

# PERSONNEL POLICY MANUAL



2022 Edition

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## DEFINITIONS

**At Will-** An employee is free to resign at any time; and the Pueblo is free to terminate employment at any time, with or without cause.

**Corrective action plan (CAP)-** A step-by-step plan of action that is developed to achieve targeted outcomes for resolution. Include such specifics as:

- The problem you are addressing
- The solution for improving
- Formal documentation of policies
- Specific procedures put in place to deal with the problem
- Team and individual responsibilities

**Dangerous weapons-** Firearms, explosives, knives (whose main use is as a weapon with a blade no longer than 3 inches) and other weapons that might be considered dangerous or that could cause harm. Employees are responsible for making sure that any item possessed by the employee is not prohibited by this policy.

**Director-** The person charged with the management and budget functions of individual departments and/or programs of the Pueblo.

**Employee-** An individual hired to carry out the objectives of the Pueblo

**Flexible work schedule-** An alternative to the traditional 8AM to 5PM, Monday – Friday 40-hour work week. It allows employees to vary their arrival and/or departure times. Alternative work arrangements such as flexible work schedules are a matter of agreement between the employer and the employee.

**Governor-** The elected official of the Pueblo in charge of all programs, employees, operations, and the direct supervisor of the Tribal Administrator.

**Illegal drugs-** Drugs that are not allowed. The law says a person cannot own an illegal drug. A drug is any chemical that affects the human body or mind when it is consumed in any way. A psychoactive drug affects the brain. Other drugs are illegal meaning a person is never allowed to have them.

**Immediate family member-** A father, mother, brother, sister, husband, wife, son, daughter, grandson, granddaughter, parent-in-law, sisters and brothers-in-law, sons and daughters-in-law, step father or mother, step son or daughter, step brother or sister, legally adopted children, grandparents, aunts, uncles, first cousins, nephews and nieces.

**Intellectual property (IP)-** Refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

**Manager-** An individual who is given the responsibility and duties to oversee and supervise activities at the program level.

**Pueblo de San Ildefonso-** A sovereign self-governing Indian Nation recognized by the United States of America Federal Government.

**Qualifying exigency-** A circumstance which entitle employees to up to 12 work weeks of unpaid FMLA leave during any 12-month period. Qualifying exigency leave under the FMLA helps employees manage family affairs when their family members are called to or on covered active duty. Qualifying exigencies arise when the spouse, son, daughter, or parent of an employee is on covered active duty in the Armed Forces, or has been notified of an impending call or order to covered active duty.

**Relative-** Any person who is related by blood or marriage in the immediate family or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

**Smoking-** Inhaling, exhaling, burning, carrying or holding any lighted or heated product, including all types of cigarettes, cigars and pipes including electronic cigarettes, cigars and pipes including electronic cigarettes and any other device that emits fumes.

**Supervisor-** The individual to whom any employee directly reports and who monitors and regulates employees in their performance of assigned or delegated tasks.

**Tribal Administrator-** The individual who administers the day-to-day operations, business and fiscal affairs, and other management functions associated with the administration of the Pueblo and who supervises all Directors.

## **SAN ILDEFONSO PUEBLO CODE OF CONDUCT:**

### **A Statement of the Pueblo's Organizational Ethics**

This Code of Conduct applies to the Pueblo's employees.

#### **1. Resolve to Be Honest in All Things**

All employees shall:

- (a) Deal with visitors, vendors, and personnel honestly;
- (b) Be honest concerning all services and the information provided; and
- (c) Exemplify integrity and professionalism in all workplace relationships.

#### **Staff Treatment of Visitors:**

- Protect visitors' possessions while they are at the Pueblo;
- Assist visitors according to policy;
- Ensure that any information given to visitors is accurate and appropriate; and
- Be certain that documentation is accurate and complete.

#### **Dealings with Vendors within the Pueblo:**

- Be honest when reporting actions taken or not taken, and all other information;
- Document services and resources provided so that accurate billing and cost reports can be prepared;
- Take appropriate measures to ensure that vendors are properly billed taking into account concern for the costs;
- Respect and preserve Pueblo property and resources; and
- Maintain accurate and complete documentation of services, including assessment and management, and decision - making;

Failure to be honest in work-related activities may be cause for disciplinary action up to and including termination.

#### **2. Follow Pueblo Policies and Procedures**

It is the duty of every employee to comply with confidentiality and to ensure that other employees comply with all professional standards, applicable tribal and federal laws, and Pueblo policies. If any employee reasonably suspects a violation of this Code of Conduct, s/he is expected to bring the matter to the immediate attention of the Governor, Tribal Administrator or Human Resources Manager.

Compliance with the Code of Conduct and policies and procedures is a condition of continued employment at the Pueblo. Failure to comply may result in disciplinary action, up to and including termination.

**3. Keep Accurate and Timely Records**

Department Directors and staff are expected to maintain all records and documents in an accurate and timely manner. Including: financial and business, performance improvement and risk management, credentialing, personnel, and other records.

Employee records serve as supporting documentation for employment with the Pueblo and are subject to laws and regulations regarding accurate and appropriate practices. Entries in personnel records must be complete and accurate to document actions as a basis for continuing employment and compensation.

Falsifying records or failing to document appropriately may be cause for disciplinary action, up to and including termination.

Employees shall respect assigned work schedules and shall use their accrued annual leave appropriately. Supervisors may disapprove a proposed use of time if the work required by the department demands an employee's presence.

**4. Protect Pueblo Assets**

The Pueblo property and proprietary information, facilities, equipment and supplies, personnel time and accounts receivable (money due the Pueblo for services) ("Pueblo Property") are assets of the Pueblo. Employees shall respect, maintain, and protect Pueblo Property. Pueblo Property may not be used for personal applications or gain. Including the use of the computers, supplies, staff time, employee records, any confidential records, business records, and cash or cash equivalent.

The removal of any equipment or supplies from the Pueblo must be requested in writing and approved beforehand, used appropriately for Pueblo business and returned in good condition.

It is the duty of every employee to use their time effectively for purposes of the Pueblo and its services to members.

Goods and services arranged by the Pueblo under contract shall be documented, and (in the case of services) monitored to ensure that those resources are received by the Pueblo and used efficiently and appropriately. Every Pueblo employee is responsible for reporting inappropriate use of Pueblo Property to the Supervisor, Tribal Administrator or Human Resources Manager.

Failure to protect Pueblo Property may be cause for disciplinary action, up to and including termination.

**5. Respect Visitors and Staff**

All persons at the Pueblo, including visitors and staff, shall be treated with dignity and respect. Employees are expected to treat each visitor with respect and care, and failure to treat visitors in a respectful and appropriate manner may be cause for disciplinary action, up to and including termination.

Verbal, sexual, or physical harassment of any staff member or visitor will not be tolerated. Harassment shows a lack of respect of others and violates our basic values. Any employee who experiences harassment or is aware that another person has experienced harassment should report this immediately to a Supervisor, Department Director, Tribal Administrator or Human Resources Manager.



