RESOLUTION: A Resolution to Update the Cheyenne and Arapaho Tribes Personnel Policies.

RESOLUTION NO: 9L-RS-2022-12-001
DATE INTRODUCED: November 9, 2022
SPONSOR: Travis Ruiz, Arapaho District 3
CO-SPONSOR: Bruce Whiteman, Jr., Cheyenne District 1

SUBJECT: A Resolution to Update the Cheyenne and Arapaho Tribes Personnel Policies.

WHEREAS: The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognized Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government, and organized in accordance with Title 25 of the United States Code, Section 450, the “Indian Self-Determination and Education Assistance Act,” and Article XVII of the Tribe’s Constitution and By-Laws and Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), under an amended Constitution ratified on August, 2006 and approved by the Secretary of Interior on May 17, 2006; and

WHEREAS: Article VI, Section 5(a) of the Constitution provides that the Legislative power shall be vested in the Legislature; and

WHEREAS: Article VI, Section 5(a) of the Constitution grants the Legislature the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes; and

WHEREAS: The Legislature has the Constitutional obligation and public responsibility to the Tribes to oversee the Tribes’ operations in order to establish and promote justice, establish guidance and direction for the government, and advance the general welfare of the Tribes; and

WHEREAS: The Cheyenne and Arapaho Tribes Personnel Policies are in need of an update in order to reflect the current times and laws of the Tribes; and

WHEREAS: The Ninth Legislature of the Cheyenne and Arapaho Tribes recognizes the need to update the Tribes’ Personnel Policies to better guide the tribal government workforce; and
NOW, THEREFORE BE IT RESOLVED, the Ninth Legislature of the Cheyenne and Arapaho Tribes, pursuant to its Constitutional authority, approves and adopts the attached Personnel Policies.

______________________________
Travis Ruiz
Speaker of the Ninth Legislature
Ninth Legislature, Cheyenne and Arapaho Tribes
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SECTION 1.0 | Introduction

1.1 PURPOSE OF THE POLICIES

The Cheyenne and Arapaho Tribes Personnel Policies are designed to be fair and impartial, clearly understood, and bring a high degree of understanding, cooperation, efficiency, and unity through a uniform application of personnel practices.

These policies shall apply to any person selected to a position in the service of the Cheyenne and Arapaho Tribes.

1.2 POLICY AMENDMENT

These policies supersede all previous personnel policies and memos on subjects covered in this policy. In order to be effective, these policies should grow and adapt as the Tribes do; therefore, these policies shall be subject to an annual review by the Personnel Policies Committee and changed accordingly, addressing new laws, regulations, systems or technologies. All amendments must be approved by the Legislature. The Personnel Director will be responsible for solicitation of volunteers to serve on the Personnel Policies Committee.

1.3 POLICY IMPLEMENTATION

Employees shall be responsible for knowledge of and compliance with all provisions contained in these policies. It is the responsibility of supervisory staff to ensure policies are implemented and enforced.

Certain programs may have additional requirements as approved by their policy council, funding agency, or board. Due to the nature of the position, employees may be required to adhere to more stringent federal policies.

1.4 EQUAL EMPLOYMENT OPPORTUNITY

The Cheyenne and Arapaho Tribes are committed to equal employment opportunity. No applicant or employee shall be discriminated against because of sex, race, color, national origin, political affiliation, religion, age, disability, familial status, sexual orientation, social status, economic status or veteran status. This applies to recruiting, hiring, promotion, transfer, work assignment, performance measurements, the work environment, job training, discipline, discharge, wages, benefits, or any other term, condition, or privilege of employment.
Any applicant or employee who believes he or she has been discriminated against or has witnessed discrimination must immediately report the incident in writing to the Office of Personnel.

### 1.5 ACCOUNTABILITY AND EMPLOYEE RESPONSIBILITY

All employees must be willing to assume personal responsibility for their own actions. In addition, employees must report any illegal, unethical or unsafe acts in the workplace. The Cheyenne and Arapaho Tribes shall not tolerate retaliation against any applicant or employee who reports acts of discrimination or provides information in connection with any such complaint.

### 1.6 CHAIN OF COMMAND

Employees must follow the chain of command to address work related matters and to ensure an appropriate resolution. Employees who violate the chain of command may be subject to corrective action.

If employees have questions, concerns, ideas, or problems related to their work, they are encouraged to communicate with their supervisor as soon as possible. If the employee does not feel comfortable addressing the matter with their immediate supervisor, the employee may contact the Office of Personnel for advisement.
2.1 RECRUITMENT POLICY

The Tribes shall provide equal access to employment and will ensure that the most qualified individual, in terms of knowledge, skills, experience and aptitude, is selected for each position. The Tribes shall strive to meet its workforce needs by utilizing career support programs such as the Higher Education Program or the Department of Labor programs. The Tribes shall recruit from both within and outside of the work force to obtain qualified applicants.

2.2 JOB DESCRIPTIONS

Job descriptions shall include job title, job summary, status, supervisor, detailed duties and responsibilities, physical requirements, essential functions of the job, qualifications, work location, and an employee acknowledgment of job expectations. Job descriptions shall include the level of background investigation required and a safety-sensitive determination.

2.3 ADVERTISEMENT OF VACANT POSITIONS

Vacancy announcements shall highlight the position’s key functions. Vacancies will post for a minimum of five (5) working days or until filled.

2.4 NATIVE AMERICAN PREFERENCE

The Cheyenne and Arapaho Tribes shall give employment preference to qualified individuals in the following order:

1. Enrolled members and/or veterans of the Cheyenne and Arapaho Tribes,
2. Spouses of Cheyenne and Arapaho Tribal Members,
3. Other Native Americans enrolled in federally recognized tribes,
4. All other applicants.

Applicants must provide an official record of tribal affiliation on file to receive preference. This documentation must be provided at the time the employment application is submitted.

2.5 VETERAN PREFERENCE

Veterans who submit a DD-214 or other military record of honorable or general discharge with employment application shall receive Veteran’s preference in hiring.
2.6 DUAL EMPLOYMENT

Employees may hold jobs outside of the Tribes, as long as the employee meets the performance standards of their job within the Tribes. Employees may hold two positions within the tribal government, including casinos and other tribal enterprises.

Employees are prohibited from utilizing tribal resources such as electronics, vehicles, equipment and resources for outside employment or personal use.

2.7 NEPOTISM

An employee’s immediate family member shall not be given preferential treatment in hiring nor shall the hiring employee participate in the selection process.

In the event an employee is hired in the same program as an immediate family member, one shall not be supervised by the other family member.

In the case where a non-immediate family member (i.e. cousin) is under consideration for a position by a non-immediate family member (i.e. uncle), the hiring director/coordinator, the next level in the chain of command and the Director of Personnel must participate in the interview process and select the candidate collectively.

For the purpose of this section, immediate family refers to an employee’s smallest family unit consisting of spouses/significant others, parents, siblings, and children to include those related through marriage such as stepparents or stepchildren.

2.8 REASONABLE ACCOMMODATIONS

The Cheyenne and Arapaho Tribes are committed to ensuring equal opportunity for qualified persons with disabilities. All employment practices and activities regarding persons with disabilities are conducted on a nondiscriminatory basis. Pre-employment inquiries are made only regarding an applicant’s ability to perform the duties of the position.

Reasonable accommodations will be made available to all disabled employees to assist in successful completion of job duties.

2.9 INTERVIEW PROCESS

The process for interviewing potential employees shall be performed in a manner which is non-discriminatory and provides each candidate with an equal opportunity for employment.
2.10 NEW HIRE EMPLOYEE REQUIREMENTS

The Cheyenne and Arapaho Tribes may require new hires to have a high school diploma or GED in some positions. New Hire employees shall be required to provide the following documentation:

- Complete Application
- Two (2) forms of valid ID
- Completion of New Hire Orientation/New Hire Forms
- Documentation of education (GED or high school diploma/minimum), if applicable

If applicable:

- Submit CDIB for Native American preference
- Submit driver’s license and acceptable MVR (Motor Vehicle Report)
- Submit certifications and other licenses
- Submit to and pass a pre-employment drug screen
- Submit to a background investigation
- Submit DD214 or other proof of military service
- Submit SORNA Declaration of Convicted Sex Offense
- Submit verifiable work experience
- Other requirements as deemed necessary

2.11 EMPLOYEE BACKGROUND INVESTIGATIONS FOR SUITABILITY OF CHARACTER

Prior to start date, all employees of the Cheyenne and Arapaho Tribes must adhere to a basic background check.

For certain positions, background investigations for suitability of character shall be conducted in accordance with the Indian Child Protection and Family Violence Prevention Act.
### LEVELS OF BACKGROUND CHECKS

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>OSCN</th>
<th>ODCR</th>
<th>References</th>
<th>Supplemental Application</th>
<th>Fingerprint</th>
<th>Level 1 Requirements</th>
<th>DHS Clearance</th>
<th>Level 1 Requirements</th>
<th>Level 2 Requirements</th>
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<tbody>
<tr>
<td>ALL EMPLOYEES</td>
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<td>EMPLOYEES/VOLUNTEERS WHO WORK ROUTINELY AROUND CHILDREN</td>
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<td>HEAD START, CHILD CARE, AND YOUTH SHELTER EMPLOYEES</td>
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Basic background checks are used for pre-screening employment eligibility.

