



## **WALKER RIVER PAIUTE TRIBE**

### **HUMAN RESOURCES POLICIES & PROCEDURES**

### **Including Human Resources Policy & Substance Abuse Policy**

Effective (December 14, 2017)

# **Human Resources Policy & Procedures**

## **Authority & Introduction**

**1. Authority:** The Constitution of the Walker River Paiute Tribe empowers the Tribal Council to manage the various resources of the Tribe. The Tribal Chairman, in conjunction with the Department Heads, manage the day-to-day affairs of the Tribe. This Part One of the Human Resources Policy and Procedures manual has been formally adopted by the Walker River Paiute Tribal Council under Resolution **WR-126-17**. It therefore carries the full weight of the Council's authority and is to be fully complied with by all Tribal Council Members, Tribal officials and Tribal employees.

**2. Introduction:** The most valuable assets of the Walker River Paiute Tribe are its employees; without them, the Tribal government would be unable to carry out its primary duties to the Tribal Membership. It is therefore vitally important to establish policies, guidelines and procedures for the relationship between the Tribal Council, Tribal Administration and Tribal Employees that are fair and equitable for all concerned.

You were hired because we believe you can contribute to the success and benefit of our Tribal government and membership. We welcome you to our organization and look forward to a long and mutually rewarding affiliation.

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# Human Resources Policy & Procedures

## Definitions

The following words and phrases, when used in this manual, have the following meanings unless otherwise clearly indicated in the content.

<b><u>Word</u></b>	<b><u>Definition</u></b>
<b>Ability</b>	The present power to perform a physical or mental function.
<b>Accrued Leave</b>	Accumulated unused annual or sick leave.
<b>Applicant</b>	Any candidate for appointment or promotion who formally makes him or herself available for consideration for evaluation for the position.
<b>Appointing Authority</b>	A Program Director, official or group of officials having the power by Tribal Law or Regulation to make appointments to any position in a specified department, project, agency or office of the Walker River Paiute Tribe.
<b>Bullying</b>	The repeated mistreatment of a person which creates a psychological power imbalance and an inability of targets to engage in effective self-defense. Bullying causes psychological, emotional and/or physical harm to targeted individuals and/or witnesses and typically happens frequently and over a period of time. There are three typical types of bullying: aggressive communication, acts aimed at humiliation and manipulation of work.
<b>Certification</b>	The process whereby the Human Resources Office provides and submits names of persons from an eligible list to an appointing authority to fill a vacancy.
<b>Class</b>	A group of positions with duties and responsibilities that are sufficiently alike to warrant common treatment of personnel processes such as selection, examination, training, compensation, and/or transfer. A class can consist of only one position when no other positions of the same kind exist.
<b>Classification Plan</b>	The orderly arrangement of class titles by occupational services, group and series with appropriate class code numbers and class grades.
<b>Compensation</b>	Pay and other benefits such as leave and paid insurance for services rendered.

<b>Conflict of Interest</b>	A conflict of interest occurs when an employee uses, or appears to use, his or her position for personal benefits to: himself or herself, close friends, relatives or business associates. A conflict of interest may also exist when an employee's personal activities interfere with the proper discharge of his/her official duties. If an employee is involved in an outside activity which could be affected by WRPT activities or projects and a conflict of interest appears in reality or appearance, he or she must report the situation to his/her supervisor immediately.
<b>Contract Employees</b>	A narrow category or sub-set of exempt employees. Some confusion arises over this category because exempt and non-exempt employees sometimes sign employment contracts with the Tribe. Contract employees, even though they have employment contracts, are generally not legally classified as "contract" employees if their regular working hours are specified, if they receive employee fringe benefits, or if deductions for taxes, Social Security, etc., are deducted from their paychecks. "Contract" employees may in some cases be contracted to work a certain number of hours.
<b>Days</b>	Calendar days (not business days), unless the context states otherwise
<b>Demotion</b>	A change in the assignment of an employee from a position in one class to a different position in the same or another class having a lower salary range.
<b>Eligible</b>	A person who meets the minimum qualifications of the job description and has successfully completed an evaluation process.
<b>Evaluation</b>	The written and/or oral examinations of a candidate to determine his/her relative knowledge, skills and abilities to perform the duties outlined in a particular job description.
<b>Evidence of Relationship</b>	Supported documentation needed to qualify for FMLA for purposes of binding with a new child. Such evidence shall include one or more of the following: copy of child's birth certificate; copy of the completed hospital or birthing center documents attesting to the birth of the child and the parent(s) thereof; letter from the medical provider of the newborn containing the baby's name, gender, date of birth, full name of mother and father or domestic

	partner(s) and the signature of the physician; or other documents from appropriate government agencies evidencing adoption, foster-care placement or declarations of paternity.
<b>Exempt Position</b>	A salaried position, usually supervisory in nature; positions exempted from the classified service.
<b>Family and Medical Leave (FMLA)</b>	Job-protected unpaid leave provided to employees due to a serious health condition that renders the employee unable to perform his or her job, or to care for a sick family member, or to care for a new child (including by birth, adoption or foster care).
<b>Fraud</b>	The intentional act of misconduct, violation of trust, deception, concealment or misrepresentation of facts which may or may not result in a financial loss to the Tribe, but which goes to the heart of the employer-employee relationship.
<b>Grade</b>	A class of positions which, although different with respect to kind or subject matter of work, which are sufficiently equivalent as to (1) level of difficulty and responsibility, and (2) level of qualification requirements of the work to warrant the inclusion of such classes of positions within one range of rates of compensation.
<b>Grievance</b>	Any formal complaint or expressed dissatisfaction by an employee against an action by management in connection with his or her job, pay or other aspects of employment.
<b>Immediate Family</b>	Spouse, domestic partner, child, adopted child, foster child, father, mother, brother or sister, grand-parents, foster parents, adoptive parents, aunts and uncles.
<b>Incumbent</b>	The employee who occupies the position
<b>Insubordination</b>	Unwillingness to submit to or comply with authority, unwillingness to comply with directives of the immediate supervisor, unwillingness to comply with policies and/or directives of the WRPT Council.
<b>Job Announcement</b>	The official announcement that applications for employment are being accepted. It includes that position name, class title and grade, salary or wage range, scope of the evaluation and date, whether it is to be on an original or promotion basis, a short description of the duties and



	responsibilities, and other pertinent application information including closing date for applications and how to apply.
<b>Job Related</b>	Related to the particular job of the employee, or based on knowledge, abilities, skills or other characteristics shown through careful analysis to be necessary or important for successful performance of a job.
<b>Knowledge</b>	An understanding of facts or principles relating to a particular subject or subject area.
<b>Layoff</b>	A separation of an employee due to abolishment of position, lack of funds, decrease in workload, rather than for merit of job qualifications, job performance, or violations of policies or directives, or for personal reasons.
<b>Leave</b>	An authorized absence, with or without pay, during regularly scheduled work hours.
<b>Nepotism</b>	Favoritism shown to relatives such as appointing or promoting them to positions because of that relationship rather than due to merit or job qualifications.
<b>Non-Exempt Position</b>	These employees are generally those who are paid an hourly wage on the basis of time cards or an electronic timekeeping system and whose primary job is not to supervise other employees, and who are not classified as professionals. Non-exempt employees are entitled to overtime pay at one-and-one-half times their base pay for hours <u>worked</u> over 40 hours per week.
<b>Pay Grade</b>	A schematic system of salary or wage grades including specific rates with beginning, intermediate and maximum rates (steps) for all grades.
<b>Performance Appraisal</b>	The comparison or evaluation of an employee's actual performance against the performance standards for the position.
<b>Personnel Selection Committee</b>	A panel determined on a case-by-case basis by the Human Resources Director in conjunction with the Department Head for the interviewing and selection of employees. The hiring of Directors is done separately by the Tribal Chairman in conjunction with the HR Director.
<b>Policy</b>	A written set of rules, principles or procedures intended to influence and determine decisions, actions, and other matters.

<b>Position</b>	A set of current duties and responsibilities assigned by competent authority to be performed by an individual or a full or part-time basis. It may be occupied or vacant, temporary or permanent.
<b>Position Description</b>	The official record of duties, responsibilities, pay grade, supervision and similar job definitions assigned to a position.
<b>Probation</b>	The specified introductory period of employment following hiring, reassignment or transfer to any position in the WRPT service. It is an on-the-job test period for observation and evaluation of the employee's work and must be satisfactorily completed before regular status may be conferred.
<b>Program Director</b>	In this policy, the title of Program Director will refer to the highest-level administrator in that unit.
<b>Promotion</b>	A change in assignment of an employee from a position in one class to another position in the same or different class which is at the same or higher pay grade.
<b>Regular Employee</b>	An employee who has completed his or her introductory (probationary) period.
<b>Seniority</b>	The employee's status with respect to length of service with the Tribe as established by his/her hire date.
<b>Series</b>	A division of an occupational group comprised of classes similar in kind of work, but differing in level of difficulty and responsibility.
<b>Sick Leave</b>	Time off from work, paid or unpaid, due to an employee's temporary inability to perform duties because of a sickness or disability.
<b>Skill</b>	The ability to perform a task with ease and precision.
<b>Social Media</b>	Online technologies and practices that are used to share information and opinions, host conversations and build relationships. It can involve a variety of formats and providers.
<b>Step</b>	A level of salary within a pay grade. Employees progress from step to step within their grades at certain specified intervals according to the provisions of this Policy.

<b>Suspension</b>	A temporary disciplinary separation of an employee from his or her duties without pay.
<b>Temporary Appointment</b>	An appointment in accordance with the rules to a position established to meet a temporary program need with a specified duration.
<b>Transfer</b>	The change of an employee's position in the same pay grade.
<b>Training</b>	Activities designed to orient, update and develop job-related skills of staff for present and potential positions in the Tribal structure. It also includes all training activities designed to help implement programs or introduce and maintain administrative systems.
<b>Tribal Chairman</b>	The head officer of the Walker River Paiute Tribal Council. Under the immediate supervision, direction and evaluation of the Tribal Council, the Tribal Chairman supervises all WRPT Program Directors and ensures that all Tribal policies are carried out and adhered to during the daily operation of programs. All duties of the Tribal Chairman stated in the Human Resource Policies may be delegated to the Tribal Vice Chairman or other Tribal official designated by the Tribal Chairman.

# CHAPTER 1 ~ GENERAL PROVISIONS

## **1.1 Sovereign Immunity**

The Walker River Paiute Tribe is a Sovereign Nation organized under the Laws of the United States. As such, Federal or state laws do not apply on Tribal lands unless so mandated by specific legislation of the United States Congress or by decision of the Federal Courts. In some cases, the Walker River Paiute Tribe may agree to observe a particular Federal or state law as a condition for receiving a grant or other benefit. With these exceptions, Federal and state laws do not apply within the Walker River Paiute Tribal Lands or, in most cases, to employees of the Tribe while on official Tribal business regardless of their location. Accordingly, nothing contained in this Human Resources Policy shall in any way be construed as being a waiver or diminishment of the sovereign immunity of the Walker River Paiute Tribe, or the immunity of the Tribe's officers, employees, agents and/or representatives when acting in their official capacities.

## **1.2 Relationship**

No statement within this policy shall constitute a contract, implied or direct, between the employee and the Walker River Paiute Tribe. The Tribe wishes to communicate standards of fairness that it will follow in its employer-employee relationship; these standards of fairness are contained within this HR Policy.

## **1.3 Legal Conflict**

The information and policies contained within this Human Resources Policy of the Walker River Paiute Tribe (WRPT) were written with the Federal laws that currently apply in mind. Laws and their language may change; and judicial interpretations of existing laws impact their applicability. In the event of a conflict between this HR Policy and applicable Federal laws, the laws shall take precedence.

In the event of conflict, any provision of this Policy and any other provision of any approved policy of the WRPT, the wording contained in the most-recently Council-approved policy shall prevail.

## **1.4 Guiding Principles**

The purpose of this Human Resources Policy is to establish a system of personnel administration for the WRPT. This Policy provides methods to recruit, select, develop and maintain an effective and responsive work force, and includes policies and procedures for employee hiring and advancement, training, career development, position classification, salary administration, fringe benefits, discharge, grievances and other related activities. All appointments and promotions under the provisions of this Policy shall be based on merit and fitness. The guiding principles for the WRPT Human Resources system shall be:

- a. recruiting, selecting and advancing employees based upon their relative abilities, knowledge and skills;
- b. to facilitate employment of disadvantaged persons;
- c. to provide equitable and adequate compensation;
- d. to train employees as needed to ensure high-quality performance;
- e. to retain employees based upon adequacy of their performance;
- f. to assure the fair treatment of applicants and employees in all aspects of personnel administration without regard to creed, sexual orientation, sex, color, race, religion, national origin, age, disability, military veteran status, marital status or political affiliation, and with proper regard for their privacy and other Constitutional rights as citizens, except when Indian Preference or other preferences stated in Tribal Policies may apply;
- g. to assure that employees are protected against coercion for partisan political purpose and to prohibit the use of official authority for the purpose of interfering with or affecting the results of an election or nomination for office;
- h. to assure that employees of the Walker River Paiute Tribe, whether in regular Tribal employment, or under programs funded by special grants or outside funding, be subject to this Policy. Any waivers or differing procedures must be submitted in writing to the Tribal Chairman and resolved in accordance with the provisions of this Policy;
- i. to require all Program Directors and officials within WRPT service to follow these policies and procedures in all matters pertaining to personnel management and administration, including: selection, separation, disciplinary action, and other matters covered by this Policy. All questions regarding correct procedures to be followed, requests for eligibility lists and requests for other assistance as needed shall be referred to the Human Resources Manager;
- j. an employee's role is to provide services to Tribal Members and to the Tribe. An employee may work in a specific department, program, economic development project, or in a role that provides support for one or more of the various programs. In that role, the employee reflects the Tribe and is viewed as doing so by the Tribal Council and the general public;
- k. it is the policy of the Tribal Council to restrict all staff, other than those delegated by the Council or the Tribal Chairperson, from directly

contacting Council members regarding Tribal employment matters regarding that particular employee except as set forth in these policies;

- I. The development and publication of these HR Policies and Procedures is not intended to be all inclusive. Individual departments or enterprises may publish additional policies in order to address differing requirements within their areas. However, no such policies can be in conflict with this HR Policy without the specific approval of the Walker River Paiute Tribal Council.

### **1.5 Applicability**

These Human Resources Policies and Procedures shall incorporate all programs that receive Tribal or other non-Tribal funds as a result of actions taken by the Tribal Council, including: all grants, contracts and the Tribal Housing Department.

This Policy shall apply to all WRPT positions except for the following, which are exempt from coverage:

- a. Members of the Walker River Paiute Tribal Council
- b. Consultants
- c. Legal Counsel
- d. Any other positions specifically exempt as stated in a job announcement or other official documents

### **1.6 Amendment, Rescission, Supersession**

When officially adopted by Tribal Council Resolution, this Policy shall supersede all prior personnel or human resources policies and procedures previously adopted by the Walker River Paiute Tribal Council. This Policy shall not be amended, canceled, replaced or superseded except by official Resolution of the Walker River Paiute Tribal Council.

### **1.7 Human Resources Administration**

- a. Walker River Paiute Tribal Council  
The Council, as the supreme legislative authority, is responsible for approving all Tribal Policies. The Council is the final authority in the interpretation of policies and retains the authority for final action on all personnel appeals. The Council also exercises overall control over Human Resources Management by approving positions and allocating funds through the annual budget process, and by adopting a salary and wage schedule applicable to all employees.

b. Tribal Chairman

The Tribal Chairman delegates the responsibility of daily personnel administration to the Human Resources Manager and, in consultation with the Human Resources Manager, drafts such procedures as may be necessary to carry out the provisions of this Human Resources Policy.

c. The Department/Program Director

Each Department/Program Director exercises the following authorities and responsibilities within the personnel system in accordance with this Policy. These actions must also be consistent with other Tribal policies and budgetary constraints:

- (1) Takes the following personnel actions in conjunction with the approval of the Tribal Chairman:
  - Hires regular and temporary staff
  - Promotes staff within the department
  - Evaluates employee performance
  - Recommends merit intervals and increases
  - Reassigns staff based upon department work requirements
  - Disciplines staff in accordance with this Policy

These actions are submitted to the Human Resources Department for processing and filing according to established procedures.