The Pueblo is committed to complying fully with all applicable federal and tribal laws prohibiting discrimination on the basis of race, color, marital status, religion, sex, national origin, ancestry, physical or mental handicap or disability, age (over 40), veteran status, or other protected status. The prohibition against unlawful discrimination applies to staff as well as visitors. If you feel that you or another person has been discriminated against, report your concerns immediately to a Supervisor, Department Director, Tribal Administrator or Human Resources Manager.

**6. Do Not Accept Gifts or Gratuities**

All representatives of the Pueblo are expected to serve the Pueblo and its visitors to the best of their ability and not ask for or expect any gifts or tokens of appreciation for their services. If visitors or their families, contractors or others attempt to give cash or other things of value to any employee, the employee should politely decline to accept the gift.

An employee may accept token items of nominal value such as flowers, candy, mugs, pens, or business-related meals but never cash or items of significant value (\$100 or more). At no time should services be provided in a manner preferential to the manner of allowable reimbursement, compensation or nominal gifts to the Pueblo or an employee.

If an individual wishes to make a significant gift or contribution to the Pueblo, introduce them to the Tribal Administrator so arrangements may be made to accept the gift on behalf of the Pueblo.

Inappropriately accepting gifts of value or cash may be cause for disciplinary action, up to and including termination.

**7. Do Not Offer, Solicit or Accept Bribes or Kickbacks**

Pueblo employees may be placed in a position to influence decisions concerning referrals for services outside the Pueblo, the purchase of goods or services by the Pueblo, or the use or disclosure of confidential information. Employees are prohibited from offering, soliciting or accepting cash or any item of value from persons who could be affected by their decisions.

This prohibition applies not only to cash and tangible items of value, but also to any discounted goods or services, office space, use of equipment or other services provided by outside vendors at less than fair market value.

Offering, soliciting or accepting any sort of bribe or kickback is unethical and strictly prohibited. Violations of applicable anti-kickback Laws may subject the Pueblo as well as individual offenders to civil or criminal liability.

This also applies to giving preferential treatment to certain vendors and /or using their services in an unethical way.

If you have any questions concerning a potential gift, offer, or solicitation, consult immediately with the Tribal Administrator.

Offering, soliciting or accepting any sort of bribe or kickback may be cause for disciplinary action, up to and including termination.

**8. Avoid Conflicts of Interest**

As an employee of the Pueblo, you have a duty to protect the interests of the Pueblo and place them above your personal interests when the two conflict.

A conflict of interest occurs when the interests of one party, such as an employee, may influence or appear to influence that party's ability to be objective in making decisions affecting another party because of potential personal gain. All employees are expected to protect decision-making processes from inappropriate influences.

You are expected to avoid situations where there is a conflict of interest or there may appear to be a conflict between what is in your best interest and the best interest of the Pueblo or staff members.

The following are some examples of what may be considered a conflict of interest:

- Accepting gifts from any vendor, patient, or service provider (unless approved);
- Selling items or soliciting donations at work for personal gain (unless approved);
- Promoting a business in which you have a direct or indirect interest;
- Using your position to influence the hiring of a family member or close friend;
- Engaging in political activities at work;
- Engaging in employment outside the Pueblo that may affect your availability or your ability to fulfill your duties to the Pueblo;
- Misusing or releasing confidential information for personal gain or the benefit of others;
- Serving in a position with an organization or entity that is a competitor of the Pueblo or is a provider of services to the Pueblo; or
- Giving endorsements or testimonials for a vendor or contractor without administrative approval.

If you are in a situation that you believe or anticipate may be perceived as a conflict of interest, contact the Tribal Administrator to clarify any concerns. You are expected to disclose any potential conflict of interest to the Tribal Administrator in writing in order to determine if a conflict of interest exists.

A conflict of interest violation may be cause for disciplinary action, up to and including termination.

## **9. Report Violations**

You are required to report any circumstance or activity that you reasonably suspect may be a violation of this Code of Conduct, applicable federal or tribal laws or regulations, professional standards, or Pueblo policies and procedures.

Depending upon the nature of your concern, you may start by reporting to your supervisor, but you may instead report directly to the Department Director, Tribal Administrator or Human Resources Manager.

Failure to report illegal, immoral, unethical or noncompliant activities promptly, as appropriate, may be cause for disciplinary action, up to and including termination.

### **1. Exercise Good Judgment**

A person need not have conclusive proof of a violation in order to report suspected wrongdoing; it is sufficient that the person has a reasonable, good-faith suspicion of a violation. A person is protected against reprisal or retaliation for reporting suspected wrongdoing, even if the activity is ultimately found to be legitimate, so long as the report is not found to be deliberately false or malicious.

If you are not sure about whether to report a particular concern, discuss the issue with your supervisor, Department Director, Tribal Administrator or Human Resources Manager with questions concerning reporting requirements.

## 2. How to Report

You are encouraged to report your concern to your supervisor first. If your supervisor appears to be involved in the activity you are concerned about, you may report directly to the Department Director, Tribal Administrator or Human Resources Manager. The Pueblo takes all reports of potential violations seriously and will conduct a prompt investigation. Every Pueblo employee has an obligation to share such information so that appropriate action may be taken in a timely manner to ensure compliance.

The Pueblo will not tolerate any reprisal, retaliation, or punitive action against an employee for reporting potential violations in good faith. If you feel that you have been subject to adverse action, retaliation, or reprisal as a result of your reporting, please immediately contact the Tribal Administrator or Human Resources Manager.

## 3. Confidentiality

The identity of a Pueblo employee reporting a violation in good faith will be kept confidential to the extent permitted by a full and fair investigation of the potential violation.

The Pueblo will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Manager immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. However, identity may have to be disclosed to conduct a thorough investigation, to provide accused individuals their rights of defense.

## SAN ILDEFONSO PUEBLO PERSONNEL POLICY MANUAL

### ACKNOWLEDGEMENT

All employees are required to be familiar with the Personnel Policy Manual and must agree to abide by it.

*I certify that I have reviewed the Personnel Policy Manual and that I understand its contents. I will contact the Tribal Administrator or Human Resources Manager if I do not understand any part of it.*

*I agree to abide by and comply with the standards in the Personnel Policy Manual as well as all applicable federal and tribal laws, orders, ordinances, rules and regulations, and Pueblo policies and procedures that apply to me. I understand that my compliance is a condition of my continued employment by the Pueblo.*

*I understand that it is my duty and responsibility to report a suspected violation of the Pueblo's Personnel Policy Manual (such as illegal, immoral, unethical, or noncompliant activities) to the Tribal Administrator or Human Resources Manager, and I agree to do so.*

*I understand this Policy is not a contract. The policies set forth are not intended to create a contract, nor are they to be construed to constitute contractual obligations, express or implied, to remain employed by the Pueblo. Nor does it guarantee any fixed terms or conditions of employment.*

*I understand that this version of the Personnel Policy Manual supersedes all prior published versions that may have conflicting provisions. I understand that provisions of this Manual may be amended from time to time by the Pueblo de San Ildefonso.*

By: \_\_\_\_\_  
[Signature] [Date]

\_\_\_\_\_  
[Print Name]

## **I. INTRODUCTION**

Welcome to the Pueblo de San Ildefonso! We are pleased you have chosen to work for the Pueblo, and to develop your skills and work towards your goals. We look forward to you being part of our team. It is one of our objectives to provide a work environment that is conducive to both personal and professional growth.

