responsible for communicating employment opportunities, assignments and promotions throughout the organization.

Procedures:

Vacancy Announcements

200.2 When permanent position vacancies become available, the Personnel Office will post notices of such vacancies on FBCC bulletin boards amid in local newspapers so that employees are aware of the same. The notices will describe the qualifications associated with the positions, along with details regarding transfer procedures and requirements.

200.3 All position announcements, at a minimum, will consist of:

- A. The position title and reporting relationship.
- B. The salary ranges for the position.
- C. A list of minimum qualifications.
- D. An outline of duties and responsibilities.
- E. The required form of application.
- F. Opening and closing dates of submission and application.
- G. The name and address of sponsoring organization to whom applications are to be submitted.

New Hires. Promotions. Transfers

200.4 In addition to any internal notifications, the Personnel Office will also post notices on bulletin boards announcing the names and positions of newly hired employees, job promotions, and transfers.

Employee Referrals

200.5 Employees are encouraged to refer friends and relatives to the Personnel Office regarding employment announcements should they feel that they may be potential candidates.

Policy No. 210. Position Descriptions

Policy Statement:

210.1 The Personnel Office is responsible for the development and issuance of all position descriptions. Position descriptions are used for the purpose of providing a broad overview of job requirements,

to prescribe qualifications necessary to hold jobs and to establish pay grades for the level involved.

Procedures:

Job Study

- 210.2 The Personnel Office is responsible for the development of position descriptions and an employment program whose goals are to enable the FBCC to have work accomplished in the best way, by the best persons, at fair wages. This will be accomplished through the development of a position analysis program which will enable the Personnel Office to gather the information needed for the writing and issuance of position descriptions. As part of the development of this information, the Personnel Office may draw upon the use of employee questionnaires, interviews, observation and any combination thereof
- 210.3 A written request for permanent position authorization must be submitted by the supervisor or the department director to the Personnel Officer. This request will include:
- A. The detailed rationale which states specific needs for the position, and the position title.
 - B. The recommended salary level for the position and the account to which the salary will be charged.
 - C. A detailed outline of duties and responsibilities of the position and the reporting relationship of the position within the department.
 - D. A list of minimum qualifications for the position.
 - E. A recommended time frame within which the position should be advertised and filled.
 - F. A list of qualified candidates for the position whose applications are currently on file, if available.
- 210.4 Administrative authorization for the permanent position will be given by the Chief Administrative Officer to the Personnel Officer and the supervisor responsible for submission of the request. This approval will be based on:
- A. Whether the position is determined to be necessary or essential to the continued operations of the FBCC.
 - B. The availability of funds to be appropriated for the salary.
 - C. The potential benefits that may be realized by the FBCC if this position is authorized.
 - D. Any other pertinent factors relevant to personnel matters that may influence a determination.

Issuance of Position Descriptions

- 210.5 New position descriptions must be approved by both the Personnel Office and the department director to whom the position reports. Each department director is responsible for keeping a copy of all position descriptions to which his or her subordinates have been assigned and to inform the

Personnel Office whenever position duties, educational requirements or working conditions change, when these require revisions to the position description.

- 210.6 Supervisors are responsible for ensuring that employees are aware of the responsibilities they have for performance, as indicated in the position descriptions as well as daily direction they receive. Any questions concerning the content of position descriptions should be discussed with an immediate supervisor. If the supervisor requires clarification of information, he or she should contact a Personnel Officer representative.

Policy No. 220. Recruiting

Policy Statement:

- 220.1 Affirmative action requires that all elements of the hiring process, including recruiting, be unbiased and provide equal opportunities to all candidates. With the exception of a preference first for qualified enrolled members of the Fort Belknap tribes who are veterans of the Armed Forces, and second for other qualified enrolled members, the FBCC subscribes to this general policy.

Procedures:

Authority

- 220.2 The Personnel Office is the final authority with respect to decisions concerning the type and extent of recruiting efforts to be conducted by the FBCC. In carrying out this responsibility, representatives of that department will coordinate with requisitioning programs, in order to ensure that these programs are provided with suitable candidates.

Determining Recruiting Needs

- 220.3 The need for recruiting will be based upon such factors as manning schedules, open or outstanding requisitions, forecasts and surveys as to the potential number of available candidates that will be available in the near and distant future.

Recruiting Methods

- 220.4 Vacant positions must be advertised by the Personnel Office for a period of two weeks. The department will determine which recruiting method(s) are to be used and monitor the various methods to determine if any of these appear to be better sources for filling the needs than others. If so, preference should be given to that (or those) methods of recruiting in the future. Among the different methods of recruitment are:
- A. Classified advertising in newspapers and magazines.
 - B. State employment services.
 - C. College and university placement offices.
 - D. Radio advertisements
 - E. Notices on bulletin boards. Professional associations. Employment agencies.

Transfer of Personnel

- 220.5 Every opportunity shall be given to existing personnel with respects to filling position vacancies in any department or program administered by the FBCC, particularly when transfers (see Policy No. 440) represent advancement opportunities.

Policy No. 230. Employment Interviews and Selections

Policy Statements:

- 230.1 It is the policy of the FBCC to select for employment only those candidates whose qualifications (i.e., education, training and experience, as well as attitudes, competencies and achievements) are of a standard considered acceptable for the permanent position to be filled. All qualified enrolled Fort Belknap tribal members shall receive offers of employment over their non-member counterparts as a matter of policy.
- 230.2 The Personnel Office shall be the first point of contact for prospective employees. While the FBCC is always pleased to have its employees refer potential candidates, dialogue concerning possible employment between applicants and employees prior to application to the Personnel Office is discouraged, since it may lead to misunderstanding and, possibly, litigation.

Procedures:

Authority

- 230.3 All interviews and selections for permanent positions will be conducted by the Personnel Committee of the FBCC. The constitution of the Personnel Committee shall be set by resolution of the FBCC.

Screening

- 230.4 Normally, before any interviews are scheduled, the Personnel Office and the appropriate program director will evaluate resumes and employment applications against position requisitions and descriptions to determine if an applicant meets minimum standards required for a position. Other screening methods which may be used include reference checks and testing.
- 230.5 Any individual who is eliminated from further employment (or transfer) considerations after screening shall be advised of that fact in writing as soon as practicable thereafter, in any case not to exceed ten calendar (10) days. However, other than telling applicants that they are no longer being considered for position, and thanking them for their interest in the FBCC, specific reasons shall not be given regarding the FBCC's decision.

Ranking of Applicants

- 230.6 Upon completion of applicant screening, the Personnel Office representative handling the recruitment will rank acceptable applicants in order of suitability. The ranking of applicants will consider factors such as salary requirements, experience and education, as appropriate. Applications will be delivered to the FBCC's Personnel Committee along with their ranking sequence as information; however, the Personnel Committee reserves the right to interview all candidates which have been determined by the Personnel Office and the program's director to

meet qualifications. The ranking of applicants by the Personnel Office is an advisory function only - the Personnel Committee has final authority over the selection of applicants.

- 230.7 Fort Belknap tribal members who meet the criteria for the veteran's preference (as detailed in federal civil service regulations) and are otherwise eligible and qualified applicants will be given preferential consideration for hiring [see BIA criteria for veteran's preference.] This preference will result in qualified Fort Belknap veterans being placed at the head of the ranking list.

Interviews

- 230.8 The number of personnel to be interviewed will be determined by the Personnel Committee, in cooperation with the Personnel Office, based upon considerations of need, availability, cost and so on. At any time during this process, whenever a candidate is removed from further consideration, that person should be advised in writing within ten (10) calendar days, consistent with the same procedure followed in the screening process.
- 230.9 The arrangements of interviews with applicants is a function of the Personnel Office. Such arrangements must carefully identify any interview expenses which the FBCC has agreed to pay for, such as travel accommodations, and so on. Unless otherwise specified, the FBCC will not pay for any interview expenses.

Selection

- 231.0 The FBCC recognizes the need for flexibility with respect to the specific procedures involved in the hiring process, since considerations at various levels of the organization involve different criteria. Regardless of which procedures are used, good business practice requires that proper recording will be made of every application; all applicants are treated courteously; and, that applicants understand that appropriate placement may be dependent, in part, upon the results of a physical examination which the FBCC may require of applicants applying for certain kinds of positions.
- 231.1 As part of the selection process, the Personnel Office will conduct reference checks, usually by phone since this is the quickest and most cost-effective manner. Depending upon the position involved, other investigative checks, such as credit reports, may also be required as part of the selection decision.

This is to ensure that, among other considerations, there is agreement concerning salary and position grades consistent with the procedures established by the FBCC for all employees. If the Personnel Office discovers a discrepancy between the Personnel Committee's selection and established procedure, the matter must be referred back to the Personnel Committee for resolution.

Employment Offers

- 231.3 All formal offers of employment will be made through the Personnel Office, in writing, clearly describing position level, payroll grade and conditions related to the nature of employment, and so forth. When circumstances are such that the need is urgent, or when it is advisable to do so, the Personnel Office representative involved is authorized to make a verbal offer, with a written confirmation to follow not later than two days thereafter. Normally, offers will be extended based

upon a defined time for the applicant to respond to the FBCC. Wherever possible, acceptance copies of the FBCC's offer should be secured.

- 231.4 Upon acceptance of an offer for certain kinds of employment by the successful candidate, the Personnel Office may arrange a pre-employment physical examination. The pre-employment physical examination will be scheduled at the local PHS Facility and may include a determination as to the ability of the candidate to perform physically demanding tasks. Results of the physical examination must be reviewed by the Personnel Officer, the program director and the Fort Belknap Insurance Company prior to the employee's first day of employment. Should the results of the candidate's physical examination indicate that he or she cannot perform the duties of the position, a subsequent offer will be made to an alternate applicant.

Establishment of Records

- 231.5 The Personnel Office will establish a permanent personnel folder for all new employees and submit appropriate information on the new employee to the Accounting Department.

Hiring Reviews

- 231.6 There is hereby established a limited process for review of hiring decisions made at all levels. The process set forth in this section shall be the exclusive means for reviewing hiring decisions of the FBCC, its Personnel Committee or administrative staff
- 231.7 Unsuccessful applicants for specific positions shall have the right to request, in writing, a review of the hiring process involved with that position. Such written request for review must be made within five (5) calendar days of the date of the decision to be reviewed, and must cite the hiring decision made, as well as the policy, resolution, rule or statute believed to be violated in the hiring process. At the time of interview, the hiring body shall state the date its decision shall be rendered. Every effort shall be made to notify all applicants of the decision rendered in a timely manner; however, it shall be up to each individual applicant to become informed about the decision made and to file a request for review, with filing fee, as required herein. To be recognized as filing within the five (5) day time limit, each unsuccessful applicant must submit a non-waivable filing fee of one hundred (\$100.00) dollars by money order made payable to the Fort Belknap Community Court within said time period. The filing fee and appeal shall be filed with the Personnel Office of the FBCC.
- 231.8 Upon receipt of a timely review request, together with the requisite filing fee, the Personnel Office shall contact the Fort Belknap Community Court within five (5) working days of receiving such request. The Personnel Office shall then provide the Court with all advertisements, job descriptions, applications, interview notes and files related to the firing decision made, along with the filing fee. The presiding judge shall, within fourteen (14) calendar days of being informed of the request, review the points of contention in the request, and render a written judgment thereon to the Personnel Committee through the Chief Administrative Officer. In reviewing decisions, the presiding judge shall presume initially, subject to rebuttal, that the Administration was correct, and shall not substitute its findings of fact or conclusions of law for those already entered, in whatever form, unless it finds that the previous decision was arbitrary and/or capricious, erroneous as a matter of law, or unsupportable, based on the record. This standard shall be applicable at each level. Should the Court find merit to the appeal under this standard, it shall return seventy-five (\$75.00) dollars from the original filing fee to the unsuccessful applicant; otherwise, the entire filing fee shall forfeit to the Court.

- 231.9 In the event that the Court finds no merit to the appeal, the Personnel Office shall directly contact the unsuccessful applicant of the Court's decision upon receipt of a written judgment by the Court against the Administration; however, the Personnel Committee shall take appropriate action and respond to the unsuccessful applicant in writing within thirty (30) calendar days. Copies of the Personnel Committee's response shall be filed with the Personnel Office and sent to the applicant seeking review. The response of the Fort Belknap Community Court and the Personnel Committee in accordance with this procedure shall be final and binding on all parties.
- 232.0 The FBCC, in establishing this hiring review procedure, is delegating authority to provide a means for review. It is intended as a limited delegation of authority to allow for a limited review to benefit applicants, balancing the restricted resources of the FBCC with the desire to provide individuals with a means to have their concerns about hiring action reviewed.

Policy No. 240. Interview Techniques

Policy Statement:

- 240.1 Employment interviews will be conducted by the FBCC's Personnel Committee to accomplish two objectives. The first is to utilize consistent techniques in order to try to keep interviews and interview decisions as objective as possible. The second is to maintain and promote good will regardless as to the ultimate selection decision.

Procedures:

- 240.2 Interviews will be conducted in a structured manner which is based upon the following considerations:
- A. Preparation
 - B. Rapport/Setting
 - C. Discussion
 - D. Closing
 - E. Evaluation

The following describes the principals involved in each of these. The Personnel Officer is responsible for bringing these considerations to the attention of all members of the Personnel Committee.

Preparation

- 240.3 Important steps which must be considered before the actual meeting with candidates include:
- A. Review position descriptions, job specifications and related requirements.
 - B. Become familiar with existing staff, levels and salary ranges.
 - C. Confirm arrangements, allow for sufficient time for interview so that call backs are kept to a minimum.

Rapport/Setting

- 240.4 Arranging for the interview in a manner which is conducive to both mental and physical comfort is recognized as a way to reduce the stress candidates face in the interview situations. This reduction, in turn, enables the interviewer to obtain better information from the applicant, and is a stronger indicator of what skills and knowledge the employee can bring to the position. Among the considerations for this interview steps are:
- A. Try to meet with candidates as closely as possible to the time of the appointment. If it appears that you are going to be delayed for more than a reasonable time period, let them know instead of merely being kept waiting.
 - B. Arrange the interview so that privacy is protected and so that disruptions are kept to a minimum.
 - C. Greet candidates warmly, in an atmosphere of friendship. Where appropriate offer a beverage. Engage in small-talk rather than immediately starting with direct questions.
 - D. Avoid formal seating barriers, such as desks, particularly when dealing with professional personnel.
 - E. Extend courtesy to the candidates by remaining seated throughout the interview and reserving exits for the time between interviews.