- (2) In coordination with the HR Manager, determines staffing needs based upon functions and objectives, and prepares a budget for personnel services based upon Tribal and grant/contract applicable requirements.
- (3) Initiates recommendations for special policies and procedures applicable to the program which will best meet program needs and promote cost effectiveness.
- (4) Initiates requests for exemptions and waivers from Tribal policies in order to comply with specific grant/contract terms.
- (5) Establishes performance objectives and job descriptions for the staff within the department.
- (6) Informs the Human Resources Department of any accidents or injuries suffered by employees on the job, and completes such reports as are required for insurance and records purposes.
- (7) Authorizes personnel fund disbursements through appropriate documentation, including time and attendance reports.

- (8) Approves overtime and compensatory time claims of employees within budgetary constraints.
- (9) Determines the work assignments, work schedules and location assignments of employees.
- (10) Grants leave requests of employees within established parameters.
- (11) Recommends to the HR Department the recruitment methods, evaluation and interview procedures to be followed for positions within the department.
- (12) Recommends improvements to the Human Resources system to the HR Manager.
- (13) In coordination with the general hiring orientation conducted by the HR Department, the Program Director conducts orientation for new staff and instructs staff within the department.
- (14) Directs training, counseling and career development for the department staff.
- (15) Handles other personnel duties and responsibilities as required and which arise in the course of managerial functions.

The Director will adhere to the standards set forth in this Policy and other WRPT policies in administering the Human Resources actions described above.

d. Human Resources Department

The Human Resources Manager is responsible for administering the Human Resources system. The HR Manager exercises the following authorities/responsibilities in accordance with the provisions of this Policy:

- (1) Communicates the approved Human Resources Policy and Procedures to all offices and departments; interprets the meaning and intents of the HR Policy where it is unclear; and informs departments of the procedures to be followed in administering HR policies.
- (2) Prepares Policy changes and additions. Additions and amendments to this Policy will be made on an "as needed" basis, with the entire Policy reviewed at least every two years. All additions and amendments must be approved by the Tribal Council with supporting Resolutions.



- (3) Conducts a salary survey, and prepares and recommends modifications of salary schedules to the Council no less than once every two years.
- (4) Working closely with the Tribal Chairman and departments, classifies positions according to the policies approved by the Tribal Council.
- (5) Maintains files of position descriptions and job announcements in an orderly, organized manner.
- (6) Maintains personnel files on all employees and keeps associated records current, handling all documentation in a respectful and confidential manner.
- (7) In coordination with the appropriate department director, prepares and recommends special policies and waivers to the Tribal Council through the Tribal Chairman and maintains complete files of all such policies prepared and approved.
- (8) Directs the recruitment and screening of applicants.
- (9) Certifies appointments, promotions, terminations and other personnel actions to the Payroll Officer, and withholds certification if such actions violate approved policies.
- (10) Develops specific procedures, forms, booklets, etc. required for implementation of these policies.
- (11) Conducts initial orientation of new employees in coordination with the hiring department.
- (12) In conjunction with department heads and/or program managers, provides for employee training, counseling and career development.
- (13) Reviews disciplinary action taken by directors and maintains records of grievances filed by employees. The HR Department provides technical and staff assistance to the parties of a grievance or appeal, and assures compliance with the established grievance and appeals procedures.
- (14) Administers the insurance programs for employees, including: enrollment, change, termination, claims processing and representation of the employee at eligibility hearings. The HR Manager will investigate and recommend any changes to insurance

coverage or benefits to the Tribal Council through the Tribal Chairman.

- (15) Administers the Tribe's Substance Abuse Policy in accordance with Part II of this Human Resources Policy.
- (16) Conducts background checks of candidates for positions in accordance with established provisions of this HR Policy.
- (17) Maintains awareness of changes in Federal laws which apply to Tribal human resources/labor management and informs the Tribal Council through the Tribal Chairman thereof.
- (18) Performs any other lawful acts which are considered necessary or desirable by the Tribal Council or Chairman to administer the purpose of the Human Resources system and the provisions of this Human Resources Policy.

## CHAPTER 2 ~ RECRUITMENT AND SELECTION

### 2.1 Recruitment

- (a) To ensure that interested persons are informed and qualified persons are encouraged to compete, job openings shall be public for a minimum of ten (10) business days. If there are no qualified applicants, the announcement shall be extended an additional ten (10) business days or shall remain open until filled or withdrawn.
- (b) Vacancy announcements for the Program Director positions shall remain posted for a minimum of thirty (30) calendar days unless the Tribal Chairman approves a shorter duration due to urgent requirements to fill the position.
- (c) In order to ensure equal employment opportunity and as deemed necessary by the HR Manager, announcements shall be posted on bulletin boards and the Tribal website, and advertised to the extent that they will be available to all members of the community and other interested parties. Additional distribution of announcements may be made to newspapers, radio and television stations, educational institutions, unemployment offices, employment recruiting firms and community organizations as needed.
- (d) Every consideration shall be given to filling vacancies by promotion or transfer of current WRPT employees or recently laid-off employees who meet all qualifications for the particular vacancy. Any regular employee who applies for another position within the Tribe and who also meets the minimum qualifications for the vacancy may be awarded credit for being a current WRPT employee during the interview process.
- (e) Preference in Hiring  
The Walker River Paiute Tribal government shall apply preference, equal opportunity and affirmative action in accordance with Federal law as follows:
  - (1) Military Veterans who have received an honorable discharge and provide a Form DD214 as evidence thereof.
  - (2) Indian Preference as follows: Preference is given to qualified Native American Indians in accordance with the Indian Preference Act (Title 25 USC Sections 472 and 473). Applicants claiming Indian Preference must provide certification of enrollment from a Federally-recognized tribe or other acceptable documentation of Native American heritage which may include,

but is not limited to, a letter from the tribe, tribal identification card, or judgment roll.

If two equally qualified candidates apply for the same position, with the only difference being their race, the Native American candidate will be chosen based on "Indian Preference." Being an Indian or a Tribal member does not automatically guarantee that he/she will be selected for the job; they must also be equally qualified. If two equally qualified Native Americans apply, then the candidate who is a member of the Walker River Paiute Tribe will be selected.

## **2.2 Job Announcements**

Vacancy announcements shall include the position title, class title and grade, filing deadline, salary/wage range, brief description of major duties and responsibilities, positions supervised, minimum qualifications, scope of the evaluation, and scheduled date of evaluations. The announcement will also include an Indian Preference statement and a statement encouraging all qualified applicants to submit.

## **2.3 Filing Applications**

- (a) Applications for employment must be on forms provided by the Human Resources Office or on the Tribal website and must be filed with the Human Resources office (and any other location designated by the HR Manager) on or before the closing date specified in the announcement or postmarked before midnight of that date.
- (b) Applicants may also be considered for any other job for which there is a vacancy and for which they meet minimum qualifications.
- (c) All applications must be signed and the truth of the statements contained therein certified by signature. The HR Manager or Tribal Chairman may terminate an employee or deny consideration of an applicant if it is discovered that the person misrepresented himself or herself deliberately in the selection process, lied about significant information, or used political or other pressure.
- (d) Application Package  
The application package shall contain: the application; a signed release for the Tribe to verify employment and/or obtain a credit check; and a signed release authorizing the Tribe to conduct a background check and a signed agreement to submit to substance abuse screening.

## **2.4 Qualifications**

- (a) The HR Office will screen all applicants for minimum qualifications established for the job. Minimum qualifications reflect only the basic knowledge, skills and abilities which are directly related to the duties of the position. Minimum qualification requirements will be: education, certification, knowledge, ability, skill and physical requirements to perform essential job functions.
- (b) No minimum educational requirements will be prescribed without provision for substitution of equivalent training and/or experience, except when the duties of a scientific, technical or professional position cannot be performed by a person who does not have a prescribed minimum education or professional certification.
- (c) The minimum qualifications for WRPT positions will be determined by the Human Resources Manager in consultation with the Program Manager and approved by the Tribal Chairman.

## **2.5 Americans with Disabilities Act**

Where, in order to obtain funding for a grant or contract award, it is necessary to comply with certain provisions and conditions of the award including the Americans with Disabilities Act of 1990 (ADA), the WRPT is prohibited from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

- (a) An individual with a disability is a person who:
  - Has a physical or mental impairment that substantially limits one or more major life activities;
  - Has a record of such an impairment; or
  - Is regarded as having such an impairment.
- (b) A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:
  - Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
  - Job restructuring, modifying work schedules, reassignment to a vacant position;
  - Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

- (c) The Tribe is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the Tribe's business. Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities (or even all people with the same disability) will require the same accommodation. The Tribe does not have to provide a reasonable accommodation if it imposes an "undue hardship." Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

The Tribe is not required to lower quality or production standards to make an accommodation; nor is the Tribe obligated to provide personal use items such as glasses or hearing aids.

The Tribe generally does not have to provide a reasonable accommodation unless an individual with a disability has asked for one. If the Tribe believes that a medical condition is causing a performance or conduct problem, it may ask the employee how to solve the problem and if the employee needs a reasonable accommodation. Once a reasonable accommodation is requested, the Tribe and the individual should discuss the individual's needs and identify the appropriate reasonable accommodation. Where more than one accommodation would work, the Tribe may choose the one that is less costly or that is easier to provide.

## **2.6 Evaluation of Applicants**

- (a) The Human Resources office will screen all applications to determine if they meet the minimum requirements as specified in the vacancy announcement.
- (b) In consultation with Program Directors, the HR Manager will determine the type of evaluation to use in evaluating applicants. The evaluation may be by means of interviews, evaluation of training and experience, written tests, background or reference checks, or any combination of these; or any other selection methods which validly evaluate the applicant's qualifications.
- (c) Applicants for most positions will be ranked by the HR Manager and the list sent to the Program Director for action. Other employee positions are filled by the personnel Selection Committee; Department Heads are selected by the Tribal Chairman in conjunction with the HR Director. All selections require the approval of the Tribal Chairman.

- (d) No candidate can be hired prior to satisfactory completion of: credit checks (see 2.7); employment and/or reference verification (see 2.8); a background check (see 2.9); verification of educational requirements (see 2.10); driver license checks as required (see 2.11); and pre-employment substance abuse screening (see 2.12). For this reason, it may be advantageous to perform these steps on two or more applicants prior to making the final selection, in the event the first choice does not pass.
- (e) Applicants certified and placed on an eligibility list may remain on this list for a period of up to twelve (12) months and may be considered for employment while on this list during this period.
- (f) All applicants will be rated and interviewed unless there are more than five (5) applicants for a particular position. If that number is exceeded, applicants will be screened on the basis of their rating and the five (5) with the highest rating will be interviewed.

## **2.7 Credit Checks**

When the position requires the employee to adhere to high standards of fiscal responsibility, such as budgeting, handling or accounting for money or access to legal information, the position description may require that a credit check with a reputable and recognized credit bureau or reporting company be obtained. The performance of such an investigation requires that the applicant sign a release authorizing the credit check. Individuals with recent bankruptcy or other major credit problems may be considered ineligible for those types of positions. The results of the investigation shall be held in strict confidence and, should the applicant fail to qualify for the position after evaluation of the report, the applicant must be given the name and contact of the credit reporting firm and given the opportunity to correct any incorrect information.

## **2.8 Employment and Reference Verifications**

All employees and candidates being seriously considered shall undergo employment verification back to either at least five years of prior employment or two previous jobs, whichever covers the longest period of time. The candidate must sign a release to conduct such employment verifications at the time he/she completes the application. Typically, such verification requests must be in writing and must include a copy of the release; prior employers will usually provide dates of employment, starting and ending salary and whether or not the employee is re hire able, but nothing more.

Where prospective employees do not have prior work experience or where their time on previous jobs is too short to meet the requirements of the minimum employment verification, personal references may be contacted.

## **2.9 Background Checks**

All candidates being seriously considered for an open position shall undergo a background check performed by a reliable company specializing in such reports. Candidates must sign a release form for such checks at the time of completing and filing an application for employment. If, upon receiving a background check report, it is determined that information contained therein is of such a nature that the candidate cannot be hired, the candidate must be provided with the name of the company used to obtain the report and given the opportunity to correct any derogatory information in the report.

- (a) Potential employees must not, within a three (3) year period preceding submittal of an application, been convicted of: commission of a fraud; a criminal offense in connection with obtaining or attempting to obtain or perform a public contract (federal, state or local); embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; receiving stolen property; larceny involving money; or burglary in the first degree.
- (b) All potential employees having any conviction for a sex crime, an offense involving a child victim, or a drug felony within the last seven (7) years shall automatically be disqualified from Tribal employment. Those with felony convictions for violent crimes can also be disqualified from Tribal employment. For the purpose of this policy, "violent crime" is any violent behavior by persons against another person or property that intentionally threatens, attempts or actually inflicts physical harm.
- (c) If a potential employee has a felony conviction other than those specifically listed above and has rehabilitated himself or herself from the behavior and alleviated such circumstances in their life to become a productive member of the community and society, he/she may be considered for the position unless employment of an individual with a specific charge is specifically prohibited by law or a bonding insurance company. The potential employee must provide sufficient proof of rehabilitation or alleviation upon request. The Tribal Chairman will make a determination of the potential candidate's suitability for this position.
- (d) The employment application shall ask the candidate to list any prior convictions. Failure to disclose will automatically disqualify a candidate for consideration.
- (e) To the extent possible, all information received in connection with the background check process shall be kept confidential. When disclosure is necessary, it shall be in the form of hardcopy only. All hardcopies will be immediately returned and/or destroyed upon satisfaction of the appropriate disclosure. The HR Office shall serve as the Office of



Record for all background checks and will ensure confidentiality of such information. Tribal policy and Federal laws recognize a subject's right to privacy and they prohibit Tribal employees and others from seeking out, using or disclosing personal information except when within the scope of their assigned duties.

- (f) In situations where the hiring of an employee is urgent, an employee may be hired on a provisional basis after a cursory provisional background check, while the results of a complete background check are pending. Such a provisional hiring requires the approval of the Tribal Chairman.
- (g) The background requirements which must be met for any particular position will be determined at the time the position description is written.
- (h) Staff, Volunteers, standing committee and partners of the Boys & Girls Club will update background checks every January of each year not to exceed 12 months. *(amended 02/20/19 WR-35-2019)*

## **2.10 Verification of Educational Requirements**

Where a particular position stipulates that a certain level of education, professional certification, or trade accomplishment is a firm requirement, such education and credentials will be verified. This may be done through presentation of academic transcripts, diplomas, professional licenses or certificates, or written verification of trade accomplishment. Misrepresentation by a candidate or employee is grounds for denying employment or for dismissing an employee.

## **2.11 Driver License Records Checks**

All candidates being considered for employment, as well as contractors and volunteers who may be called upon to drive a vehicle (either personal or Tribal) while on Tribal business on or off the Walker River Paiute Tribe Reservation, will be required to provide the HR Office with a copy of their DMV driving record report prior to being hired.

Examples of unacceptable driving infractions which may be deemed unacceptable for up to five years include, but are not limited to:

- (a) Hit and run
- (b) Failure to report an accident
- (c) Using a motor vehicle for the commission of a felony

- (d) Operating a motor vehicle with owner's authority
- (e) Reckless Driving
- (f) Participating in a speed contest
- (g) Driving under the influence of alcohol or drugs
- (h) Refusal to submit to an alcohol or drug test involving operation of a motor vehicle
- (i) Operating a motor vehicle during a period of license suspension
- (j) Homicide, manslaughter or aggravated assault with a motor vehicle
- (k) Attempting to elude law enforcement officers
- (l) Failure to stop and/or report an accident
- (m) Youthful passenger with an open container
- (n) Individuals requiring an SR-22 filing or other proofs of financial responsibility

All employees and volunteers who are convicted in any court of any traffic violation or must notify their supervisors and/or Human Resources immediately. It is also the responsibility of employees and volunteers who drive on Tribal business to provide the HR Office with a driving printout every three years after their hire date.