This manual is designed to acquaint you with the Pueblo and provide information regarding policies, procedures and employee benefits. It is your responsibility to read, understand, and comply with all provisions within the Policy Manual.

### **A. Sovereignty and Sovereign Immunity of the Pueblo**

The Pueblo de San Ildefonso is a sovereign Indian tribe and is recognized as such by the United States of America. The Pueblo exercises the inherent powers of a sovereign government. The Pueblo's governance structure was established pursuant to the "governing" Agreement, which was formally adopted on December 21, 2011. As a sovereign government, the Pueblo possesses sovereign immunity. Nothing contained within the Personnel Policy Manual constitutes a waiver of the Pueblo's sovereign immunity.

### **B. Coverage**

These personnel policies and procedures shall apply to all exempt and non-exempt employees of the Pueblo whether employed full-time, part-time, on a temporary basis or as a contract employee.

### **C. Policy Revision**

The Council, reserves the right to alter, delete, or add to any of the provisions of the Personnel Policy Manual and to change, modify, suspend, cancel or interpret any of the personnel policies and practices or employee benefits which are described herein. Employees will be notified of changes, revisions, or any modifications in writing as needed.

A Personnel Policy Manual committee shall be established consisting of two (2) Directors, Tribal Administrator, Attorney and Human Resources Manager and shall meet once a year to review and make any suggestions to the Personnel Policy Manual.

All modifications to the Personnel Policy Manual will be reviewed and shall be subject to the approval by the Council by law.

### **D. Organization**

The Pueblo is a federally recognized Indian tribe that exercises inherent powers of self-governance. The Pueblo's tribal members adopted a "Governing" Agreement in 2011 that established the Pueblo's governance structure. The government consists of three branches: The Executive, which includes the Office of Governor, Administration, and

Departments; the Legislative, which includes the ten-member Council; and the Judiciary, which includes the Tribal Court and the Supreme Court.

The Council is the legislative body for the Pueblo consisting of ten Council Representatives elected by the voters. The Council has the authority to make laws and pass budgets.

The Governor is also elected by the voters and is authorized to maintain a limited government, to enforce and administer laws and budgets enacted by Council, and to provide general supervision of the government and its subdivisions. The Governor is also the direct supervisor of the Tribal Administrator.

The Tribal Administrator is responsible for the daily operations and administration of government.

A "Supervisor" is referred to throughout this Manual as an employee of the Pueblo who has the responsibility of supervising employees, regardless of job title, i.e., a Supervisor in the Personnel Policy Manual may include positions such as a Department Director, or a Program Manager.

## **II. GENERAL PROVISIONS**

### **A. Employment At-Will**

Employment with the Tribal Administration is "at-will" so that employment is voluntarily entered into by the employee and the employee is free to resign at any time, with or without cause. Similarly, the Pueblo is free to terminate the employee at any time, with or without cause.

This Personnel Policy Manual is not a contract. The policies set forth are not intended to create a contract, nor are they to be construed to constitute contractual obligations, express or implied, to remain employed, or do they guarantee any fixed terms or conditions of employment.

Nothing in any policy or work rule of the Pueblo shall alter the at-will employment relationship between the Pueblo and its employees. The Pueblo may elect to follow its progressive discipline process, but is not obligated to do so.

### **B. Native American Preference**

While the Pueblo is an Equal Opportunity Employer, preference is given to recruitment and hiring of qualified Native Americans who are members of federally-recognized tribes.

### **III. EMPLOYMENT, HIRING, AND SELECTION**

#### **A. Job Vacancies**

The Pueblo de San Ildefonso employment process serves to ensure fair and competitive practices in recruitment, selection, and placement of qualified applicants based on the applicant's knowledge, skills, abilities, and qualifications in consideration of the Native American Preference. All requests for Job Vacancy announcements should be forwarded to the Human Resources Manager.

Job vacancies will first be posted by the Human Resources Manager on both internal and external employee bulletin boards, the Pueblo's website, and sent out electronically throughout the tribal administration. Each job posting notice will include the job title, department, location, job summary, essential duties, qualifications, and the closing date for receipt of applications. Job Vacancy Announcements may be sent to other recruiting sources and publications as needed to obtain a qualified pool of applicants at the discretion of the Human Resources Manager and the hiring supervisor.

For a current employee to be eligible to apply for a position, he/she must not have received any corrective action within the past six months and must have performed competently in their current position for at least ninety (90) calendar days.

#### **B. Transfers**

Should an employee be selected for a different position within the organization, continuation of employee benefits will not be affected including Paid Time Off. A reduced forty-five-day probationary period will be in effect for an employee who transfers to a new position.

#### **C. Interview Committee**

An Interview Committee shall be established for the purpose of reviewing all applications received, evaluating qualified applicants for employment based on job qualifications and experience, and recommending final selection of applicants. The Department Director, in consultation with the Tribal Administrator, shall appoint the Interview Committee which shall include a Department Director, a Manager, or both. The Human Resources Manager will participate in all interviews and deliberations, but only to monitor, observe and provide guidance on HR matters. The Human Resources Manager will not have a vote in the final candidate selection.

The members of the Interview Committee must display fairness, honesty and integrity in the execution of its duties in screening and recommending applicants for employment. If the Interview Committee or an individual member sees a conflict of interest or an appearance of a conflict of interest arise, that person will remove themselves or be asked to remove themselves from the Committee. Immediate family members may not serve on the same Interview Committee, nor may immediate family members of an applicant serve on the Interview Committee evaluating that applicant.

Interview Committee members will be required to maintain strict confidentiality about applicants, documents reviewed, and the formal proceedings of the Committee. Committee members are further prohibited from releasing or divulging information about interview proceedings and decisions. Violation of such confidentiality on the part of an Interview Committee member will result in disciplinary action up to, and including, termination of employment.

**D. Employment Applications**

All applicants shall complete a Pueblo Employment Application Form. The Pueblo relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process, background and reference checks, and employment. Any misrepresentations, falsifications, or material omissions in any of this data, or attempting or committing a fraudulent act at any point in the application process, may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

**E. Background & Reference Checks**

The Human Resources Manager shall consult with the Department Director and Tribal Administrator to designate certain positions as “sensitive,” such as those working with children or the elderly, or positions that involve the handling of money or Pueblo assets. Covered programs include, but are not limited to, the following: (1) All Health and Human Services programs including the Community Health Representative Program, Health and Human Services, Senior Citizens Center, and the Indian Child Welfare Act Program; (2) All Education programs including the Language Program, and the Recreation and Youth program; and, (3) The Courts. Job-related background checks may include the following: FBI Criminal History Search and fingerprinting; state, local, and tribal criminal history checks; reference checks from former employers and school records; driver insurability and motor vehicle checks; and/or personal reference checks.