Transfer employees will be subject to the same background policies as new hires. Background check must be complete before employee begins new position.

The Office of Personnel will maintain employee background investigations and will seek employee updates every four (4) years.

#### 2.12 FUNDING OF POSITIONS

All positions dependent upon funds other than tribal resources, are contingent upon the availability of such funds and incumbents have no further claim to employment beyond that which funds are available.

### SECTION 3.0 | Employment Status

Employees shall be designated as either Non-exempt or Exempt. Exemption status may change upon written justification by Executive Director and upon verification and approval of the Office of Personnel.
3.1 NON-EXEMPT STATUS

Employees who occupy non-supervisory positions, cannot hire or fire, and are paid based on hours worked, are considered non-exempt employees and shall be eligible for compensatory time.

Non-exempt employees who work for programs considered essential to the operation of the Tribes may be eligible for paid overtime at one and a half (1 ½) times their hourly rate.

Non-exempt and non-essential employees who are required to work holidays shall be eligible for compensatory time at one and a half (1 ½) times their hourly rate. Should their total weekly time exceed 40 hours, the additional hours shall roll over to compensatory time.

3.2 EXEMPT STATUS

Employees who occupy management or supervisory positions, have authority to hire and fire, and are paid on a salary basis, are considered exempt employees. Exempt employees shall not be eligible for compensatory time or paid over-time.

3.3 PROBATION STATUS

A specified period of employment used for observation and evaluation of a new hire. The probation period must be successfully completed before permanent status may be obtained. End of probation merit increases shall not be permitted.

Timeframe of Probation:

- New hires – Sixty (60) calendar days from date of hire.
- Promotion/Demotion - Forty-five (45) calendar days from the effective date of action.
- Transfer - Forty-five (45) calendar days from the effective date of transfer.
- Trainee – Sixty (60) calendar days to include work experience training time within the same program.

Vacation and sick hours shall accrue while on probation, however these hours will not be available for use until the employee successfully completes probation.

A probationary performance evaluation must be completed prior to the end of the employee’s probationary period. If the supervisor fails to complete a performance evaluation by probation end date, the employee automatically becomes permanent.
A supervisor may extend an employee’s probationary period for:

- Employee’s approved leave of absence during the probationary period (probation will be extended for the amount of time the employee was on leave).
- Thirty (30) calendar days to continue observation of employee’s job performance—supervisor must submit payroll action for extended probation at least five (5) days prior to initial probation end date.

At the end of a successful probation, a payroll action and performance evaluation shall be submitted to the Office of Personnel indicating completion of probation and permanent employee status.

An employee who fails to successfully complete the probationary period may be demoted or terminated from employment. If terminated during a probationary period, the employee may grieve the action and if unsuccessful shall be eligible for rehire after three (3) months.

If a new employee transfers while on probation, the employee’s 60-day probationary period will restart on the date of transfer.

### 3.4 PERMANENT FULL-TIME STATUS

- Successfully complete a probationary period.
- Scheduled and work a minimum of thirty (30) or more hours per week.
- Eligible for employee benefits.

### 3.5 PERMANENT PART-TIME STATUS

- Successfully complete a probationary period.
- Regularly scheduled to work twenty-nine (29) hours or less per week.

### 3.6 ON-CALL STATUS

Employees who are assigned to work on an intermittent and/or unpredictable basis.

- On-Call employees who successfully complete their assignment shall be eligible for immediate rehire.
- On-Call employees shall be limited to no more than 116 hours a month.
- On-Call employees shall not be eligible for benefits, including administrative paid time off and holiday pay.
- If separated for disciplinary or performance issues, on-call employees shall not be eligible for rehire for three (3) months.
3.7 ACTING STATUS

Acting status assignments may be necessary to fulfill duties of a managerial position during an extended absence of an employee or a vacancy. During the acting status assignment, the employee shall retain benefits. A permanent employee who completes an acting status assignment shall return to their previous position, duties, and pay.

An acting status assignment requires a memorandum and a payroll action from the supervisor prior to action and shall outline:

- Acting Position title
- Timeframe (Duration)
- Job description
- Compensation

3.8 TEMPORARY RE-ASSIGNMENT

A temporary re-assignment may be necessary to fulfill duties of a non-managerial position during an extended absence of an employee or a vacant position within a program. During the temporary re-assignment, an employee shall retain benefits and is eligible to use benefit hours. A permanent employee who fulfills a temporary re-assignment shall return to their previous position, duties, and pay.

A temporary re-assignment requires a memorandum and a payroll action from the supervisor prior to action and shall outline:

- Temporary Position Title
- Duration (Timeframe)
- Job Description
- Compensation

3.9 TRAINEE STATUS

Upon request by a program director, a work experience trainee may be requested to fulfill a vacancy or new position for a period of up to eight (8) weeks on-the-job training. During the training period, the trainee must adhere to the Tribes’ Personnel Policies and individual service plan as identified through the Department of Labor.

A trainee request requires a memorandum and a payroll action from the supervisor prior to action and will outline:

- Trainee’s Position Title
- Job Description
3.10 GOVERNMENT OFFICIAL STATUS

Government officials include but are not limited to: elected, nominated, and appointed positions in Tribal Government.

Any involuntary separation of employment may be grieved through the tribal court and shall not be eligible for the tribal grievance process.

Governor, Lt. Governor, Legislators, and Tribal Council Coordinator

- Elected
- No probationary period
- Permanent full-time status
- Exempt
- Immediately eligible to use benefit hours
- Health benefits become effective on the 1st day of the month after sixty (60) working days of employment. Elected officials must enroll in order to receive benefits.
- Elected officials shall have the authority to select their cabinet staff and reorganize at their discretion within budget confinements.
- Subject to Tribes drug and alcohol free workplace policy.
- May be eligible for immediate hire when term ends. If recalled for wrongdoing, the former elected official shall not be eligible for hire for three (3) months.

Executive Directors

- Nominated by the Governor.
- Subject to confirmation by the Legislature.
- New hire/transfer/retained employee.
- No probationary period.
- Permanent full-time status.
- Exempt.
- Immediately eligible to use benefit hours.
- Health benefits become effective on the 1st day of the month after sixty (60) working days of employment (transfer exception). Employee must enroll in order to receive benefits.
- Employment may end at the expiration of the Governor’s term, unless reappointed by the re-elected or newly elected Governor and confirmed by the Legislature.
- Subject to Tribes drug and alcohol free workplace policy.
- Subject to Tribes background investigation policy.
• May be eligible for immediate rehire. If separated for disciplinary reasons, former employee shall not be eligible for rehire for three (3) months.
• If an executive director is nominated by the Governor and is not confirmed by the Legislature within ninety (90) days of nomination, the nominee shall be deemed confirmed. Confirmation by Legislature consists of a majority vote by legislators present in the confirmation session.

Regulatory Commissions and Boards

Constitutionally-created commissions and boards include but are not limited to Election Commissioners, Judicial Commissioners, Tax Commissioners, Ethics Commissioners, Gaming Commissioners, Health Board Members, and other regulatory commissions and boards and are created by law. Individuals may not serve on multiple commissions or boards.

• Elected, appointed, nominated, or confirmed
• Paid by stipend
• Not eligible for benefits
• Eligible for travel reimbursements

Justices/Judges

• Nominated/confirmed
• Non-employee
• Paid by contract
• Not eligible for benefits

SECTION 4.0 | Employee Compensation

The Tribes wage practice shall be to compensate its employees at a level sufficient to encourage excellence of performance and to maintain the labor market competitiveness necessary to recruit and retain a competent workforce.
5.0 | Employment Actions

5.1 PERFORMANCE EVALUATIONS

The performance of all employees shall be evaluated by their immediate supervisor at the end of a probationary period and annually on an employee’s hire date or transfer date.

Written performance evaluations shall be based on an employee’s overall performance in relation to their job responsibilities as set forth in the job description and shall also take into account their conduct, demeanor, and record of attendance. If a performance evaluation identifies areas that need improvement, an employee may be subjected to a performance improvement plan to assist them in correcting the job performance deficiencies. Employees have the right to address any disagreements and/or concerns pertaining to their performance evaluation and submit in writing to their supervisor and Office of Personnel. Through mediation with the employee, supervisor and the Office of Personnel, the employee may be re-evaluated if deemed appropriate. If no resolution, the employee may follow the grievance process.

Transfer Evaluations

If an employee transfers to another program before their annual evaluation is due, the employee shall forfeit their initial annual evaluation and potential merit increase for that position. After transfer, the employee shall receive a forty-five (45) day performance evaluation to assess the suitability for the position. The employee shall receive their annual evaluation for their new position one year from the date of transfer.

5.2 COST OF LIVING ALLOWANCE (COLA)

A COLA is a potential annual increase to a wage or salary designed to compensate for inflation and may be considered and authorized annually by the Governor.

5.3 MERIT

A review of compensation shall be completed at the time of an employee’s annual performance evaluation. A merit increase may be warranted based on an employee’s performance evaluation and subject to the Tribes’ merit system.
5.4 FURLOUGH

Furlough places a permanent full-time or part-time employee in a non-work, non-pay status due to limited work or budgetary purposes for a designated amount of time, not to exceed ninety (90) days.