## **2.12 Substance Abuse Screening**

Prior to being hired, the candidate must agree to abide by the WRPT Substance Abuse Policy (see Part II of this Policy) and must take and pass a pre-employment substance abuse screening for drugs and alcohol. Regardless of current laws regarding the legality or illegality of alcohol or marijuana, alcohol and marijuana are not allowed in the Tribal workplace and it is against WRPT Policy for an employee to be under the influence or to test positive for alcohol, marijuana or any other non-prescribed medication while on the job or at the workplace.

Failure to pass a pre-employment substance abuse screening shall be considered as automatic disqualification for consideration.

## **2.13 Immigration Law Compliance**

The Walker River Paiute Tribe is committed to employing only those who are legally authorized to work in the United States and does not discriminate in hiring on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee must, as a condition of employment, complete the Employment Eligibility Verification Form I-9, and present documentation establishing identity and employment eligibility no later than the date of hire. Any candidate or employee with an expiring work authorization must renew the authorization or the candidate will be disqualified or an employee will be considered to have voluntarily resigned.

Former employees who are rehired must also complete the I-9 Form.

All offers of employment are conditioned upon the receipt of satisfactory evidence of an employee's authorization to work in the United States and continued satisfactory evidence of such authorization.

#### **2.14 Appointing Authority**

The appointing authority shall be the Tribal Chairman or other designated official who has authority to make appointments. After the appointing authority has made his/her selection, the HR Manager will ascertain that all required documentation, investigations and tests have been completed and shall then certify appointments. The Tribal Council shall make appointments of Program Directors, including the Finance Officer, Comptroller, and Human Resources Manager.

#### **2.15 Appointments**

Prospective employees will receive offers of employment from the Tribal Chairman. The written offer will include a brief description of the job, starting monthly salary, effective (reporting) date of employment and other specific conditions relating to the individual's employment.

#### **2.16 Types of Employment**

- (a) Full-time  
Any employee who works a minimum of 30 hours per week on a continuing basis.
- (a) Part-time  
An employee who works less than 30 hours per week on a continuing basis.
- (b) Introductory (Probationary)  
New full-time will complete an introductory period of ninety (90) days prior to becoming regular employees; new part-time employees will

complete an introductory period of 180 days. This period may be extended for up to ninety (90) days if the employee has not demonstrated required knowledge and capability to do the job. (see Chapter 3).

- (c) Regular  
One who has completed the introductory (probationary) period either in a full-time or part-time capacity.
  
- (d) Temporary  
An employee who is not permanent. Employees on temporary appointment are not eligible to participate in health insurance plans. Should a temporary employee become a permanent employee, his/her anniversary date will be determined as the date the employee became a regular permanent employee. Temporary appointments may be made for up to thirty (30) days by the Tribal Chairman.  
  
Temporary employees are not entitled to be paid holidays; they must actually work on an authorized holiday in order to be paid and their immediate supervisor must authorize such work.
  
- (e) Seasonal  
Department heads may make seasonal appointments where additional employees are needed during a particular season, provided budgeted funds are available. Seasonal appointments shall not exceed three (3) full calendar months.
  
- (f) On-Call Temporary  
Sometimes referred to as "occasional workers," these employees fill in where a department is critically short of employees for a short period, such as during periods of employee illnesses or Tribal emergencies. Such employees may be hired spontaneously and without a background check with approval of the HR Director and Department Head, and must be directly supervised. The length of employment is usually just a matter of very few days or even hours.

## **CHAPTER 3 ~ TERMS AND CONDITIONS OF EMPLOYMENT**

### **3.1 Code of Conduct**

- (a) Employees and other Tribal Representatives of the Walker River Paiute Tribe shall at all times conduct themselves in a professional manner in their relations with other staff and county, state and federal workers, and with the Reservation and general community population served.
- (b) They will conduct themselves in an honest and upright manner, with regard to the responsibility they have in their position.
- (c) They will conduct their personal affairs in a manner that does not adversely reflect upon the Tribe or their own integrity, reputation or credibility.
- (d) They will always act with the best interests of the Tribe in mind and will strive to excel in the delivery of services to the Tribal population.
- (e) They will avoid any and all potential or perceived conflict of interest with Tribal objectives and policies by voluntarily removing themselves from any decision-making process that may be affected by the conflict of interest.
- (f) They will safeguard Tribal information and assets at all times. Disclosure of confidential information is grounds for immediate dismissal.
- (g) They will disclose to their immediate supervisor and/or the Human Resources Manager any interests relating to an individual or business including, but not limited to, employment with said other individual or business, any business relationship or economic interest other than holding common stock in such business.
- (h) Employees shall not accept privileges, benefits or gifts that may affect their ability to remain objective in the performance of their duties.
- (i) Employees shall not receive money or material benefit as a result of their position except for compensation received directly from the Tribe.
- (j) Employees will not accept a gift: from any person seeking to obtain a contract, grant, loan, employment, or any financial relationship or gain from the Tribe; from a person or business whose operations or activities are regulated or inspected by the Tribe; from a principal or attorney in proceedings in which the Tribe is an adverse party.

- (k) Use, request, or permit the use of the Tribe's motor vehicles, equipment, computers, materials or property, except for in the conduct of official Tribal business.
- (l) Employees shall not impede any employee/employment investigation or Tribal Police investigation. No employee shall willfully fail or refuse to comply with any lawful order of any Tribal Police Officer.
- (m) Employees shall follow the established chain of command in resolving problems arising out of the employer/employee relationship.
- (n) Employees shall not attempt to speak directly with a Member of the Walker River Paiute Tribal Council regarding Tribal business or employment issues without following the established chain of command.
- (o) Employees shall not exhibit unprofessional behavior, including: confrontational, argumentative, angry outbursts, threats of violence, harassment, retaliation or bullying while on duty.
- (p) Employees shall not use or be under the influence of alcohol, non-prescribed medications, or drugs including marijuana during working hours.
- (q) Employees shall not participate in a consenting romantic or sexual relationship between a supervisor/manager and an employee who shares a reporting relationship.

### **3.2 Introductory Period (Probation)**

- (a) All new full-time employees, including Program Directors, shall be placed on an introductory (probationary) period for a period of ninety (90) days. This period may be extended up to an additional ninety (90) days if deemed necessary to adequately evaluate the employee's suitability for employment. Employees must complete their introductory period within the specified time-frame or be terminated. All employees who are serving their introductory period shall be evaluated by their supervisors at the end of their introductory period to determine regular status.
- (b) All new part-time employees shall be placed on an introductory (probationary) period for 180 days. This period may be extended up to an additional ninety (90) days if deemed necessary to adequately evaluate the employee's suitability for employment. Employees must complete their introductory period within the specified time-frame or be terminated. All employees who are serving their introductory

period shall be evaluated by their supervisors at the end of their introductory period to determine regular status.

- (c) It is the responsibility of the HR Manager and the Program Manager to conduct the introductory period reviews before the end of the introductory periods. Failure to do so may result in the automatic "regular" status of the new employee and in disciplinary action for the HR Manager or Program Manager.
- (d) Upon successful completion of a probationary period, the employee will be granted "regular" status. All accrued vacation and sick leave shall be credited to the employee and made available according to this Policy.
- (e) If at any time during the introductory period the Program Director determines that the services of the employee have been unsatisfactory, an employee may be terminated without the right of appeal, except in the event of alleged discrimination. The Tribal Chairman or designee reserves the right to terminate employment at any time during the introductory period without explanation.
- (f) Employees terminated during their introductory or extended-introductory period shall not be eligible for payment for any accrued leave.
- (g) During their introductory period, employees will not receive any pay increases, other than "across the board" increases which are given to all employees.
- (h) As a condition of employment, when an employee agrees to a transfer, promotion or reassignment, the employee will be placed on a ninety (90) day probationary period.

### **3.3 Promotion**

Promotion occurs when an employee moves from his or her current position to a position of increased responsibility and complexity which is compensated at a higher pay grade. No employee shall be promoted if he/she does not meet the minimum qualifications of the higher level position. Employees who are on probationary status will not be considered for promotion unless approved by the Tribal Chairman.

Individuals who are promoted must serve a ninety (90) day probationary period from the date of promotion. They may use vacation and sick leave which has been accrued up to the date of their promotion.

### **3.4 Promotion Policy**

Vacancies shall be filled by promotion from within whenever practical and in the best interests of the Tribe. Promotions shall be based on merit and shall be in accordance with selection procedures established in this Policy.

### **3.5 Temporary Promotions**

Temporary promotions may be made in certain situations such as periods of extended leave, special temporary projects, etc. The employee will be paid at the usual rate of the higher-level position. The employee's pay will revert to his/her normal pay when the temporary promotion is completed.

### **3.6 Reassignment**

Reassignment occurs when an employee is moved from one position to another position which has different duties and responsibilities, but which is compensated at the same pay grade. An employee must meet the minimum qualifications of a position before he/she can be reassigned to it. The HR Manager shall verify that the employee meets the requirements for the new position.

In those cases where an employee is reassigned to a position with a lower pay grade, the employee shall be placed into the new pay grade at the pay step of his/her current rate of pay, providing funds are available.

In the case of Program Director reassignment, the Director shall be placed into the new pay grade, but it shall be the responsibility of the Walker River Paiute Tribal Council to determine at which pay step of the new pay grade the director will be placed, provided funds are available.

In the event of reassignment of an employee, both of the affected Department Heads, (losing and gaining), must agree to the reassignment.

### **3.7 Transfer**

Transfer occurs when the employee's position, duties and responsibilities remain the same, but he/she is moved from one department or division to another. Transfers may occur when the Program Directors involved agree on the transfer or the Tribal Chairman orders a transfer.

### **3.8 Demotion**

Demotion occurs when an employee moves from his/her current position to another position which has less responsibility and complexity and which is compensated at a lower pay level. The supervisor, in conjunction with the Program Director and Tribal Chairman or designee may demote an employee for insufficient performance of duties or for any other justifiable reason after due process. A written statement for reasons for the demotion will be provided to the affected employee prior to the time of demotion. An



employee may be demoted to an unfilled position in a lower class for which he/she is qualified under the following circumstances:

- (a) When the employee would otherwise be laid off due to the position being abolished, it is reclassified, there is insufficient work or funding has expired;
- (b) When the employee does not meet the necessary qualification to carry out the job or has insufficiently performed the duties of the job; or
- (c) When the employee requests the demotion.

### **3.9 Separation**

(a) Retirement

Retirement is the separation of an employee in accordance with the provisions of the retirement system under which the employee is eligible to receive retirement benefits.

(b) Resignation

Resignation is the separation of an employee by his or her voluntary act. The employee should give at least a two week advance notice in writing to the immediate supervisor and to the HR Manager.

(c) Layoff

An employee may be laid off whenever it is deemed necessary due to lack of work or funds, program reduction or reorganization, or other administrative adjustment. The affected employee(s) shall be notified by the HR Manager of an impending layoff at least ten (10) days prior to the effective date of layoff. The notification shall state the reason for the layoff and any options available to the employee such as reassignment or subsequent re-employment. Seniority, performance, and type of appointment shall be considered in determining the order of layoff until all employees in the same classification have been separated.

(d) Termination

An employee may be dismissed by the Tribal Chairman or designee, or Program Director at any time during the probationary or introductory period. Where an employee has been transferred, promoted or reassigned to a position and is still within a probationary period, every effort will be made to return the employee to his/her prior position providing an opening exists. A regular employee may be dismissed by the Tribal Chairman or designee for cause in accordance with the disciplinary provisions of this Policy.

### **3.10 External Employment Programs**

Occasionally, the Walker River Paiute Tribe will coordinate with other outside agencies in the labor market which assist unemployed or disadvantaged persons is reentering the job force, such as the Native American Development Program, etc. Those individuals who are placed into Tribal-operated programs must agree to be subjected to the scope and authority of the Walker River Paiute Tribe's Human Resources Policy.

### **3.11 Absenteeism**

Absence is the failure to report to work and to remain at work as scheduled. Absence includes late arrivals and early departures as well as absence for an entire day. Regular and punctual attendance is essential for efficient operations; employees are expected to be at their work stations and ready to work at the assigned time. When an employee knows in advance they are going to be absent or late, they must notify their supervisor and/or HR Office as soon as reasonably possible under the circumstances. Failure to request advance approval or report the absence or tardiness as herein described will result as the absence being recorded as unexcused.

An employee who fails to call in to the supervisor or Human Resources for three consecutive days to report such absence is considered to have voluntarily terminated their employment with the Tribe. An employee who, due to accident or being treated in a hospital for illness, is unable to call must have a relative notify the Tribe during this three-day period.

Employees who are excessively absent may be required to document the reasons, including providing a doctor's certificate. Upon returning to work, the employee must report to his/her supervisor and/or HR Manager the reasons for absence and, if valid, no discipline will be imposed. If the reason is not acceptable, the employee may be disciplined in accordance with this Policy as follows:

- |                              |                          |
|------------------------------|--------------------------|
| (a) First unexcused absence  | Written warning          |
| (b) Second unexcused absence | Three (3) day suspension |
| (c) Third unexcused absence  | Termination              |

Employees who are habitually late or who leave early without permission may be considered to have had an unexcused absence.

### **3.12 Outside Employment**

Employees may hold other jobs or have their own business as long as the employee understands that his/her primary obligation is to the Walker River Paiute Tribe, and that such other job or business meets the standards of the Code of Conduct and will not interfere with the required employee's standards of performance.

### **3.13 Privacy in the Workplace**

- (a) In order to maintain the security of governmental operations, the Tribe, through a Director in conjunction with the Tribal Chairman or Human Resources Director, may gain access to and search all work areas and personal belongings, including desks, drawers, lockers, briefcases, handbags, pockets, cell phones and other personal effects located in the Tribe's offices, buildings, parking lots, and government and enterprise areas. Employees are not to leave personal belongings in the workplace except for items required to perform their duties or which serve as appropriate professional office or workplace decoration. All personal items not retrieved at the time of separation from employment shall become the property of the Walker River Paiute Tribe.
- (b) The Tribe reserves the right to request or retain keys to any locked area in the Tribe's offices. If personal locks are placed on lockers or in any area of the Tribal Government, the Tribe may request a copy of the key.
- (c) Workplace areas may be subjected to surveillance and business telephone calls may be monitored.

### **3.14 Information Technology**

This section will address: Tribally-owned computers, cell phones, smart phones, tablets; personally-owned computers, cell phones and smart phone in the workplace; and the use of social media and the Internet.

- (a) Tribal computer systems, cell phones, smart phones, tablets and similar technology are for business use, and the Tribe reserves the absolute right to monitor, review, audit and disclose all matters input to or sent over the Tribe's computer system, cell phones, smart phones, tablets or similar technology or placed in storage thereon, including text messages and email. Employees are required to provide their supervisors with their associated passwords for all such devices.
- (b) Employees must identify themselves accurately and completely when corresponding or participating in interactive internet activities on Tribal technology devices.
- (c) Employees must obtain permission from the Tribe's I.T. Department prior to downloading or installing any software from the Internet or other sources.
- (d) Employees must delete any offensive or obscene electronic mail or other materials received or encountered on the Internet or any other electronic device owned by the Tribe. Such material must not be forwarded, downloaded, recorded, copied, printed, saved or viewed.