Job-related background and reference checks shall be conducted prior to appointment of a person to a position and utilized for hiring and selection purposes. In rare cases whereby, the background check cannot be completed until after placement, the results shall be utilized to determine the employee’s suitability for continued employment.

The results of background and reference checks will be disclosed only to individuals on a “need-to-know” basis including the applicant, hiring supervisor, Tribal Administrator and/or the Human Resources Manager. The Human Resources Manager will manage background investigations of employees and applicants and will maintain separate files of the investigative results. Background checks are to be conducted every five years on employee anniversaries for positions designated as sensitive.

Drug Testing is a condition of employment. Prospective job applicants and persons within their probationary period may be required by their Supervisor, the Human Resources



Manager or Tribal Administrator to submit to random drug or alcohol testing as a condition of employment and at intervals during the period of employment after the probationary period. Drug testing may otherwise be required pursuant to no-tolerance or progressive discipline policies.

**F. Hiring of Relatives**

The Pueblo has no prohibition against hiring a relative or an immediate family member of existing employees and is committed to monitoring situations in which relatives work in the same department or work area.

No employee shall be directly involved in the selection and/or supervision of an immediate family member. In cases of actual or potential problems among relatives who work in the same area, the Tribal Administrator will resolve each situation on a case-by-case basis which may include reassignment of one or more employees or termination of employment.

**G. Outside Employment**

Unless a conflict of interest is created, an employee may hold a job with another organization as long as the outside employment does not impair the performance of the primary job with the Pueblo and the employee continues to satisfactorily perform their job responsibilities with the Pueblo.

Any outside employment cannot create a conflict of interest, an appearance of a conflict of interest, neglect of duty, excessive absence from the work station and performing duties associated with outside employment during regular work hours.

If a supervisor determines that an employee's outside work interferes with the job performance or the ability to meet the requirements of their position, the employee may be asked to terminate the outside employment as a condition of remaining employed.

**IV. EMPLOYMENT POLICIES**

**A. Probationary Period**

The probationary period is intended to give new employees the opportunity to learn their new job responsibilities, get acquainted with fellow employees, and determine whether or not they are satisfied with their new position. During the probationary period, the supervisor will evaluate the employee's overall work performance, including work skills and abilities, work habits, attitude, and potential.

New and rehired employees work on probationary basis for ninety (90) calendar days after their effective date of hire. Employees are not eligible to use or be paid for leave during the probationary period except in extraordinary circumstances as determined by the immediate supervisor and Tribal Administrator, or as described below in the case of

transferred employees. New employees will, however, be paid for official holidays that may fall within their probationary period.

Transferred employees will serve a forty-five (45) day probationary period. Transferred employees will not have an interruption in the accrual of leave and benefits during the 45-day probationary period and may use their acquired leave during this period, subject to prior approval by a Supervisor. Transferred employees are subject to the same probationary evaluation processes as other probationary employees.

Upon satisfactory completion of the probationary period, the probationary employee shall become either a Regular Full-Time or Regular Part-Time employee. However, successful completion of the probationary period does not modify or change the employee's "at-will" status and does not entitle an employee to an automatic increase in pay for the change to Regular employee status.

A supervisor, in consultation with the Tribal Administrator, may extend the probationary period for an employee for absenteeism or in cases where performance is borderline or questionable. The determination may be made to extend the probationary period no more than thirty (30) days if there is a prospect that job performance could improve by such extension.

An employee whose performance does not meet the required standards of work or who has not met or attained an acceptable level of performance shall be subject to termination of employment. A new employee terminated during the probationary period has no right to appeal or grievance procedures and will not be paid for any annual leave balance accrued during the probationary period. The successful completion of the probationary period does not alter or change the at-will status as set forth in Section II A.

#### **B. Employment Status**

1. Regular Full-Time: Employees who are regularly scheduled to work thirty-two (32) or more hours per week upon completion of their probationary period.
2. Regular Part-Time: Employees who are regularly scheduled to work less than thirty-two (32) hours per week upon completion of their probationary period.
3. Contract: A contract employee is an individual who provides services as stipulated in a contract/subcontract agreement. All contracts shall be reviewed and approved by the Governor, Tribal Administrator and Legal Counsel.
4. Temporary Employee – Full and Part-Time: A temporary employee is an individual who is hired as an interim replacement to temporarily supplement the work force, or to assist in the completion of a specific project or as an emergency hire. Employment assignments in this category are of a limited duration, typically sixty (60) days or less but may be extended with approval by the Tribal Administrator

and Governor. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until officially notified of a change. Temporary employees do not serve in a probationary period, are ineligible for benefits, and do not accrue leave. Temporary employees are granted Paid Time Off during official observed holidays, unless their supervisors determine that the nature of their employment requires work during observed holidays. Temporary employees may be hired from a temporary position to fill a regular position.

5. Volunteers: Voluntary assignments are unpaid positions and are ineligible for benefits and do not accrue leave.
6. Probationary Employee: New and rehired employees within the first ninety (90) calendar days after their effective date of hire or transfer. Transferred employees within the first forty-five (45) calendar days after their effective date of transfer. Transferred employees who have met their probationary period in their previously held position, will not be subject to interruption of benefits. Probationary employees shall enjoy paid leave for official observed holidays only.
7. On-Call: able to be contacted in order to provide a service if necessary, but not formally on duty. If an employee is called to provide a service, then they may be compensated with comp time or overtime pay at the discretion of the supervisor.

### **C. Performance Evaluations**

Performance evaluations are intended to evaluate an employee's effectiveness in performing assigned duties and responsibilities; identify factors that can improve job performance; clarify performance standards as they relate to the employee's job description; assist employees in developing additional knowledge, skills and abilities for job advancement; recognize exceptional performance; or unsatisfactory performance; determine continued employment; and identify training and development needs. Supervisors will conduct the annual performance evaluation every June, in alignment with the end of the fiscal year effective June of 2022 in addition to evaluations performed before the end of probationary period.

A formal written performance evaluation will be conducted at the end of an employee's probationary period. At the discretion of the Supervisor or Tribal Administrator, evaluations may be conducted on a more frequent basis.

Before the performance appraisal meeting, the employee's supervisor will provide the employee a Self-evaluation of Performance form with adequate time for the employee to complete so the employee is prepared for the discussion.

Referring to the employee's job description, the supervisor will complete the evaluation. The supervisor will then review and discuss the evaluation with the employee. Discussion

with the employee should be consistent with the completed Performance Appraisal form and Self-evaluation of Performance forms. Comments should support each rating and focus the discussion.

Both the Performance Appraisal and Self-evaluation of Performance forms should be signed by the employee and their supervisor. The form will then be sent to Human Resources. The Tribal Administrator and Human Resources Manager will sign to confirm receipt of the appraisals. The original will be placed in the employee's personnel file. The employee will be provided a copy for their records.

**D. Personal Data Changes**

It is the responsibility of each employee to promptly notify the Human Resources Manager of any changes in personal data. Names, personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. Failure to notify the Human Resources Manager of changes in personal information may have a negative impact on communication and proper recording of qualifications related to training, advancement or discipline.