A furloughed employee may apply for state unemployment benefits. A furloughed employee shall not accrue sick or vacation leave during non-work or non-pay status. A furloughed employee shall continue to be covered under the benefit plan(s), not to exceed ninety (90) days. Furloughed employees shall not be eligible for a grievance.

5.5 TRANSFERS WITHIN THE TRIBES

A transfer is a lateral movement of an employee to another position without a break in service. The employee shall be placed on a probationary period of forty-five (45) calendar days from the effective date of transfer. An employee may transfer by submitting a completed Employee Transfer Form at least two (2) weeks prior to the requested transfer date. Directors shall not deny an employee’s decision to transfer to another program, however, it shall be at the discretion of the supervisor to honor a notice of less than two (2) weeks.

5.6 PROMOTIONS

It is the Tribes’ intent to promote employees from within the organization to fill vacant or new positions when possible. Current employees may apply for a vacancy through the regular hiring process. If the promotion requires a higher level background check, the background check must be completed prior to promotion.

5.7 DEMOTIONS

Demotions may be either voluntary or involuntary and can occur due to poor employee performance, position elimination, corrective action, or organizational restructuring.

5.8 EMPLOYEE SEPARATION

Resignation

An employee may resign at any time by submitting a two (2) week written notice to their immediate supervisor, however it shall be at the discretion of the supervisor to honor a notice of less than two (2) weeks.

Employees who resign from employment will be eligible for rehire after three (3) months from the date of separation.
Termination

An involuntary separation of employment due to unsuccessful completion of probation or a violation of personnel policies. The employee is eligible for the grievance process.

Employees who are terminated from employment will be eligible for rehire after three (3) months from the date of separation.

Reduction in Force (RIF)/Lay Off

A “Reduction in Force” or “Lay Off” is the involuntary separation of an employee due to the shortage of funds or work, by reason of an abolishment of a position or a reorganization within a department/program. Employees shall be eligible for immediate rehire through the application process.

Upon separation, an employee must return all property, files, and equipment to the Tribes, specifically property identified on the signed Property Receipt Form. The Tribes have the right to withhold the final payment or subtract the costs of unrecovered or damaged program property from the employee’s last paycheck. If costs are not recovered, the Tribes will seek restitution as provided by law.

5.9 REHIRE

Upon rehire, employees will be subject to pre-hire requirements including a drug screening and background investigation.

SECTION 6.0 | Benefits

Eligible employees are provided a wide range of benefits. Some benefits require contributions from the employee, but most are fully paid by Tribes. Benefits eligibility is dependent upon employment status.

The employee, not the employer, is responsible for enrolling in employee benefits during the initial and annual enrollment periods.

6.1 EMPLOYEE BENEFITS ELIGIBILITY SCHEDULE

<table>
<thead>
<tr>
<th>BENEFITS</th>
<th>Probation</th>
<th>Perm F/T</th>
<th>Perm P/T</th>
<th>On Call</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holiday</td>
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<tr>
<td>Vacation</td>
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</tr>
</tbody>
</table>
### Sick

- Vacation Leave Payout/Buy Back
- Maternity/Paternity
- Military
- Service Member Family Medical
- Leave Without Pay (LWOP)
- Intermittent Medical
- Family Medical Leave (FML)
- Short/Long Term Disability
- Health/Dental/Vision
- Life Insurance
- 401(k)
- Administrative Leave – Bereavement
- Administrative Leave – Ceremonial
- Administrative Leave – Education
- Administrative Leave – Employee Appreciation-Morale
- Administrative Leave – Inclement Weather
- Administrative Leave – Jury Duty
- Administrative Leave – Language
- Administrative Leave – Volunteer Time Off
- Administrative Leave – Voting
- Administrative Leave – Wellness

### Refer to policy for details.

- Part time employees will be eligible for administrative leave and holiday pay only on days they are scheduled to work.

### 6.2 HOLIDAY PAY

Eligible employees shall receive holiday pay for all tribally recognized holidays. A recognized holiday that falls on a Saturday shall be observed on the preceding Friday. A recognized holiday that falls on a Sunday shall be observed on the following Monday. Holiday pay shall be paid based on an employee’s regular scheduled hours and rate.

If a holiday occurs while an employee is on approved leave status, holiday pay will be applied. Holiday pay will not be granted to employees on unpaid leave or on a leave of absence.

### 6.3 VACATION LEAVE

Permanent full-time employees will earn vacation leave. The Tribes encourage employees to use their vacation leave in ways that will make them healthier and
more efficient employees. Vacation leave is pay granted to employees for the purpose of rest, relaxation, and attendance to personal matters. Vacation leave accrual begins on the first day of employment and is available for use after successful completion of probation.

Vacation leave accrual will be based on the following table:

<table>
<thead>
<tr>
<th>Years of Employment</th>
<th>Vacation Hours Earned</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2 Years</td>
<td>2 hours/per week</td>
</tr>
<tr>
<td>3-5 Years</td>
<td>3 hours/per week</td>
</tr>
<tr>
<td>6+ Years</td>
<td>4 hours/per week</td>
</tr>
</tbody>
</table>

- Employees who are rehired with the Tribes shall begin vacation leave accrual based on total years of previous active permanent employment.
- Employees may request vacation leave with advance notice to the supervisor. Employees shall provide adequate notice for extended periods of vacation leave, as not to put unnecessary hardship on coworkers or the program. Vacation leave shall not be used to cover an absence or tardiness without approval from the supervisor. Supervisors may not deny or delay a request for leave without cause.
- An employee may only carry over eighty (80) hours of vacation leave to the next calendar year.

6.4 SICK LEAVE

Permanent full-time employees will accrue sick leave at two (2) hours per week beginning the date of hire. Sick leave hours are intended solely to provide income protection in the event of illness or injury.

- Sick leave may be used to attend medical appointments for the employee or care for the employee’s family.
- Employees may use vacation leave if all sick leave hours have been used.
- Employees with no vacation leave or sick leave will take leave without pay.
- Employees may not use sick leave in place of vacation leave.
- Sick leave in excess of three (3) consecutive days shall require a doctor’s statement to include a return to work date.
- An employee may carry over all unused sick leave to the next calendar year.
- Employees who transfer to another program may transfer unused sick leave to the new program.
- Employees will not be paid unused sick leave hours upon separation of employment.
6.5 VACATION LEAVE PAYOUT/BUY BACK

End-of-Year Buy Back

At the end of the calendar year, and subject to available funds, accrued vacation leave over eighty (80) hours may be paid to the employee, not to exceed eighty (80) hours.

Separation of Employment Payout

Upon separation of employment, employee will receive payment up to eighty (80) hours of accrued vacation leave, subject to completion of the exit process. Employees who separate employment within their initial probationary period will not receive compensation for any accrued vacation leave.

If an employee is separated during a transfer probation period and has accrued vacation leave from the previous position, the employee shall be paid out up to eighty (80) hours accrued vacation leave.

Transfer to Different Funding Source

If an employee is transferred or promoted to another program or department with a different funding source, any accrued vacation leave shall be paid out, not to exceed eighty (80) hours. Any additional hours may be carried over to the new program.

6.6 MATERNITY/PATERNITY LEAVE

Maternity/Paternity leave shall be available to permanent full-time employees through the use of accrued sick, annual and compensatory time, or leave without pay, not to exceed 120 days. Sick or vacation leave will not be accrued during maternity/paternity leave of absence. Expectant mothers may apply for short term disability.

6.7 MILITARY LEAVE

A military leave of absence shall be granted to employees who are absent from work because of service in the U.S. uniformed services. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

If an employee receives a military leave of absence for training purposes, the Tribes shall compensate through the employee’s program budget, fifteen (15) working days of administrative leave. Leave Without Pay shall be used for military assignments in excess of fifteen working (15) days. Sick or vacation leave will not be authorized or accrued during a military leave of absence.
Continuation of insurance benefits is available. Any employee on military leave shall continue to be covered under the Tribes benefit plan(s) for up to thirty-one (31) days at the Tribes expense. Employee may elect to continue coverage at the employee’s expense up to a total of twenty-four (24) months.

Benefit accruals shall be suspended during the leave and shall resume upon the employee's return to active employment.

Employees on military leave are required to return to work within two weeks after the end of service and must notify their supervisor and the Office of Personnel of their anticipated return date.

Employees returning from military leave shall be in their previous position or a similar position with the same pay and benefits they had prior to the leave.

**6.8 SERVICE MEMBER FAMILY LEAVE**

Eligible employees who are the immediate family member of a covered Service member are entitled to use up to twenty-six (26) weeks of accrued leave or leave without pay during a single 12-month service member period, to care for such covered Service member who incurred a serious injury or illness in the line of active duty. No more than twenty-six (26) consecutive weeks of leave may be taken in a single 12-month Service Member Period, and no additional leave may be taken for the same injury or illness. If married spouses both work for the Cheyenne and Arapaho Tribes, their total Service Member Family Leave may be limited to twenty-six (26) weeks combined.