- (e) Employees who encounter offensive or obscene email or material, or who receive emails from unknown sources, must notify the I.T. Department.
- (f) As with personal cell phones, smart phones and similar devices and personal calls on business telephones, employees are expected to keep Internet use for personal business at an absolute minimum.
- (g) All material, documents and data entered into the Tribe's computers are property of the Tribe and shall not be disseminated to any other tribe, business or individual without permission or instruction from immediate supervisors.
- (h) No personal computers, smart phones, tablets or other external devices including, but not limited to, smart drives, flash drives, or external hard drives are to be connected to the Tribe's computers or network at any time unless given express permission by the IT Department.
- (i) All electronic devices belonging to the Tribe (cell phones, smart phones, tablets, laptops, iPads, etc.) are to be brought to work every day. No such devices are to be allowed to be used by any other individual whether employed by the Tribe or not.
- (j) Use of iCloud or similar external software applications is strictly prohibited on any Tribal equipment.
- (k) Employees are prohibited from intercepting or accessing Email or information intended for other employees; however, employees shall have no expectation of privacy for Email, Internet use or on any electronic device owned by the Tribe.
- (l) Employees must not use profane, obscene or sexually-oriented language in any communication using Tribal devices.
- (m) Employees may not knowingly download or distribute any licensed or copyrighted material in violation of copyright laws.
- (n) All requests by outside agencies or individuals for access to data, email and other information stored on the Tribe's computers or network must be referred to the I.T. Department and the Tribal Chairman for approval, whether by subpoena or not.
- (o) No personally-owned computer, laptop, smart phone, tablet or similar device can be used for Tribal business without the expressed, written consent of the Tribal Chairman (see 3.14 (p)).
- (p) When circumstances require, the Tribe may choose to provide employees with a cell phone or smart phone for business use. This may be a Tribal-owned phone or the Tribe may choose to reimburse an employee for business use on his/her personal cell phone at an

agreed-upon rate. Tribal-owned devices must be used by the assigned employee only.

### **3.15 Social Media**

Social media includes: blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites and other sites or services that permit users to share information with others in a contemporaneous manner. Employees should be aware of the effect their actions might have on their images as well as the Tribe's image. Information posted or published by them may become public information for many years.

- (a) The Tribe may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that may be harmful or inappropriate to the Tribe, Tribal Members, other employees, patients or clients. Some specific examples of prohibited social media conduct include: posting commentary, content or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment.
- (b) Employees are not to publish, post or release any information that is considered by the Tribe to be confidential or not to be made public.
- (c) Employees should get appropriate permission before they post images of other current or former employees, Tribal Members, vendors, suppliers, clients or patients.
- (d) Social media use must not interfere with an employee's job duties. The Tribe's computers and networks are to be used for business purposes only. When using the Tribe's computers or networks, the use of social media for business purposes is allowed, but personal use of social media networks is not.
- (e) Employees are not authorized to speak on behalf of the Tribe to the press, media, or any non-Tribal group or organization including through social media unless expressly authorized to do so by the Chairman or Tribal Council.

### **3.16 Fraud in the Workplace**

Fraud shall not be tolerated in the workplace. The Tribal Chairman and Program Directors are responsible for the detection and prevention of fraud, misappropriations and other irregularities. The Programs Directors must be aware of the types of fraud which may occur and be alert for any irregularity.

- (a) Any irregularity that is detected or suspected must be reported immediately to the Tribal Chairman who may refer the matter to the Tribal Police, Tribal Attorney and/or outside agencies for investigation and determination.

- (b) Types of fraud may include, but are not limited to: any dishonest or fraudulent act; misappropriation of funds, supplies or assets; receiving gifts or kickbacks from vendors; improperly handling money or reporting of financial transactions; disclosing confidential and/or proprietary information to third parties; destruction, removal or inappropriate use of records, equipment, furniture or fixtures without permission.
- (c) Anyone reporting any irregularity that is detected or suspected must be acting in good faith and have reasonable grounds for believing the information provided. Allegations made maliciously or with knowledge shall be grounds for disciplinary action up to and including termination.

### **3.17 Use of Tribal Vehicles**

#### (a) General Guidelines

Tribal employee vehicle operators are responsible for their own and others' safety. Tribal vehicles will be operated in a professional and courteous manner, and maintained in a clean and safe condition. Tribal vehicle operators shall obey all applicable laws, regulations and all Tribal Policies.

- (1) Passengers who are not employees are not to be carried in any Tribal vehicle, with the exception of vans or cars used for transporting clients, patients, crews to work sites and similar reasons.
- (2) Any person driving or riding in a Tribal vehicle must comply with the mandatory use of seatbelts.
- (3) Tribal vehicles will be used for Tribal business only; employees shall not use a Tribal vehicle for personal business or convenience.
- (4) A Tribal employee using a Tribal vehicle will not allow a non-authorized person to operate the vehicle.
- (5) Tribal vehicles will be secured and parked overnight as directed by the Tribal Chairman. Tribal vehicles will not be parked at an employee's place of residence unless it has been determined to be advantageous to the Tribe and upon written approval of the Tribal Chairman or designee.
- (6) All employees operating Tribal vehicles must report any changes to their driving record to the Director and Human Resources.
- (7) All vehicles are to be locked before leaving unattended.

- (8) Operators are responsible for any tickets, fines or penalties from driving, parking or other citations.
  - (9) Operators of Tribal vehicles are responsible for immediately notifying their Program Director of any mechanical or operational problems with the vehicle. The Director is responsible for ensuring that maintenance issues are addressed immediately.
  - 10) Operators of Tribal vehicles are responsible to notify both their Program Director and Human Resources of any accidents involving any Tribal or GSA vehicle.
  - (11) In the event of an accident, the operator is required to complete an accident report immediately after the accident and to submit it to the Human Resources Manager and any other designated authority. The Tribe's insurance carrier will be immediately notified.
  - (12) All operators involved in an accident while on the job that is reportable to the Tribe's insurance carriers must immediately submit to a post-accident substance abuse screening.
  - (13) Smoking is not allowed in any Tribal or GSA vehicle.
  - (14) The use of electronic devices is prohibited while driving. If a cell phone must be used while driving a Tribal or GSA vehicle, the operator must pull safely off to the side of the road and stop or use a hands-free device.
  - (15) Employees are required to comply with the Tribe's substance abuse policies, including the use of medical marijuana.
  - (16) Vehicle log books are to be used in all Tribal vehicles.
- (b) Operator Qualifications

It is the responsibility of the Program Director or the person responsible for issuing a Tribal vehicle to an employee to:

- (1) Ensure that vehicle operators have a valid Nevada driver's license. A copy of the license must be submitted to the Tribe's insurance carrier along with a copy of the driver's DMV record prior to operating a Tribal vehicle.
- (2) Ensure that the vehicle operator has complied with all provisions of this Policy with respect to driving on Tribal business.

### **3.18 Telephone Usage**

(a) The use of Tribal landlines or cell phones for personal business is to be limited for emergency use only.

(b) Cell Phones at Meetings

Employees are asked not to bring cell phones to meetings, or to place them on "silent" or "vibrate" while attending such meetings. Employees are not allowed to use such devices to record any meetings for any purpose without advance approval.

(c) Personal Cell Phones

Employees shall refrain from using personal cell phones (including text messaging) during work hours; they may be used freely during authorized breaks.

(d) Monthly Charges to Tribal Cell Phones

The Tribe may monitor the usage of cell phones it has issued to employees. Monthly statements will be reviewed by Program Directors and accounting staff and any unusual charges will be discussed with the employee. Employees are responsible for paying for any billed usage considered to be for personal, non-business uses.

### **3.19 Employee Responsibilities**

(a) Employees shall provide complete and accurate information in their applications for employment.

(b) Employees shall perform "other duties as assigned," provided these are job-related duties. Duties may be performed only if:

- (1) There is no other employee at an appropriate grade level, and
- (2) The duties occupy a comparatively insignificant amount of time, or
- (3) They are to be performed on an emergency basis and are not expected to be a recurring duty.

(c) Employees shall make a conscientious effort to improve performance when the supervisor has identified inadequacies.

(d) All employees shall be advised of and maintain awareness of changes and revisions in this Policy and shall seek clarification when necessary.

(e) Employees shall not accept outside employment or be involved in an outside business which interferes in any manner with the full and proper discharge of the duties of his or her position or results in a conflict of interest as defined in this policy under "definitions" or the



Code of Conduct (Section 3.1). If an employee is involved in an outside interest that could be affected by a WRPT project or activity and a conflict of interest appears in reality or appearance, he or she must report the situation to his/her supervisor immediately. The supervisor or Tribal Chairman will take necessary measures to protect the program or department and the employee against accusations of improper use of privileged information or position. Such issues may involve reassignment.

- (f) Employees shall initiate documentation for administrative matters directly affecting them, (i.e. travel request forms, travel expense vouchers, Workers Compensation claims, grievances, etc.). Only supervisors can initiate requests to promote, reassign or transfer employees or otherwise affect employee status.
- (g) No employee of the Walker River Paiute Tribe shall presume to speak for or on behalf of the Tribe without the prior approval of the Tribal Chairman or Tribal Council, including on social media.
- (h) Political Activity

Employees Shall Not:

- (1) Use their official authority, influence or position for the purpose of interfering with an election or affecting the result thereof.
- (2) Directly or indirectly coerce, command or advise one another to pay, lend or contribute salary, compensation or "anything else of value" for political purposes.
- (3) Engage in any political activity during working hours.
- (4) Neglect their assigned duties or responsibilities for political activity.
- (5) Discriminate in favor for or against a Tribal officer, employee or applicant because of political affiliation.
- (6) Promise or use influence to secure Tribal employment or other benefits and/or services in exchange for political activity.
- (7) Solicit or accept gifts, contributions, favors etc., from any person or organization doing business with the Walker River Paiute Tribe. (The only exception to this rule is the acceptance of items normally distributed by the Tribe for advertising purposes, such as rulers or pens with the Tribal name or logo).

### **3.20 Timekeeping Policy**

All exempt and non-exempt employees, regardless of other classification, are required to clock in before beginning to work and to clock out before leaving

for the day. All employees who leave their duty stations for personal reasons during the day are required to clock out when leaving and clock in when returning. All employees who leave their duty stations during the day, whether for personal reasons or for Tribal business reasons, must notify their supervisor prior to leaving as to where they are going and their expected time of return.

### **3.21 Conflicts of Interest & Nepotism**

- (a) No member of a personnel selection committee or the Tribal Council shall participate in the selection of an applicant who is a member of his or her immediate family, (spouse, domestic partner, son, daughter, father, mother, sister, brother).
- (b) No employee may be assigned to any Tribal unit or enterprise supervised by a member of their immediate family. Discretionary exceptions may be permitted upon approval of the Tribal Chairman when other qualified applicants are not available within reasonable distance of Tribal operations. In the event the supervisory/employee relationship occurs by the promotion of the employee, the HR Manager shall decide as to the proper course of action to take on an individual case basis. However, no employee shall be denied a promotion solely on the basis of his or her relationship to another employee.
- (c) Members of the Tribal Council, Committees, or boards, or other Tribal officials shall disqualify themselves from any personnel actions involving the screening, nomination, appointment, hiring, interviewing, promotion, demotion, termination, other personnel actions, or of influencing any such decisions regarding their immediate family members as described in this Policy. There will be no exceptions to his rule.
- (d) Any person who has filed a pending action, counterclaim or cross-claim in any court or any federal, tribal or state administrative agency against the Walker River Paiute Tribe, a Tribal entity or department, or any Tribal employee, agent or officer in his/her official capacity or where the person has asserted a defense that the action was taken in his/her official capacity, shall not be eligible to apply for or be appointed to any employment position with the Tribe.
- (e) Unmarried couples, (including domestic partners), living in the same household must avoid situations where potential conflicts of interest may exist.

### **3.23 Smoke-Free Policy**

Smoking is considered to be unhealthy and offensive to many Tribal Members, officials, employees, agents, contractors, clients and the general public.

- (a) Smoking will be strictly prohibited within Tribally owned or leased buildings including: offices, hallways, waiting rooms, rest rooms, lunch rooms, elevators, meeting rooms and all community areas. Employees will be allowed to smoke outside in designated areas with the permission of their immediate supervisor. Unauthorized smoking breaks are not allowed.
- (b) Smoking will also be prohibited in all Tribal owned or leased vehicles. Smokers in violation of this rule must be reported to their immediate supervisor or the Human Resources Manager. All reports will be held in strict confidence.
- (c) This non-smoking policy applies to all employees, clients, agents, contractors and visitors.

The success of this policy will depend on the thoughtfulness, consideration and cooperation of smokers and non-smokers. All employees are responsible for adhering to and enforcing this policy. Employees who violate this policy will be subject to WRPT disciplinary actions including written notices, suspensions and dismissal.

### **3.23 Terms and Conditions of any Contract or Grant**

Any applicable provision of any grant or contract that any person is employed under shall supersede any conflicting provision of this Walker River Paiute Tribe Human Resources Policy, but only if the provision specifically applies to the Tribe.

#### Penalties

Knowledge of Penalty: The Tribal Council requires that the penalty clause of all grants and contracts be read and acknowledged by each program employee.

- (a) Such clauses typically read: "Any officer, director, agent, employee or such other person connected in any capacity with a contract or subcontract thereunder who embezzles, willfully misapplies, steals or obtains by fraud any of the money, funds, assets or property provided through the contract shall be fined not more than \$10,000 or imprisoned not more than one year, or both."
- (b) Any Tribal employee who has knowledge of or suspicion that a violation has or is occurring regarding a grant or contract provision shall immediately report such knowledge or suspicion to the Tribal Chairman.
- (c) Upon receipt of any allegations of such conduct, the Tribal Chairman shall immediately report all information to the cognizant agency officer for his/her action and shall immediately launch a Tribal investigation and inform the Tribal Council of his findings.

### **3.24 Privacy Act**

5 U.S.C. § 552a, establishes a Code of Fair Information Practice that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals which is maintained in systems of records by federal agencies. (NOTE: Individuals employed in certain positions, such as the Tribal Clinic, may also be covered under the Health Insurance Portability and Accountability Act (HIPAA)).

- (a) Known also as "The Privacy Act," its applicable provisions will be observed and adhered to by the Walker River Paiute Tribe.
- (b) All personnel files and records shall be safeguarded to ensure that access thereto is restricted and that no information about employee health, finances or private lives are disclosed, except by written request of the employee concerned. When any outside person or agency requests such information, the request is to be referred to the Tribal Chairman or designee for determination.
- (c) All necessary actions shall be taken to ensure that all information which the Tribal Council may possess relating to medical diagnosis, treatment, prognosis, financial conditions, private lives, or individual family members or beneficiaries of Tribal employees are identified and safeguarded. Access to such information is strictly restricted to those with a need to know. The Tribal Chairman or designee who is empowered shall document such official access.
- (d) These provisions are to be strictly observed by all employees. All new employees are to have these restrictions explained to them, and all employees will be required to annually sign a statement that they have read and understand the Act and provisions of this Policy.
- (e) All contracts and subcontracts of the Tribe which may entitle contractors or subcontractors to work with Privacy Act information shall carry in the Solicitation Notice (RFP) language that the Privacy Act applies and citing the possible associated penalties for violation thereof.
- (f) Nothing in this Policy shall prevent the employee from access to or right of examination of his/her records or history. The Tribal Chairman will establish verification and documentation procedures to entitle each individual employee to examine his or her own file.
- (g) An employee charged with a violation of this Policy provision will be provided a hearing where the charges against him/her will be considered and, if found guilty, the employee shall be dismissed.
- (i) All employees will be required to take annual training in these Privacy Act provisions as provided by the Tribe.

## **CHAPTER 4 ~ CLASSIFICATION & COMPENSATION**

### **4.1 Classification**

- (a) The position classification system groups jobs into categories based upon the type and difficulty of work performed, and ranks the categories according to predetermined standards. A classification system does not evaluate people; it evaluates and describes the duties of positions.
- (b) When a new position is created, the responsible Program Director develops a draft of the position description and minimum required standards. The draft is submitted to the HR Manager for review. Classifications corresponding to duties and responsibilities described in the draft are selected and the HR Manager allocates the new position to the proper class and pay grade based upon evaluation of the duties and responsibilities in relationship to other positions. The Tribal Chairman will have final approval authority for new position classifications.

*Amended 01/11/18 WR-14-2018*
- (c) An immediate supervisor or Program Director may recommend a position be reclassified on the basis of changes in, or reevaluation of, the duties, responsibilities and qualification requirements of the position. The recommendation will be reviewed by the HR Manager and approved by the Tribal Chairman.
- (d) The Human Resources Manager will maintain a master file of all position descriptions. Copies of the descriptions will be provided to employees when they are initially hired and whenever significant revisions are made for their positions.