**E. Access to Personnel Files**

The Pueblo maintains a personnel file on each employee. The personnel file includes the employee's job application, resume, job description, records of training, documentation of performance evaluations, salary increases, disciplinary action and other employment records.

Personnel files are the property of the Pueblo and access to the information they contain is restricted to the employee, the employee's supervisor, the Human Resources Manager, Tribal Administrator and those individuals on a "need-to-know" basis with legitimate reason to review information in an employee's file.

Employees may request to review their own personnel files in writing, with advance notice, in the presence of the Human Resources Manager. Copying is permitted with Human Resources Manager approval. Employees shall not be permitted to remove documents from their personnel files or take their files from Human Resources.

**V. COMPENSATION**

It is the policy of the Pueblo to pay wages that are competitive and commensurate with the type of work, and within the financial resources of the Pueblo.

**A. Employment Classifications**

1. Exempt Employees: Employees in supervisory, managerial, professional, or other positions that otherwise exercise independent judgment and discretion in the performance of their job duties. Exempt employees are expected to work the

amount of time necessary to perform their job duties without receiving additional compensation. Exempt employees are exempt from minimum wage and overtime compensation.

2. Non-Exempt Employees: All other employees not classified as exempt are considered as non-exempt. Non-exempt employees are eligible for overtime pay at a rate of one and one-half times (1 1/2) their regular rate of pay for hours worked in excess of forty (40) hours per week. Non-exempt employees will be compensated on an hourly basis.

**B. Overtime and Compensatory Time**

Non-exempt employees may be required to work overtime and will be assigned as needed and at the discretion and approval of their Supervisor. To the extent possible, the employee's Supervisor will give advance notice of overtime work. A non-exempt employee will be paid at a rate of one and one-half times their regular hourly rate of pay for all actual time worked in excess of forty (40) hours in any one workweek. Any leave taken by the employee will not count towards calculating overtime. Non-exempt employees may elect to take compensatory time in lieu of overtime provided such time is taken before the end of the next pay period.

Exempt employees are not eligible for overtime or compensatory time compensation but are allowed a flexible work schedule with Supervisor approval.

**C. Job Descriptions**

Job descriptions remain on file in the Human Resources Office for each position and will be used as a basis for determining compensation. Employees are required to read and understand their job description and it shall be part of the employee's personnel file. Supervisors are required to ensure that job descriptions for the positions they supervise are accurate and current.

**D. Timekeeping and Documentation**

Accurately recording time worked is the responsibility of every employee. Time worked is the time actually spent on the job performing assigned duties. Non-exempt employees will document time worked by utilizing the Pueblo's designated timekeeping system. Altering, falsifying, tampering with timesheets, or recording time on another employee's timesheet is strictly prohibited and may result in disciplinary action, up to and including termination of employment.

It is the employee's responsibility to certify the accuracy of all time recorded. The employee's supervisor will review and certify the accuracy of all time recorded by their employee's before submitting it for payroll processing.

Exempt employees are required to certify the accuracy of their time recorded before submitting it for payroll processing.

### **E. Work Schedules & Breaks**

The normal work schedule for all Regular Full-Time employees is eight (8) hours a day, Monday through Sunday, 8 A.M. to 5 P.M. with a one (1) hour lunch break. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Employees shall have the privilege of two (2) breaks per day with a one-hour lunch break, except as otherwise dictated by work requirements. One fifteen (15) minute break may be taken in the morning and one fifteen (15) minute break in the afternoon.

### **F. Flexible Scheduling**

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with an employee's Supervisor. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before prior approval of flextime is granted.

## **VI. TIME OFF**

### **A. Holidays**

The Pueblo will grant paid time off to all Full-Time employees on the following holidays:

- |   |   |
|---|---|
| -New Year's Day (January 1 <sup>st</sup> )                            | -Independence Day (July 4 <sup>th</sup> )           |
| -Dr. Martin Luther King, Jr. Birthday<br>(third Monday in January)    | -Indigenous People's Day (2nd<br>Monday in October) |
| -Pueblo de San Ildefonso Feast Day Eve<br>(January 22 <sup>nd</sup> ) | -All Souls Day (November 1 <sup>st</sup> )          |
| -Pueblo de San Ildefonso Feast Day<br>(January 23 <sup>rd</sup> )     | -Veteran's Day (November 11 <sup>th</sup> )         |
| -President's Day (3 <sup>rd</sup> Monday in February)                 | -Thanksgiving Day (fourth Thursday<br>in November)  |
| -Good Friday (Friday before Easter)                                   | -Day after Thanksgiving                             |
| -Memorial Day (last Monday in May)                                    | -Christmas Eve (December 24 <sup>th</sup> )         |
| -Juneteenth (June 19 <sup>th</sup> )                                  | -Christmas Day (December 25 <sup>th</sup> )         |
|   | -New Year's Eve (December 31 <sup>st</sup> )        |

If a holiday falls on an employee's mandatory workday, the employee will take the holiday the next working day. The Governor may reschedule days off to minimize interruption of services.

A holiday which falls on a Saturday will be observed on the preceding Friday. A holiday which falls on a Sunday will be observed on the following Monday.

## **B. Annual Leave**

An Employee may use annual leave for vacations, rest and relaxation, personal business, emergencies, or for illness/injury in the event the employee either has no sick leave accrued or does not have enough sick leave to cover the leave of absence. An employee has a right to take annual leave, subject to the right of the Immediate Supervisor to schedule the time at which annual leave may be taken. Annual leave pay for regular employees will consist of the employee's regular rate of pay for the leave period and will only be paid on the regularly scheduled payday.

### **1. Use of Annual Leave**

- a. Employees must request annual leave for the purpose of taking vacation at least 30 days in advance of the commencement of the leave when the leave shall be for a period of one week or longer.
- b. Vacation schedules shall be arranged by department directors so that all business functions can continue in each Department without disruption.
- c. Preferences in the assignment of annual leave of senior employees shall be taken into consideration by department directors when determining vacation schedules. Priority in the selection of vacation dates may be on the basis of length of service with the Pueblo. However, employees who want to change their plans after the leave schedule has been set lose their seniority consideration.
- d. Supervisors are responsible for ensuring that leave is utilized throughout the year, and that vacations are taken as scheduled.

### **2. Accrual of Annual Leave**

- a. Employees accrue annual leave by pay period, beginning with the first pay period of employment. Annual leave is based on the employee's length of service. Annual leave cannot be advanced.
- b. Regular full-time employees shall be entitled to annual leave based on their actual work week hours. Employees accrue annual leave as follows:

<u>Length of Employment</u>	<u>Hours Earned Per 80-Hour Pay Period</u>
0-36 months	4
37-60 months	5
61-120 months	6
121+ months	8

- c. Regular part-time employees and seasonal employees may accrue paid annual leave at the discretion of the program on a pro-rata scale established by the payroll office depending on their actual work week hours.

### **3. Annual Leave Carry-Over and Pay Out**

- a. Annual leave may be continuously accrued and rolled over from year-to-year. The maximum number of annual leave hours an Employee may carry over is

eighty (80) hours. No excess leave will be paid out at any time while still employed. Employees are encouraged to utilize annual leave throughout the year and not wait until the end of the fiscal year, unless absolutely necessary. Supervisors are responsible for ensuring that Employees utilize annual leave.