Eligible employees who are the immediate family member of a covered Service member are entitled to use up to twenty-six (26) weeks of accrued annual leave or leave without pay during a single 12-month service member period to prepare for a covered service member’s deployment. Sick or vacation leave will not be accrued during this time.

In this instance, an immediate family member is defined as a spouse, child, or parent of the employee.

**6.9 LEAVE WITHOUT PAY**

Leave without pay may be granted for personal time, medical leave not covered under the Family Medical Leave plan, or other approved reasons. Leave without pay may be granted for no longer than twelve (12) weeks.

If the employee returns to work following approved leave, he/she shall be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.
Benefit hours such as annual, sick or holiday hours, shall not accrue and shall be suspended during leave without pay and shall resume upon the employee's return to active employment.

An employee shall submit a written request to their supervisor for leave without pay and identify the reason and include the beginning and end date. If the leave without pay is for a medical reason, a doctor’s release must be submitted prior to return.

6.10 INTERMITTENT MEDICAL LEAVE

An employee may take intermittent medical leave, a few days or a few hours at a time, due to a medical condition as documented by a physician. The employee’s job duties may be modified on a temporary basis to accommodate the medical condition. Supervisors may establish a flex schedule in order to accommodate the intermittent medical leave. Employees may use available leave hours or leave without pay.

6.11 FAMILY AND MEDICAL LEAVE PLAN (FML)

To be eligible for family and medical leave an employee must have worked for the Tribes for at least 12-months total and have worked at least 1250 hours over the previous 12-month period.

The Cheyenne and Arapaho Tribes will grant job-protected unpaid family and medical leave to eligible employees for up to twenty-six (26) weeks per 12-month period for any one or more of the following reasons:

1. In order to care for a child following the child’s birth, adoption, or placement in foster care with the employee;
   a) Leave must be taken within the 12-month period following the child’s birth or placement with the employee;
   b) If both parents, foster parents, or guardians work for the Cheyenne and Arapaho Tribes, their total leave in any 12-month period may be limited to twenty-six (26) weeks combined if the leave is taken for the birth or placement of a child.
2. In order to care for an immediate family member, if such immediate family member has a serious health condition. An immediate family member for Family and Medical Leave shall refer to a spouse, sibling, child, parent, grandparent, or grandchild of the employee.
3. The employee’s own serious health condition makes the employee unable to perform the functions of his/her position.
Use of Paid Leave While on Family Medical Leave

An employee may use accrued paid leave to include vacation, sick, and compensatory time for family and medical leave. The total paid and unpaid leave cannot exceed twenty-six (26) weeks.

Employee Notice Requirement While on Family Medical Leave

An employee must give a minimum of fifteen (15) day notice or earlier in the event of a foreseeable leave of absence by submitting a written request to their immediate supervisor. The supervisor shall submit the request and a payroll action to the Office of Personnel. The employee must provide a monthly status update in the form of a doctor’s statement to their immediate supervisor and Office of Personnel to ensure protection of his or her position.

Within five (5) days of the employee’s request for a Family Medical Leave-qualifying reason, the Tribes will provide written notice stating whether the employee is eligible for FML and the amount of leave available. If the employee is not eligible, the employee will be provided a denial letter identifying the reason.

Medical and Military Certification

1. **Certification of Serious Health Condition:** For leave taken as a result of the employee’s or a covered family member’s serious health condition, the employee, upon request, must submit a completed “Physician or Practitioner Certification” form WH-380-E or WH-380-F (Certification of Healthcare Provider for a Serious Health Condition) Form and return the certification to the Tribes. Medical certification must be provided by the employee within fifteen (15) days of requested. The Tribes may delay leave until such certification is produced. In the case of a medical emergency, the employee must submit certification as soon as is reasonably possible.

2. **Status Report:** The Tribes may require periodic reports on status and intent to return to work and/or a fitness-for-duty report.

3. **Certification Related to Covered Active Duty or Call to Covered Active Duty:** The employee requesting leave related to a family member’s covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.

4. **Certification for Service Member Family Medical Leave:** Employees requesting Service Member Family Medical Leave must provide documentation of the injury, recovery, or need for care, such as official Armed Forces communication stating that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case
of a veteran that the veteran was a member of the Armed Forces within the preceding five years.

5. Confidentiality of Medical Records: Documentation related to the employee’s or family member’s medical condition will be held in strict confidence and maintained in the employee’s medical records file.

Employee Benefits While on Family Medical Leave

An employee granted leave under this policy shall continue to be covered under the Tribe’s group health insurance plan with the same conditions as if the employee had been continuously employed.

An employee’s contributions for voluntary benefits shall be paid by the employee by direct payment to the Tribes or payroll deduction if applicable. The employee shall be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to rate changes and may occur while the employee is on leave.

If an employee’s contribution is not received by the Tribes within thirty (30) days of the due date, the employee’s voluntary benefits will automatically terminate. The employee will not be eligible to re-enroll until the next open enrollment period.

The employee is not entitled to vacation/sick accruals during periods of approved family medical leave. The employee will not lose accrued vacation or sick leave benefits however; the employee can only carry over eighty (80) vacation hours to the next year per the Tribes vacation leave carry over policy. It is the employee’s responsibility to request vacation buy back while on leave.

Job Protection While on Family Medical Leave

If the employee returns to work after approved family medical leave, Military Medical Leave, or other Leave Without Pay, he/she shall be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status and authority.

The employee’s restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated prior to leave, the employee does not have the right to reinstatement upon return from leave.

If the employee fails to return to work by the previously agreed upon date, and in absence of further communication, he/she shall be considered to have abandoned the job and the employee will be terminated.
6.12 SHORT-TERM DISABILITY AND LONG-TERM DISABILITY

A Short-term disability (STD) and Long-term disability (LTD) benefit plan shall be offered to permanent full-time employees. The plans cover employees that are unable to work because of a qualifying disability due to an injury or illness that is non-work related.

Eligible employees may participate in the STD or LTD plan subject to all terms and conditions of the agreement between the Tribes and the insurance carrier. Since the STD and LTD plans are paid at a reduced rate, employees may use their vacation and sick leave hours to make up the difference in pay.

Details of the STD and LTD benefits are described in the Summary Plan Description available in the Office of Personnel.

Employees are required to return to work, either full or light duty, upon receipt of a doctor’s release.

LTD benefits are offset with amounts received under Social Security for the same time period.

6.13 HEALTH/DENTAL/VISION INSURANCE

The Tribes’ health/dental/vision insurance plans provide permanent full-time employees with medical, dental, and vision insurance benefits. Eligible employees are not automatically enrolled. Employees are personally responsible for enrolling within the first sixty (60) days of employment. If the employee does not enroll during this time, they shall be required to wait until the next open enrollment period. Employees may purchase dependent coverage through payroll deduction.

A change in employment status that results in loss of health benefits may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Details of the health/dental/vision insurance plans are described in the Summary Plan Description (SPD) and will be provided in advance of enrollment to eligible employees.

6.14 LIFE INSURANCE

The Cheyenne and Arapaho Tribes provide basic life insurance for permanent full-time employees. Employees may purchase additional life insurance through payroll deduction.
6.15 401(K) SAVINGS PLAN

A 401(k) savings plan shall be offered to permanent full-time employees.

Eligible employees may participate in the 401(k) plan subject to all terms and conditions of the plan.

The 401(k) savings plan allows an employee to elect how much to contribute and direct the investment of their plan account, so he/she can tailor the retirement package to meet their individual needs.

The Tribes shall provide a partial matching contribution based on the employee’s contribution.

Complete details of the 401(k) savings plan are described in the Summary Plan Description provided to eligible employees and is available in the Office of Personnel.

6.16 ADMINISTRATIVE LEAVE

Administrative leave may only be granted by the Executive Director of the Department of Administration. Special circumstances often require the granting of administrative leave for short periods of time while retaining an employee on paid status and without reducing the employee’s vacation or sick leave balances. Administrative leave may be granted in partial or full day increments. In order to receive administrative leave for partial days, employees must be present at work. If an employee is currently utilizing approved annual or sick leave when administrative leave is granted, the employee’s leave shall be charged. Administrative leave will not be granted to an employee on suspension or leave without pay.

Inclement Weather/Disasters and Emergencies

- All employees scheduled to work shall be granted paid administrative leave for inclement weather, disasters, emergencies or other circumstances beyond tribal administration control.
- Essential employees who are scheduled to work and fail to report are not eligible for administrative leave and use of personal leave shall be at the discretion of the supervisor. In addition, essential employees may be subject to corrective action for not reporting to work. Essential employees who are “required” to work when administrative leave has been granted shall be eligible for double pay.
- In the event that full day administrative leave is granted for inclement weather, leave shall apply to all active employees scheduled to work.
Employees on leave status shall not be eligible for administrative leave.

- If necessary for a non-essential employee to work when administrative leave is granted, the rate for hours worked during the administrative leave shall be one and a half (1 ½) times their hourly rate, not to exceed eight (8) hours.
- Administrative leave must be used on the day granted and cannot substitute for another day.