Discussion

- 240.5 Creating a dialogue is a key to this vital step. The Personnel Committee expects as part of the interview process to obtain responses from candidates, not merely to have them sit and hear what is required of them.
- A. Avoid questions which can be answered by a simple "yes" or "no".
 - B. Preface questions with statements such as:
"What has been your experience with...?"
"What do you think about...?"
"Do you have any suggestions or opinions about...?"
 - C. Avoid asking questions in a manner which isn't much more than routinely reading to them from a prepared text.
 - D. If you are discussing a complex area which the candidate would not be expected to be familiar with, make sure that they understand what you are asking about.

Closing

- 240.6 The FBCC expects that the completion of the interview will be accomplished in a professional manner, even when the Personnel Committee feels that the candidate can no longer be considered for the vacancy. This means:
- A. Leaving applicants with the feeling that they have had a fair opportunity to be heard, and to ask any questions.

- B. Using the wind-up of the interview to promote the FBCC as presenting an opportunity when the Employment Committee believes that the applicant has a reasonably good chance of being selected.
- C. Giving applicants an idea of the next steps that will be taken with respect to a decision, such as position offers or notification of the decision to consider other applicants.

Policy No. 250. Employment Classifications

Policy Statement:

250.1 The FBCC classifies all of its employees according to the permanence of their positions, length of their work week, eligibility for overtime pay and suitability for other employee benefits.

Procedures:

Permanent Positions

250.2 Permanent positions may be either full-time, part-time or seasonal and are approved and budgeted through the FBCC's Chief Administrative Officer- Consequently, all permanent positions are filled by the Personnel Committee pursuant to Section 230 above.

Exempt/Non-exempt Employees

250.3 At their time of hire, all permanent employees will be classified as either "exempt" or "non-exempt." This is necessary because, by law, employees in certain types of jobs are entitled to overtime pay for hours worked in ~~excess of eight (8) hours per day~~ or forty (40) hours per work week. These employees are referred to as "non-exempt" by the FBCC. This means that they are not exempt from (and therefore should receive) overtime pay.

250.4 "Exempt" employees of the FBCC are officers, managers, supervisors, professional staff—technical staff, outside consultants, directors and others whose duties and responsibilities allow them to be exempt from overtime pay provisions as provided by the Federal Fair Labor Standards Act (FLSA). All exempt employees will be advised of their classification at the time they are hired, transferred or promoted.

Permanent Full-time Employees

250.5 Employees hired in permanent full-time positions are required to work forty (40) hours per week and are eligible for all employment benefits offered by the FBCC. Permanent full-time employees may be classified as "exempt" or "non-exempt" as described below. All full-time employees shall be placed on a three (3) month probationary status immediately upon hire and receive an evaluation upon the expiration of their probation (see Section 500.3). Thereafter, full-time employees receive an annual performance appraisal on the anniversary of their hiring date (see Section 500.4), at which time they may receive an increase in their hourly rate, based upon performance and available resources.

Permanent Part-Time Employees

250.6 Part-time employees are normally hired for schedules of less than 40 hours per week. They are classified as hourly employees. Part-time employees are allowed to participate in the FBCC's

annual and sick leave benefit [programs or other federally mandated benefits](#) on a pro-rated basis. Part-time employees are not eligible for any other employment benefits offered by the FBCC, however, they will be given priority consideration over other applicants for any full-time positions which might become available, provided that their performance for the FBCC has been acceptable and they are qualified for such positions. Part-time employees shall receive a special performance appraisal on a six-month basis, at which time they may receive an increase in their hourly rate, based upon performance and available resources.

Permanent Seasonal Employees

250.7 Seasonal employees are required by their position descriptions or funding constraints to work less than the full year on a regular seasonal basis, and may be either full-time or part-time. These employees are eligible for the benefits afforded other permanent employees as described above (whether full-time or part-time) throughout their seasons of employment.

Temporary Positions

250.8 The need for temporary employees is based on workload. These employees may be full-time or part-time and will be hired by the FBCC's administrative staff (program directors, department directors, etc.) as necessary' and with proper authorization. Authorization is obtained by submitting a request from the program or department director for the approval of the Personnel Officer and the Chief Administrative Officer. It is the responsibility of the hiring administrator to negotiate the terms of employment pursuant to these guidelines and to inform the Personnel Office and Accounting Department of such action when approved.

250.9 Temporary employees are hired for specific jobs or programs lasting a predetermined number of calendar days not to exceed thirty (30) days. Employees classified as temporary are not eligible for any employee benefits. Should a determination be made by the program director that the temporary employee's services are required beyond the initial appointment, the Personnel Officer and Chief Administrative Officer must approve the extension with the knowledge that such an extension will not exceed an additional ten (10) working days.

Contractual Employees

251.0 Contractual employees enter into legal agreements with the FBCC in order to provide services or expertise not otherwise available to the organization. The employment arrangements for contractual employees are as varied as the contracts that the FBCC negotiates. Contractual employees usually receive a fixed payment in exchange for services provided as specified in the contract. These contracts must be signed and approved by the potential employee, his or her potential supervisor, the Chief Administrative Officer and the President of the FBCC. Contracts which progress through the entire review process are filed by the Personnel Office in the employee's permanent record folder. The contractual employee is only eligible for those benefits specified in his or her contract.

SECTION 300: EMPLOYMENT CONDITIONS

Policy No. 300. Employee Responsibilities - General

Policy Statement:

300.1 Employees are expected to maintain certain levels of performance and conform to established personnel policies of the FBCC. General areas of responsibilities are set forth below. In addition, employees should be knowledgeable regarding other responsibilities as contained in the FBCC's policies.

Procedures:

Employee Orientation

300.2 Supervisors are responsible for reviewing the responsibilities contained in this policy with all new employees as part of their orientation, during the first week on the job. The Personnel Officer will work with all FBCC department directors and supervisors to ensure that their orientation procedures are consistent with this requirement.

Responsibilities

300.3 Dealings with Customers, Suppliers and the General Public: Employees should recognize that whenever they deal with customers, suppliers or the general public, they are, in effect, representing the FBCC. As such, all dealings should be conducted in a way which maintains respect for the good name, integrity and reputation of the FBCC.

300.4 Dealings with Co-Workers: The FBCC encourages a team spirit of cooperation between its employees. One of the criteria used to measure an employee's potential to grow in the organization is how he or she works with others.

300.5 Adherence to Work Schedules and Office Hours: Employees are expected to adhere to the FBCC's established hours for work, take breaks within the time allotted for the same and observe lunch hour schedules. If an employee is unable to be at work due to an illness, every attempt should be made to notify your result in disciplinary action, including written or oral reprimand, pay deductions, temporary layoff or separation from employment.

300.6 Availability for Overtime: While the FBCC will try to schedule any overtime work in advance, there may be occasions when it is impossible to do so. Employees are expected to be available for overtime work when such work is required. It is important that employee files be current with respect to home address and phone number, along with the names of who should be contacted in the event of health or other emergencies.

300.7 Acceptable Performance Standards: All employees are evaluated based upon how they perform their work, in accordance with the FBCC's performance evaluation criteria. If, at any time, employees are unclear of what the FBCC expects of them in job performance, they should discuss this with their supervisors, consult the applicable position descriptions covering their positions, and, if necessary, also request assistance from the Personnel Office.

Policy No. 310. Confidential Information

Policy Statement:

310.1 Employee's shall neither profit or otherwise personally gain from any confidential information within the FBCC, nor shall they release same without the FBCC's permission. As a condition of

hire or continuing employment, all employees are required to adhere to the FBCC's policy regarding confidential information as set forth herein.

Procedures:

310.2 All employees are to become familiar with, and abide by, the FBCC's policy regarding protection of confidential information. In addition, any employee who may be furnished with confidential information in it, as a condition of hire and as part of the hiring process, enter into a formal "Confidentiality Agreement" as set forth in Appendix A. The Agreement will be countersigned on behalf of the FBCC by the Personnel Officer or designated representative, and the original will be maintained in the employee's permanent personnel folder. A copy of this Agreement shall also be given to the employee.

Policy No. 320. Equal Treatment of Employees

Policy Statements:

320.1 The reduction and elimination of an atmosphere of favoritism is considered essential by the FBCC if it is to maintain high employee morale and productivity. Consistent with the FBCC's policy prohibitions against harassment and discrimination as described in Policy No. 130, it is also FBCC policy to ensure that all employees are treated equally, on the basis of merit and performance, competence, with regard to hiring, compensation, promotions and temporary or permanent layoff or termination.

320.2 In recruiting individuals for employment, all qualified enrolled Fort Belknap tribal members shall receive the offer of employment. To avoid possible conflicts of interest, no one who can be identified as a member by blood or marriage of the applicant's "immediate family" may participate either formally or informally in the applicant's selection interview or the decision to appoint to a vacant position said applicant. For the purposes of this policy, "immediate family" includes spouse, child, parent, parent's sibling, sibling, sibling's child, grandparent, first cousin, common-law spouse, or any individual residing in the same household as the applicant.

320.3 No person who serves as an elected voting member of the FBCC may be employed by the FBCC except as provided for in Article I, Duties of Officers, Section I: "President"; Section II: "Vice President"; Section III: "Secretary/Treasurer", in the Constitution and By-Laws of the Fort Belknap Indian Community approved December 13, 1935, and as may hereafter the same be amended.

320.4 Employment Opportunity shall not be offered as a consideration of reward for the political support of a political party or candidate for public office.

Procedures:

320.5 All supervisors are expected to adhere to this policy, as well as ensuring that their subordinates understand that if, at any time, they feel that they are not being treated in the same manner as others, they are free to report this to their supervisors or directly to the Personnel Office without fear of retaliation.

320.6 The Personnel Office is responsible for working with all department directors and supervisors to make sure that this policy is being complied with, both in spirit and in practice. The Personnel

Office is also responsible for seeing that all legally required notices regarding non-discrimination are conspicuously displayed, and, in addition, that notices regarding fair treatment to all employees, regardless as to whether not required by law, are posted as well.

- 320.7 For the purposes of this policy, the Personnel Officer will act as, or appoint, an "Ombudsman" to review this area and ensure that employee rights are respected.

Policy No. 330. Outside Employment and Activities

Policy Statement:

- 330.1 Permanent full-time employees shall not undertake employment for others which interferes with their ability to fulfill their employment obligations to the FBCC. Employees desiring to engage in outside employment must notify their supervisors of their intent in advance.

Procedures:

- 330.2 While it is not the FBCC's intention to interfere with the private lives of employees. The FCC expects that employees will not undertake any outside work when such work conflicts with or otherwise prevents the employee from devoting the necessary time and effort to the requirements of the employee's job. Any full-time employee who desires to take part-time or other work for any other employer or organization should notify their supervisor of their intention to do so.
- 330.3 Supervisors will review the extent of the employee's intended outside effort, such as the number of hours involved and the nature of the work. If, in the opinion of the supervisor, it is felt that this outside effort would detract from the employee's responsibilities to the FBCC, or otherwise seriously act against the FBCC's interests, the supervisor will refer the matter to the department director and the Personnel Office for disposition. Upon receipt of such notice, the department director and Personnel Office representative will meet and determine the position of the FCC with respect to approval or disapproval of the employee's request. As part of the decision-making process, the department director and or Personnel Office representative will discuss the request with the employee and the supervisor.
- 330.4 In the event that the FBCC decides that the outside effort conflicts with the position requirements, and notifies the employee, and the employee nevertheless pursues such outside effort, the employee will be subject to disciplinary action which may result in suspension or termination of employment.

Policy No. 340. Dress Code

- 340.1 It is important that employees come to work dressed in an appropriate manner for their job. Except for uniformed personnel, whose work wear is prescribed, employees should use judgment in the selection of the clothing they wear to work. Among things to consider is whether or not there is a likelihood of dealing with the public. safety related problems and the normal practice of other professional organizations

Procedures:

- 340.2 Supervisors are responsible for ensuring that those employees reporting to them understand why it is important for employees within dress and grooming standards, particularly when failure to do so present a clear safety hazard in the operation of machinery and equipment.
- 340.3 In the event that an employee is not dressed suitably for the job, the supervisor will so advise the employee, who will be given the opportunity to return home and change. Any time away from the job will be taken as excused unpaid absence and recorded that way in the employee's time record.
- 340.4 In order not to create any hard feelings about dress code and appearance, supervisors are encouraged to involve a representative of the Personnel Office to further explain the FBCC's policy.
- 340.5 Any repeated violations must be recorded and, if not corrected, may result in disciplinary action being taken.

Policy No. 350. Smoking Policy

Policy Statement:

- 350.1 There will be no smoking allowed in any FBCC building, work area, or other concentrated environment where non-smoking employees may be adversely affected by second-hand smoke. The cooperation of all employees will be appreciated.

Policy No. 360. Substance Abuse

Policy Statement:

- 360.1 The FBCC is committed to a policy which provides its employees a work environment in which efficiency and safety are assured. While the FBCC has no intention of intruding into the private lives of its employees, it expects employees to understand that their use of alcohol or drugs on or off the job can have an impact on safety and performance that interferes with the FBCC's objective of providing a safe and efficient work environment. Addiction to such substances can radically impact the capabilities and work product of an employee. Consistent with this, the FBCC has established this alcohol and drug abuse policy, which, in summary, requires that employees report for work in a condition to perform their duties free from the presence and/or effects of alcohol and/or illicit drugs, and that the use of illegal drugs will be discouraged.

Procedures:

- 360.2 Employees to be tested
 - A. As a condition for employment, all law enforcement personnel and court personnel must submit to a blood or urine test, with such test to be scheduled by responsible supervisors:
 - 1. as a part of screening candidates for a position;
 - 2. within two weeks of their hiring, as condition for continued employment;
 - 3. within forty-five (45) days of the adoption of this provision; and/or
 - 4. at such other random times as deemed appropriate.

- B. such testing is deemed appropriate, for these positions, because of the following observed conditions in their employment:
 - 1. hazardous work environments; and/or
 - 2. jobs the primary responsibility of which is security, public safety, or fiduciary responsibility;
- C. as a condition for continuation of employment, any employee of the Council shall submit to a blood or urine test, if:
 - 1. the employer has reason to believe that the employee's faculties are impaired on the job as a result of alcohol consumption or illegal drug use;
 - 2. the employer has reason to believe that an employee may have contributed to a work-related accident that causes death or personal injury or property damage in excess of \$1,500; or
 - 3. drug testing is being conducted at an employee's regular biennial physical for employment in jobs involving the intrastate commercial motor carrier transportation of persons or commodities.
- D. All tribally chartered entities, businesses or programs not otherwise specifically covered by this Policy Manual are hereby authorized to adopt testing procedures of this nature, upon a finding by their Board of sensitive positions defined herein.