- b. Employees who have worked for the Pueblo for one year or more will receive a payout for any unused annual leave accrued upon separation of employment. An employee who does not give appropriate notice of voluntary separation as required in Section XII subsection A, will not be paid accrued annual leave.
- c. Leave will not be paid out to employees when transferring to another program. Those employees transferring to a lower paid rate than the position they are transferring from, will be paid the difference in pay for their number of accrued annual leave hours.

### **C. Sick Leave**

- 1. Full-time employees who are absent from work because of disability resulting from sickness or injury shall be eligible for sick leave benefits in accordance with the provisions of this policy. Covered absences shall apply to any absence caused by illness or injury, including medical and dental appointments, incurred by the employee or by a member of his or her family. Sick leave may not be used in cases of incarceration.
- 2. Illness occurring while an employee is on vacation or leave of absence is not covered under this policy. If the illness continues beyond the period of vacation or leave of absence, the general policy shall be applicable upon the first scheduled working day following the end of vacation or leave of absence.
- 3. Regular full-time employees accrue four hours of paid sick leave per pay period.
- 4. Regular part-time employees accrue a prorated portion of sick leave based on their actual hours worked per week.
- 5. Sick leave pay for regular full-time and part-time employees will consist of the employee's regular rate of pay for the leave period and will be paid on the regularly scheduled payday.
- 6. Employees may accumulate unused days of paid sick leave beyond the service year up to a maximum of three hundred and twenty hours (320 hours) for use in the future. Sick Leave may not be converted into cash or annual leave.
- 7. Employees will not be paid for accumulated, unused sick leave upon separation of employment.
- 8. An employee may be granted sick leave by notifying the supervisor. If the illness of the employee or his immediate family requires him to use sick leave in excess of three days, the supervisor must be furnished a written statement from a medical provider.
- 9. Sick leave may be supplemented by accrued annual leave or comp time, if available, at the employee's option within the guidelines of this Policy and upon consultation with his or her Department Director and/or Immediate supervisor.



10. Employees who are covered by the Pueblo's disability insurance, and are therefore receiving compensation, may supplement their disability to no more than 16 hours per week. Any supplemental compensation will come from the employee's sick, or annual leave balances.
11. Supervisors are responsible for submitting an Employee Action Notice regarding an employee's disability and submitting another EAN when the employee returns to work. The employee is responsible for completing and submitting all other required disability paperwork.
12. Return to Work from Illness or Injury. Upon completion of treatment for injury or serious illness, the employee will be allowed to return to work without penalty. To return to work, the employee must supply a written clearance from his/her health care provider stating that the employee is in good health, and can return to work in full capacity. If there are restrictions on the level of work that can be performed by the employee upon his/her return, accommodations may be made, at the discretion of the employee's Immediate Supervisor (e.g. returning to "light" duty or a modified schedule). If the employee's position is such that a "light duty" or modified schedule option is not feasible, the employee must utilize other leave or leave without pay pending a doctor's notification that will allow the return to full employment duties.

#### **D. Leave Donations**

Employees who have worked for the Pueblo for one year or more may receive donations of annual leave from other employees to cover leave shortages from illness, injury, death of a family member, or extended care of a severely ill family member. The employee requesting a leave donation will consult with his/her supervisor who will submit a recommendation to the Tribal Administrator for approval/disapproval.

#### **E. Administrative Leave**

In appropriate circumstances, as determined within the discretion of the Governor paid administrative leave may be granted to employees. Examples of administrative leave granted to all employees include instances of office closures, inclement weather, or traditional activities. Other situations not specifically identified in this section may also qualify for administrative leave.

Individual employees may also request administrative leave for traditional, religious or cultural activities. Leave requests should be submitted in as far in advance as possible. Upon receipt of an administrative leave request form and acknowledgement from the supervisor, paid administrative leave may be granted at the discretion of the Governor, for traditional, religious or cultural activities for a total of up to five (5) days annually. Additional time may be granted at sole discretion of the Governor. The request shall be addressed or responded to within three (3) days. Administrative leave for traditional, religious or cultural activities cannot be accumulated and/or carried over from year to year. The Governor's decision on administrative leave is final.

#### **F. Bereavement Leave**

Employees who must take time off due to death of an immediate family member (see definitions) must notify their supervisor immediately. A regular full-time employee will be paid for up to four (4) days of bereavement leave per year. Approval of bereavement leave is the decision of the Governor.

Annual leave may be used for time off from work for bereavement in all other instances.

#### **G. Family/Medical Leave (FML)**

Family/Medical Leave provides unpaid leave of absence to eligible employees for birth or adoption or foster placement of a child, serious health conditions of a child, the serious health condition of a parent or spouse, or the employee's own serious health condition.

##### **1. General Guidelines**

Employees may be eligible to take an unpaid family/medical leave of up to a total of 12 workweeks in any 12-month period for the following reasons:

- The birth of a child of an employee or the placement of a child with the employee for adoption or foster care. Entitlement to leave for the birth or placement of a child for adoption or foster care expires 12 months from the date of birth or placement of the child.
- To care for a spouse, child or parent who has a serious health condition.
- Because of a serious health condition of the employee.

In cases where both spouses are employed by the Pueblo, the combined period of their family and medical leave will be limited to 12 workweeks in any 12-month period, for birth or adoption of a child. In all other instances, including covered health conditions of the employee or the employee's spouse, parent or child, each spouse is entitled to his or her own full 12 weeks of family leave.

The amount of leave that an employee is entitled to at any given time will be determined on a rolling 12-month period, measured backward from the date an employee uses any leave.

All employees are required to designate brief absences as FML leave within two (2) days following their return from leave if the Pueblo has not previously designated this absence as FML leave. If an employee fails to designate the leave at that time, they may not be able to qualify that absence as FML leave at a later date.

##### **2. Employee Eligibility**

To be eligible for unpaid family and medical leave, an employee must:

- Be employed with the Pueblo for at least twelve (12) consecutive months.

- Have at least 1250 hours of service during the 12-month period prior to the leave.
3. Benefits While on Leave  
During an approved FML, an employee is entitled to receive health benefits at the same level and terms of coverage as if they had been working throughout the leave. An employee is not entitled to the accrual of any seniority or leave that would have accrued if not for the taking of leave. An employee who takes FML will not lose any seniority or lose benefits that accrued before the date that leave began.
  4. Restoration of Employment After Leave  
The Pueblo will reinstate an employee returning from FML to the same or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. However, an employee on leave does not have a greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period. An employee may be requested to submit a physician's release to return to work if leave was for his or her own health condition.
  5. Status Reports While on Leave  
Employees on FML may be required, on a periodic basis, to report their status and intent to return, to their Supervisor, Human Resources Manager, or Tribal Administrator as needed.
  6. Substitution of Accrued/Earned Leave  
Employees are required to utilize all accrued Leave as part or all of the twelve (12) work week period. After all paid leave has been exhausted; any time remaining in the twelve (12) work week period must be taken without pay.
  7. Care for a Child After Childbirth, Adoption or Foster Care Placement  
FML taken for childbirth, adoption or foster care placement must be taken within 12 months of the birth, the adoption or foster care placement. Employees must notify their Supervisor and Human Resources Department at least thirty (30) days in advance or give as much advance notice as is practical depending upon conditions. FML taken for purposes of childbirth or adoption must be elected either as an unpaid twelve week leave period or as a paid four (4) week leave period.
  8. Care for Spouse, Child or Parent or Employee's Own Serious Health Condition  
An employee requesting FML due to their own serious health condition or for the serious health condition of their spouse, child, or parent, must notify their Supervisor and Human Resources Department thirty (30) days in advance or give as much advance notice as is practical depending on conditions. Employees with a spouse, child or parent that is a covered military member on active duty may use

their 12-work week leave for certain qualifying exigencies or 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness.