Essential employees include but are not limited to:

1. Youth Shelter
2. Security/Law Enforcement
3. Surveillance
4. Emergency Medical Service
5. Emergency Management Program

**Wellness/Fitness**

As an incentive, employees may participate in tribal wellness/fitness activities by requesting administrative leave with prior approval from their immediate supervisor. Wellness leave must not interfere with the employee’s regular work duties or unduly burden other staff members. A wellness/fitness leave slip must be signed by a designated fitness representative verifying wellness/fitness activity. If activity cannot be verified, it shall not be approved. Wellness leave cannot be used in place of the lunch hour and employees must clock out while using wellness leave.

Wellness leave shall be granted for thirty (30) minutes to one (1) hour per day, not to exceed a total of three (3) hours per week. Wellness leave must be used on campus with the exception of off-campus tribal fitness activities. An employee must be scheduled and work a total of six (6) hours per day to be eligible for wellness leave and must be used between the hours of 8AM – 5PM. An approved administrative leave form is required.

**Employee Volunteer Time Off**

The Tribes encourage employees to volunteer as needed for tribal programs or activities. If volunteer time is less than eight (8) hours, employees may volunteer with supervisor and/or executive director approval.

Employees who volunteer for tribal activities (i.e. elders trip, Sand Creek, etc.) that are outside of their regular work duties and require more than eight (8) hours a day may receive volunteer paid time off of up to eight (8) hours a day and up to forty (40) hours per calendar year.
All volunteers who have contact with children and elders shall be subject to a background check and if cleared, shall be entered into a volunteer database. Employees who do not agree to a background check shall be refused volunteer status.

**Employee Appreciation/Morale**

Employees will be granted paid time off for special occasions or activities designed to encourage employee morale. Employee must be clocked in and present at work to be eligible.

**Voting**

Employees who are registered voters will be granted up to two (2) hours administrative leave to vote in tribal, state, or federal elections. An approved administrative leave form and voting documentation is required.

**Bereavement Leave**

Permanent employees are eligible for five (5) days of administrative leave due to the death of an immediate family member. For these purposes, immediate family refers to an employee’s spouse/significant other, parents, siblings, and children. Employees may, with their supervisor’s approval, use annual or sick leave hours for additional time off as necessary. An approved administrative leave form is required.

With the supervisor’s approval, an employee may request to use personal accrued leave if asked by a family to participate in the funeral services (i.e. family speaker, sitter, cook, pallbearer, honorary, etc.).

**Cheyenne and Arapaho Sundance Ceremonial Leave**

In support of tribal preservation, all permanent employees who choose to participate in or attend the annual Cheyenne or Arapaho Sundance ceremonies will be eligible for administrative leave not to exceed forty (40) hours. A leave form must be submitted and approved by their supervisor and the Department of Administration. Unused Ceremonial Leave may not be carried over to the next calendar year.

**Jury Duty**

The Tribes encourage employees to fulfill their civic responsibilities by serving on jury duty when required by subpoena. Employees shall be paid while on jury duty, not to exceed their regular scheduled hours upon submission of summons to their supervisor to accommodate for their absence. Employees are expected to provide documentation of beginning
and ending date of jury duty and report for work after the jury duty concludes.

**Education Leave**

The Tribes encourage employees to further their education. After one (1) year of continuous employment, permanent full-time employees may be eligible for up to four (4) hours per week of administrative leave through an educational contract with their program. This enables eligible employees to work towards completion of a certification or retaining a certification, diploma, or degree from an accredited educational institution. The leave must not interfere with the accomplishment of the employee’s work and must not create an undue hardship on other employees or the department.

Employees must submit a certificate of completion or grades and maintain a 2.0 grade point average and be in good standing with the institution for each semester. If employees are found to have abused this policy or did not satisfactorily complete the semester, future use of educational leave will be forfeited and corrective action may be imposed.

**Language Leave**

In an effort to preserve the tribal languages, employees will be granted one (1) hour of paid time off per week for participation in the Cheyenne or Arapaho language classes. Employee must be clocked in and work at least six (6) hours to be eligible for language leave.

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**SECTION 7.0 | Work Schedule**

It is the policy of the Cheyenne and Arapaho Tribes to apply standard hours of work for all employees relevant to the nature of work being performed and provide services at appropriate and convenient hours.

Employees are expected to attend work as scheduled – that is, arrive on time, be fully prepared to begin work, be at work through the entire work period, and request authorization according to established procedures if there is a need to leave the workplace.

**7.1 FLEX SCHEDULE**

Periodically, an employee or supervisor may request to work a flex schedule—a schedule with varied start and end times, and maintain a forty (40) hour work week. Flex schedules should be approved by their immediate supervisor prior to work being performed.
Employees may request, in writing to their immediate supervisor, to adjust their work schedule for a defined period of time to accommodate a special need. Approved schedule agreements signed by the supervisor and employee must be retained in the employee’s personnel file.

7.2 COMPENSATORY TIME/OVERTIME

Compensatory time shall be pre-authorized for non-exempt employees only in situations determined by the employee’s immediate supervisor to be necessary to meet essential operating needs of the Tribes and only when a flex schedule is not permissible. Compensatory time is based on actual hours worked in excess of forty (40) hours and is calculated at one and a half time. Annual, holiday, sick, previously earned compensatory time, and administrative leave are not considered hours worked and will not be used in calculating compensatory time. All accumulated compensatory time must be taken within ninety (90) days from the date of time accrued or be lost.

Non-exempt employees who work for programs that are considered essential to the operation of the Tribes are eligible for paid over-time at one and a half (1 ½) rate.

7.3 ABSENCE/TARDINESS

When an employee anticipates being absent or tardy for work the employee must notify their immediate supervisor prior to their scheduled work time. In the event the employee is unable to notify their supervisor prior to the scheduled work time the employee shall make an effort to provide notification as early as possible. Supervisors shall give consideration to special circumstances.

If an employee fails to notify supervisor of an absence or tardiness, the employee may be considered AWOL and subject to corrective action and leave without pay.

An employee’s excessive absenteeism/tardiness, for any reason, including sickness, shall be subject to corrective action.

A doctor’s statement shall be required for absences in excess of three (3) consecutive days due to illness.

7.4 TIMEKEEPING

Recording actual time worked is the responsibility of each employee and their supervisor. Employees and supervisors are required to approve time worked, electronically or by signature, indicating that the time is true and correct.
Altering, falsifying, or tampering with time records may result in corrective action, up to and including termination of employment.

7.5 PAY POLICY

All employees are paid on a regular basis in accordance with the most recent approved payroll action. Each paycheck shall include earnings for all work performed through the end of the previous payroll period. In the event that a regularly scheduled payday falls on a day off such as a holiday, employees shall receive pay the day before the regularly scheduled payday.

Employees may have their pay directly deposited into their bank account, pay card, or receive a paper check and shall have access to an itemized statement of wages and deductions for each payroll period.

Other than standard deductions, payroll deductions may occur for these additional reasons:

- Voluntary deductions (child care, insurance premiums, house payments, etc.)
- Court ordered garnishments
- Debts owed to the Tribes (travel, Fuelman, Tribal Property, etc.)

SECTION 8.0 | Personnel Records

Current employee personnel records will be maintained in the Office of Personnel and former employee records will be retained for five (5) years. All records will be kept confidential and medical records, background and drug screening records will be maintained separately, accessible only to limited Office of Personnel staff.

Applications for individuals not hired will be kept on file in the Office of Personnel for 90 calendar days.

Employees are responsible for updating the following personnel records and submitting within thirty (30) days of changes:

- Driver’s license—upon renewal or status change submitted to Fleet Management
- Address change and contact information - as needed
- Criminal background history—charges and/or convictions, if applicable
- Certifications, degrees, or professional licenses
8.1 ACCESS OF RECORDS

The Office of Personnel will not divulge the contents of employee files to outside entities without a written release of information from the employee. Employees may review their personnel record in the presence of personnel staff. Corrections or additions to the contents may be made by the employee however, no documents may be removed from the file. Access to employee files are limited to the employee, supervisory staff, and Personnel staff.

Employees and former employees may request, in writing, copies of documents from their personnel file.

Employment Verification

The Office of Personnel will verify employment and dates of employment upon requests from outside agencies. Job performance of the employee will not be released by the Office of Personnel and will be referred to the employee’s supervisor or Executive Director.

SECTION 9.0 | Workplace Expectations

9.1 STANDARDS OF CONDUCT

Tribal officials and employees hold a position of trust and fiduciary responsibility at all times and shall conduct themselves so as to reflect credit upon the Cheyenne and Arapaho Tribes in the duties of their respective office or employment.

Confidentiality

All employees are required to agree to and sign a Workplace Confidentiality Agreement. Employees shall not disclose any confidential or proprietary information unless required or necessary per job duty and/or applicable by law. This includes personal or other information and data of any kind concerning any matters affecting or relating to the Tribes, its businesses or operations, and/or products, drawings, plans, processes, or other data of the Tribes not generally known or available outside of the Tribes. This policy applies during and after the employment relationship.

Dress Code

Employees shall be expected to be clean, well-groomed, and dress in a fashion suitable to their work environment. Work attire shall be professional, decent,
and respectful. Supervisors are required to hold employees accountable to the dress code and may be subject to corrective action upon failure to address dress code violations.

The following dress code stipulations shall be enforced.