360.3 For purposes of this part the following definitions apply:

- A. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- B. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part, or alcohol in blood or urine tested in similar volume methods sufficient and reliable in established procedures.
- C. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- D. Aliquot. A portion of a specimen used for testing.
- E. Blind sample or blind performance test specimen. A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.
- F. Chain of custody. Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the

laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

- G. Collection container. A container into which the employee urinates to provide the urine sample used for a drug test.
- H. Collection site. A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
- I. Collection site person. A person who instructs and assists individuals at a collection site and who receives and makes an initial examination of the urine specimen provided by those individuals.
- J. Confirmatory test. A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
- K. DHHS. The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.
- L. Drug or alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed above. An employer may test an individual for any or all such drugs, derivatives thereof or drugs not specifically listed herein, but deemed to be illegal under federal or tribal law.
- M. Drug Rehabilitation - a service provider that provides confidential, program timely, and expert identification, assessment, and a resolution of employee drug abuse.
- N. Drug Test - any chemical, biological, or physical instrumental analysis administered by a laboratory licensed by the Agency for Health Care Administration or certified by the U.S. Department of Health and Human Services, for the purpose of determining the presence or absence of a drug or its metabolites.
- O. Employee. Any person who works for salary, wages, or other remuneration for an employer as well as an individual designated in a regulation as subject to drug urine testing and the donor of a specimen under this part. As used in this part 'employee' includes an applicant for employment. 'Employee' and 'individual' or 'individual to be tested' have the same meaning for purposes of this part.
- P. Employee Assistance - an established program capable of providing expert Program assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.
- Q. Employer. An entity employing one or more employees that is subject to regulations requiring compliance with this part. As used in this part, 'employer' includes an industry consortium or joint enterprise comprised of two or more employing entities, but no single

employing entity is relieved of its responsibility for compliance with this part by virtue of participation in such a consortium or joint enterprise.

- R. Initial Drug Test - a sensitive, rapid, and reliable procedure used to identify negative and positive specimens, usually using a chemical procedure or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration.
- S. Job Applicant - a person who has applied for a position with an employer, and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.
- T. Medical Review Officer (MRO). A licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- U. Prescription - or a drug or medication obtained pursuant to a non-prescription prescription, or a medication that is authorized medication pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
- V. Reasonable suspicion - drug testing based on a belief that an employee is using or has used drugs or alcohol in violation of the FBCC's policy. The reasons for "reasonable suspicion" testing may include the following:
 - 1. Observable phenomena while at work, such direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
 - 2. Abnormal conduct or unpredictable behavior while at work or a significant deterioration in work performance.
 - 3. A report of drug or alcohol use, provided by a reliable and credible source.
 - 4. Evidence that an individual has tampered with a drug test during his employment with the current employer.
 - 5. Information that an employee has caused, or contributed to, or been involved in an accident while at work.
 - 6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on the employer's premises or while operating the employer's vehicle machinery, or equipment.
- W. Safety-Sensitive - with respect to the FBCC, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety; or such a position that requires the employee to perform life-threatening procedures, or a position in which a momentary lapse in attention could result in injury or death to another person.

- X. Shipping container. A container capable of being secured with a tamper proof seal that is used for transfer of one or more specimen bottle(s) and associated documentation from the collection site to the laboratory.
- Y. Specimen - tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health
- Z. Specimen bottle. The bottle which, after being labeled and sealed according to the procedures in this part, is used to transmit a urine sample to the laboratory.

360.4 The following conduct is prohibited:

- A. The use, transfer, sale or possession of illicit drugs or controlled substances on FBCC property or working sites, or engaged in any business on behalf of the FBCC is strictly prohibited.
- B. Any employee found to be working under the influence of alcohol, drugs or controlled substances, or found to have detectable amounts of alcohol or illegal drugs in their body, will not be permitted to remain at work. Such employee shall also be made subject to discipline, up to and including termination from employment, as set forth in part 360.5.
- C. Where appropriate, testing will be utilized to determine the presence of alcohol, drugs or controlled substances.
- D. The FBCC reserves the right to conduct inspections and searches of all property found on the premises of the Council, of an employee and his or her personal belongings as a means of enforcing the provisions of this policy, when employees are on the job or other FBCC work sites. Inspections and searches may include, for example, employee personal effects, desks, purses, packages, lockers, briefcases and vehicles located on FBCC property or work sites.
- E. In the event that any visitor or employee of firms doing business with the FBCC are found to be in violation of this policy, they are to be refused entry or removed for FBCC property.

360.5. Disciplinary Actions

- A. Violations of this policy shall bring about appropriate disciplinary action:
 - 1. The employee will be immediately suspended without pay for ten (10) days. This ten (10) day period will allow the employee to obtain an evaluation from an approved Chemical Dependency Center (hereinafter "C.D.C."). The Council's Chemical Dependency Program, if in place, shall be an approved provider. The employee must also obtain results of a negative drug test screen before returning to work. As available, the Council's C.D.C. may be utilized to assist in drug screening. The employee shall be responsible for paying all costs associated with any type of drug or alcohol treatment and additional screening required hereunder.
 - 2. If during the initial ten (10) day suspension period the employee does not obtain an evaluation from an approved C.D.C., termination of the employee shall take place. If a C.D.C. evaluation cannot be obtained during this time frame, the employee must be able

- to demonstrate, in writing, that they made contact with the C.D.C., and, through no fault of the employee, additional time is needed to complete the evaluation. Suspension without pay shall continue until a C.D.C. evaluation is obtained.
3. Based on the C.D.C. evaluation, a prescribed plan of action for recovery, with explicit time lines shall be recommended by the evaluator. Should the plan require in-patient treatment, the employee shall attend such treatment as soon as possible, successfully complete the program and provide proof thereof to the Personnel Office, as quickly as possible. During attendance at treatment, the employee may utilize any accumulated leave they may have. If an employee has insufficient leave accrued to cover the scheduled absence, they shall have approved leave without pay.
 4. The employee must also execute an authorization for release of information with the C.D.C. utilized to ensure that documentation can be released assuring the Personnel Department that the employee is following the prescribed plan.
 5. Upon the employee's return to work, the employee will be placed on a ninety (90) day probationary period. If the employee is required to go to in-patient treatment, the ninety (90) day probationary period shall begin after the required treatment is completed.
 6. Each employee will be allowed only one chance to follow the above procedure for positive drug testing. Any subsequent positive drug test results, refusal to submit to testing or other violations of this policy, will result in immediate termination of employment.
 7. Any employee whose employment is terminated due to positive drug testing will not be eligible for any employment with the Tribal government for a period of six (6) months off. After the six (6) month period, to be eligible for further employment, the employee must have completed an assessment as identified above, and provide written proof of successful completion of an approved substance abuse program or proof of ongoing participation of an on-going substance abuse program.
 8. Any employee who refuses to submit to a drug test will be immediately terminated.
 9. When an employee is found to test positive for prohibited substances under this policy, he/she will be given the opportunity to explain the results. The employee may submit any relevant documentation, such as, but not limited to, a prescription, explanation or other related information. This information will be considered in determining whether a positive test has been satisfactorily explained. If a second test is required, the employee shall be cooperative therewith, and may be placed on suspension, without pay, until the second test results are received. If a subsequent test is refused, termination from employment is immediate. The employee shall follow the Grievance Procedures/Appeal of Terminated Employee Procedures in the Personnel Policies and Procedures Manual, if dissatisfied with the procedures utilized.
 10. Employees who have collaborated with a physician and the Personnel Office for clarification of prescribed medication impacting the outcome of the drug test will not be suspended. It shall be the employee's responsibility to notify the Drug Tester, at the time of drug testing, of any prescribed medication the employee is taking which may impact the outcome of the drug test. Employees who test positive for a controlled substance which has not been prescribed to the individual by a physician will be treated as testing positive.

11. Employees who receive an inconclusive test will be re-tested. Failure to re-test shall be grounds for termination.
12. If, at the time of testing, the person administering the test notifies the employee of a possible inconclusive or adulterated test, the employee shall be given the opportunity to retest immediately. Failure to re-test immediately shall be treated as a positive result and grounds for termination.
13. An employee who has chemical dependency problems, whether or not they affect work performance, is always encouraged to seek assistance voluntarily on a confidential basis, by contacting appropriate community resources or their supervisor or the Personnel Director.
14. To further enhance and promote the treatment of alcoholism or drug addiction, FBCC will grant up to forty (40) hours of special leave without pay for the purpose of attending in-patient treatment and will further grant family members who are employees who participate in the family treatment process up to forty (40) hours of special leave without pay for the purpose of participating. Such leave shall be granted only after all annual and sick leave is exhausted. An employee will only be granted such special leave once.
15. Any employee convicted of any criminal drug statute shall notify the FBCC Personnel Director within five (5) days following such conviction.
16. In the case of workplace possession of controlled substances by employees, the Personnel Director shall notify in writing, any Federal grantor, within ten (10) days after employee notification, assurance that one of the two required actions will take place within thirty (30) days.

360.6 To ensure that employees have been exposed to these guidelines, a signed "Acknowledgement — Substance Abuse Policy" as shown in Appendix B will be stored in each employee's personnel folder.

360.7 Specimen collection procedures.

A. Designation of collection site.

1. The drug testing program shall have one or more designated collection sites which have all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory. An independent medical facility may also be utilized as a collection site provided the other applicable requirements of this part are met.
2. A designated collection site may be any suitable location where a specimen can be collected under conditions set forth in this part, including a properly equipped mobile facility. A designated collection site shall be a location having an enclosure within which private urination can occur, a toilet for completion of urination (unless a single-use collector is used with sufficient capacity to contain the void), and a suitable clean surface for writing. The site must also have a source of water for washing hands, which, if practicable, should be external to the enclosure where urination occurs.

- B. Security. The purpose of this paragraph is to prevent unauthorized access which could compromise the integrity of the collection process or the specimen.
1. Procedures shall provide for the designated collection site to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secured during drug testing.
 2. A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g., through a rear door not in the view of the collection site person) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.
 3. If it is impractical to maintain continuous physical security of a collection site from the time the specimen is presented until the sealed mailer is transferred for shipment, the following minimum procedures shall apply. The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer. The mailer shall be immediately mailed, maintained in secure storage, or remain until mailed under the personal control of the collection site person.
- C. Chain of custody. The chain of custody block of the drug testing custody and control form shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.
- D. Access to authorized personnel only. No unauthorized personnel shall be permitted in any part of the designated collection site where urine specimens are collected or stored. Only the collection site person may handle specimens prior to their securement in the mailing container or monitor or observe specimen collection (under the conditions specified in this part). In order to promote security of specimens, avoid distraction of the collection site person and ensure against any confusion in the identification of specimens, the collection site person shall have only one donor under his or her supervision at any time. For this purpose, a collection procedure is complete when the urine bottle has been sealed and initialed, the drug testing custody and control form has been executed, and the employee has departed the site (or, in the case of an employee who was unable to provide a complete specimen, has entered a waiting area).
- E. Privacy.
1. Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described in this paragraph.

2. For purposes of this part, the following circumstances are the exclusive grounds constituting a reason to believe that the individual may alter or substitute the specimen:
 - i. The employee has presented a urine specimen that falls outside the normal temperature range (32.5 degrees -37.7 degrees C/90.5 degrees -99.8 degrees F), and
 - a. The employee declines to provide a measurement of oral body temperature, as provided in paragraph (F) (14) of the part; or
 - b. Oral body temperature varies by more than 1 degrees C/1.8 degrees F from the temperature of the specimen;
 - ii. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L;
 - iii. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.); or
 - iv. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under an applicable DOT agency regulation providing for follow-up testing upon or after return to service.
 3. A higher-level supervisor of the collection site person, or a designated employer representative, shall review and concur in advance with a decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described in subparagraph (2) of this paragraph.
- F. Integrity and identity of specimen. The Personnel Department shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:
1. To deter dilution of the specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored too ensure it is not used as a source for diluting the specimen.
 2. When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection. If the employee requests, the collection site person shall show his/her identification to the employee.

3. If the individual fails to arrive at the assigned time, the collection site-person shall contact the appropriate authority to obtain guidance on the action to be taken.
4. The collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet. If the employee requests it, the collection site personnel shall provide the employee a receipt for any personal belongings.
5. The individual shall be instructed to wash and dry his or her hands prior to urination.
6. After washing hands, the individual shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the specimen.
7. The individual may provide his/her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection site person shall provide the individual with a specimen bottle or collection container, if applicable, for this purpose.
8. The collection site person shall note any unusual behavior or appearance on the urine custody and control form.
9. In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., circumstances require a post-accident test), a public rest room may be used according to the following procedures: A collection site person of the same gender as the individual shall accompany the individual into the public rest room which shall be made secure during the collection procedure. If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank. The collection site person shall remain in the rest room, but outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the collection site person in completing the chain of custody procedures.
10.
 - i. Upon receiving the specimen from the individual, the collection site person shall determine if it contains at least 60 milliliters of urine. If the individual is unable to provide 60 milliliters of urine, the collection site person shall direct the individual to drink fluids and, after a reasonable time, again attempt to provide a complete sample using a fresh specimen bottle (and fresh collection container, if employed). The original specimen shall be discarded. If the employee is still unable to provide a complete specimen, the following rules apply:
 - a. In the case of a post-accident test or test for reasonable cause (as defined), the employee shall remain at the collection site and continue to consume reasonable quantities of fluids until the specimen has been provided or until the expiration of a period up to 8 hours from the beginning of the collection procedure.