A written explanation from the covered family member's physician or the employee's physician of the need for FML must be submitted to the Department Director with a copy provided to the Human Resources Manager, in both the case of an employee's own serious health condition and that of a covered family member. A written approval from the employee's treating physician of fitness to return to work must be submitted to the Department Director with a copy provided to the Human Resources Manager.

9. Full Time versus Intermittent Leave

Employees may request intermittent or reduced leave schedules. If the necessity for the leave is foreseeable based on planned medical treatment, employees must make a reasonable effort to schedule the treatment so as not to disrupt the operations of the Pueblo. In addition, the employee shall provide as much notice of the request to take such leave as practicably possible.

A written explanation from the employee's physician of the dates and duration of the expected treatment, as well as the medical necessity for intermittent or reduced leave schedule must be submitted to the Department Director with a copy provided to the Human Resources Manager.

10. Temporary Transfers during Intermittent Leave

An employee who requests an intermittent or reduced leave schedule may be temporarily transferred to an alternative position, if such a position is available and has equivalent pay and benefits that the employee is qualified for and that better accommodates recurring periods of leave, as determined by the employee's Supervisor, the Human Resources Manager and the Tribal Administrator on a case-by-case basis.

**H. Unpaid Personal Leave of Absence**

Unpaid personal leaves of absence may be granted for reasons other than those specified in this Policy. Any employee may request a personal leave of absence in writing, including the reason and duration of such leave to their Supervisor. The Tribal Administrator and Department Director will decide on the request jointly. In making that decision, the needs and concern of the employee are balanced with the demands of the Pueblo. In some cases, the Pueblo may grant a leave for a lesser period of time than that requested by the employee. All accrued/earned leave must be exhausted before a personal leave of absence will be granted.

At the time such leave is granted, the Pueblo will inform the employee whether they are to be reinstated to their regular position. If during such a leave of absence, it is necessary

to fill the position of the employee on leave, that employee will be so informed and will have the option of immediately returning to work in the position held prior to the leave, or in a different capacity as determined by the needs of the Pueblo.

#### **I. Military Leave**

##### **1. Annual Military Reserve Leave**

Employees who have a military, service obligation requiring participation of up to two weeks of reserve camp annually will be granted a leave of absence for such purpose. The employee may elect to charge such absence against his or her annual leave provided that advance notice is given to the employee's Supervisor and the Department Director. If the employee does not choose to use such leave, the employee will be paid the amount of his or her salary, from which shall be deducted all amounts received from the military service (i.e. base pay plus bonus for flying time, demolition service, etc., but not including allowances for travel, clothing, rent, subsistence, etc.).

##### **2. Service in the Uniformed Services**

Employees who serve in the uniformed services shall be provided leave and benefits.

#### **J. Time Off to Vote**

Employees are encouraged to fulfill their civic responsibilities by participating in elections. The Pueblo grants its registered voter employees up to two (2) hours of paid time off to vote.

#### **K. Jury Duty**

Any time served by an employee in connection with jury duty will be considered time worked and the employee will be paid his or her regular salary during the time of such service. Any compensation received by the employee for jury duty, exclusive of mileage, must be turned over to the Accounting Department. As an alternative, the employee may request Leave for these days and keep jury duty pay. Proof of service shall be required.

### **VII. BENEFITS**

The following benefits are provided to regular full-time employees. In case of a conflict between any benefit described in this Personnel Policy Manual or in a specific plan, summary plan description, or other legal document, the language of the specific plan, shall prevail, unless otherwise expressly stated in writing. Highly professional employees or employees filling critical positions may be offered incentives such as sign-on bonuses and/or moving expenses only upon concurrence by the Tribal Administrator and Governor.

The employee must commit to a one-year period of employment with the Pueblo or reimburse the Pueblo for any such payments.

**A. Medical Insurance**

The Pueblo provides a medical insurance plan for regular full-time employees and their dependents. Employees become eligible on the first of the month following sixty (60) days of continuous employment. The costs of premiums are shared by the covered employee and the Pueblo. Details about medical insurance coverage are available in the Human Resources Office.

**B. Dental Insurance**

The Pueblo provides a dental insurance plan for regular full-time employees and their dependents. Employees become eligible on the first of the month following ninety (90) days of continuous employment. The costs of premiums are shared by the covered employee and the Pueblo. Details about dental insurance coverage are available in the Human Resources Office.

**C. Vision Insurance**

The Pueblo provides a vision insurance plan for regular full-time employees and their dependents. Employees become eligible on the first of the month following ninety (90) days of continuous employment. Employee only premiums are paid by the Pueblo while dependent coverage is paid by the covered employee. Details about vision insurance coverage are available in the Human Resources Office.

**D. Short Term Disability, Long Term Disability, AD&D and Life**

The Pueblo provides short term disability, long term disability, accidental death & dismemberment (AD&D) and life insurance benefits. Employees become eligible on the first of the month following ninety (90) days of continuous employment. Employee only premiums are paid by the Pueblo. Additional details about these benefits are available in the Human Resources Office.

**E. Retirement Plan**

In addition to the elective contributions that you make, the Pueblo may, but is not required to, made additional discretionary contributions to the Plan on your behalf. Provisions of the plan are subject to change. The Plan Summary is available by request.

**VIII. EMPLOYEE CONDUCT**

To ensure orderly operations and provide the best possible work environment, the Pueblo expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization. The following is a representative list of infractions of rules of conduct that will result in disciplinary action, up to and including, immediate termination of employment:

1. Theft or inappropriate removal or possession of property.
2. Falsification of applications, timekeeping records or any other administrative form.
3. Working under the influence of alcohol or illegal drugs.
4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment.
5. Fighting or threatening violence in the workplace.
6. Boisterous or disruptive activity in the workplace.
7. Negligence or improper conduct leading to damage of Pueblo property.
8. Insubordination, intentional refusal to follow an authorized supervisor's reasonable orders, or other disrespectful conduct.
9. Violation of safety or health rules.
10. Sexual or other unlawful or unwelcome harassment and/or retaliation.
11. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
12. Excessive absenteeism or tardiness.
13. Unauthorized absence from workstation during workday.
14. Unauthorized or inappropriate use of information systems, telephones, computers, the mail system, or other employer-owned equipment.
15. Unauthorized disclosure of confidential information.
16. Violation of personnel policies.
17. Unsatisfactory work performance or conduct.
18. Speaking for, or on behalf of the Pueblo without the express prior approval of the Governor.
19. No employee shall use his or her position to discriminate in favor of an immediate family member or a personal acquaintance.
20. Conviction of any crime for which the employee is subject to a jail term or which brings unfavorable publicity to the Pueblo.
21. Making false accusations against fellow employees.