1. Casual Friday should be considered “Business Casual Friday”. Jeans are allowed on Fridays only and should be neat and clean and should not have holes or be tattered or frayed. Non-program T-shirts and slides/flip flops are not allowed at any time.
2. Jeggings, leggings, tights, etc. are allowed however, must be covered to at-least mid-thigh with a long dress shirt/blouse. Yoga and workout pants are not acceptable.
3. Caps and/or ball caps are not allowed at any time with the exception of outside workers.
4. Shorts are not allowed at any time. Exception will be given for Summer Youth Workers with approval from supervisor.
5. Sunglasses are not to be worn indoors.
6. Revealing or inappropriate clothing is not allowed.
7. Dress code exceptions may be made by the Department of Administration for approved program activities.
8. Employees shall be required to wear employee identification badges during work hours and program activities.

Employees who do not adhere to this policy shall be required to clock out and return to work in appropriate work clothing and may be subject to corrective action. The employee shall be considered on leave without pay until they return to work.

**Employee Training**

The Tribes are fully committed to the success of every employee and believe in fostering and promoting employee training programs for the purpose of improving the quality of services rendered by the Tribes. Employees will participate in annual mandatory trainings including but not limited to:

- Harassment in the Workplace
- Drug Free Workplace Training
- Active Shooter Training
- Emergency Response Training
- Customer Service Training
- Cyber Security Training
- Property and Supply Training
- Procurement Training
- Records Management Training
Consensual Employee Relationships

It is our policy to ensure an equitable, productive, and effective work place. Without rules and guidelines, consensual relationships may negatively impact the work place.

Personal and/or romantic relationships between supervisors and subordinates shall be prohibited. Such relationships have the potential for adverse consequences for all involved parties. In the event a relationship of this kind develops, the supervisor must disclose the relationship to their supervisor and the Executive Director. If it is determined that one party must be reassigned due to conflicts of interest, both parties shall determine which one should be transferred. If neither can decide, or the one that is to be transferred is not selected in the alternative position, the Executive Director shall request the non-selected employee’s resignation.

Employees engaged in such consensual relationships should behave professionally and refrain from public display of affection while on duty. All employees should avoid unnecessary and excessive interaction with each other during the work day.

Tribal Political Activity

While the Tribes encourage all employees of the government to take an interest in and assume leadership roles in politics at all levels, the tribal government itself must remain neutral.

- Employees may not campaign on behalf of candidates or one’s self for tribal or other political offices while on duty.
- Employees may not use tribal resources such as technology, materials, and communications for political purposes.
- Employees cannot carry or sign petitions while on duty.
- Employee candidates may not campaign during work hours at tribal facilities, or post signage in or around tribal government offices or on bulletin boards, or wear clothing with campaign messages.
- Tribal global email or tribal program/department social media sites shall not be used to promote campaign activities.

9.2 SUPERVISORY RESPONSIBILITIES

Supervisory employee responsibilities include but are not limited to:

- Provide a good example of productivity and behavior.
- Initiate effective communication.
- Provide employee training and development opportunities to enhance job performance when necessary.
• Empower employees to fulfill job duties.
• Achieve goals and objectives related to the program mission.
• Acknowledge and reward employees on the basis of merit.
• Effectively address program and employee deficiencies through corrective action and according to policy. Supervisors must discipline employees for serious violations/misconduct. Employees shall not be allowed an option to resign or transfer when serious violations or misconduct occur.
• Provide opportunity for employee growth by delegating authority and responsibility.
• Provide annual performance evaluations for all employees.
• Keep an accurate log of hours worked.
• Responsible for certain aspects of program management and management of employees.
• Encouraged to participate on grievance committees, boards and commissions within and outside the Tribes.
• Responsible for enforcing the dress code, employee badge, and executive orders/directive issued by the Governor.

9.3 INTERNET, EMAIL, AND COMPUTER USAGE

This policy applies to all tribal employees who have access to tribally owned technology used in the performance of their work. Use of the internet by employees is permitted and encouraged where such use supports the goals and objectives of the program. However, access to the internet is a privilege and all employees must adhere to the Online System User Agreement Policy. Employees may be held personally liable for damages caused by any violations of this policy. Excessive personal use of tribal technology is prohibited and subject to corrective action.

All data that is composed, transmitted, and/or received using tribal networks and technology is the property of the Tribes. The Tribes reserve the right to monitor internet traffic and access data that is composed, sent, or received through its online connections.

Once an employee exits employment with the Tribes, all data and communications are considered the property of the Tribes and it is illegal to destroy or dispose of this property. Any intentional destruction could result in criminal charges.

Email sent via the Tribes network or equipment should not contain content that is deemed offensive. This includes, but not limited to, the use of vulgar or harassing language/images. All sites and downloads may be monitored and/or blocked if they are deemed harmful or not productive to business. The installation of software by any employee other than Communications/IT program (COMIT) personnel is strictly prohibited.
Access to certain types of websites may be blocked by the Tribe’s Internet firewall for most staff. Examples of some blocked sites include social media (i.e. Facebook), streaming videos (i.e. Youtube), or other websites deemed inappropriate during business hours. If an employee requires access to a blocked website for work-related purposes, their supervisor should put in a request to have the Communications/IT department (COMIT) unblock the access for that employee as needed.

Unacceptable usage of the internet by employees include:

- Sharing of username and password.
- Using computer to perpetuate any forms of fraud, and/or software, film or music piracy.
- Stealing, using, or disclosing other employee’s password.
- Downloading, copying, or pirating files that are copyrighted.
- Sharing confidential material, trade secrets, or proprietary information outside of the Tribes.
- Accessing unauthorized websites.
- Sending or posting information that is defamatory to the Tribes, its products/services, colleagues and/or clients.
- Introducing malicious software and/or jeopardizing the security of the Tribes network.
- Sending or posting chain letters.
- Representing personal views as those of the Tribes.
- Using the Tribes’ Internet access to perform outside employment.

Use of Virtual Platforms

It is important to recognize as our use of video teleconferencing and virtual meetings continues to grow, that guidelines are in place for acceptable use of this technology. During virtual meetings, the user must be aware of their audience and ensure proprietary information belonging to the Tribes is not shared with unauthorized persons without explicit permission. When using virtual meeting applications, employees shall refer to the Tribes Telecommuting Guidelines, available in the Office of Personnel, for guidance. Work-related virtual meetings shall be conducted in a professional manner as outlined in the Employee Standards of Conduct.

Use of Social Media

The purpose of work related social media is to promote and disseminate program information. All tribal social media sites shall be maintained with integrity and conducted so as to reflect credit upon the Cheyenne and Arapaho Tribes.
The Communications Officer shall have oversight responsibilities to ensure adherence to the social media policy.

Oversite responsibilities will include:

- Authorizing the creation of program social media sites.
- Identify an administrator who is responsible for maintaining the program social media site(s).
- Maintaining a list of all social media accounts and their administrators.
- Maintaining administrative rights to all program social media sites.
- Receiving complaints regarding inappropriate content of program posts.

**Personal Use of Social Media Sites**

- Employees are prohibited from using social media during work hours for personal use, unless on break and using a personal device. This includes scrolling and posting on social media sites, streaming videos and music, online shopping, watching downloaded materials, etc.
- Employees are prohibited from posting exchanges on social media sites at any time, including hours outside of work, that reflect negatively upon the Tribes or its employees or programs.
- Employees are required to address work related issues and grievances in an appropriate professional manner.

**Internal Proprietary Information of the Tribes**

- Employees are prohibited from sharing, forwarding, or posting confidential material, trade secrets, or any other information obtained through the use of the Tribes network systems.

**Internal Monitoring of Social Media**

- The Cheyenne and Arapaho Tribes reserve the right to monitor employee use of social media while using tribal property.

As tribal employees, the personal or work use of social media must conform with the general code of conduct (harassment, equal opportunity, confidentiality, etc.) outlined in these policies. The Tribes reserve the right to withdraw tribal affiliated social media permissions at any time and at their discretion. Work related social media must not be abused or overused and shall not interfere with other business or office commitments.
Cell Phone Usage

Employees are expected to observe and adhere to the Tribes cell phone user agreement by utilizing work cell phones for business purposes only and preserving them in an acceptable condition.

It is the policy of the Tribes to monitor employees for excessive or inappropriate use of personal or work cell phones during working hours. If an employee’s phone usage causes a decline in productivity or interferes with program operations, the employee will be banned from cell phone use during work hours and be subject to corrective action.

Employees must adhere to general traffic laws regarding cell phone use and are prohibited from using cell phones while operating tribal/GSA vehicles unless utilizing a Bluetooth or hands-free device. Texting and driving is strictly prohibited.

Employees will be responsible for additional costs incurred for personal use of work cell phone.

In general, cell phones should not be used when they pose a security or safety risk to you or others.

9.4 TRIBAL/GSA VEHICLE AND HEAVY EQUIPMENT/MACHINERY

Employees are expected to observe and adhere to the Tribes Fleet Management policy. All tribal or GSA vehicles are for official program use only.