- b. In the case of a pre-employment test, random test, periodic test or other test not for cause (as defined), the employer may elect to proceed as specified in paragraph (F) (10) (i)(a) of this section (consistent with any applicable restrictions on hours of service) or may elect to discontinue the collection and conduct a subsequent collection at a later time.
 - c. If the employee cannot provide a complete sample within the up to 8-hour period or at the subsequent collection, as applicable, then the employer's MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to provide a specimen. (In pre-employment testing, if the employer does not wish to hire the individual, the MRO is not required to make such a referral.) Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.
- ii. The employer may, but is not required to, use a 'split sample' method of collection.
- a. The donor shall urinate into a collection container, which the collection site person, in the presence of the donor, after determining specimen temperature, pours into two specimen bottles.
 - b. The first bottle is to be used for the mandated test, and 60 ml of urine shall be poured into it. If there is no additional urine available for the second specimen bottle, the first specimen bottle shall nevertheless be processed for testing.
 - c. Up to 60 ml of the remainder of the urine shall be poured into the second specimen bottle.
 - d. All requirements of this part shall be followed with respect to both samples, including the requirement that a copy of the chain of custody form accompany each bottle processed under 'split sample' procedures.
 - e. Any specimen collected under 'split sample' procedures must be stored in a secured, refrigerated environment and an appropriate entry made in the chain of custody form.
 - f. If the test of the first bottle is positive, the employee may request that the MRO direct that the second bottle be tested in a DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the first bottle. The result of this test is transmitted to the MRO without regard to the cutoff values. The MRO shall honor such a request if it is made within 72 hours of the employee's having actual notice that he or she tested positive.
 - g. Action required by regulations as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the second test.
 - h. If the result of the second test is negative, the MRO shall cancel the test.

11. After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.
12. Immediately after the specimen is collected, the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.
13. A specimen temperature outside the range of 32.5 degrees -37.7 degrees C/90.5 degrees - 99.8 degrees F constitutes a reason to believe that the individual has altered or substituted the specimen (see paragraph (E)(2)(i) of this section). In such cases, the individual supplying the specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen.
14. Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.
15. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.
16. Whenever there is reason to believe that a particular individual has altered or substituted the specimen as described in paragraph (E)(2) (i) or (iii) of this section, a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.
17. Both the individual being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed (by placement of a tamperproof seal over the bottle cap and down the sides of the bottle) and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamperproof seal over the bottle cap and down the sides of the bottle.
18. The collection site person and the individual being tested shall be present at the same time during procedures outlined in paragraphs (F) (19) - (F) (22) of this section.
19. The collection site person shall place securely on the bottle an identification label which contains the date, the individual's specimen number, and any other identifying information provided or required by the employer. If separate from the label, the tamperproof seal shall also be applied.
20. The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from him or her.
21. The collection site person shall enter on the drug testing custody and control form all information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable Federal requirements.

22.
 - i. The individual shall be asked to read and sign a statement on the drug testing custody and control form certifying that the specimen identified as having been collected from him or her is in fact the specimen he or she provided.
 - ii. When specified by an applicable DOT agency regulation or required by the collection site (other than an employer site) or by the laboratory, the employee may be required to sign a consent or release form authorizing the collection of the specimen, analysis of the specimen for designated controlled substances, and release of the results to the employer. The employee may not be required to waive liability with respect to negligence on the part of any person participating in the collection, handling or analysis of the specimen or to indemnify any person for the negligence of others.
23. The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.
24. The urine specimen and chain of custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguarded during temporary storage.
25.
 - i. While any part of the above chain of custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person. If the involved collection site person leaves his or her work station momentarily, the collection site person shall take the specimen and drug testing custody and control form with him or her or shall secure them. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, he or she shall package the specimen for mailing before leaving the site.
 - ii. The collection site person shall not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number (shown on the urine custody and control form) and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and (at the election of the employer) a new collection begun.
- G. Collection control. To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled.
- H. Transportation to laboratory. Collection site personnel shall arrange to ship the collected specimen to the drug testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes and/or padded mailers); and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date specimens were sealed in the shipping containers for shipment. The collection site person shall ensure that the chain of custody documentation is attached or enclosed in each container sealed for shipment to the drug testing laboratory.

- I. Failure to Cooperate. If the employee refuses to cooperate with the collection process, the collection site person shall inform the Personnel Director and shall document the non-cooperation on the drug testing custody and control form.
- J. Employee requiring medical attention. If the sample is being collected from an employee in need of medical attention (e.g., as part of a post-accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen.
- K. Use of chain of custody forms. A chain of custody form (and a laboratory internal chain of custody document, where applicable) shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.
- L. Utilization of a standard drug testing custody and control form (carbonless manifold). The form shall be a multiple-part, carbonless record form with an original (copy 1), and a 'second original' (copy 2), both of which shall accompany the specimen to the laboratory. Copies shall be provided for the Medical Review Officer (copy 3, to go directly to the MRO), the donor (copy 4), the collector (copy 5), and the employer representative (copy 6). If the Personnel Department desires to exercise the split sample option, then an additional copy of the urine custody and control form is required. This copy (copy 7) shall be the 'split specimen original,' and is to accompany the split specimen to the same lab, a second lab, or an employer storage site. There must be a positive link established between the first specimen and the split specimen through the specimen identification number; the split specimen identification number shall be an obvious derivative of the first specimen identification number. The form should be a permanent record on which identifying data on the donor, and on the specimen collection and transfer process, is retained. The form shall be constructed to display, at a minimum, the following elements, which shall appear on its respective parts as indicated:
 1. The following information shall appear on all parts of the form:
 - i. A preprinted specimen identification number, which shall be unique to the particular collection. If the split sample option is exercised, the preprinted specimen identification number for split specimen shall be an obvious derivative of the first specimen; e.g., first specimen identification number suffixed 'A,' split specimen suffixed 'B.'
 - ii. A block specifying the donor's employee identification number ~~or Social Security number~~, which shall be entered by the collector.
 - iii. A block specifying the employer's name, address, and identification number.
 - iv. A block specifying the Medical Review Officer's name and address.
 - v. Specification for which drugs the specimen identified by this form will be tested.
 - vi. Specification for the reason for which this test conducted (pre-employment, random, etc.), which shall be entered by the collector.

- vii. A block specifying whether or not the collector read the temperature within 4 minutes, and then notation, by the collector, that the temperature of specimen just read is within the range of 32.5-37.7C/90.5-99.8F; if not within the acceptable range, an area is provided to record the actual temperature.
 - viii. A chain-of-custody block providing areas to enter the following information for each transfer of possession: Purpose of change; released by (signature/print name); received by (signature/print name); date. The words 'Provide specimen for testing' and DONOR' shall be preprinted in the initial spaces.
 - ix. Information to be completed by the collector: Collector's name; date of collection; location of the collection site; a space for remarks at which unusual circumstances may be described; notation as to whether or not the split specimen was taken in accordance with Federal requirements if the option to offer the split specimen was exercised by the employer; and a certification statement as set forth below and a signature block with date which shall be completed by the collector:
 " I certify that the specimen identified on this form is the specimen presented to me by the donor providing the certification on Copy 3 of this form, that it bears the same identification number as that set forth above, and that it has been collected, labelled and sealed as in accordance with applicable Federal requirements."
2. Information to be provided by the laboratory after analysis, which shall appear on parts 1, 2 and 7 (if applicable) of the for only: Accession number; laboratory name; address; a space for remarks; specimen results; and certification statement as set forth below, together with spaces to enter the printed name and signature of the certifying laboratory official and date:
 "I certify that the specimen identified by this accession number is the same specimen that bears the identification number set forth above, that the specimen has been examined upon receipt, handled and analyzed in accordance with applicable Federal requirements, and that the results set forth below are for that specimen."
 3. A block to be completed by the Medical Review Officer (MRO), after the review of the specimen, which shall appear on parts 1, 2 and 7 (if applicable) of the form only, provides for the MRO's name, address, and certification, to read as follows, together with spaces for signature and date:
 "I have reviewed the laboratory results for the specimen identified by this form in accordance with applicable Federal requirements. My final determination/verification is:"
 4. Information to be provided by the donor, which shall appear on parts 3 through 6 of the form only: Donor name (printed); daytime phone number; date of birth; and certification statement as set forth below, together with a signature block with date which shall be completed by the donor." I certify that I provided my urine specimen to the collector; that the specimen bottle was sealed with a tamper-proof seal in my presence; and that the information provided on this form and on the label affixed to the specimen bottle is correct."
 5. A statement to the donor which shall appear only on parts 3 and 4 of the form, as follows:
 " Should the results of the laboratory tests for the specimen identified by this form be confirmed positive, the Medical Review Officer will contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications as a 'memory jogger.' THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 4 - Donor) of this form - DO NOT LIST ON THE BACK OF ANY OTHER COPY

OF THE FORM. TAKE YOUR COPY WITH YOU. A form meeting the requirements of this paragraph is displayed at appendix A to this part."

6. The drug testing custody and control form may include such additional information as may be required for billing or other legitimate purposes necessary to the collection, provided that personal identifying information on the donor (other than the social security number) may not be provided to the laboratory. Donor medical information may appear only on the copy provided to the donor.

M. Quality Assurance Requirements.

1. Use of a clean, single-use specimen bottle that is securely wrapped until filled with the specimen. A clean, single-use collection container (e.g., disposable cup or sterile urinal) that is securely wrapped until used may also be employed. If urination is directly into the specimen bottle, the specimen bottle shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided. If a separate collection container is used for urination, the collection container shall be provided to the employee still sealed in its wrapper or shall be unwrapped in the employee's presence immediately prior to its being provided; and the collection site person shall unwrap the specimen bottle in the presence of the employee at the time the urine specimen is presented.
2. Use of a tamperproof sealing system, designed in a manner such to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form, and space shall be provided to initial the bottle affirming its identity. For purposes of clarity, this part assumes use of a system made up of one or more preprinted labels and seals (or a unitary label/seal), but use of other, equally effective technologies are authorized.
3. Use of a shipping container in which the specimen and associated paperwork may be transferred and which can be sealed and initialed to prevent undetected tampering. If the split specimen option is exercised, the split specimen and associated paperwork shall be settled in a shipping (or storage) container and initialed to prevent undetected tampering.
4. Written procedures, instructions and training shall be provided as follows:
 - i. Employer collection procedures and training shall clearly emphasize that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process, carefully ensuring the modesty and privacy of the donor, and is to avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.
 - ii. A collection site person shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who is provided instructions for collection under this part and certifies completion as required in this part.
 - a. A non-medical collection site person shall receive training in compliance with this part and shall demonstrate proficiency in the application of this part prior to serving as a collection site person. A medical professional, technologist or technician licensed or otherwise approved to practice in the jurisdiction in which the collection takes place is not required to receive such training if that person is provided

instructions described in this part and performs collections in accordance with those instructions.

- b. Collection site persons shall be provided with detailed, clear instructions on the collection of specimens in compliance with this part. Employer representatives and donors subject to testing shall also be provided standard written instructions setting forth their responsibilities.
5. Unless it is impracticable for any other individual to perform this function, a direct supervisor of an employee shall not serve as the collection site person for a test of the employee.
6. In any case where a collection is monitored by non-medical personnel or is directly observed, the collection site person shall be of the same gender as the donor. A collection is monitored for this purpose if the enclosure provides less than complete privacy for the donor"(e.g., if a restroom stall is used and the collection site person remains in the restroom, or if the collection site person is expected to listen for use of unsecured sources of water.)

SECTION 400: PERSONNEL MANAGEMENT

Policy No. 400. Employee Review of Policies Manual

Policy Statement:

- 400.1 As part of the written record, all employees will formally acknowledge their review of the Personnel Policies Manual and their rights to secure clarification, if necessary, of the same, from their supervisors.

Procedures:

Acknowledgment of Manual

- 400.2 All persons receiving a copy of the Personnel Policies Manual will acknowledge receipt and surrender the same should their employment with the FCC be terminated. Manuals will be numbered and the names of each individual assigned a manual will be recorded in the Personnel Office. The attached "Acknowledgment of Receipt of Manual" as shown in part 1 of Appendix C shall be used for this purpose.
- 400.3 Normally, not more than one manual will be assigned to any program. Manuals are assigned primarily to department and program directors.

Review of Manual

- 400.4 As part of his or her general orientation, each employee shall be instructed by the Personnel Office to review the manual and receive an explanation about any area which they do not understand. Upon completion of this review process, the employee will acknowledge having reviewed the Personnel Policies Manual by signing a "Review Acknowledgment" in the format shown in part 2 of Appendix C.

400.5 In order to ensure that each employee has future access to the FBCC's Personnel Policies Manual, the assigned holders of such manuals are responsible for alerting all employees reporting to them as to the location of program or departmental copy of the manual.

Policy No. 410. New Employee Orientations

Policy Statement:

410.1 It is the policy of the FCC to conduct orientations for new employees which familiarize them with FCC practices, rules, policies, and procedures.

Procedures:

General Orientation

410.1 The Personnel Office will be responsible for providing a general orientation, which includes an introduction to the FBCC organizational structure, key personnel and the range of services provided. Included in this general orientation program will be a review of the Personnel Policies Manual and employee benefits.

410.2 All new employees will review a copy of the Personnel Policies Manual during the general orientation program. It is the responsibility of all employees to read this manual and become familiar with its contents (see Section 400.4).

Program Orientation

410.3 Supervisors will be responsible for specific program or department orientation as well as initial training conducted during normal working hours. Supervisors will develop and use an orientation checklist to ensure that all pertinent subjects are covered. The employee will sign the orientation checklist indicating that all subjects appearing on the list have been discussed. The completed checklist will be forwarded to the Personnel Office and become part of the employee's personnel folder.

Orientation Evaluation

410.4 It will be the responsibility of the Personnel Officer to evaluate all orientation programs as to their effectiveness and to modify such programs as appropriate.

Policy No. 420. Staff Development and Training

Policy Statement:

420.1 The coordination of staff training and development is a Personnel Office function. The FBCC subscribes to the business philosophy that training is a key element in the success of its operations as well as the career development of its employees.

Procedures:

Responsibility

420.2 The Personnel Officer is responsible for the management of staff training. The Personnel Office, working with all departments of the FCC, determines the types of training needed and administers training programs at regular intervals. Additionally, the Personnel Office will assess the effectiveness of training programs, determine if changes are required, and assure that training is being conducted within the costs authorized by management for training and in accordance with training priorities.

Types of Training.

Programs

420.3 The types of training and training programs to be developed and administered by the Personnel Office fall into three basic categories.

- A. Basic training for new employees.
- B. Performance and skills programs.
- C. Promotional and executive training.

These programs may be given through seminars, degree and non-degree educational courses, instructional videos, books, demonstrations and any other method which is determined to be suitable for the purpose.