### **4.2 Compensation**

- (a) The HR Manager will recommend a salary schedule to the Tribal Chairman for all Walker River Paiute Tribe positions. The salary schedule must be approved by the Tribal Council.
- (b) In establishing salaries, appropriate consideration is given to the following factors:
  - Salary/wage ranges for similar positions
  - Availability of funding
  - Federal and State Minimum wages, (no position shall receive less than the lower of the two)

(c) Total Pay

The salary/wage range for each grade level represents range of pay rates for all full-time employment unless the salary schedule specifically states otherwise. The rates of pay represent the total pay excluding overtime compensation, payroll taxes and value of Tribally-paid benefits.

(d) Pay Periods

Pay periods are bi-weekly. The dates of pay will be established by the Finance Director.

(e) Merit Increases

- (1) An employee will be hired into the position at the lowest pay step of the salary/wage scale unless approved otherwise by the Tribal Chairman. Upon satisfactory completion of the introductory period and reclassification to being a regular employee, an employee *may* advance to the next pay step if approved by the Program Director and Tribal Chairman.
- (2) After an employee satisfactorily completes one year of continuous employment, and based upon an annual performance review, he/she will be considered for advancement to the next pay step. Thereafter, all employees will be eligible for consideration of a one-step increase annually from the hire date. All merit increases shall be based upon a review of job performance.
- (3) To be eligible for step increases, service shall be continuous. All merit increases shall require the certification of the Program Director that performance has been satisfactory and funds are available. The Program Director's certification will be approved by the Tribal Chairman.
- (4) All merit increases will be subject to the availability of funds in the program budget.

(f) Cost of Living Adjustments (COLA)

The Tribal Council may, at its option and based upon the Tribal Chairman's recommendation, declare a COLA to all positions in December of each year. Once approved, all employees will receive the COLA on January 1 of the following year. The COLA recommendation will be based upon current salary schedules, average pay rates for similar positions in the local community, level of staffing, funding levels, budget constraints and other economic factors. The WRPT reserves the right to freeze COLA provisions or to declare 0% COLA.

(g) Part-Time or Intermittent Employment

Part-time or intermittent employees will be paid on an hourly wage basis.

(h) Rate on Initial Appointment, Reinstatement, Promotion, Demotion or Transfer

- (1) Initial appointments shall be made at the entrance pay step for the class unless approved by the Tribal Chairman. No person shall be paid at a rate above the maximum or below the minimum pay step in that grade to which his/her position is assigned, nor at any rate other than one of the steps within the pay grade; otherwise, the position must be reclassified.

When economic conditions, unusual employment conditions or exceptional qualifications of a candidate indicate that a salary/wage higher than Step 1 in a particular pay grade would be in the Tribe's best interests, a Program Director shall submit a written proposal to the Tribal Chairman through the Human Resources Manager. Based upon the reason(s) stated in the request, the Tribal Chairman may authorize hiring at a higher step in the pay grade.

- (2) When a former permanent employee is reinstated after a break in service to a position in the same class, the employee may be paid at, above or below the step in which he/she held in the former position, based upon the judgment of the appointing official and approval of the Tribal Chairman.

(3) Promotions

When an employee is promoted, he/she shall receive an equivalent pay rate for the new position or a ten percent (10%) increase, whichever is greater and providing that sufficient funds are available.

(4) Transfer

When an employee is transferred to a position in another class allocated to the same pay grade, he/she will continue at the same rate.

(i) Salary Advances

Employees are urged to have personal or family budgets and to manage their finances in a responsible manner. The WRPT will not advance any payment of salaries or wages except in cases of emergency or vacation, and then only for the number of days or hours

actually worked or leave available up to the date of request. The "Advance Payment of Salary Request" form will be used. The employee must obtain the approval of the Tribal Chairman or designee, along with verification of the available salary/wage or available leave. Salary advances are limited to two (2) times per calendar year.

(j) Early Payroll Request

Early payroll checks may be issued to employees who are going on travel status or leave. The "Early Payroll Request" form will be completed. The form must be signed by the Tribal Chairman or designee with written verification of travel status or leave. Copies of travel status or leave forms must be attached. The request form and all supporting documentation must be submitted to the Payroll Officer on Mondays before 5:00 PM.

(k) Severance Pay

The final payment of all earned, (but unpaid), wages and salary, accrued annual leave, and compensatory time shall be paid at the end of employment. Employees on probationary status are not eligible for payment of accrued leave except when the employee has accumulated unused leave from a previous position, (such as when an employee accepts a promotion, but is on temporary probation in the new position).

(l) Travel Pay

Employees who are going on business travel for the benefit of the WRPT may receive advance payment in accordance with the Tribe's Travel Policy contained in the Walker River Paiute Tribe Fiscal Management Policies. Except in emergency, advance travel pay request and supporting documents must be submitted to the Payroll Officer on Mondays before 5:00 PM.

(m) Holiday Pay

Employees will be reimbursed as follows:

- (1) Exempt employees required to work will receive two other days off in lieu of the holiday worked.

Non-exempt full-time employees will receive the holiday off with 8 hours pay. If they work on a holiday, they will be paid 1.5 base hours for every hour worked on the holiday.



- (2) Departments not normally operating on holidays must not grant employees the option of working on a holiday and taking time off later at their convenience.
- (3) Part-time employees will receive pay for the holiday pro-rated according to the number of hours they would normally work. If they work the holiday, they will be paid 1.5 hours of base pay for every hour worked and cannot take other time off in lieu of.
- (4) Temporary employees do not receive holiday pay. If they work a holiday, they are paid straight base pay for the number of hours worked.
- (5) To receive holiday pay, an employee must work the day before or the day after the holiday or be on approved leave status.

(n) Payroll Deductions

(1) Involuntary

Federal Income Tax, Social Security contributions and Medicare contributions will be deducted from an employee's total earnings prior to distribution of pay. In addition, deductions ordered by a Federal or Tribal court judgment will be deducted in accordance with terms of the judgment. Any State or local government, private individual or non-Tribal business or entity must seek and obtain a Tribal judgment before deductions will be made.

(2) Voluntary

Employees may wish to have additional recurring deductions made from their paychecks for the purposes of life insurance, health insurance, retirement programs, etc. Such deductions must be requested in advance and authorized in writing and may be limited according to the constraints of the Tribe's accounting system.

(o) Annual Buy-out

Employees that are regular-status, non-probational status, are eligible to request to buyout accrued annual hours not to exceed accrued number of annual hours and have a minimum of 20 hours to date of request. May be requested no more than one (1) every quarter (4 quarters a year). Annual Buyout form must be filled out signed by employee then must be approved by the program Director then Tribal Chairman. Annual Buyout may be denied at the discretion of the program Director, and is a final decision.

*(approved 2/20/19 WR-34-2019)*

### **4.3 Hours of Work**

- (a) The normal full-time work week for employees shall be 40 hours, Monday through Friday, 8 hours a day from 8:00 AM to 5:00 PM, with allowance for a one-hour lunch and two 15-minute breaks per day. Time for lunch and/or breaks cannot be accumulated or taken at the beginning or end of a work shift. Work shifts of different starting and ending times may be established by the Tribal Chairman for the convenience of the Tribe to meet the varying needs of the WRPT Programs and Tribal Council.
- (b) Each hourly employee will be responsible for clocking in and out using the established Tribal payroll system. All hourly and salaried employees will fill out and sign the bi-weekly time sheets showing all hours worked and leaves of absence as appropriate. The time sheets must be approved by the immediate supervisor or Program Director prior to being forwarded with time cards to Payroll on the Monday prior to payroll of each bi-weekly period.
- (c) Paychecks will be distributed according to a time and procedure approved by the Finance Director.
- (d) If an employee notifies the Finance Department that his/her paycheck was not received, a statement will be completed on the appropriate form and a copy sent to the employee's immediate supervisor. Upon approval, a stop-payment order will be issued to the Tribe's bank and the check will be issued after verification that the original check has not cleared.
- (e) Employees are expected to pick up their own checks. Written, authenticated permission with the signature of the employee will be required for anyone picking up an employee's check.
- (f) No checks will be released without approval of the Finance Department.

### **4.4 Overtime, Compensatory Time, Flex Time**

The working of hours above the normally scheduled hours of work is discouraged. Nevertheless, there are times when, (due to deadlines, temporary increases in work, weather conditions, etc.), it is necessary for an employee to work extra hours. It is the policy of the Walker River Paiute Tribe that overtime be held to a minimum, that it be within budgetary constraints, and that it be reserved for essential or emergency situations. All work above the normal scheduled work hours must be approved by the Program Director.

(a) Overtime

- (1) Overtime will be paid to non-exempt employees at the rate of 1-1/2 the hourly rate subject to the availability of funds. Where funding is insufficient, compensatory or flex time at the rate of 1-1/2 times the overtime hours actually worked may be utilized.
- (2) Exempt employees will not receive overtime pay or compensatory time; however, they may receive flex time at the rate of 1-1/2 hours per additional hours worked when approved by the Program Director or Tribal Chairman.
- (3) Overtime, comp time and flex time must be approved in advance by the Program Director, except in cases of emergencies, which must be reported as soon as possible.
- (4) Sworn Law Enforcement Employees. Non-Exempt sworn law enforcement employees are to be paid overtime at the rate of 1.5 times the employee's regular hourly rate of pay for all hours in excess of 86 hours within a 14-day work period.

*Amended 04/12/18 WR-47-2018*

(b) Compensatory ("Comp") Time

- (1) Comp time must be recorded in the payroll system during the pay period in which it was earned. The Payroll Department must maintain a record of comp time earned, used and the balance available.
- (2) Comp time must be used within sixty (60) days of the day it was earned. The Program Director may extend this period for not more than sixty (60) days upon submitting to the Payroll Department a written statement describing the reason the comp time cannot be used within the original sixty (60) day period.
- (3) Any unused comp time at the end of the sixty (60) day limit or extended limit must be paid as overtime.

(c) Flex Time

- (1) Flex time is not required to be reported in the payroll system, but must be maintained within the program or department by the employee's immediate supervisor.
- (2) Flex time must be used within the pay period in which it was earned, or converted to comp time.

(d) Miscellaneous

- (1) Overtime, comp time or flex time for travel will be earned only if the actual work time plus travel time is in excess of 40 hours per week.
- (2) Additional hours for travel will not be allowed if it is created at the employee's discretion, such as using an alternate form of transportation requiring additional time, or visiting friends or relatives while enroute.
- (3) Comp time or flex time will be recorded and used in increments of one-fourth (1/4) hour.

#### **4.5 Exempt vs. Non-Exempt Status**

Employees whose jobs are governed by the FLSA are either "exempt" or "non-exempt." For most employees, whether they are exempt or nonexempt depends on: how much they are paid; how they are paid; and what kind of work they do.

(a) Non-exempt:

Generally speaking, these employees are paid hourly and are legally entitled to overtime pay at the rate of 1.5 hours for over 40 hours worked in a work week.

(b) Exempt:

An exempt employee receives a specific salary regardless of how many hours worked and is not entitled to overtime pay. With few exceptions, to be exempt an employee must: be paid at least \$23,600 per year (\$455 per week); be paid on a salary basis; and perform exempt job duties. These requirements are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). *Most employees must meet all three "tests" to be exempt.* There are three typical categories of exempt job duties, called "executive," "professional," and "administrative."

## CHAPTER 5 ~ EMPLOYEE BENEFITS

### 5.1 Holidays

- (a) The following will be observed as Tribal holidays for all officers and employees of the Walker River Paiute Tribe:

Jan 1	New Year's Day
Jan – 3 <sup>rd</sup> Monday	Martin Lither King's Day
Feb – 3 <sup>rd</sup> Monday	President's Day
May – 2 <sup>nd</sup> Friday	American Indian Day
May – Last Monday	Memorial Day
July 4	Independence Day
Sep – 1 <sup>st</sup> Monday	Labor Day
Sep – 4 <sup>th</sup> Friday	Native American Day
Oct - Last Friday	Nevada Day
Nov 11	Veteran's Day
Nov – 4 <sup>th</sup> Thursday	Thanksgiving
Nov – Thanksgiving Fri	Family Day
Dec 25	Christmas Day
Dec – 1 <sup>st</sup> Weekday After Christmas	Family Day

WRPT Employee's Picnic Day will be declared by the Tribal Chairman one day per year.

- (b) When a holiday falls on a Saturday, the preceding Friday will be observed as the holiday; when it falls on a Sunday, it will be observed on the following Monday. The Tribal Chairman must approve exceptions.
- (c) Any day designated by the Tribal Council is to be observed as a holiday by WRPT staff.
- (d) Full-time employees working other than the standard workweek, (Monday through Friday), are entitled to the same number of holidays as employees working the standard work week. The equivalent holiday will be allowed within ten (10) working days of the officially designated holiday.
- (e) Part-time employees may receive a paid holiday for the number of hours regularly worked if such a holiday falls on a scheduled workday. Part-time employees who work a schedule with unequal hours per day will be paid for the hours regularly scheduled for that day.
- (f) To receive holiday pay, the employee must work the day before or the day after the holiday or be in paid leave status.

## 5.2 General Provisions for Leave

- (a) When employees transfer from one program to another, they must be paid for accumulated unpaid annual leave; accumulated sick leave will be transferred to the new program. Compensatory time must be used or paid for before the actual transfer. Flex time must be used or converted to comp time.
- (b) Eligibility  
  
For the purpose of determining eligibility for leave allowance, the term "continuous service" shall be that service commencing with the initial date of employment and continuing until resignation or discharge.
- (c) Annual and sick leave will continue to be earned when an employee is absent from work on a paid leave status. Employees will not accumulate leave benefits while on any leave without pay or suspension without pay status.
- (d) Approved leave without pay in excess of thirty (30) days shall constitute a break in service, subject to Section 5.18.
- (e) Annual and sick leave will be accumulated during the introductory (probationary) period, but is not available to the employee until the employee earns regular status.

## 5.3 Annual Leave

- (a) Full-time employees shall accumulate leave at the rate established in the schedule below. Those employed part-time on a regular basis shall accumulate annual leave in a proportional amount. Persons employed on a temporary, intermittent or irregular basis shall not accrue annual leave. Only years of continuous service with the WRPT will be counted.

### SCHEDULE

<u>Years Worked</u>	<u>Annual Leave Earned</u>
1-4 years	4 hours/pay period
5-9 years	6 hours/pay period
10 or more years	8 hours/pay period

- (b) An employee tentatively accrues annual leave from the date of employment, but it is not available to the employee until after completion of the introductory (probationary) period. Any employee who resigns or is discharged prior to completion of the probationary period shall not be paid for their annual leave. Individuals who are

serving a probationary period due to being promoted may use vacation which has been accrued up to the date of promotion.

- (c) A request to take annual leave in excess of eight (8) hours must be made in advance by the employee and approved by the immediate supervisor. Granting of leave time for less than eight hours is at the discretion of the supervisor.
- (d) Accrued compensatory time and flex time must be used prior to using leave time.
- (e) Use of annual leave is subject to approval by the immediate supervisor after considering the needs of the service, required staffing, and prior requests from other employees. With the exception of emergencies, annual leave must be requested and approved at least thirty (30) days prior to commencement of leave.
- (f) Upon separation, an employee will be paid for unused annual leave and comp time. Depending upon budgetary constraints, the Program Director may require an employee to take his/her accrued leave and comp time before being separated.
- (g) When a holiday occurs during annual leave or comp time, the holiday is not considered to be a day of annual leave or comp time.
- (h) In the event of death of an employee while in the employment of the WRPT, a lump-sum payment for accrued annual leave and comp time will be paid according to court order.
- (i) The minimum annual leave or comp time which may be taken at any one time shall be one fourth (1/4) hour.
- (j) Annual leave may be accumulated to a maximum of 240 hours; anything over will be forfeited. Comp time must be used or reimbursed in accordance with Section 4.4 of this Policy.

#### **5.4 Sick Leave**

- (a) Full-time employees shall accumulate sick leave at a rate of 104 hours per year, (4 hours per pay period). Part-time employees will accrue sick leave at a rate proportional to their hours worked. Sick leave shall accrue from the first day of employment, but shall not be available for use until satisfactory completion of the introductory (probationary) period and achievement of regular status. Individuals serving a probationary period due to being promoted may use sick leave which has been accrued up to the date of their promotion.