The following policies will apply:

- Vehicles must not be used for personal use.
- Employee must be insured by the Tribes prior to use.
- Employee must submit a Motor Vehicle Report (MVR) every three (3) years after hire date or yearly if required by the insurance carrier.
- Employees must immediately report suspension of a driver’s license.
- Employees operating tribal/GSA vehicles must complete the Tribes’ National Safety Council (NSC) defensive driver’s course within six (6) months from starting a position that requires driving.
- Vehicle mileage logs must be completed after each use and logs must be submitted monthly to the Fleet Management Office.
- Fuel receipts must be submitted bi-weekly to the Fleet Management Office.
- Employees must keep the vehicle clean by removing trash and personal items after each use.
- Smoking or texting in vehicles is prohibited.
• Driving while intoxicated, fatigued, or on medication that affects your driving ability is prohibited.
• Fleet Management will perform a pre and post inspection of the vehicle.
• Employees must immediately report vehicle damage, problems, accidents, and speeding fines through the Fleet Management Incident Report Form.
• Employees will be required to return vehicles to the designated parking areas or sites.
• Employees are prohibited from transporting unauthorized passengers in the Tribal/GSA vehicle.
• Employees must obey all traffic laws and be courteous toward other drivers and pedestrians.
• Employees shall not remove or tamper with the GPS devices or any mechanical parts on the vehicle.

Privately Owned Vehicle (POV) Usage

• POV usage is allowed for work related purposes when a Tribal/GSA vehicle is not available and with supervisor approval.
• Employees must maintain a current DL, tag, and insurance verification on their POV and present upon request.
• Driving while intoxicated, fatigued, or on medication that affects your driving ability is prohibited.
• Employees may claim mileage for performing program related tasks in a POV if a tribal vehicle is not available and with supervisor approval.
• If an employee chooses not to use an available tribal vehicle, the employee may not claim mileage.
• If an employee is not insurable through the Tribes’ insurance carrier, and uses their POV for work purposes, the Tribes will not be liable for vehicle damages that occur, nor fuel expense reimbursements for mileage.
WORKPLACE EXPECTATIONS AND SUGGESTED CORRECTIVE ACTION TABLE

Because conditions of employee conduct are unpredictable, the table below is not a comprehensive list of work place expectations and the suggested corrective actions are not definitive, but should be used as a guide. According to the table, (1) (2) (3) refers to the number of occurrences and severity of the infraction.

<table>
<thead>
<tr>
<th>CATEGORY AND EXPECTED PERFORMANCE</th>
<th>SUGGESTED CORRECTIVE ACTION STEPS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Written Warning</td>
</tr>
<tr>
<td>PERFORMANCE OF WORK, REQUESTS AND ASSIGNMENTS</td>
<td></td>
</tr>
<tr>
<td>Successfully perform assigned tasks safely, timely, competently, and according to performance and behavioral expectations of the department/program.</td>
<td>1</td>
</tr>
<tr>
<td>Cooperate and collaborate with supervisors and coworkers in performing assignments and work requests. Refrain from insubordinate actions.</td>
<td></td>
</tr>
<tr>
<td>COMPLIANCE WITH POLICIES, PROCEDURES, AND LAWS</td>
<td></td>
</tr>
<tr>
<td>Comply with tribal policies and procedures.</td>
<td>1</td>
</tr>
<tr>
<td>Comply with program policies and procedures (not to conflict with the Personnel Policies).</td>
<td>1</td>
</tr>
<tr>
<td>Disclose possible conflicts of interest of workplace commitment.</td>
<td>1</td>
</tr>
<tr>
<td>Ensure and protect the confidentiality of sensitive information (oral, written, or electronic). Confidential information should not be repeated, discussed or removed from the work area—except for legitimate and authorized work reasons.</td>
<td></td>
</tr>
<tr>
<td>Comply with all federal, state, and local standards and laws regulating professional services, licensure and scope of practices.</td>
<td>1</td>
</tr>
<tr>
<td>Behave with honesty and integrity in all employment actions, including the documentation and completion of records and accurate recording of time worked.</td>
<td>1</td>
</tr>
<tr>
<td>AVAILABILITY FOR WORK</td>
<td></td>
</tr>
<tr>
<td>Attend work as scheduled—arrive on time, fully prepared to begin work, and remain at work throughout the entire work period, and request authorization according to established department procedures, if there is a need to leave the workplace.</td>
<td>1</td>
</tr>
<tr>
<td>NOTIFICATION OF ABSENCE/TARDY</td>
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<tr>
<td>Notify supervisor of any absence/tardy prior to scheduled work time or in accordance with program procedures.</td>
<td></td>
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<tr>
<td>SAFETY PROCEDURES AND THE USE OF PROPERTY</td>
<td></td>
</tr>
<tr>
<td>Use safely and safeguard tribal property through proper and authorized use. (Refrain from endangering tribal employees and the public)</td>
<td>1</td>
</tr>
<tr>
<td>Use property for authorized purposes only.</td>
<td>1</td>
</tr>
<tr>
<td>WORKPLACE BEHAVIOR THAT FOSTERS COLLABORATION, CUSTOMER SERVICE, AND TEAMWORK</td>
<td></td>
</tr>
<tr>
<td>Use respectful, courteous, and helpful language when communicating with supervisors, coworkers, tribal members, and the public. Loud, boisterous, and intimidating or profane language will be a violation of acceptable workplace standards.</td>
<td>1</td>
</tr>
<tr>
<td>Adhere to and comply with tribal and program-specific safety policies and training requirements. Identify safety issues, report hazards, incidents and safety concerns on a timely basis.</td>
<td>1</td>
</tr>
<tr>
<td>Be productive and use all available time to accomplish expected work tasks—personal business should be accomplished outside of worktime.</td>
<td>1</td>
</tr>
<tr>
<td>Dress for work according to tribal and/or program workplace attire, including employment identification badge, if required.</td>
<td>1</td>
</tr>
<tr>
<td>Refrain from working under the influence of drugs or alcohol.</td>
<td>1</td>
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<tr>
<td>Refrain from inappropriate behaviors such as fraud, theft, abuse, threats, harassment, illegal activities, or possessing a weapon.</td>
<td>1</td>
</tr>
<tr>
<td>Refrain from behavior that causes or threatens harm to others or that constitutes persistent, unwarranted behaviors.</td>
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</tr>
</tbody>
</table>
9.5 CORRECTIVE ACTION

Supervisors should implement corrective action when addressing problems or behaviors that adversely affect employee work performance.

The corrective action process may include the following actions:

- **Written warning**/Performance Improvement Plan
- **Suspension** from employment/Performance Improvement Plan
- **Demotion**-if applicable/Performance Improvement Plan
- **Termination**-must be submitted for advisement to the Office of Personnel prior to action.

The severity of the corrective action increases with each infraction of the performance/behavior/attendance standards, however serious violations of conduct could result in immediate dismissal. If there is no improvement or there are repeat violations, the corrective action may progress up to and include dismissal.

9.6 GRIEVANCE

All employees shall be entitled to grieve any corrective action through a grievance process. Nothing in the grievance process will be construed to limit, terminate or waive any right of an employee to seek relief in a court of proper jurisdiction.

**Grievance Procedure**

1. Within five (5) working days of the work-related incident, the employee may discuss the complaint with his/her immediate supervisor. If the outcome of that discussion is not satisfactory to the employee, the employee may continue to Step 2. If the employee’s immediate supervisor is a program director, the employee may begin with Step 2.

2. Within five (5) working days of the employee’s discussion with the immediate supervisor, the employee may file a written complaint with the program director. The director has five (5) working days to respond during which time the director may confer with either or both the employee and the employee’s supervisor.

3. If the director’s written response is not satisfactory to the employee, the employee may file a formal grievance. The grievance must be filed with the Personnel Department within five (5) working days from the date of the director’s written response.
4. The Personnel Director will meet within five (5) working days jointly with the employee, the employee’s representative (if any), the immediate supervisor, and the director to try to resolve the grievance.

5. If the grievance is not resolved in the Personnel Director’s meeting, the Personnel Director will call a meeting of the grievance review committee within five (5) working days from the date of the Personnel Director’s conference.

Grievance Review Hearing Procedure

1. The Grievance Review Committee will be comprised of three employees and are as follows:
   a. Program Director
   b. Supervisory Status
   c. Non-Supervisory Status

2. The Grievance Review Committee members be informed of the parties involved in the grievance and subsequently attest that they are unaware of any real or perceived conflict of interest.


4. The Grievance Review Committee shall select a Chairperson from its own composition. If the Committee is unable to decide on a Chairperson, the Personnel Director shall decide.

5. The Chairperson will chair the Grievance Hearing with the two remaining members observing.

6. The Program Director/Supervisor bears the burden of proof in establishing that a reasonable basis existed to subject the Grievant to the disciplinary action that is being contested.

7. The following witnesses shall be present for the Grievance Hearing:
   a. Program Director;
   b. The Immediate Supervisor;
   c. The Program Director;
   d. The Chairperson may allow additional relevant witnesses upon request.
8. The Grievance Review Committee shall hear from the Grievant’s Supervisor and Program Director first. Any member of the Grievance Review Committee may ask questions of the Immediate Supervisor, Program Director, and any allowed relevant witnesses. The Grievant and representative (if any) shall be allowed to be present during the entirety of this session.