Conferences and Seminars

420.4 Requests for attendance at conferences and seminars will be on a case by case basis. The Personnel Officer is responsible for circulating brochures and other information about such programs to department directors. Conference and seminar attendance must be approved by the Chief Administrative Officer when the seminar cost, **employees** shall include not only the seminar fee, but travel, hotels and meals. If approved, the employee will be compensated for all such conference or seminar costs, subject to tests of reasonableness. Requests for attendance shall be made in accordance with the "Conference of Seminar Attendance Approval Request" as shown in Appendix D.

In-House Training

420.5 The Personnel Office is responsible for the development of in-house programs drawing upon the recommendations made by department directors. In-house courses may be offered during normal hours or during off-duty hours. Compensation for attendance at off-duty sessions will depend upon salary level and whether an employee is classified as "exempt" or "non-exempt." If employees serve as instructors and the course is taught during off-duty hours, an instructor's fee will be paid for teaching. Upon completion of the course, the instructor should send a memo to the Personnel Officer, who will approve the number of hours and hourly rate and forward to the Accounting Department

Library

420.6 The Personnel Office's responsibilities include the ordering of books, audio and videotapes and other training material. The Personnel Officer will circulate notices regarding the availability of such materials when they are received.

Evaluation

420.7 Evaluation of the appropriateness and effectiveness of the various types of training is a continuing role of the Personnel Office. It is the responsibility of the Personnel Officer to meet with department directors and discuss their needs and opinions of training, and to evaluate through interviews, forms and personal attendance, the effectiveness of trainers. All employees who attend training sessions and seminars, whether conducted in-house or by others are to complete a "Student Course Evaluation" as shown in Appendix F immediately upon conclusion of the program. This evaluation should be given to a representative of the Personnel Office present, or, if not, forwarded to the Personnel Officer within 48 hours.

Training Costs

420.8 When training sessions are scheduled by the Personnel Office on an in-house or outside basis and the Personnel Office is authorized to determine the type of program, number of participants, etc., the costs associated with such training will be charged to and part of the budget designated for training purposes. When training has been arranged for ~~We~~ the purpose of training one group, such as a seminar on Proposal Preparation, or when a request has been approved for permission for an employee to attend a seminar, then the costs involved are charged to the employee's department budget. Exceptions to the above methods, if required, must be approved by the Personnel Officer and the Chief Administrative Officer.

Policy No. 430. Seniority

Policy Statement

430.1 It is FCC policy to recognize seniority rights for the benefit of both the employee and the tribe. Seniority consideration is acknowledged as an equitable factor in certain personnel decisions. The fundamental objective of this policy is to provide a valid impartial system for employee job opportunities and recognition while providing a guideline for management.

Procedures:

Seniority List

430.2 The Personnel Office will maintain a seniority list of all permanent full-time employees. This list will show the exact length of continuous service in all pertinent job classifications, indicating the total number of years, months and days served (including any leaves of absence without pay). Service in all departments will be counted in determining seniority.

Objections

430.3 Any employee disagreeing with the amount of service credited to that employee may register a complaint. The complaint will be reviewed with the employee and a final decision made by the Personnel Office regarding the recorded length of employee service.

Internal Benefits

- 430.4 Seniority rights shall be applied to vacation scheduling, shift preference, work assignments and overtime scheduling. Supervisors will consider the preference of the more senior employees when making scheduling decisions in the above areas.

Policy No. 440. Promotions and Voluntary Transfers

Policy Statement:

- 440.1 While the FBCC reserves the right to fill all positions as it determines, it is the policy of the FBCC to promote from within the ranks of its employees whenever possible to do so. In order to assure consideration of qualified candidates throughout the FBCC, the Personnel Committee will request a list of candidates from the Personnel Officer when filling any administrative or supervisory position in FBCC operations. As part of this process, department directors overseeing the vacant positions will provide the names of employees within their units who are to be considered. The Personnel Office will prepare a list of other employees to be considered, and, along with the names furnished, develop a Candidate List which will be referred to the Personnel Committee for evaluation.

Procedures:

Preparation of Candidates List

- 440.2 Whenever a job vacancy occurs, the Personnel Office is responsible for preparing a Candidates List of current employees who are eligible for consideration for promotion. The list shall be assembled through a notice on bulletin boards advising interested employees to contact the Personnel Office, consultation with department directors and the Personnel Committee, and any additional means which the Personnel Office feels is appropriate for the proper selection of candidates. Selection of the method for assembling the Candidates List is the sole responsibility of the Personnel Office.
- 440.3 In addition to this list, the Personnel Office also supplies the names of applicants when the Personnel Committee desires to consider applicants from all sources. However, the hiring preference for vacant positions is the fill these from within the organization.

Department Employees

- 440.4 The department director of the department having the vacancy will determine if any other of the employees in the department should be considered for promotion to the position. The names of such employees should be submitted to the Personnel Office for placement of the Candidates List of those employees eligible for consideration for promotion. Employees from the department having the vacancy will receive priority consideration when it is determined what more than one qualified candidate has been interviewed for the position and determined to be qualified for it.

Selection Decision and Formal Notification

- 440.5 The Candidates List will be reviewed by the Personnel Committee. If an interview is desired, coordination will be provided through the Personnel Office. The final selection decision is that of the Personnel Committee upon recommendation from the department director.
- 440.6 Once a candidate is selected, the department director overseeing the vacant position will notify the employee's current supervisor and request that the supervisor file a transfer form. The

"Transfer Request Form" shown in Appendix F must be used for this purpose. The releasing department director must either approve the transfer or provide reason why a transfer should not be approved to the Chief Administrative Officer. Since transfers generally result in career advancement for employees, the FBCC will consider denials of transfer request which have been approved by the requesting department only when there are significant reasons.

- 440.7 When all approvals have been received, the Personnel Office will review the request to make sure that the salary recommendations are in accordance with the ranges established for the position. After verification, the employee must be notified of that fact and given all pertinent information regarding duties, salary, and so on, in writing, so that possibility of misunderstanding is reduced. The written notice shall be prepared by the Personnel Office, in coordination with the department director, and forwarded by the Personnel Office to the employee.
- 440.8 Upon learning of the employee's decision to accept or reject the transfer offer, not to exceed thirty (30) days. The necessity for probation as well as the term of probation will be determined by job requirements and job suitability at the discretion of the Personnel Office. Promoted personnel who complete their probationary period are subject to the usual performance appraisal in accordance with Policy No. 500.

Promotional Probationary Period

- 440.9 Employees selected for promotion may be placed on probation for a specified period, not to exceed thirty (30) days. The necessity for probation as well as the term of probation will be determined by job requirements and job suitability at the discretion of the Personnel Office. Promoted personnel who complete their probationary period are subject to the usual performance appraisal in accordance with Policy No. 500.
- 441.0 When promoted employees prove unsatisfactory in their new positions, they may be reinstated to their former positions. This may be accomplished without prejudice or loss of rights or benefits. Such employees will be assigned the salary received prior to their promotion.

Terms of Promotion

- 441.1 Promoted Employees will:
- A. Retain their seniority.
 - B. Be compensated at the minimum rate of the new job or at their existing rate, whichever is higher.
 - C. Have their personnel file updated so as to record the promotion.
 - D. Have the promotion publicized as deemed appropriate by the Personnel Office.

Policy No. 450. Involuntary Transfers

Policy Statement:

- 450.1 It is the policy of the FBCC to ensure that employees are placed in positions according to their qualifications, job suitability, and the needs of the FBCC. To these ends, the FBCC reserves the

right to involuntarily transfer employees from one position to another as the situation may require.

Procedures:

- 450.2 Employees may be involuntarily transferred from time to time to other positions of comparable rank and status by administrative action. In all transfer situations (not including disciplinary action), the employee will not suffer in pay or status.
- 450.3 Causes for transfer may include, but will not be limited to:
- A. Fluctuations in department workloads.
 - B. Fluctuations in department productivity.
 - C. More efficient utilization of personnel.
 - D. Increased career opportunities.
 - E. Personality conflicts.
 - F. Health reasons.
 - G. Budgetary constraints.
- 450.4 Employee selection for involuntary transfer will be determined on the basis of job qualifications, job suitability, and position requirements by the Chief Administrative Officer upon the recommendations of the Personnel Office. Once a decision to transfer an employee has been made, the Personnel Office will notify both the releasing and receiving department directors of the transfer circumstances and effective date.
- 450.5 Any employee refusing to involuntary transfer will be subject to disciplinary action, up to and including termination.

Policy No. 460. Reductions in Force Policy Statement

- 460.1 This policy statement is applicable to non-disciplinary, involuntary layoff, generally due to reasons such as personnel downsizing, discontinuance of program funding, elimination of certain positions or lack of need for certain functions. When, in the sole opinion of the FBCC, it becomes necessary to reduce the size of its work force through lay-offs, the FBCC will try to provide those employees with at least twenty (20) working days' notice.

Procedures:

Personnel Office Coordination

- 460.2 General layoffs (involving more than one department) will normally be ordered through the President of the FBCC to the Chief Administrative Officer, who will in turn notify the Personnel Officer. When layoffs are localized to a specific department, department directors, after first securing the approval of the executive responsible for their operation, should provide at least

three weeks' notice to the Personnel Office of situations which require that a reduction in force be instituted.

- 460.3 Should a reduction in force be necessary, temporary, part-time, provisional and probationary employees will be released ahead of any full-time permanent employees holding the same type of position.

Out-Placement Assistance

- 460.4 In the event of a general reduction, the FBCC will assist those employees in obtaining positions elsewhere. This assistance may include notifying other programs or businesses, making phones and offices available and duplicating resumes. It should be understood that such assistance is dependent upon the financial ability of the FBCC to undertake such efforts and must, therefore, be considered as wholly within the FBCC's right to decide the extent to which, if any, it will conduct such efforts.

Policy No. 470. Retirement Honors

Policy Statement:

- 470.1 Unless declined by an employee, it is FBCC policy to honor all retiring employees as an expression of gratitude for their contributions to the FBCC and fellow workers.

Procedures:

Eligibility

- 470.2 Retiring employees include those employees granted total and permanent disability, or early retirement.

Planning

- 470.3 The retiring employee's department director has the responsibility for arranging the activity honoring the retiring employee. The employee's position with the FBCC, circle of friends who are employed at the FBCC, and wishes of the employee's family should be considered in arranging the type of activity to be held
- 470.4 Among the types of arrangements, the more popular form of activity is an employee luncheon or dinner, to include the employee's family members, as well as friends and associates. If possible, several levels of supervision should attend, up to and including senior officials where appropriate, to demonstrate the FBCC' s sincere appreciation for the employee's efforts.

Activity Cost

- 470.5 Funds for the activity will be allocated from either the program budget or the general fund, subject to budgetary limitations. Wherever possible, bills should be attached to expense statements, which the department director will submit.

Policy No. 480. Exit interviews

Policy Statement:

480.1 Whenever practicable, if an employee leaves the employment of the FBCC, the employee will be requested to participate in an exit interview, so that the FBCC can make sure that the reasons for the employee's decision to terminate employment are understood.

Procedures:

- 480.2 The Personnel Office has the responsibility for the exit interview. Exit interviews will normally be given as one of the final steps before the employee leaves. In the event that reasons prevent such a meeting, the Personnel Office will mail the terminating employee a questionnaire, along with a postage-paid reply envelope, asking the employee to provide the reasons for the job change as well as their opinions of the FBCC. Signatures on questionnaires shall be optional, at the sole discretion of the employee.
- 480.3 When conducting employee exit interviews, the Personnel Office representatives shall do so in a manner that is open and friendly. The FBCC is interested in learning employee reasons, and a defensive atmosphere or any criticism or argument with exiting employees by Personnel Office interviewers will not be tolerated.
- 480.4 The employee should be asked to first complete the "Employee Exit Interview" form shown in Appendix G. The completed form can then be used by the interviewer to discuss specific details with the employee.
- 480.5 Upon completion of the exit interview, the Personnel Office is responsible for summarizing the reasons provided and informing involved department directors that copies of the interview summary are available. If in the opinion of the Personnel Office representative, the reasons given are significant, they should be brought to the attention of the Personnel Officer for further review and, if necessary, forwarding to the attention of the Chief Administrative Officer.

SECTION 500: EVALUATION/DISCIPLINE

Policy No. 500. Employee Appraisal System

Policy Statement:

500.1 As part of the FBCC's employee development program, formal evaluations of each employee's job performance will be made on an annual basis. The objectives of the employee appraisal system include, but are not limited to the following: to ensure adherence with the FBCC's wage and salary structure; to determine salary adjustments, promotions, and position reclassifications and changes; to compare the effectiveness of employees and operating departments; to identify candidates for training; and to ensure the effectiveness of human resources.

Procedures:

Responsibility

500.2 Design, development and implementation of the FBCC's employee appraisal policies are the responsibility of the Chief Administrative Officer. The delegated manager who carries out these duties on behalf of the Chief Administrative Officer is the Personnel Officer. All operations of the FBCC are expected to provide full cooperation and compliance with the policies issued

Appraisal Schedule—Probationary Employees

500.3 The term Probationary Employee shall apply to the first three (3) months of a new employee's hiring date. A probationary employee will be carefully monitored during this time and will not be afforded use of any employee benefits, including annual or sick leave. Not later than two weeks after completion of the probationary period, supervisors will evaluate the performance of the employee to determine whether the employee:

- A. is to continue in the position.
- B. Should be considered for transfer or reassignment
- C. Should be terminated.

In the event the recommendation is for item B or C, then approval must be obtained from the department director and forwarded to the Personnel Office. The Personnel Office will, in either of those events, present the matter to the Chief Administrative Officer for final disposition. All employees must be advised of the procedure regarding probationary status at the time of their hire.

Appraisal Schedule—Annual Review

500.4 The date of hiring will be classified as the employee's anniversary date for the purpose of performance appraisals. The Personnel Office is responsible for advising all department directors of the anniversary dates for anyone subordinate which will fall within the next thirty (30) days, as well as providing the necessary review forms. Reviews must be completed and returned to the Personnel Office not later than two weeks after conduct of the review.

Coordination with Employees

- 500.5 It is the responsibility of the Personnel Office to see that all employees are informed about the following as related to appraisals:
- A. That it is FBCC policy to perform appraisals of performance regardless as to whether or not any salary adjustments, increases and so on, are given.
 - B. That the employee will, as part of the appraisal process, be given the opportunity to meet with his or her supervisor and discuss the supervisor's findings.
 - C. The basis upon which performance is evaluated.
 - D. That a formal grievance procedure exists in the event that there are disputes with supervisors which cannot be reconciled.