- (b) The immediate supervisor shall approve use of all sick leave only after having ascertained that the absence was for an authorized reason. For sick leave in excess of three (3) days, or in cases of apparent abuse, a physician's statement or other satisfactory documentation may be required.
- (c) Sick leave may be accrued to a maximum of 720 hours. *No payment for accrued sick leave will be made upon separation for any reason.*
- (d) The minimum sick leave time which may be used by an employee at any one time is one-fourth (1/4) hour.
- (e) If, after exhausting sick leave, an employee requires additional time off from work, accrued comp time followed by annual leave time may be used. If additional time off is required, leave without pay may be granted by the Program Director.
- (f) Sick leave may be taken due to illness in an employee's immediate family as defined in "Definitions" of this Policy. The maximum number of days that may be taken is five (5) business days per occasion, and requires approval of the Program Director.
- (g) Any employee absent from work due to illness must and shall notify their supervisor or, in the absence of the supervisor, the Program Director or HR Manager within twenty (20) minutes of the scheduled start of shift. The Program Director or HR Manager must notify the supervisor.
- (h) If an employee is injured while on duty and is directed by a physician not to return to work until released by their physician, the employee may receive compensation from the WRPT Worker's Compensation Insurance as covered under the regulations as governed by the State of Nevada's Worker's Compensation Program.

## **5.5 Maternity Leave**

- (a) Employees shall be permitted to use accrued comp time, annual leave, and sick leave for maternity purposes, (i.e. any medical condition relating to pregnancy or childbirth). Any additional time beyond sick leave, comp time and annual leave will be considered leave without pay.
- (b) A combination of leaves, comp time and leave without pay may be granted for a period of up to six (6) months for maternity purposes.
- (c) The employee is responsible for notifying her supervisor in advance of her intention to request leave for maternity purposes, including the type of leave, approximate dates and anticipated duration in order to



allow the WRPT to prepare for staffing adjustments which may be necessary.

- (d) The employee's position may be filled on a temporary basis during the absence consistent with budgetary constraints.
- (e) The employee shall have reemployment rights to the former position or a position of similar work and pay.

## **5.6 Education Leave**

- (a) Educational leave with pay not to exceed six (6) hours of work per week may be granted to employees for attendance at an approved educational institution when such education will benefit the Walker River Paiute Tribe and staffing requirements permit.
- (b) The approval of the Program Director is required for an employee to take educational leave.
- (c) Employees authorized to take educational leave shall be required to obtain a passing grade of "C" (or 3.0) or higher. Failing to obtain such a grade shall require the employee to reimburse the Tribe for all monies received including the salary or wage compensation used during the educational leave and any registration or tuition fees advanced.

## **5.7 Professional Leave**

- (a) Attendance with pay at conferences and meetings helpful to the Walker River Paiute Tribe may be authorized by the Program Director contingent upon the availability of funding and staffing requirements.
- (b) Registration fees, expenses and per diem may be paid by the WRPT within budgetary constraints and advance approval of the Program Director.

## **5.8 Military Leave**

The Uniformed Services Employment and Reemployment Rights Act (USERRA) prohibits discrimination against persons because of their service in the Armed Forces Reserve, the National Guard, or other uniformed services. USERRA prohibits an employer from denying any benefit of employment on the basis of an individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. USERRA also protects the right of veterans, reservists, National Guard members, and certain other members of the uniformed services to reclaim their civilian employment after being absent due to military service or training.

The Tribe is not obligated to recognize the Act. However, the Tribe has chosen to allow military leave and return-to-work rehiring preference under the following guidelines:

- (a) Employees who leave the Tribe, voluntarily or involuntarily, to enter active duty with the Armed Forces of the United States will be treated as a terminating employee, unless the term of military service is not to exceed twelve (12) months, under which an unpaid leave of absence may be granted by the Tribal Chairman.
- (b) Former employees who are leaving active military duty will be eligible for rehire at the completion of their military service, in accordance with the policies applicable to other employees except that they will have preference.
- (c) In order to qualify for preference in re-employment, a veteran must:
  - (1) Have left the job to enter active duty in the military service
  - (2) Apply for re-employment with the WRPT by submitting a current application through the HR Office not more than 30 days prior to leaving active duty or later than 90 days after discharge.
  - (3) Receive a certificate of satisfactory completion of military service.
  - (4) Submit to the HR Department a certified copy of their "DD214" discharge to become part of the employee's personnel file.
  - (5) Be qualified to perform the duties of the position. (If he / she is disabled during military service and cannot perform the duties of his/her former job, they may be placed in the nearest comparable job with duties they are able to perform.
  - (6) Have not been on active duty for a period to exceed five (5) years.
- (d) Employees attending National Guard and Reserve trainings and events will not be required to use annual leave; however, they may do so at their option.
- (e) The Tribe is not required to reemploy a person under this section if—
  - (1) the Tribe's circumstances have so changed as to make such reemployment impossible or unreasonable;
  - (2) employment would impose an undue hardship on the employer;

or

- (3) the employment from which the person leaves to serve in the uniformed services is for a brief, non-recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

## **5.9 Jury Duty**

The Walker River Paiute Tribe encourages its employees to do their duties as citizens when called upon for jury duty, whether Tribal or non-Tribal.

- (a) Upon receiving a summons for jury duty, the employee must notify both their supervisor and the HR Department by providing them with a copy of the summons.
- (b) The supervisor will arrange for the time off, which is usually not determinable in advance. Therefore, the employee must notify the supervisor at the end of each day of jury duty if they must also report for jury duty on the next day.
- (c) If the jury duty lasts less than a full day, the employee must report to work at the end of jury duty and allowance for a reasonable amount of travel time. Exceptions may be granted by the immediate supervisor.
- (d) The employee will receive their regular rate of pay up to ten (10) days for time off due to required jury duty which falls on their regularly scheduled work day(s). Such pay will not include travel pay or per diem. Excluding any travel pay or per diem received from the Court, the employee will reimburse to the Tribe any compensation received from the Court for jury duty.

## **5.10 Voting**

To facilitate and encourage civic duty, the WRPT will pay the employee *whose schedule will not allow them to vote prior to or after work*, not to exceed two hours of pay, to allow them to vote in primary, general, or Tribal elections. The employee must notify their department head or supervisor on the day before the scheduled election, and the supervisor or department head will determine at what time the employee will be released for voting.

## **5.11 Emergency Leave**

Emergency leave of up to five (5) days with pay per occasion shall be granted for death in the immediate family as defined in the Policy ("Definitions"), or other emergency situations such as extreme weather conditions or disasters which prevent employees from going to work or performing their duties. Such leave is granted at the discretion of the Tribal Chairman.

### **5.12 Leave Without Pay**

- (a) In instances when staffing will not be adversely affected, the Program Director in conjunction with the Tribal Chairman may grant a temporary leave of absence without pay not to exceed thirty (30) calendar days. Leaves of absence without pay for periods in excess of thirty (30) days must be approved by the Tribal Chairman, not to exceed a total of ninety (90) days. Requests for such leave must be in writing and must establish reasonable justification for the request. Such leave will not be approved for an employee who is accepting outside employment.
- (b) When a staffing shortage occurs, the employee's position may be filled on a temporary basis during this absence.

### **5.13 Absence Without Leave**

- (a) All unauthorized absences shall be considered to be absence without leave and shall be without pay.
- (b) Absence without leave may be the grounds for disciplinary action.
- (c) Voluntary absence without leave for three (3) consecutive workdays shall be considered job abandonment and is an automatic resignation from service. A Program Director may reinstate an employee who provides a satisfactory explanation for the absence.

### **5.14 Transfer of Accrued Leaves**

When an employee accepts a position in another Program/Department of the WRPT during their employment, they must be paid for leave accrued up to the date of the transfer from the old program.

### **5.15 Social Security Retirement**

The Walker River Paiute Tribe contributes to Social Security (FICA) account in addition to what is withheld from employee paychecks. All employees are covered under the provisions of the Social Security Act and are eligible for benefits provided.

### **5.16 Medicare**

United States Medicare is funded by a payroll tax, premiums and surtaxes from beneficiaries, and general revenue. It provides health insurance for Americans aged 65 and older who have worked and paid into the system through the payroll tax. It also provides health insurance to younger people with some disabilities status as determined by the Social Security Administration, as well as people with end stage renal disease and

amyotrophic lateral sclerosis. All employees are covered under the provisions of this Act.

### **5.17 Group Insurance Plans**

Full-time and part-time employees are eligible to participate in the WRPT group insurance plans after the first day of the month following thirty (30) days of employment. The Walker River Paiute Tribe pays a portion of the premium costs. Contact the Human Resources Office for details of these plans.

### **5.18 Family and Medical Leave (FMLA)**

The FMLA entitles eligible employees of covered employers (the WRPT) to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service-member with a serious injury or illness if the eligible employee is the service-member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

#### **(a) Employee Eligibility**

- (1) The employee must have worked for the Tribe for a total of twelve (12) months, which does not have to be continuous
- (2) The employee must have worked at least 1,250 hours during the immediately preceding twelve (12) months

#### **(b) Notice**

The employee must provide the Tribe with reasonable advance notice

(usually 30 days) for foreseeable events such as the birth of a baby, adoption or planned medical treatment. If the birth or placement of a child or medical treatment requires leave to begin in less than 30 days, the employee must provide notice as soon as practicable.

(c) Certification

The Tribe requires a medical certification of a serious health condition, including the expected dates of treatment and duration.

- (d) All employees requiring FMLA must contact the Human Resources Office and complete the required documents.
- (e) If the employee has not returned to work at the end of the approved period, he/she may be terminated.
- (f) At least five days before returning to duty from a personal medical FMLA, the employee must provide the HR Office with medical certification from a licensed medical provider certifying that the employee is medically fit to perform his/her job duties.
- (g) Employees shall use any accrued paid leave, such as sick or annual leave, concurrently with any FMLA leave.

## CHAPTER 6 ~ TRAINING

### 6.1 General Provisions

In order to inspire and maintain a more proficient and effective workforce, the Tribal Chairman shall encourage and promote training opportunities for all Walker River Paiute Tribe employees. The Human Resources Manager shall assist Department Heads and Program Managers in meeting the training needs of their personnel, and shall encourage the development of departmental and inter-departmental training programs designed to meet staffing needs and to prepare employees for positions of greater responsibility.

### 6.2 Training Objectives

The objective of WRPT training is to improve the ability of staff and supervisors to provide services. The Tribe recognizes the ongoing training of employees to be essential to the development of technical and administrative skills of employment and supervision.

### 6.3 Responsibility

The Human Resources Office will be responsible for all training programs involving employees from more than one department or for personnel being promoted to supervisory positions. Individual departments will be responsible for training affecting only members of their individual departments.

### 6.4 Categories

#### (a) Job-Related Training

This category includes training to provide skills or knowledge for specific needs:

- To meet individual program requirements
- To improve proficiency in one's present position
- To improve performance in administrative procedures and inter-departmental coordination

#### (b) Employee Development Training

This category includes training to improve general knowledge and skills useful in a wide range of positions:

- In basic skills such as clerical, language, and mathematics

- To prepare for future positions in the Tribal structure, such as professional development activities, technical training and vocational training

## **6.5 Costs**

- (a) Training costs to include registration or instructional fees, lodging, meals and travel will be paid by the Walker River Paiute Tribe when the training will be beneficial to the Tribe and has been approved by Tribal administration.
- (b) If the employee voluntarily resigns employment with the Tribe within six (6) months after attending a training session/workshop paid with Tribal funds, or if the employee does not attend all of the training session/workshop presentation, the employee must reimburse the Tribe for the associated costs of that training. A statement and agreement to this effect must be on the Travel/Training request form or other documentation, and signed by the employee.

## **6.6 Evaluation**

Employees attending in-house or external training will be asked to complete an evaluation questionnaire to determine if the training met WRPT objectives.

## **6.7 Probationary Employees**

Probationary employees will not be eligible for training funded by the Tribe unless authorized by the Tribal Chairman or designee, except where such training is in-house and does not cost additional Tribal funds.



## **CHAPTER 7 ~ EMPLOYEE - MANAGEMENT RELATIONS**

### **7.1 Employee Rights**

- (a) New employees shall receive from Human Resources either a copy of this Policy or a copy of an employee handbook containing key elements of this policy and knowledge of where complete copies of this Policy are maintained and available. They shall also be advised of pay dates, Tribal benefits and similar fundamentals of their employment with the Tribe.
- (b) New employees will be introduced to other staff and will receive an orientation on job requirements from their immediate supervisor. They shall be fully informed of the performance requirements of their new positions and shall receive current copies of their job descriptions.
- (c) Employees shall be informed by their immediate supervisors of any inadequacies in job performance and shall be provided the opportunity for improvement through counseling or coaching.
- (d) Regular employees will have an opportunity to apply for vacant positions.
- (e) Employees shall be permitted to appeal their complaints through the grievance procedure according to the provisions of this Policy without reprisal.
- (f) Employees shall be informed in writing of any adverse actions taken that directly affect them.
- (g) Personal information about employees shall be protected. Personnel files or records shall only be available to the employee and officially authorized personnel.
- (h) Personal information about employees, such as telephone numbers and addresses, shall not be released, disseminated, posted or otherwise made public to anyone without written authorization of the employee. If persons or organizations attempt to contact an employee, it is permissible only to take that person's or organization's name and contact information to provide to the employee to return the call at his or her personal discretion.
- (i) Employees shall be reimbursed for expenses incurred for travel and transportation on authorized WRPT activities.
- (j) Employees shall work in a clean and safe environment which is properly heated and ventilated.

- (k) Federal Child Labor Laws shall be strictly observed.

## **7.2 Discrimination**

The Walker River Paiute Tribe is committed to maintaining a work environment that is free of discrimination in hiring, training, disciplining, promoting, demoting, transferring, reassigning or terminating any employee on the basis of race, color, sex, national origin, age, disability, religion, political affiliation or sexual orientation; except as stated in any applicable Indian or Tribal preference laws, regulations or policies.

## **7.3 Sexual and Other Harassment**

### (a) Bullying

Bullying is the use of force, threat, or coercion to abuse, intimidate or aggressively dominate others. The behavior is often repeated and habitual. One essential prerequisite is the perception, by the bully or by others, of an imbalance of social or physical power which distinguishes bullying from conflict. Behaviors used to assert such domination can include verbal harassment or threat, physical assault or coercion; such acts may be directed repeatedly towards particular targets. Bullying is absolutely prohibited between or among employees, supervisors, contractors or clients of the Tribe.

### (b) Harassment

Harassment consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status such as creed, sexual orientation, sex, color, race, religion, national origin, age, disability, veteran status or other protected group. The WRPT will not tolerate harassing conduct which affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive work environment. Harassment is unwanted attention of a persistent or offensive nature made by a person who knows, or should know, that such attention is unwanted. Any such harassment is strictly forbidden.

### (c) Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other physical, verbal or visual conduct based on sex constitute sexual harassment when:

- (1) Submission to the conduct is an explicit or implicit term or condition of employment, or

- (2) Submission to or rejection of the conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment may include: explicit sexual propositions; sexual innuendo; suggestive comments; sexually-oriented "kidding" or "teasing;" practical jokes; jokes about gender-specific traits; foul or obscene language or gestures; displays of foul or obscene printed, visual or digital materials; indecent exposure; threatening retaliation if the employee refuses to comply with a sexually-oriented request; denying directly or indirectly an employment-related opportunity if the employee refuses to comply with a sexually-oriented request; and physical contact such as patting, pinching or brushing against another's body. Sexual harassment can include the act of one person touching another.