9. After hearing from the Supervisor and Program Director, the Grievance Review Committee shall hear from the Grievant and any allowed additional relevant witnesses. Any member of the Grievance Review Committee may ask questions of the Grievant and any allowed relevant witnesses. The Grievant’s Supervisor and Program Director shall be allowed to be present during the entirety of the session.

10. After hearing the issues and asking questions, the Grievance Review Committee will issue a decision within three (3) working days. The decision must state whether the Program Director/Supervisor satisfied their burden of proof in establishing that a reasonable basis existed to subject the Grievant to the contested disciplinary action.

11. If the Grievance Review Committee determines that the Program Director/Supervisor satisfied the burden of proof, the disciplinary action shall be upheld.

12. If the Program Director/Supervisor did not satisfy the burden of proof, the disciplinary action shall be removed from the Grievant’s personnel file. If the contested disciplinary action was suspension or termination, the Grievant shall be reinstated with backpay.

13. The Grievance Review Committee’s Decision shall be final.
The Tribes are committed to ensuring a safe and secure workplace and believe that all work related injuries, illness, property losses and adverse environmental impacts are preventable.

### 10.1 HEALTH AND SAFETY

#### Worker’s Compensation

Through worker’s comp insurance, employees who sustain accidental injury arising out of and in the course and scope of employment, must immediately report the injury to their supervisor and the Office of Personnel to initiate a worker’s comp claim. Compensation will be determined by the policy provider and may not cover claims involving intoxication, negligence, or self-inflicted injuries. The employee may be required to take a post-accident/injury drug test.

#### Child and Elder Abuse and Neglect

Employees who have reasonable cause to believe that a vulnerable adult or child is suffering from abuse, neglect, or exploitation are mandated to promptly report said abuse or neglect as required by state, federal, and tribal law. Failure to report child abuse or neglect is a misdemeanor in the State of Oklahoma.

#### Drug and Alcohol Free Workplace Policy

The Tribes are a drug and alcohol free work place. The use, possession, or being under the influence of alcohol and/or illegal drugs, or misuse of prescribed and over the counter drugs, subjects employees and visitors to unacceptable safety risks that undermine the Tribes ability to operate safely, effectively, and efficiently. Employees are required to adhere to the Cheyenne and Arapaho Tribes Drug and Alcohol Free Workplace Policy (available to employees in the Office of Personnel).

#### Tobacco/Vape Use Policy

It is the Tribes’ policy to protect non-smokers from first, second, and third hand smoke. Employees and visitors may smoke in designated areas only.

Employees are advised to:

- Extinguish cigarettes and discard them in appropriate containers.
- Avoid smoking when meeting with clients or vendors.
• Avoid smoking near flammable objects or areas.

Smoking is prohibited in all tribal facilities, except in designated areas, tribal vehicles, and facility entryways. Applicable tribal facilities are subject to local, state, or federal laws for fire, health, or safety reasons.

This policy refers to all products such as cigarettes, pipes, cigars, snuff, chewing tobacco, and e-cigarettes/vapes. This does not include the traditional and sacred use of tobacco.

Resources are available to employees who desire a tobacco-free life through the Tribes’ Employee Assistance Program, the Tribes’ Health Education Program, Indian Health Services, and the Oklahoma State Department of Health.

Work Station and Office Appearance

In order to ensure a professional office atmosphere and for the purpose of delivering services efficiently and effectively:

• All areas are to be kept neat, clean, and professional in appearance;
• No personal items are to be placed in aisles, on file cabinets or book cases in common areas;
• Work surfaces and office space should be kept neat, dusted, and clear of excess clutter;
• Workstations should be kept free of opened and exposed food;
• A few well selected personal items are acceptable as long as the items do not interfere with the flow of the employees work;
• Only one plant per work station is permissible. No plant shall be hung from the ceiling or wall;
• No flower stands or personal furniture is permitted;
• No fish or other animals are permitted in the common area or work station except for guide/service animals;
• No offensive or inappropriate wall hangings or items shall be displayed.

Safety in The Workplace

To ensure employee safety in the workplace and reduce workplace injuries or accidents:

• Accessible routes to electrical panels, fire extinguishers, emergency exits should not be blocked;
• Observe visibility clearances when stacking materials;
• Keep workplace clutter free and ensure equipment is turned off when not in use and materials are properly stored at all times. i.e. space heaters, candles, etc.
• Check and perform maintenance on machines regularly and keep a record of routine maintenance to identify faulty wiring, hazards, or malfunctions that can contribute to fire.
• Become familiar with evacuation plans specific to the work station.
• Be familiar with the labels/materials and safety data sheets to assess flammability and other fire hazards of a substance when using and storing chemical materials.

Security

The Tribes provide security personnel to patrol and secure premises, deter criminal or mischievous activity, and inform violators of policies.

Prohibited Weapons

Weapons of any kind are prohibited on any tribal campus or tribal-affiliated facility, with the exception of law enforcement officials.

Surveillance

For safety and security purposes, all employees and visitors will be subject to surveillance.

10.2 ANTI-HARASSMENT POLICY

The Tribes strive to create and maintain a work environment in which people are treated with decency and respect. The environment of the Tribes should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. The Tribes will take all necessary steps to prevent harassment and hostile conduct in the workplace and to correct the conduct before it becomes severe or pervasive.

Harassment

Harassment includes persistent and reoccurring behavior that is intimidating, hostile, or offensive and includes but is not limited to: sexual harassment, bullying, intimidation, direct insults, malicious gossip, exclusion, ignoring, retaliation, victimization and other forms of harassment.

Employees should report harassment to their supervisor or the Office of Personnel at an early stage to prevent escalation.
The Tribes will investigate all reports and complaints and if the allegation is found to be credible of harassment the employee may be terminated and subject to prosecution.

10.3 CHILDREN IN THE WORKPLACE

To eliminate Tribal liability for accidental injury to children of employees, the employees must refrain from bringing their children to their place of work. The Tribes will not be liable for any injuries that may occur.

10.4 EMPLOYEE ASSISTANCE PROGRAM

The Tribes Employee Assistance Program assists employees with counseling for personal issues such as domestic, financial, emotional, grief, substance, alcohol abuse, legal, or other issues that may affect their work performance.

See the Office of Personnel for more information on available benefits.

SECTION 11.0 | Definitions

**Accrued Leave:** Accumulated sick, compensatory or vacation leave.

**Administrative Leave:** Leave with pay for all non-essential employees, administered by the Department of Administration.

**Armed Forces:** The United States Air Force, Navy, Marine Corps, Army, Coast Guard, Space Force, and National Guard.

**Benefits:** Non-wage compensation such as paid or unpaid leave, insurance package, 401k and other incentives paid by the employer.

**Ceremonial Leave:** Leave granted for the participation and/or the observance of the traditional Cheyenne and/or Arapaho Sundance.

**Chain of Command:** An organizational structure in which each job position has direct authority over the one immediately below; documents how each employee reports to one another and provides a structure that an employee must follow to resolve work related matters.

**Compensatory Time:** Leave earned at one and one-half (1 ½) hourly rate to an employee in place of overtime pay for extra hours worked.

**Employee:** A person who works for the Cheyenne and Arapaho Tribes for pay.

**Employer:** The Cheyenne and Arapaho Tribes is the employer.
**Essential Employees**: Employees who conduct services and operations that are essential to conducting critical operations

**Executive Director**: Highest ranking administrator of a department.

**Exempt**: Employees who occupy management and supervisory positions, with the authority to hire/fire, and are paid on a salary basis are considered exempt employees and are not eligible for compensatory time or paid over-time.

**Family Medical Leave (FML)**: A policy that allows employees to take unpaid leaves of absence from work for major family related medical issues.

**Immediate Family**:
- As used in Nepotism (Section 2.8), Bereavement (Section 6.16—Administrative Leave): Spouse/significant other, parent, sibling, and child.
- As used in Service Member Family Leave (Section 6.8) and Family and Medical Leave Plan (Section 6.11): Spouse, child, or parent.

**Major Disaster**: any natural catastrophe including tornado, high water, wind-driven water, earthquake, snowstorm, drought, or regardless of cause, any fire, flood, or explosion that causes damage, ecological disruption, loss of human life, and deterioration of health and health services on a large scale.

**Medical Emergency**: a medical condition of either the employee or the employee's immediate family member that is likely to require the employee to be absent from duty for a prolonged period of time and would result in a substantial loss of income due to lack of available paid leave.

**Non-Exempt**: Employees who occupy non-supervisory positions, cannot hire/fire, and are paid based on hours worked and eligible for compensatory time and/or overtime when authorized.

**Personnel Policy**: Rules that govern how to deal with a human resources or personnel related situation that serve as guidelines to decision making that help keep the system as fair and unbiased as possible.

**Safety Sensitive Position**: A position in which a person is responsible for his or her own or other people’s safety.

**Serious Health Condition**: An injury, illness, impairment, physical or mental condition that involves in-patient care in a hospital, hospice, residential medical care facility, or continuing treatment by a health care provider.

**Vacation Leave**: Leave with pay granted to employees for the purpose of rest, relaxation and attendance to personal matters.
**Weapon:** Any device or object that could be used to inflict harm upon another person or property.

**Veteran:** A person who served in the Armed Forces, i.e. United States Air Force, Navy, Marine Corps, Army, Space Force, Coast Guard, or National Guard.