Evaluation Techniques

500.6 Employees responsible for performance evaluation should be aware of and adhere to the following:

*Evaluate the performance, not the personality.

*Be as objective as possible.

*Consider overall performance over isolated incidents.

*Keep records of the employee's positive and negative performance throughout the year, rather than trying to reconstruct from memory at the time of evaluation.

*Employees should be kept aware of overall performance acceptability throughout the year. The overall evaluation at the formal appraisal should not be a surprise to the employee.

Special Appraisals

500.7 During the year, there may be circumstances when a special appraisal should be made. Reasons include: to correct an inequity in responsibility or salary, to redefine responsibility, to evaluate employees who are not filling permanent full-time positions and to recognize exemplary performance in connection with a specific task. Supervisors may perform special appraisals with the advance approval of their department director and the Personnel Office.

Performance Appraisal Form

500.8 Employee evaluations consist of two key components. The first is the "Performance Appraisal Form" (Appendix H), which evaluates the employee's job performance, compatibility to the position, ability to be supervised and other working relationships. This form becomes the official evaluation report and remains in the employee's permanent personnel folder. The other component is the discussion between the supervisor and the employee. The supervisor's assessment of the reaction to the interview discussion should be noted on the evaluation form afterwards. The form is then routed to the department director for signature and forwarded to the Personnel Office.

Policy No. 510. Misconduct

510.1 For the best interests of the FBCC, as well as the safety of all employees, misconduct will not be tolerated. Any employee who performs acts of misconduct will be subject to disciplinary action, including termination of employment.

Procedures:

510.2 Supervisors will report employees engaged in misconduct to their department director and to the Personnel Office. A representative of the Personnel Office will investigate the circumstances of the incident and prepare a report for the department director and reporting supervisor. The appropriate disciplinary action to be taken will be based upon the report, consistent with Policy No. 520. Examples of those acts which constitute misconduct are as follows:

Theft

510.3 Generally, employee theft will result in termination of employment. However, the FBCC recognizes there may be circumstances which might justify a lesser penalty. For that reason, considerations regarding the degree and type of disciplinary action to be taken when theft,

however minor, occur are listed below. Nothing is intended to treat theft as casual or to minimize the seriousness of intentional theft.

- A. The value of the property taken.
- B. Whether the theft was planned or impulsive.
- C. If the employee believed that the item was being borrowed, rather than stolen.
- D. If the employee has any prior record of theft.
- E. The service record of the employee prior to the theft.
- F. Any other finding regarding the theft which may explain the motivation for the employee's actions and might warrant a less severe penalty.

Fighting

510.4 Fighting between employees will generally result in disciplinary action less severe than termination, unless it involves weapons, property damage, a previous history of same by a specific employee or similar circumstances. The following will be determined as part of the decision:

- A. The seriousness and severity of the attack.
- B. The existence if any provocation.
- C. Whether or not premeditation was involved.
- D. The identities of the persons involved.
- E. If regret and apology was shown.
- F. If the reason for the fighting has been resolved

The above applies to fighting between employees who are not in a supervisor/subordinate role. Except for extraordinary reasons, assault upon a supervisor will result in termination.

Falsification of Records

510.5 This category of misconduct includes the falsification of information such as time sheets and cards, requisitions and purchase orders and official records. The FBCC will consider the following as possible reasons for mitigation of the seriousness of such misconduct.

- A. The seriousness of the action in terms of procedures.
- B. Prior service and seniority record of the employee.
- C. Whether the action was or appears to be premeditated.
- D. If there were any reasons which may have provoked the employee.

Pranks

- 510.6 While pranks and horseplay are considered to be in the area of employee misconduct, generally the disciplinary action taken will be far less severe than other categories, except where there was or could have been serious injury or similar undesirable results, even though unintended by the employee(s) involved.

Conduct Away from the Job

- 510.7 Although the personal conduct of employees outside of the work place is not the FBCC's business nor interest, disciplinary action may be warranted when such conduct:
- A. Injures the FBCC's reputation.
 - B. Prevents the employee from being able to perform duties a satisfactory manner.
 - C. The employee's conduct has created an unwillingness, inability or refusal by other employees to work with the employee.

Other Misconduct

- 510.8 The following examples of misconduct will also be subjected to disciplinary action. This list illustrates types of employee behavior that will not be permitted; however, it is not intended to be inclusive.
- A. Use of alcohol or drugs on tribal property, or reporting for work under the influence of alcohol or drugs.
 - B. Use of profane or abusive language.
 - C. Possessing firearms or other weapons on tribal property.
 - D. Abuse of tribal property.
 - E. Unauthorized gambling on tribal property.
 - F. Unauthorized absences.
 - G. Performing job duties carelessly or negligently.
 - H. Causing or contributing to unsatisfactory working relationships.
 - I. Violating safety regulations
 - J. Use of telephone for personal call, especially long-distance calls.
- 510.9 If an employee receives a final conviction for DUI or "Per Se" (Driving While Blood Alcohol Content is at or over legal limit), he/she shall be immediately terminated from his/her position. The employee may reapply for any future position vacancy upon completion of all requirements of his/her sentence imposed by the sentencing Court.

Policy No. 520. Employee Discipline

Policy Statement:

520.1 Employee discipline will be administered for misconduct and other violations of FBCC rules and requirements. The FBCC views employee discipline as the mechanism intended to provide management control so that actions which do not serve the best interests of the FBCC's objectives can be dealt with. All disciplinary actions will become part of the employee's permanent personnel folder.

Procedures:

Responsibility

520.2 Each department director is directly responsible for employee discipline of the employees in his or her department. The Personnel Office is available for consultation and to provide advice and assistance, as may be required, in carrying out disciplinary procedures. Supervisors must remember that these areas may be subject to revisions in law. In addition, they may be subject to specific memories when an employee is employed under a labor or consultant contract. In the event there is any question, supervisors should coordinate their actions with legal personnel.

520.3 As part of the disciplinary procedure requirements, supervisors are also responsible for seeing that employees understand why certain rules are in effect. As an example, if failure to wear a safety helmet is established as a violation which is subject to disciplinary action, employees should understand that failure to do so could result in serious injury to the employee and co-workers, possible shut down of an operation and even possible loss of life.

Recording of Violations

520.4 It is vital that all violations of FBCC rules by employees be reduced to writing by the supervisor involved. Depending upon the type and extent of the violation, the supervisor may retain such information in his or her own files, or forward a copy of the incident to the Personnel Office for filing. A written record of any disciplinary action taken as a result of violations, including the recording of name, date and summary of discussion between the supervisor and the employee must be placed in the employee's permanent personnel folder.

Specific Actions

520.5 Supervisors are authorized a broad range of actions which they may choose from in the event that subordinates are considered to be in need of disciplinary action. Generally, the selection of the type of action will be based upon:

*where or not the violation has occurred repeatedly in the past, despite cautions to the employee to the contrary.

*the type of violation involved.

520.6 Based upon the above, the following actions may be required:

Oral/Cautious Warning--Used when an employee may not be aware of violations, or when the violation is not considered to be severe enough to warrant stronger action at this time.

Employee Counseling--Used when the violation is considered significant enough to warrant a formal conference with the employee. The employee should be made aware that the results are being noted in their records (See "Employee Counseling Form" in Appendix 1).

Employee Warning Notice--This is a detailed citation of the violations and is used in situations where both supervisor and employee signatures verifying the warning must be recorded (See "Employee Warning Notice" in Appendix J).

520.7 Among the type of penalties supervisors may elect are:

- A. Demotion
- B. reprimand
- C. loss of privileges
- D. termination of employment
- E. transfer or reassignment
- F. suspension without pay

recommendations for demotion or termination require approval of the department director, the Personnel Officer, and the Chief Administrative Officer. In the event in which department director is the subject of such recommendations, then the signature of the Personnel Officer and the Chief Administrative Officer shall suffice. In the event that the Personnel Officer is the subject of such recommendations, then the signature of the Chief Administrative Officer and one officer of the FBCC shall suffice. In addition, for termination of the Secretary-Treasurer, Chief Administrative officer, Chief Financial Officer, Chief Judge, and Associate Judges and the Executive Assistant to the Council can only be acted upon by the FBCC in a duly convened session.

Termination Appeals

520.8 An employee who is terminated under this manual shall have right to appeal that action to the Fort Belknap Community Court for a de novo review thereof under the provisions of this section. This right of appeal shall be the exclusive remedy available. Review of the merits of a termination shall not be brought before the FBCC, as this process has been created to fully review and adjudicate appeals on their merit.

520.9 To be considered, an employee who wishes to have his/her termination reviewed, must file a verified petition for review of termination at the Court, together with a filing fee of one hundred (\$100.00) dollars, within ten (10) working days of the date of his/her termination letter

521.0 In reviewing decisions, the presiding judge shall presume initially, subject to rebuttal, that the decision of the Administration was correct, and shall not substitute its findings of fact or conclusion of law for those already entered, in whatever form, unless it finds that the previous decision was arbitrary and/or capricious, erroneous as a matter of law, or insupportable, based on the record. This standard shall be applicable at each level. The Personnel Office shall be

responsible for presenting the Tribal Administration's response to the appeal, utilizing the assistance of the Tribal Attorney, as necessary. After reviewing all materials relevant to the appeal, the presiding judge shall issue a decision within thirty (30) calendar days after the initial filing of the appeal.

- 521.1 The Court shall utilize its Rules of Civil Procedure to govern the consideration of an appeal. When reviewing an appeal, the Court shall be provided with the records developed at lower levels, together with written documentation supplied by the appellant together with application information/employee records. All decisions of the Court shall be final, provided, appeals there from may be filed with the Appellate Court within thirty (30) calendar days of a final decision, solely to review the merits of an appeal. If a termination decision is overturned, the Court shall return seventy-five (\$75.00) dollars of the original filing fee to the appellant, and the matter shall be returned to the Chief Administrative Officer, with recommendations, to implement an appropriate redress/resolution. Should the Court fail to find fault with the Administration's original termination decision, however, the entire filing fee shall be forfeit to the Court.
- 521.2 If the Fort Belknap Community Court recommends payment of funds by Tribal Administration to address an appeal, amounts awarded in excess of \$300.00 can only be granted by approval of the FBCC. Amounts up to \$300.00 in settlement of a dispute once heard, can be approved by the Executive Officers of the FBCC, provided funds are available [and in accordance with applicable Federal Cost Standards](#). Every effort shall be made by the FBCC to honor an appellate decision. However, if the FBCC finds that there is a lack of funds to pay for a wrongful termination award, such conclusion shall be final and binding upon all parties. In any case, a record shall be made of all decisions, and the appellant informed thereof
- 521.3 The FBCC, in establishing this procedure, is delegating authority to provide a means for review. It is intended as a limited delegation of authority to allow for a limited review to benefit employees, balancing the restricted resources of the FBCC with the desire to provide individuals with a means to have their concerns about termination actions reviewed

SECTION 600: EMPLOYEE BENEFITS

Policy No. 600. Employee Benefits

Policy Statement:

- 600.1 The FBCC will provide employees with appropriate personal security benefits as part of their employment. Such benefits will be explained in benefit booklets [currently under development in consultation with tribal attorney.] The responsibility for preparation and issuance of such booklets is delegated to the Personnel Office.

Procedures:

Review and Issuance of Booklets

- 600.2 It is the responsibility of the Personnel Officer to see that benefit booklets are reviewed by legal counsel prior to issuance to ensure that nothing therein violates law or exposes the FBCC to unnecessary litigation.
- 600.3 Benefit booklets shall clearly state that:

*Where a formal benefit plan is involved (as in the case of the employee IRA Plan), the descriptions within this manual are just summaries and, in the event of a conflict between anything in this manual and the official plan documents, the plan documents will be used.

*The FBCC reserves the right to modify or discontinue any of the benefits (unless prohibited from doing so by law). In the event that a benefit is added or withdrawn, employees will be notified through written correspondence.

*The booklet is intended only to summarize rights and benefits under the FBCC' s programs and it is not intended to be used as a guarantee or contract of employment.

600.4 Normally, booklets are provided to employees at their first day orientation/hire. However, booklets may also be given to prospective candidates in order to encourage them to join the management or staff of the FBCC.

Benefit Summary

600.5 In order to assist employees in understanding the benefit package which is available to them, the Personnel Office will, as part of the booklet package provided to employees, include a Summary of Benefits [currently being developed] as part of that package.

Policy No. 610. Work and Holiday Schedules

610.1 The Personnel Office is responsible for advising all department directors and employees as to the FBCC's established policies with respect to working hours, coffee breaks, rest periods, vacations and holidays.

Procedures:

Holidays

610.2 All permanent and probationary employees are eligible for paid holidays. Temporary and contractual employees are not eligible for paid holidays.

610.3 The FBCC shall recognize the following as paid holidays:

New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Native American Day	Fourth Friday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November
Christmas Day	December 25

610.4 In addition, any day designated as a holiday by action of the FBCC or the President of the FBCC shall be observed.

- 610.5 Holidays falling on Saturday will be observed on the preceding Friday and holidays falling on a Sunday will be observed on the following Monday.
- 610.6 If a holiday occurs when an eligible employee is on approved leave of absence, the absence will not be charged against their accrued annual or sick leave hours.
- 610.7 "Non-exempt" employees who are required to work on a paid holiday will be compensated for any holidays worked.

Method of Communication

- 610.8 The Personnel Office will determine the best media for communicating information to employees regarding irregular work and holiday schedules, i.e., booklets, memoranda, posted announcements on bulletin boards and so forth.

Changes to Official Schedules

- 610.9 When work schedules dictate changes to such hours, as may be the case involving shift work, unscheduled overtime and the like, department directors have the authority to adjust schedules to fit these needs. When a deviation is required for an extended time, the department director shall bring this to the attention of the Personnel Officer. Nothing herein is intended to create a change in the normal amount of time upon which employees are paid for each week of work. The work schedule for all full-time employees is based upon a forty (40) hour work week.

Overtime Work

- 611.0 All "non-exempt" employees who perform in excess of forty (40) hours per week shall receive compensatory time in the amount of one and one-half (1-1/2) times the additional hours required for such work. All overtime work must be approved by the employee's supervisor beforehand and the employee's use of accrued compensatory time must likewise be approved in advance. Compensatory time must be used within 30 days of its acquisition or be forfeited.