- (d) If an employee says "stop" or "I'm uncomfortable with what you're doing or saying," or words having the same effect, the activity must cease.
- (e) All employees are responsible for avoiding bullying or harassment of any kind. Any employee who believes they have been a victim of or witnessed harassment of any kind must report it immediately to their immediate supervisor or the HR Manager; if for any reason they feel such reporting action is inappropriate, it must be reported to the Tribal Chairman. All instances of any type of harassment shall be held in strictest confidence and shall result in prompt action by the Walker River Paiute Tribe.
- (f) All instances of reported harassment must be in writing, including the date, time and nature of the alleged incident(s) and the names of parties and any witnesses. The written complaint/report must be signed and dated. All complaints/reports must be filed within ten (10) calendar days of the most recent alleged act.
- (g) All incidents of harassment of any kind or inappropriate sexual conduct must be reported regardless of their seriousness. Publicizing information about alleged harassment without following these procedures or filing a formal complaint may be considered evidence of malicious intent on the part of the accuser or observer.
- (h) Any employee reporting an instance of harassment shall not be subject to any punitive or disciplinary action unless such reporting or complaining is found to be with malicious and unfounded intent. Retaliatory action taken by any employee will result in that employee's immediate termination.

(i) Investigation

Upon receipt of a written complaint, the person receiving the complaint, (supervisor, HR Manager or Tribal Chairman), will deal fairly and promptly with the situation and initiate appropriate steps to ensure a complete investigation and determination of facts; the investigation may be referred to outside agencies or to legal counsel with approval of the Tribal Chairman.

- (1) During the investigation, all parties must refrain from discussing the allegation(s) and investigation with fellow employees, Tribal members, patients, clients, etc.
  - (2) Once a formal allegation has been made, it may be necessary to place one or both of the parties on paid administrative leave, or to take other protective measures.
  - (3) The Tribe or outside investigator will review and/or request signed written statements from all parties and witnesses involved. After review, the Tribe or investigator may seek clarification or further information from any of the parties or witnesses. The information thereby obtained will be documented in writing and presented to the HR Manager and/or Tribal Chairman for determination on the status and validity of the complaint, at which time a recommendation will be made regarding the determination and disciplinary actions, if any, to be taken.
  - (4) The HR Manager and the Tribal Chairman will confer regarding the results and facts of the investigation, recommended determinations and recommended action(s). Together, they will reach the final determination of results and actions to be taken, document in writing the same, and provide copies to the complainant and the respondent. The Tribal Chairman may impose discipline including termination, on the employee involved.
- (j) The date of filing a report to the date of final determination shall not exceed ten (10) business days, unless an extension is approved for cause by the Tribal Chairman.

#### **7.4 Substance Abuse**

The Substance Abuse Policy and Procedures are more formally and comprehensively addressed in Part Two of this Policy. Due to the adverse effects on personal health and the increased probability of accidents in the workplace, the Walker River Paiute Tribe has established that all sites of Tribal operations shall be a drug and alcohol-free workplace.

It shall be prohibited for any employee to manufacture, distribute, dispense, possess or use any non-prescribed medication, controlled substance or alcoholic beverage or to be under the influence of any non-prescribed medication, controlled substance or alcoholic beverage in the workplace.

- (a) Employees shall abide by all of the provisions of the Substance Abuse Policy, including:
- (1) Notifying their respective supervisor of any criminal drug or alcohol conviction no later than five (5) days after such conviction.
  - (2) Supervisors receiving such notification from an employee shall, within ten (10) days of receiving such notification make such notification known to the HR Manager or the Tribal Chairman.
  - (3) The Human Resources Manager and/or Tribal Chairman shall, within ten (10) days of receiving such notification, immediately take the following actions:
    - Initiate appropriate personnel action against the employee, up to and including termination.
    - Require such employee to participate satisfactorily in an appropriate substance abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health agency, law enforcement or other appropriate agency.
    - Notify, as required, any federal agency that requires such notification.
- (b) Employees shall agree to substance abuse screening when reasonable suspicion of abuse exists or substance abuse screening after an on-the-job vehicular nor non-vehicular accident, in accordance with the Substance Abuse Policy as herein contained and contained in Part Two of this Policy. Refusal to comply shall be grounds for disciplinary action up to and including termination.
- (c) Legally Prescribed Medications

The use of legally prescribed medications and/or over-the-counter medications is not a violation of this Section. An employee may be asked to provide documentation from a medical doctor proof that the medication has been prescribed along with an explanation of the anticipated effects of the medication on the employee, whether or not the employee can safely perform his/her job function while taking such medications, and the effect such medication may have on the results of a drug or alcohol test.

(d) Marijuana

Whether or not marijuana is legal and whether or not marijuana is legally prescribed, possessing or being under the influence of marijuana in the workplace is a violation of this Section.

(e) Positions That Require Driving

If an employee is required to drive a Tribal vehicle as part of his/her assigned duties has their driver's license suspended or revoked, or an ignition interlock or car breathalyzer has been required to be added to his/or personal vehicle due to a substance abuse conviction, the employee must notify his/her supervisor and HR Manager when next reporting to work.

(f) Training

Employee and supervisory training on substance abuse shall be required and may be presented as a separate course or be included as part of an ongoing training program.

(g) Substance Abuse Screening

A positive substance abuse screening result that cannot be verified as being caused by a medication legally prescribed to the employee is a violation of this policy and shall subject the employee to the provisions of the Tribes Substance Abuse Policy and Procedures as contained in Part Two of this Policy. Screening may be prescribed for the following reasons by medical examination, breath tests, hair tests, blood tests and or urinalysis at a designated laboratory:

(1) Reasonable Suspicion

The Tribe may require testing when there is a reasonable suspicion to believe that an employee is using or under the influence of drugs or alcohol at work, such as:

- Direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence are present.
- The employee exhibits a pattern of abnormal conduct or erratic behavior
- The employee is arrested or convicted of an offense related to drugs or alcohol
- Information provided by reliable and credible sources or independently corroborated regarding employee drug or alcohol use

- Evidence that the employee has tampered with or altered a previous substance abuse screening

(2) Post-Accident Testing

Any employee who is involved in any work-related injury or accident, including a motor vehicle accident or piece of heavy equipment operation while on Tribal business on or off Tribal property shall immediately receive a substance abuse screening.

(3) Random Testing

In addition to any additional screening required as condition for employment under any program, the Tribe may conduct random substance abuse screening according to provisions of the Tribe's Substance Abuse Policy and Procedures, (Part Two if this Policy).

(4) Additional Screenings

- Newly-recruited employees will be required to take a pre-employment substance abuse screening prior to being accepted for employment. Employees returning from a vacation, leave of absence, suspension or other situations where the employee has been off duty for a period of thirty (30) or more consecutive days may be required to take a substance abuse screening.
- Employees who have tested positive within the preceding two (2) years and who continue to be employed as provided under Part Two of this Policy may be required to take up to four (4) additional screenings per year without advance notice.

## **7.5 Workplace Health and Safety**

The Walker River Paiute Tribe is committed to maintaining a healthy and safe working environment for all employees. The Tribe recognizes the necessity to encourage workplace health and safety practices in order to reduce employee pain and suffering as well as to reduce the costs of lost time at work. The Tribe may establish a formal workplace safety program to enforce good practices.

Employees who are sick may be contagious and may infect other employees in the workplace, causing decreased productivity. The Tribe provides for sick time off in this HR Policy. It also provides that employees who are out sick for more than three days or who are out frequently due to illness may be required to submit a physician's excuse. This is because employees should seek medical treatment under these circumstances.

It is not unusual for federal grants and contracts, particularly those that involve construction of buildings and homes as well as the operation of equipment, to require that employees and subcontractors comply with the Occupational Safety and Health Act (OSHA). Regulations contained in OSHA can be found on the internet at: [www.osha.gov](http://www.osha.gov)

Employees are encouraged to be aware of potential dangers in the workplace. The wearing of hardhats, safety glasses, steel-reinforced boots, gloves, reflective vests and other safety equipment is generally required in areas of construction, manufacturing, fabrication, landscaping, and other work spaces.

Each department head is responsible for maintaining good health and safety practices. The work areas should be regularly inspected:

- No wires or hoses should be strung across the floors of traffic areas
- Wires and plugs should be inspected to be certain they are in good working condition
- Loose light fixtures should be repaired or replaced
- Frayed carpet should be replaced; duct tape will not stay down very long
- Fire extinguishers should be inspected at least annually to ensure they are functional and charged
- Fire evacuation plans should be posted conspicuously in every work room of every building
- Alarm systems should be regularly checked
- Emergency numbers for fire, ambulance and police should be conspicuously posted
- Procedures for working with dangerous equipment should be required reading for all employees working in such areas
- No employee should be allowed to work with chemicals unless they have had training in handling of such materials
- Where floors are being mopped or are otherwise wet, warning signs need to be placed

These are only a few good safety practices. Employees who see unsafe or unhealthy working conditions must promptly report them to their supervisors.

**All workplace accidents and injuries must be immediately reported to the immediate supervisor and the HR Manager.**

## **7.6 Insubordination**

In order to maintain a productive and cooperative work force, it is necessary for employees to respect the Chain of Command as described in the WRPT



Organizational Chart. Communication is vital to the success of the Tribal work force and is a two-way street.

- (a) Insubordination is the refusal of an order from supervisory or managerial personnel. It undermines the discipline and authority needed in the workplace and it cannot go unchallenged. The WRPT does, however, recognize that a failure in communications may result in insubordination. Four elements must be proven before the Tribe will uphold a termination or other disciplinary action for failure to follow orders:
  - (1) That the employee knew and understood the instructions
  - (2) That the instructions were consistent with the employee's job duties.
  - (3) That the instructions were within the provisions of this Policy.
  - (4) That there was no mitigating reason for the employee to refuse the instruction or order given.
  
- (b) The Tribe will consider the following when determining whether or not an event of insubordination occurred:
  - (1) Existence of confusion or other mitigating circumstances
  - (2) Whether the conduct occurred publicly or privately
  - (3) The employee's work record
  - (4) Whether or not it would have been safe to obey the order (was there danger of accident or serious injury)
  - (5) Whether or not the instructions were permitted within this Policy
  
- (c) Before an employee is charged with insubordination, the Human Resources Manager must be notified and conduct an investigation as to the facts and how they apply under (a) and (b) above. The HR Manager should interview the employee and the supervisor separately to get their sides of the story. Only when, based upon an objective evaluation of the facts as applied to this Section, the employee is deemed to have actually been insubordinate, shall such a determination and evaluation be made, leading to disciplinary action as appropriate.

## **7.7 Performance Appraisals**

The Walker River Paiute Tribe recognizes that employees are its most valuable asset. The Tribe wishes to ensure regular and open communication between and among employees, supervisors and management, especially regarding program objectives, job duties and performance. The Tribe has therefore established a Performance Standard and Appraisal Program.

- (a) The goals of the Performance Standard and Appraisal Program are as follows:
  - (1) To ensure that each employee has specific knowledge of his/her duties and responsibilities and of his/her performance in relation to established standards.
  - (2) To promote employee capacity for better job performance and for advancement to more responsible and rewarding positions.
  - (3) To provide a basis for recommendations for tenure and salary, and to identify training needs of individual employees.
- (b) All employees newly appointed to a regular position will be provided with a copy of their position description and written performance standards. A formal performance appraisal shall be completed by the supervisor at least ten (10) days before the end of the employee's probationary period. This performance appraisal will be the basis upon which employees will be recommended for granting permanent status.
- (c) Subsequent performance appraisals shall be completed at least annually thereafter and shall be the basis upon which recommendations are made for step increases
- (d) All performance appraisals shall be accomplished on the prescribed WRPT appraisal forms.
- (e) A formal performance appraisal may be conducted at any time for an employee whose performance is considered to have fallen below standards. Such appraisals shall be the basis for remedial action or to document and justify disciplinary action.
- (f) The completion of a formal performance appraisal shall require a face-to-face evaluation conference between the supervisor and the employee.
- (g) The Human Resources Office shall maintain a list of the due dates for completion of performance appraisals and notify all department heads of their due dates at least monthly. Those appraisals that are the

responsibility of the Tribal Chairman to prepare shall, after his/her completion, be scheduled for review by the Tribal Council during their next scheduled meeting.

- (h) The Human Resources Office shall inform the Tribal Chairman monthly of any evaluations due from any supervisors or department heads that are delinquent.
- (i) In the event the employee is on medical leave or leave of absence when due for an evaluation, the evaluation shall occur after the employee returns and works for a total time necessary to comprise the time required for annual evaluation.

## **CHAPTER 8 ~ DISCIPLINARY ACTIONS & APPEALS**

### **8.1 General Principles**

Discipline must be fair, honest and equal for all. The purpose of discipline is to cause employees to abide by the rules and policies of the Tribe with respect to their conduct as it affects the Tribe and its interests. In order for the Tribe to conduct its business efficiently and to meet its goal of providing a quality work environment, all employees are expected to meet the work guidelines and policies set forth herein and in their job descriptions.

### **8.2 Types of Disciplinary Action**

#### (a) Corrective Interview

When an issue arises, the supervisor discusses the problem and suggests corrective action. This interview and the recommended action is recorded and retained in the employee's HR file for six (6) months, after which it is removed unless the issue is not resolved or further issues arise.

#### (b) Verbal Warning

The supervisor will present the employee with a verbal warning regarding poor job performance, violation of standards of conduct or provisions of this HR Policy. Documentation will be made of the warning which the employee will sign as having received the warning. Such signature will not adversely affect any rights of grievance or appeal; it acknowledges only that the warning has been issued. The employee will be provided with a copy of this documentation. Documentation will be retained in the employee's HR records for a period of twelve (12) months, after which it is removed unless the issue is not resolved or further issues arise.

#### (c) Written Reprimand

A written reprimand shall be given to the employee and will include:

- The charge
- The warning that continuance of this behavior or infraction will result in more severe disciplinary action
- An offer of assistance to correct the behavior
- Any circumstances affecting the severity of the discipline
- Advice on the right of appeal
- Space for the employee to include his/her comments regarding the reprimand

Documentation will be made of the reprimand which the employee will sign as having received the reprimand. Such signature will not adversely affect any rights of grievance or appeal; it acknowledges only that the reprimand has been issued. The employee will be provided with a copy of this documentation. Documentation will be retained in the employee's HR records for a period of twelve (12) months, after which it is removed unless the issue is not resolved or further issues arise.

(d) Suspension Without Pay

The Program Director or Department Head may suspend an employee without pay for up to, but not exceeding, ten (10) working days. On or before the effective dates of the suspension, the supervisor will provide the employee with a written statement containing:

- The reasons for the suspension
- The specific behavior and dates of the behavior (where appropriate) that support the charge
- Circumstances affecting the severity of the discipline
- A warning that continuance of this behavior will result in further disciplinary action
- The effective dates of the suspension
- The date upon which the employee should return to work
- An offer of assistance to correct the behavior
- The right of appeal

The Tribe's Payroll Department must be notified of this suspension and the effective dates.

Documentation will be made of the suspension which the employee will sign as having received the suspension. Such signature will not adversely affect any rights of grievance or appeal; it acknowledges only that the suspension has been issued. The employee will be provided with a copy of this documentation. Documentation will be retained in the employee's HR records on a permanent basis.

(e) Demotion

In certain cases, depending upon the circumstances and an evaluation as to whether or not demotion may improve the performance or behavior of the employee, the employee may be moved to a level of lower responsibility and if appropriate lower pay. Demotion is by recommendation of the employee's supervisor and approval of the Program Director and Tribal Chairman.

Documentation will be made of the demotion and the reasons therefore, which the employee will sign as having received the

demotion. Such signature will not adversely affect any rights of grievance or appeal; it acknowledges only that the demotion has been made. The employee will be provided with a copy of this documentation. Documentation will be retained in the employee's HR records on a permanent basis.

(f) Dismissal (Termination)

When circumstances so warrant and/or other disciplinary actions have been exhausted, an employee may be terminated. An employee terminated by the Walker River Paiute Tribe shall receive a "Written Notice of Termination." The notice shall state the reasons for dismissal and if appropriate may cite the numerical types of applicable penalties as contained in the Table of Penalties of this HR Policy.

Supervisors may recommend termination; employees cannot be terminated by their immediate supervisors. Termination requires approval of the Program Director or Department Head AND the Human Resources Manager AND the Tribal Chairman. The HR Manager will review the particular facts of the proposed termination, prior disciplinary actions in the employee's records and the provisions of this HR Policy to ascertain that the proposed termination is compliant with this policy. In the event the employee reports directly to the Tribal Chairman, the Tribal Chairman and the HR Manager will approve the termination.