Bulletin Board Notices

- 611.1 When notices regarding official FBCC personnel policy are placed on tribal bulletin boards, these will be signed by the Personnel Officer, who is responsible for ensuring that such notices are consistent with the FBCC's personnel policies stated in this manual.
- 611.2 Employees may use FBCC bulletin boards for personal notices, such as the sale of automobiles, merchandise and so on. However, messages may not be posted without the prior approval of the Personnel Office. Employees are to request such approval and, if authorized, will post their notices with a posting and removal date showing. In order to provide all employees with access to bulletin boards, employee notices may not remain on bulletin boards for more than two weeks. The FBCC reserves the right to determine which notices may or may not be posted.

Physical Fitness Incentive

- 611.3 As an administrative incentive towards healthy lifestyles, employees desiring to exercise during their noon lunch hour are authorized to leave fifteen (15) minutes prior to the noon hour and return fifteen (15) minutes late provided they notify their supervisors of such intent and inform

them of the location where they intend to exercise. Abuse of this privilege may result in its revocation and/or disciplinary action at the discretion of the supervisor.

Policy No. 620. Refreshment Breaks

620.1 The time allowed for breaks for refreshments and rest is authorized and paid for by the FBCC. As such, employees should recognize that these represent a privilege and should not be abused.

Procedures:

Time

620.2 Two breaks of fifteen (15) minutes each are allowed for refreshments. These breaks are to be taken once during the first four hours of work, and once during the last four hours. The exact time for each department will be determined by the department director and all subordinates will be notified.

Guidelines for Supervisor

620.3 In determining the break procedures for their subordinates, department directors should keep the following guidelines in mind:

- A. Time limits should be clearly spelled out and observed. While the FBCC intends to be as flexible as possible, if an employee habitually abuses the schedule, disciplinary action, including reprimand and, if necessary, termination of employment may be ordered.
- B. Supervisors will be held responsible for abuse of break time by their subordinates.
- C. Break time may be provided for refreshments and/or rest, depending upon type of position and the nature of work.
- D. Breaks should be scheduled so that not all employees are gone at the same time. This will aid in ensuring that phones will be covered.
- E. Where appropriate, break times may be rotated, so that no single group retains an unfair advantage regarding schedule.
- F. To the maximum extent practical, breaks should be scheduled at midpoints, rather than at the beginning or end of the work day.
- G. Coffee pots, if allowed in work areas, must be cared for so that they do not become safety or fire hazards. Hot plates are not allowed.

Policy No. 630. Annual Leave

Policy Statement:

630.1 All full-time employees are eligible for paid annual leave after completing their three-month probationary period. The FBCC feels that vacations are an important part of an employee's health and well-being. For this reason, the FBCC will not approve requests for extra pay in lieu of

annual leave time. As a further incentive to promote the use of annual leave time, carryover time will not be allowed beyond one year after the year earned.

Procedures:

Supervisory Responsibility

- 630.3 All permanent employees accrue earned annual leave starting with their hire date. During the first three months of employment while an employee is on probationary status, no paid annual leave is available for use; however, earned accrued annual leave will be credited to the employee's account.
- 630.4 Annual leave accrual rates for employees during the first three (3) years of service are calculated on the basis of nineteen and one-half days (156 hours) for each year of full-time service. Each eighty (80) hours that the employee works earns its factual share of the annual amount, equivalent to six (6) hours per full-time pay period. Employees with more than three (3) years but less than ten (10) years of full-time service- earn annual leave at the annual rate of twenty-six days (208 hours) for each year, equivalent to eight (8) hours per full-time pay period. Employee with ten (10) or more years of full-time service earn annual leave at the rate of twenty-nine and one-quarter day (234) per year, equivalent to nine (9) hours per full-time pay period. Permanent part-time employees accrue annual leave as above for each eight (8) hours worked, resulting in pro-rated accrual.
- 630.5 For the purposes of assigning employees their annual leave accrual rate, service with the FBCC need not be continuous. For example, an employee with two years' service in one program, followed by three years' unemployment, followed by one year's service in a second program is eligible to accrue eight (8) hours per pay period.

Schedules and Conflicts

- 630.6 All annual leave time must be approved by the employee's supervisor. While the FBCC will try to accommodate employee schedules, it should be understood that the needs of the FBCC must take priority over any request. Requests for annual leave totaling two (2) days or fewer must be submitted at least one (1) day in advance, while requests totaling more than two (2) days must be submitted at least five working days in advance.
- 630.7 In the event that two or more employees in the same program request the same annual leave dates, and the needs of the FBCC are such that multiple absences cannot be approved, supervisors have the authority to determine the order of priority for annual leave. This may be based upon seniority or whoever has requested the date first. Employees who have conflicting schedules are expected to try to work out a compromise before asking their supervisor for a ruling. Since employees must take annual leave within a fixed period, supervisors must give priority to a request made by any employee who otherwise stands to lose unused annual leave in advance of all other considerations.

Loss of Benefit

- 630.8 All employees must take their earned annual leave time not later than one year after it is earned. Unused annual leave time remaining beyond that time period cannot be claimed and will be forfeited. Thus, the most unused annual leave any employee may accrue is equal to the number of hours allotted that employee annually (i.e., 156 hours, 208 hours or 234 hours). In exceptional

cases when an employee defers annual leave because the FBCC has requested that the employee do so, the employee will not lose the days earned and may take them at a later date.

Termination

- 630.9 Program budgets allowing, employees will be paid for all earned, unused annual leave, provided that they have resigned under satisfactory conditions, or have been terminated for the reasons other than cause. Any employee terminated for cause (misconduct, including theft, etc.) forfeits all unused annual leave.

Policy No. 640. Sick Leave

Policy Statement:

- 640.1 As protection for employees, the FBCC provides permanent employees with a paid sick leave plan that provides continuing income during periods of illness. The benefits associated with this plan are tied to length of employment. All permanent employees (both full-time and part-time) are covered by the FBCC's sick leave plan.

Procedures:

Sick Leave Plan Details

- 640.2 Sick leave is available to all permanent employees when they are unable to work due to illness or injury. Sick leave begins to accumulate the first month on the job. Each permanent employee accumulates four (4) hours of paid sick leave for each eighty (80) hours that the employee works full time, up to a maximum of 1,440 hours (160 days). Any sick leave earned in excess of this amount will be forfeited. Sick leave is available only for the purposes stated. Employees may not convert sick leave to any type of payment during or upon completion of employment.
- 640.3 The FBCC has the right to require medical and other reports when an employee is on sick leave. Generally, it is not expected that such information will be requested unless an employee's illness extends beyond one week. Failure to request such information shall not be considered as a waiver of the FBCC's right to do so. If an employee fails to submit requested medical verification, or if the FBCC feels that the information supplied does not justify absence for illness or injury, the request for sick leave may be denied and the employee may be required to use vacation time or take unpaid leave. Any tribal employee with minor children may take sick leave of his/her child is ill, provided that he/she has the available sick leave hours and provided that when both parents are tribal employees, only one will take advantage of this procedure.
- 640.4 If an employee does not have sufficient earned sick leave available, then the employee will not be paid for time lost from work. However, supervisors may, when they believe that circumstances justified, authorize additional paid sick time, advanced from further earned sick leave, up to five (5) days, without further approval, and up to total of ten (10) days of sick leave to an employee, with the approval of the department director and the Personal Officer.

Supervisory Responsibility

- 640.5 Supervisors are responsible for seeing that all sick leave is properly recorded on employee time sheets. Supervisors are also responsible for seeing that employees understand that if they are

unsure about any of the policies, procedures, or requirements concerning the sick leave plan, they should ask the supervisor or representatives of the Personal Office about these.

- 640.6 If the nature of the employee illness is serious, and appears to be of a potential long-term nature, the supervisor should notify the department director and the Personal Office. Supervisors will consider the need for employee replacement with temporary personnel, sending flowers and/or candy and visits by co-workers. The extent to which these elements may be involved are dependent upon the employee's length of service, position, and so on.
- 640.7 Abuse of sick leave is potential problem for any organization. Supervisors should be aware of the indicators of such abuse. They include:
- * continued patterns of use of available time whenever sick days are earned.
 - *repeated requests to draw upon advance sick leave.
 - *repeated failure of the employee to personally call in when unable to show up work.
 - * disproportionate amount of sick days on Mondays, Fridays or the days before or after a holiday.
- 640.8 If a supervisor suspects that an employee is abusing the sick leave policy, he or she will take disciplinary action. This requires documenting the files with respect to what specific actions have led the supervisor to question the employee's actions, meeting with the employee to determine if there are explanations, and, if necessary, providing counseling. If the situation still continues, then formal action, including notice that disciplinary action, such as suspension, leave without pay or termination of employment, may be taken. Formal steps require that supervisors notify the Personnel Office of the situation and work with that department to ensure that consistent treatment by the FBCC is being applied.
- 640.9 In the event that an employee does not have sufficient earned sick time to cover an illness and is not eligible for advanced sick leave payment, the supervisor will notify the accounting department so that the proper deduction is made from any paycheck for the first week of unpaid absence. Should, after one week, the employee still be absent from the job, the supervisor must place the employee on "inactive" status (leave of absence without pay), notifying the personnel and payroll groups. This action should also be brought to the attention of the supervisor's department director. The "Inactive Status Memorandum" shown in Appendix K should be used for this purpose.

Policy No. 650. Leaves of Absence

Policy Statement:

- 650.1 The FBCC policy regarding leaves of absence encompasses both voluntary and involuntary conditions, as well as leaves with and without pay. All decisions made by the FBCC with respect to leaves of absence are done at the sole discretion of the FBCC.

Procedures:

Voluntary Leave — Requests

- 650.2 Any employee desiring leave apart from or in excess of their accrued annual or sick leave, with or without pay, must request the same, in writing, from their supervisor. Requests should be made well in advance of the date that the employee would like to leave. Requests should specify the start and return dates, and describe the reason the employee has for making the request.
- 650.3 Leaves of absence with pay are typically granted for employee presence required by a court of law or brief military obligations not in excess of fourteen (14) calendar days. Leaves of absence without pay are typically granted not in excess of thirty (30) calendar days for parental recovery' and because of a newborn, prolonged illness in excess of an employee's accrued sick leave, and occasionally, educational leave for up to one course of instruction per quarter (generally, a few hours per week) Each request will be considered on an individual basis.
- 650.4 The FBCC will consider employee requests for leave of absence based upon its needs. Any employee requesting and receiving an approved leave of absence should recognize that while the FBCC will make every attempt to place the employee back in the position which he or she left, no guarantee can be made that the employee will be able to resume that or any other position, since staffing levels are based upon program needs.

Voluntary Leave -- Special Conditions

- 650.5 If approved, leaves of absence are granted without pay or insurance and other employee benefits, unless specifically stated otherwise. Employees should understand that they are responsible for arranging any coverage for insurance they may require on their own. Approved requests will not result in any loss of seniority. If an employee fails to return on the date specified, the employee's position will be considered to have been voluntarily terminated. During periods of approved absence, employees may not engage in activities which represent a conflict of interest.

Voluntary Leave— Supervisor Actions

- 650.6 Upon receipt of requests for leave, supervisors shall indicate whether or not they concur with the request and forward the request to the department director for approval or disapproval. The decision will be routed back through the supervisor to the employee. Requests for leaves of absence in excess of fourteen (14) calendar days must be presented before the Chief Administrative Officer for final disposition.

Involuntary Leave

- 650.7 Involuntary leave of absence of an employee is used by the FBCC whenever the FBCC feels it is in its best interests to do so. Such leaves are unpaid and without benefits and may result in loss of seniority. They are frequently used in connection with disciplinary procedures and may only be accomplished with the approval of department directors, the Personnel Office, and the Chief Administrative Officer.

Religious Leave

- 650.8 Employees are authorized twenty-four (24) hours leave per fiscal year for religious reasons (e.g., participation in Sundances, Pilgrimages, etc.). Application and approval of religious leave is subject to the same procedures governing application and approval of annual leave requests (see Policy No. 630.6). Abuse of this privilege may result in its revocation and/or disciplinary action at the discretion of the supervisor.

SECTION 700: PAYROLL AND RECORDS

Policy No. 700. Time Sheets and Cards

Policy Statement:

700.1 Accurate preparation of bi-weekly time sheets and time cards for recording labor is of the utmost importance. These time cards and time sheets are used to record costs against specific program budgets and to record time taken for illness, holidays, annual leave and so forth.

Procedures:

700.2 Supervisors will provide their subordinates with the proper time sheet identifying information for their programs and ensure that all time cards and time sheets are filed appropriately - absent due to reasons such as sickness, leave, and so on. Incorrect entries must be crossed out and re-entered in ink and initialed by the employee and the supervisor.

700.4 Corrections on time cards are to be made in ink by crossing out the incorrect data and re-entering the correct data. The incorrect entry must remain legible and must not be obliterated. Erases or "white-outs" are not permitted. Corrections must be initialed in ink by the employee and the employee's supervisor. Do not destroy cards which cannot be corrected. Return the card and secure a replacement.

700.5 Submission of time sheets and time cards along with the appropriate employee and supervisor signatures certifies that entries are accurate and represent actual time worked.

700.6 Supervisors will advise employees of time card submittal schedules and are responsible for ensuring that time cards are forwarded to payroll personnel on a timely basis.

Policy No. 710. Payroll Change Records

Policy Statement:

710.1 It is vital that the accounting department be kept advised as to the proper status of employees. Supervisors are responsible for seeing that payroll change records are used to notify the Accounting Department of changes to the status of their assigned employees.

Procedures:

710.2 Whenever an employee's pay status changes due to reason of transfer, change in salary, promotion, demotion, reclassification, leave of absence or termination, a "Payroll Change" notice as shown in Appendix L will be prepared.

710.3 The supervisor approving the change is responsible for the timely processing of the change to the accounting department, so that all payroll records can reflect current and correct data.

710.4 In the event an employee is overpaid for any reason ([including Travel](#)), overpayments will be deducted from future paychecks. Termination of employment does not relieve any employee from amounts owed the FBCC.

710.5 When transfer to another department is involved, the supervisor of the new department is responsible for the approval and processing- of all paperwork.

Policy No. 720. Wage Assignments (Garnishments)

Policy Statement:

720.1 Employees are expected to handle their personal finances without involving the FBCC in the legal procedure of wage garnishments, which is costly for the FBCC and may also affect the organization's public image. All legitimate wage garnishments received by the FBCC against one of its employees, even if settled prior to any payroll deductions, will be formally discussed with the employee and recorded in the personnel folder. Repeated problems may result in disciplinary action being taken.

Procedures:

Creditor Letters

720.2 If the FBCC receives a letter from a creditor regarding assistance in debt collection against an employee, the FBCC will not respond to such a letter, nor shall it be retained in the personnel folder. However, the FBCC will, through the employee's supervisor, notify the employee that such a letter has been received, and advise the employee as to the actions that will be taken should an appropriate legal garnishment be filed.

Garnishments

720.3 Upon receipt of garnishment or any form of legal document served upon the FBCC which requires that the FBCC become liable for payment of part or all of an employee's wage, to a court of competent jurisdiction or other authorized legal body, (e.g., [Child Support or IRS tax delinquency](#)), the Accounting Department will be notified immediately, with instructions to withhold the necessary amounts from the employee's paycheck.

720.4 Employees will be given opportunity to present evidence of an error as to the validity of the garnishment if that is the case and, if proven valid, any action recorded in the personnel folder will be removed.

Employee Notice

720.5 Supervisors are to inform employees regarding any adverse credit action taken, with strong encouragement that the employee seeks consumer credit assistance to aid in the resolution of his or her financial problems. The discussions with the employee will be formally recorded by the supervisor and signed by the employee. Use "Employee Notification Record" in Appendix M for this purpose. Matters concerning wage garnishment shall be treated as confidential and all discussions are to be held in strict confidence.

Policy No. 730. Employee Records Retention

Policy Statement:

- 730.1 Employee Records shall be retained so that they are available for use during and after employment, as may be required by law, regulation, insurance programs and similar entities.

Department Responsibilities

- 730.2 The Personnel Officer has overall responsibility for development and maintaining of employee records retention procedures. These procedures must recognize legal requirements as well as the current and future retrieval needs which the FBCC may have for employee related records.
- 730.3 A permanent employee record folder for each employee will be established within the Personnel Office at the time of hire of an employee. This record folder will include the initial applications, interview records, reference checks, wage and salary forms, as well as all performance records and related data during the period of employment through to retirement or termination of employment. The permanent folder remains in the Personnel Office.
- 730.4 A "Checklist of Personnel Records" maybe referenced in Appendix N. This list contains the types of personnel records which are required by the FBCC and their periods of retention. The Personnel Officer will periodically review requirements in this area and make any revisions which are necessary.

Employee Responsibilities

- 730.5 Employees are responsible for reporting new or additional personal information of interest to the FBCC to their supervisors. Supervisors receiving such information form employees shall route the information to the Personnel Office for inclusion in the employee's permanent personnel folder.

Information of interest to the FBCC includes the following:

- A. Legal name
 - B. Next of kin
 - C. Home address
 - D. Marital status
 - E. Military status
 - F. Driver's License status (if relevant)
 - G. Exemptions of W-4 form
 - H. Change of beneficiary
 - I. Home telephone number
 - J. Number of dependents
- 730.6 Since the FBCC refers to an employee's personnel folder when making decisions in connection with promotions, transfers, layoffs and recalls, it is to an employee's benefit to ensure that his or her personnel folder includes information about completion of educational or training courses, outside civic activities and areas of interest or skill that may not be part of an employee's current position.

Disposal of Permanent Folders

- 730.7 Once an employee leaves the FBCC, the permanent employee records folder will be removed from active files and transferred to the inactive file. Information in the file which is no longer required for any reason may be disposed of. The balance will be retained, by classification, for the time period designated for retention by the Personnel Officer.

Policy No. 740. Access to Personnel Folders

Policy Statement:

- 740.1 Employees are not authorized access to their Personnel folders.

Procedures:

- 740.2 This policy applies to all permanent personnel folders which are maintained by the Personnel Office. Although the contents of the folder may not be shown to the employee, supervisors are authorized to respond to employee inquiries concerning whether a specific item or items are contained in the folder. However, the supervisor should not discuss recommendations affecting the employee.
- 740.3 Should the employee request a copy of any interview or other file documents which the employee has previously signed, it is permissible to give the employee a copy.

Policy No. 750. Release of Employee Related Information

Policy Statement:

- 750.1 Other than an authorized Personnel Office representative, no employee may release any information concerning a current or former employee. This policy is necessary to protect the FBCC from involvement in litigation, as well as to ensure the accuracy of the proper release of information.

Procedures:

Prohibited Information

- 750.2 Any requests, written or oral, from any source, except governmental or legal representatives having proper authorization, for the following information, will not be honored.
- A. home telephone number
 - B. reason for termination
 - C. opinion regarding job performance
 - D. confirmation of salary
- 750.3 If an employee, or former employee, desires to have such information released, the FBCC will do so provided that the employee has precisely described what may be released in writing to the FBCC. This written notice will be maintained in the Personnel folder for one (1) year, after which time the authorization must be renewed by the employee if he or she still desires that it be released. If there is no extension by the employee, the release of information by the FBCC will cease.

Routing of Requests

- 750.4 All requests for information regarding current or former employees are to be forwarded to the Personnel Officer. Inquiries from lending authorities, social security forms, and similar types of information which an employee may require for purposes such as purchase of an automobile and so on, should be handled expeditiously, so as not to delay the employee's effort.

SECTION 800: MISCELLANEOUS POLICY

Policy No. 800. Grievances Policy Statement

- 800.1 The FBCC has established a formal policy whereby any employee who believes that he or she has been treated unfairly is able to express that position to management without fear of retaliation for doing so.

Procedures:

Filing a Grievance —

Step 1: Informal Discussion

- 800.2 As a first step, the FBCC urges employees and their supervisors to meet and explore misunderstandings or grievances. This gives both parties an opportunity to understand each other's positions and advances the potential for settlement. Experience has shown that the earlier misunderstandings and complaints are addressed, the greater the opportunity for amicable resolution. Accordingly, employees are encouraged to bring grievances to the attention of their supervisors within two weeks from the time the grievances have arisen, and the supervisors should try to meet with the employee no later than one week from the time the employee has contacted the supervisor.
- 800.3 Normally the involvement of a representative from the Personnel Office at this stage should only be done when either the employee or the supervisor has requested such involvement.

Filing a Grievance —

Step 2: Formal Filing

- 800.4 When informal procedures do not result in resolution of satisfaction, the employee is entitled to file a "Grievance Review Request" as shown in Appendix 0, which is to be forwarded to the attention of the Personnel Officer, with a copy to the employee's supervisor. This form should be filed within one week following the supervisor's final response in Step I.

Filing a Grievance

Step 3: Formal Response

- 800.5 Within one week following receipt of the employee request, the Personnel Office shall meet with the employee for the purpose of reviewing the matter. Upon completion, the Personnel Office will investigate as necessary, meet with the employee's supervisor as well as the involved department director and issue a written finding to the employee, signed by the Chief Administrative Officer,

representing the administration's position. The Personnel Office representative should make every attempt to issue the finding as promptly as possible, but, in no event, later than three weeks from the time the employee has met with the Personnel Office.

Filing a Grievance –

Step 4: Higher Level Review

800.6 If an employee has filed a formal review and is still dissatisfied, the employee may request a higher-level review. This is done by filing the same review request with the Personnel Committee which, if it seems necessary, may meet with the employee and, following such meeting, provide the employee with a response within 30 days from receipt of the employee's request. Alternatively, the Personnel Committee, upon reviewing the employee's request, may choose not to meet with the employee, in which case the decision of the Personnel Office and the Chief Administrative Officer shall stand. Since the Personnel Committee is the highest authority in such matters, either of these responses shall constitute the final verdict regarding the employee's grievance.

Guidelines for Supervisor, — and Reviewers

800.7 The FBCC desires a fair hearing for employees and amicable resolution wherever possible. All supervisors and other personnel who are responsible for providing an employee with the FBCC's position in a grievance shall adhere to the following guidelines in the handling of an employee request:

- A. Do not prejudge or otherwise form an opinion in advance of the employee presenting his or her side.
- B. Separate facts from opinions and impressions. Draw upon letters, records and other written documents.
- C. Analyze and decide upon what might be done. There will often be more than one solution to a grievance.
- D. Consider if the decision is precedent setting. Are other programs of the FBCC affected and does the decision make sense for them?
- E. Deliver the decision whether favorable or unfavorable, the to the employee. Avoid having good news and bad news delivered by separate units, such as immediate supervisor and personnel representative.
- F. Follow-up to see if the decision has truly resulted in resolution. Try to determine if the decision was made without a full attempt to determine all of the facts involved, or if more analysis might be necessary. Watch for settlements which trigger new grievances. It is useful for the future to learn if better ways to handle the grievance could have been developed.

Appealing a Grievance Verdict

800.8 An employee who is dissatisfied with the administration's decision regarding his/her grievance shall have the right to appeal that decision to the Fort Belknap Community Court for a de novo

review thereof under the provisions of this section. This right of appeal shall be the exclusive remedy available. Review of the merits of a grievance appeal shall not be brought before the FBCC, as this process has been created to fully review and adjudicate appeals on their merit.

- 800.9 To be considered, an employee who wishes to appeal an administrative grievance decision, must file a verified petition for review of a grievance decision at the Court, together with a filing fee of one hundred (\$100.00) dollars, within ten (10) working days of the date of his/her final administrative grievance verdict, as is set forth on the official correspondence regarding the verdict.
- 801.0 In reviewing decisions, the presiding judge shall presume initially, subject to rebuttal, that the decision of the Administration was correct, and shall not substitute its findings of fact or conclusions of law for those already entered, in whatever form, unless it finds that the previous decision was arbitrary and/or capricious, erroneous as a matter of law, or insupportable, based on the record. This standard shall be applicable at each level. The Personnel Office shall be responsible for presenting the Tribal Administration's response to the appeal, utilizing the assistance of the Tribal Attorney, as necessary. After reviewing all materials relevant to the appeal, the presiding judge shall issue a decision within thirty (30) calendar days after the initial filing of the appeal.
- 801.1 The Court shall utilize its Rules of Civil Procedure to govern the consideration of an appeal. When reviewing an appeal, the Court shall be provided with the records developed at lower levels, together with written documentation supplied by the appellant together with application information/employee records. All decisions of the Court shall be final, provided, appeals therefrom maybe filed with the Appellate Court within thirty (30) calendar days of a final decision, solely to review the merits of an appeal. If an administrative grievance decision is overturned, the Court shall return seventy-five (75.00) dollars of the original filing fee to the appellant, and the matter shall be returned to the Chief Administrative Officer, with the recommendations, to implement an appropriate redress/resolution. Should the Court fail to find fault with the Administration's original grievance decision, however, the filing fee shall be forfeit to the Court.
- 801.2 If the Fort Belknap Community Court recommends payment of funds by Tribal Administration to address an appeal, amounts awarded in excess of \$300.00 can only be granted by approval of the FBCC. Amounts up to \$300.00 in settlement of a dispute once heard, can be approved by the Executive Officers of the FBCC, provided funds are available. Every effort shall be made by the FBCC to honor an appellate decision. However, if the FBCC finds that there is a lack of funds to pay for a grievance award, such conclusion shall be made of all decisions, and the appellant informed thereof.
- 801.3 The FBCC, in establishing this procedure, is delegating authority to provide means for review. It is intended as a limited delegation of authority to allow for a limited review to benefit employees, balancing the restricted resources of the FBCC with the desire to provide individuals with a means to have their concerns about administrative decisions reviewed.

Policy No. 810. Serious Emergencies or Deaths

Policy Statement:

810.1 In the event that an employee on the job must be notified of a serious family emergency or death of an immediate family member, it should be done in a manner which demonstrates sensitivity and concern by those delivering the message.

Procedures:

Notification

810.2 Supervisors should try to use a fellow employee with whom the employee has developed a close working and personal friendship to inform about serious emergencies or deaths. If no such person is available, the supervisor should assume that responsibility. Consideration should be given to having the employee driven to their home or hospital, as maybe the case.

Sympathy Condolence

810.3 In the event of death of an employee or immediate family member, the FBCC will, through the Personnel Office, arrange for an expression of condolence to the family, to include, as appropriate, flowers or a contribution to charity in the name of the deceased.

Time Off

810.4 In cases of serious emergency or death in an employee's immediate family, the employee shall be given an emergency leave of absence with pay not to exceed three (3) working days to attend to the emergency or funeral or any other arrangements connected with such activities. For the purposes of this Procedure, "immediate family" is defined as follows: spouse (legal or common-law), child, parent, grandparent, sibling, aunt or uncle, niece or nephew, first cousin, and any other individual residing in the same household as the employee.

Policy No. 820. Accidents and Injuries

Policy Statement:

820.1 Regardless as to how minor an accident or injury may appear to be, all accidents and injuries must be reported to supervisors as soon as it is possible to do so.

Procedures:

820.2 Employees who are involved in an accident, are injured, or both, while performing job duties, whether at their usual working area or elsewhere, including on FBCC travel, are responsible for notifying their supervisors immediately. In the event that any injury requires immediate treatment, supervisors will also notify the Personnel Office and ensure that the proper information is recorded as required to comply with the law and for the purposes of arranging medical, insurance and other benefits.

820.3 In the event of disabling injury which prevents the employee from continuing on the job, the Personnel Office is responsible for arranging for a representative of the Fort Belknap Insurance

Company to contact the employee and provide the employee with the information concerning 'workman's compensation and other benefits.

Policy No. 830. OSHA inspections Policy Statement

830.1 Inspections by Federal inspectors are permitted provided the inspector presents valid credentials and that the inspections can be made expeditiously and at reasonable times.

Procedures:

Inspection Criteria

830.2 The Occupational Safety and Health Act (OSHA) authorizes the Federal government to establish plans with respect to verifying that organizations are meeting safety and health requirements as required by OSRA.

830.3 The FBCC will arrange for such inspections by authorized officials. However, reasons to deny an inspection are valid under certain conditions, such as at a time when the FBCC is involved in an emergency situation requiring attention by the FBCC and its employees in order to correct the situation.

830.4 The Personnel Office will be the contact point for such inspections. It is responsible for coordinating with legal counsel, so that any changes in the law are reflected in the FBCC's procedures.

Media Coverage

830.5 The decision to allow or deny media coverage of an OSDIA inspection or investigation is the prerogative of the employer. OSHA neither encourages or discourages media coverage. It is the policy of the FBCC to deny requests from media to accompany an OSHA inspection officer.