- (g) Only employees who have satisfactorily completed probation and granted regular status have the right of appeal and/or file a grievance under any of these provisions.
- (h) All complaints against any employee must be in writing and will outline the specifics of the complaint. All complaints by other employees, Tribal Members, clients or the public shall be directed to the Program Director or to the Tribal Chairman for investigation and determination, but shall not be treated as grievances.

### **8.3 Termination Procedures**

- (a) Approvals for termination must be obtained from the Program Director or Department Head, Human Resources Manager AND Tribal Chairman as outlined in Section 8.2(f) (above).
- (b) Upon approval, the Human Resources Manager will inform the employee that he/she is being discharged because of violation(s) of this HR Policy.

- (c) The HR Manager, in conjunction with the employee's immediate supervisor, will retrieve any keys, tools or other Tribal property in the employee's possession prior to the issuance of any final pay.
- (d) The HR Manager will conduct an exit interview with the terminated employee and will document any comments.
- (e) Documentation of the termination and comments will become a permanent part of the employee's record.

#### **8.4 Grievance Procedures**

- (a) Grievance rights are provided to all non-introductory employees. Employees who are on a probationary status due to a promotion, transfer or reassignment and who were on regular status at the time shall not lose their rights to grievance or appeal.
- (b) An employee has the right to file a grievance if the employee feels that disciplinary action has been taken against him or her unjustly with respect to working conditions, terms of employment or misinterpretation of this HR Policy.
- (c) Grievances shall be filed and processed in the following manner and sequence, and within the time frame(s) specified unless time limits are waived by the Tribal Chairman:

- (1) When a complaint cannot be resolved at the level where the disagreement or dissatisfaction occurs, the aggrieved employee shall prepare a written complaint. The complaint will provide specific details *and* the action requested to be taken or redress desired by the aggrieved employee. The grievance must be filed within ten (10) calendar days of the occurrence of the actions or circumstances prompting the grievance.

The grievance complaint must be submitted to the supervisor or administrative staff person at the level at which the cause of the grievance occurred. A written decision shall be provided to the employee by the person receiving the grievance within five (5) working days of the filing of the complaint. If the employee does not receive the determination within the required time, or if the grievance remains unresolved, the employee may proceed to the next step.

- (2) Within five (5) working days from the date the written decision in Step 1 is received or is due, the aggrieved employee may present the written complaint to the Program Director. If the cause of the grievance is at or above the Program Director, Step 2 is to submit the written complaint to the next person above on

the Chain-of-Command. The Program Director or other appropriate level of administration must render a decision within five (5) calendar days from the date the complaint was received at that level. If the grievance remains unresolved, proceed to Step 3.

- (3) Within five (5) working days of the date the decision in Step 2 is received or due, and if the grievance is unresolved, the employee may present a written request to the Human Resources Manager for review by the Tribal Chairman. Copies of all relevant documents and decisions rendered under previous steps of the grievance process shall also be submitted to the Tribal Chairman. The Tribal Chairman shall have the option to meet with all parties involved, whether together or separately, to attempt to resolve all issues in the complaint in an informal manner. If a mutual solution cannot be achieved, the Tribal Chairman shall review all pertinent facts and issue a written decision within ten (10) working days from the date the complaint was received at that level. The review and decision as rendered by the Tribal Chairman shall be final except as otherwise provided under the Appeal process.

## **8.5 Appeals**

An appeal is a request from an employee for the Walker River Paiute Tribal Council to review any administrative action or decision which is alleged to violate certain rights of the employee either under applicable law or these Human Resources Policies. Appeals may be presented to the WRPT Tribal Council only after all other administrative remedies have been exhausted, including the grievance process provided in Section 8.4.

### **(a) Appeals Procedures**

- (1) The employee wishing to appeal shall submit a written statement of facts and a request for an appeal hearing to the Human Resources Manager. The statement must be submitted within ten days of the employee receiving the final decision from the grievance process. The statement must specify the action and/or decision being appealed and cite the law or policies allegedly violated. The HR Manager will determine if all administrative remedies have been exhausted.

If available remedies have not been exhausted, the HR Manager will refer the matter back to the employee with a written statement as to what remedies remain available to the employee to pursue before the complaint can be appealed. The HR Manager will provide the employee with this written decision within five (5) working days after receipt of the written request



for a hearing. After all administrative remedies have been exhausted, the matter may proceed to Step 2.

- (2) The HR Manager will refer the request for hearing to the Tribal Chairman. The Tribal Chairman has the option of reviewing the request, including seeking the advice of legal counsel, and may seek to resolve the complaint before proceeding to a hearing before the Tribal Council. If the matter is resolved at this point, the request for a hearing will be canceled.

If the Tribal Chairman does not choose to try and resolve the issue at this point, or if the matter cannot be satisfactorily resolved at this point, the Tribal Chairman will schedule the hearing before the Tribal Council as soon as possible, but not later than thirty (30) days after the request for a hearing was received from the HR Manager.

The employee shall be provided a written notice of the date, time and place of the Tribal Council hearing.

(b) Appeal Hearings

- (1) The appeal hearing is subject to the control of the Tribal Council. The hearing shall be conducted in the same manner as any other Tribal Council meeting and the general format below will be followed, but may be revised by the Tribal Council at its discretion.
- (2) No hearing shall be canceled or postponed solely because the employee or other persons involved in the complaint were not present for any reason, providing the Council feels it has been fully informed about and discussed the matter.
- (3) An employee's appeal hearing shall be conducted in closed Tribal Council session. The Tribe reserves the right to have legal counsel present.
- (4) The appealing employee has the right to representation by, or the assistance of, counsel or any other representative who may be present during the hearing at any time the employee is present or would not be allowed to be present, and at any other time the Council may allow. The employee shall have no right to have the hearing continued or relocated for the employee's or representative's convenience or benefit, although the Council may do so at its pleasure.
- (5) The hearing will be called to order and the procedure to be followed will be explained to the Council Members, the appealing

employee and WRPT personnel involved in or responsible for the acts or omissions contained in the request for hearing.

- (6) The appealing employee and other staff involved in the matter shall leave the hearing. The Tribal Council shall hear a synopsis and introduction of the issues by the Tribal Chairman, legal counsel or other appropriate persons.
- (7) The Council will then hear the respective sides of the issue. The WRPT personnel and staff and/or the Program Director involved in the matter on appeal, or someone on their behalf, shall present all of the facts and issues surrounding the disciplinary action or alleged violation(s) of rights on behalf of the individual or program charged with wrongful action or violation. The WRPT personnel and staff or program representatives shall then leave the hearing room.
- (8) The appealing employee, either in person or through a representative, shall next present the employee's side of the matter. The Council may hear witnesses or presentations in any order. All witnesses shall be heard outside the presence of any other witnesses. Any witness may be called more than once to allow further questioning from the Council.

Except for the right of the appealing employee to present his/her version of events, the appealing employee has no right to confront other witnesses either for or against the employee, unless with permission of the Council. An employee will normally be allowed to be present during the presentation by any witness the employee has called in his favor.

- (9) During the hearing, any Council Member may ask appropriate questions of witnesses or presenters. After the Council has heard all of the evidence that the persons involved wish to present, and pursued all further questions from its Members, everyone except the Council and legal counsel will leave the hearing. The Council shall then fully deliberate the matter.
- (10) After full deliberation, a motion may be made to either uphold or deny the actions complained of, or to provide other or no relief to the appealing employee. If any motion fails, additional motions may be made. If no motion is made and seconded, the presiding officer shall make a motion which requires no second, that the action complained of and the relief requested shall be denied and that no further relief shall be granted to the appealing employee.

- (11) After the Council has voted on all motions, all persons involved will be invited back into the hearing room to hear an oral announcement of the decision. Regardless of the decision, for or against, the Tribal Chairman or presiding officer shall notify the employee in writing of the decision within five (5) working days from the hearing.
  
- (12) The decision of the Walker River Paiute Tribal Council shall be final, and a matter once heard and decided shall not be reconsidered at any level, except upon a majority vote of the Council for reconsideration, either (1) after a written request for reconsideration by the employee is received by the Tribal Chairman or (2) at the written request of any Council Member or the Tribal Chairman, provided that any written request is submitted to the Tribal Chairman within ten (10) days of the hearing decision.

## 8.6 Table of Penalties

The penalties listed below are guidelines for supervisors; all formal disciplinary actions follow within these guidelines. This table provides for progressive disciplinary steps; if a box is empty, that step is skipped. No steps may be skipped going from left to right unless the violation is so egregious as to warrant a higher beginning step. All steps taken shall progress from left to right. All days are working days. All suspensions are without pay. Following this table will ensure that all employees are treated equally and fairly under the HR Policy.

<b><u>Offense</u></b>	<b><u>1<sup>st</sup> Penalty</u></b>	<b><u>2<sup>nd</sup> Penalty</u></b>	<b><u>3<sup>rd</sup> Penalty</u></b>	<b><u>4<sup>th</sup> Penalty</u></b>
1. Unsatisfactory Job Performance	Counseling and/or Verbal Warning	Written Reprimand	Probation and/or Reassignment and/or Demotion	Dismissal
2. Wasting time; sleeping on the job	Counseling and/or Verbal Warning	Written Reprimand	1-5 Day Suspension	Dismissal
3. Neglect of Duty	Counseling and/or Verbal Warning	Written Reprimand	1-5 Day Suspension; Reassignment	Dismissal
4. Tardiness, Abuse of Leave Policy	Counseling and/or Verbal Warning	Written Reprimand	1-10 Days Suspension	Dismissal
5. Insubordination; Failure to Carry Out Instructions		Written Reprimand	1-10 Days Suspension	Dismissal
6. Releasing Confidential Information Without Proper Authorization	Verbal Warning	Written Reprimand	1-5 Days Suspension	Dismissal
7. Vending, Soliciting or Collection of Contributions on Tribal Time or Premises Without Authorization	Verbal Warning	Written Reprimand	1-5 Days Suspension	Dismissal
8. Reporting to Work Under the Influence of Alcohol or Non-Prescribed Drugs (1 <sup>st</sup> Offense)			Immediate Suspension and Mandatory Participation in Substance Abuse Program	Dismissal
9. Reporting to Work Under the Influence of Alcohol or Non-prescribed Drugs (2 <sup>nd</sup> Offense)				Dismissal
<b><u>Offense</u></b>	<b><u>1<sup>st</sup> Penalty</u></b>	<b><u>2<sup>nd</sup> Penalty</u></b>	<b><u>3<sup>rd</sup> Penalty</u></b>	<b><u>4<sup>th</sup> Penalty</u></b>
10. Consuming Alcohol or Non-Prescribed Drugs While On Duty (1 <sup>st</sup> Offense)			Immediate Suspension and Mandatory Participation in Substance Abuse Program	Dismissal

11. Consuming Alcohol or Non-Prescribed Drugs While On Duty (2 <sup>nd</sup> Offense)				Dismissal
12. Misconduct While on Official Travel		Written Reprimand and Repayment of Travel Expenses	1-5 Days Suspension and Repayment of Travel Expenses	Dismissal
13. Violation of Safety Rules	Counseling; and/or Verbal Warning	Written Reprimand	1-10 Days Suspension and/or Reassignment	Dismissal
14. Intentional Falsification on Employment Application, Personnel Records; Time Sheet or Other WRPT Records			Written Reprimand and/or Extended Probation and/or 1-10 Days Suspension	Dismissal
15. Falsifying Expense Claims			Written Reprimand and/or Probation and/or 1-10 Days Suspension	Dismissal
16. Intentional Misuse or Theft of WRPT Property or Equipment		Written Reprimand	1-10 Days Suspension	Dismissal
17. Acceptance or Solicitation of Gifts or Bribes in Official Capacity			5-10 Days Suspension	Dismissal
18. AWOL 1-2 Days		Written Reprimand	1-10 Days Suspension	Dismissal
19. AWOL 3 or More Days				Dismissal
20. Fighting On Duty			1-10 Days Suspension	Dismissal
21. Failure to Report and/or Leaving Scene of Accident Resulting in Damage to Tribal Property or Personal Injury During Work			1-10 Days Suspension	Dismissal
<b>Offense</b>	<b>1<sup>st</sup> Penalty</b>	<b>2<sup>nd</sup> Penalty</b>	<b>3<sup>rd</sup> Penalty</b>	<b>4<sup>th</sup> Penalty</b>
22. Failure to Exercise Due Care and Caution Resulting in Accident Which Damages WRPT Property, Injury to Self or Other Employees			1-5 Days Suspension	Dismissal
23. Willful Misuse of Tribal Funds				Dismissal
24. Unauthorized Use of Credentials			5-10 Days Suspension	Dismissal
25. Horseplay	Counseling and/or Verbal Warning	Written Warning	1-5 Days Suspension	Dismissal
26. Felony Conviction While Employed With WRPT				Dismissal
27. Agitating and Creating Discord Among Employees;		Written Warning	1-5 Days Suspension	Dismissal

Creating False Rumors; Using Insulting or Obscene Language				
28. Possession of Weapons or Dangerous Materials on the Job Without Authorization		Written Warning	1-10 Days Suspension	Dismissal
29. Any Form of Harassment			1-10 Days Suspension	Dismissal
30. Discrimination as Described in HR Policy				Dismissal
31. Violation of Departmental or Program Policies	Verbal Warning	Written Warning	1-5 Days Suspension and/or Reassignment	Dismissal
32. Violation of HR Policies & Procedures, or Other WRPT Policies Not Covered Above Unless Provided Otherwise Within the Applicable Policy	Verbal Warning	Written Warning	1-10 Days Suspension	Dismissal

## CHAPTER 9 ~ ADMINISTRATIVE PROCEDURES

### 9.1 Travel and Per Diem

Travel expenses and per diem will be provided to the employee not to exceed the maximum allowable expenses of Federal regulations (see <https://www.gsa.gov/portal/content/104877>), or available funds. For further and specific details about per diem and the travel rates for various programs, refer to the Walker River Paiute Tribe Travel Policy, which is contained within the WRPT Fiscal Policy.

### 9.2 Personnel Records

- (a) An individual Human Resources personnel file folder shall be made for each employee beginning at the date of hire. The file shall be maintained throughout the entire length of the employment. One year after the termination of employment, the file shall be transferred to inactive status and maintained as a permanent section of WRPT records.
- (b) Access to HR personnel files shall be strictly limited to:
- Tribal Chairman
  - Human Resources Manager
  - Employee's Supervisor

Personnel files shall be referred to only on a "need to know" basis. Before any information from any employee's file is released to anyone not listed above, the HR Manager must obtain written consent from the employee.

- (c) All information relating to an individual's employment shall be kept in the HR personnel folder. This includes, but is not limited to:
- Applications for employment and promotions
  - Test results
  - Reference letters
  - Formal education records
  - Training certificates
  - Correspondence relating to employment or promotion
  - Current position descriptions
  - Performance evaluations
  - Records of changes in position, salary, grade, tenure
  - Copy of driver's license
  - Records of disciplinary actions as provided for in this policy
  - Awards
  - Letters of appreciation
  - Group insurance enrollment forms

### 9.3 Certification of Payroll

Prior to the payment of any salary, wage or other compensation for personnel services, the Human Resources Manager shall certify that each person named on the payroll is

employed in accordance with the appointment and classification procedures of this Policy, and that the salary rates for all positions are those authorized by the salary schedule. No employee shall be paid unless such certification is made.

#### **9.4 Returning Walker River Paiute Tribe Property**

- (a) Each Program Director/Department Head is responsible for keeping a complete inventory of equipment and supplies used in his/her programs. The administrative staff will check these inventories annually.
- (b) Each employee will sign out for and be responsible for those items assigned for his/her use in performing prescribed duties. Upon termination of employment, the employee shall account for and return all such assigned items which will include, but not necessarily be limited to:
  - Cell phones
  - Laptops
  - Tablets
  - Keys
  - Uniforms
  - Safety gear

#### **9.5 Effective Date**

The effective date of this Human Resources Policy shall be the date the Tribal Council approves the Policy and shall remain in effect until rescinded, revised, amended or replaced by the Tribal Council.