The above listing of critical offenses is not all inclusive. Other serious offenses of misconduct may justify immediate termination, as deemed appropriate by the Pueblo.

**A. Harassment Policy**

The Pueblo will not permit or tolerate harassment of employees by other employees. This includes, but is not limited to, harassment because of race, sex, religion, creed, color, national origin, ancestry, disability or medical condition, age, or any other basis.

If an employee becomes aware of inappropriate harassment in the workplace whether directed at himself/herself or any other person, they have an obligation to bring it to the attention of their Supervisor, the Tribal Administrator, and/or the Human Resources Manager as soon as possible.

The situation will then be investigated appropriately and privacy will be maintained to the extent feasible under the circumstances. If the results of the investigation confirm that harassment has occurred, remedial action will be taken in accordance with the circumstances involved. Any employee determined by the Pueblo to be responsible for harassment will be subject to appropriate disciplinary action, up to, and including termination.

Retaliation against any individual who complains about an incident of harassment or cooperates in any investigation of alleged harassment is strictly prohibited. Any person found to have retaliated against another individual for reporting harassment will be subject to appropriate disciplinary action, up to and including termination.

#### **B. Sexual Harassment Policy**

It is the Pueblo's Policy that all employees have a right to work in an environment free of discrimination which includes freedom from harassment, more specifically sexual harassment. The Pueblo considers sexual harassment, in whatever form, in the workplace (or on work travel) to be a serious violation of an individual's dignity and personal rights. In all matters, where a complaint of sexual harassment is reported against an employee, the Pueblo has a duty and obligation to conduct a thorough investigation using discretion, good judgment and the principles and practice of strict confidentiality. The sexual harassment procedure shall be as follows:

**Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submissions to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

#### **Procedure:**

- a) Should an employee have a complaint, he/she should file a formal written complaint with the Human Resources Manager, Tribal Administrator, Immediate Supervisor or Governor. If the complaint is filed with the Immediate Supervisor or Governor, the complaint will be immediately turned into the Human Resources Office to investigate.
- b) The Human Resources Manager and Tribal Administrator are obligated to investigate the complaint which is to be held in the strictest confidence. This investigation shall be done within five (5) working days from receiving the formal written complaint
- c) If after investigating the complaint, the Human Resources Manager, with the concurrence of the Tribal Administrator, finds cause to take disciplinary action due to a sexual harassment violation, the employee will be disciplined accordingly by their Supervisor. This disciplinary action shall be initiated within five (5) working days from the date the Supervisor receives the incident report from the Human Resources Manager and Tribal Administrator.



Human Resources shall provide an incident form for employees to use when reporting any sexual harassment.

Examples of forms of sexual harassment include, but are not limited to:

- The telling of off-color or jokes of a sexual nature.
- Improper remarks concerning an employee's physical appearance
- Commenting on an employee's choices of clothing in sexual or discriminatory terms.
- Continually making romantic or sexual overtures to an employee who has expressed that they are unwanted.
- Any suggestion that the way to advance within the organization is to have a romantic or sexual interaction with a supervisor.
- Posting or circulating nude or explicitly sexual pictures
- Maintaining or accessing pornographic Websites on a work computer or terminal.
- Unwelcome touching, fondling, pinching or other physical contact

Sexual harassment can include verbal and visual actions, in addition to physical contact. Each situation is fact-specific. Sexual harassment may include those who are not the target of such behavior but who observe or hear such behavior.

### **C. Attendance**

Attendance is extremely important to the government operations of the Pueblo and employees are required to arrive for work on time, to work as scheduled and to minimize unscheduled absences and lateness. It is the expectation of the Pueblo that employees act responsibly and maintain an excellent attendance record.

It is recognized that employees, on occasion, may not be able to come to work or need additional time before arrival. If an employee cannot report to work as scheduled, the employee must notify their Supervisor prior to the scheduled work time. If lateness is due to problems with transportation, weather emergencies and the like, the employee may make up the lost time during the day at the discretion of the employee's Supervisor. In such cases, the lateness will be deleted from the employee's record.

An emerging pattern of absenteeism and/or lateness will result in disciplinary action, up to and including termination of employment.

An employee's failure to properly notify their Supervisor of absence from work will result in an unexcused absence. Any unexcused absence is grounds for disciplinary action, up to and including termination of employment. An unexcused absence of more than three (3) consecutive days will be deemed a voluntary abandonment and resignation of employment.

#### **D. Conflicts of Interest**

Employees are expected, at all times, to act in the best interest of the Pueblo. An actual or what may appear to be a potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Pueblo's business dealings and operations. Employees have an obligation to conduct business within policies that prohibit an actual or potential conflict of interest or the appearance of a conflicts of interest.

Business dealings with outside firms should not result in unusual gains for those firms or employees. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Dealings that could be interpreted to involve unusual gain require specific approval from the Tribal Administrator and Governor.

However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Tribal Administrator the existence of any actual or potential conflict of interest or the appearance of a conflict of interest so that safeguards can be established to protect all parties. If the employee is the Tribal Administrator, the disclosure should be made to the Governor.

A conflict of interest violation may be cause for disciplinary action, up to and including termination.

#### **E. Dress Code**

Employees shall dress in a manner appropriate to their positions and proper in respect to specific occasions including trainings and meetings. Employees will be informed during orientation if their position requires a specific dress. If at any time an employee's dress is inappropriate, the supervisor will confidentially advise the employee to seek appropriate dress. Sweatpants, torn jeans, or dirty clothing are not considered acceptable attire.

#### **F. Confidentiality**

The protection of confidential business information, trade secrets and tribal information is vital to the interests and the success of the Pueblo. Employees are exposed to confidential information and all employees must safe guard confidential information. Some employees have access to information of highly personal and intimate nature regarding the community entrusted to, and trusting in, their service. Professionally, ethically, and legally, it is the responsibility of all employees and volunteers to maintain the strictest confidentiality regarding business, financial or any personal information learned about others.

All employees are required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose confidential information will be subject to disciplinary action, including termination of employment and legal action, even if they do not benefit from the disclosed information. Improper use and disclosure of

confidential information includes discussing internal Tribal work issues on social media such as Facebook, Twitter, Tumbler, etc.

**G. No Smoking Policy**

In keeping with the Pueblo's intent to provide a safe and healthy work environment, smoking in the workplace is prohibited. The NO Smoking policy applies equally to all employees, community members, and visitors. No smoking is allowed within 25 feet of building entrances and no smoking is allowed in leased or tribally owned vehicles.

**H. Drug and Alcohol Policy**

The Pueblo is a drug-free and alcohol-free workplace and has adopted a no-tolerance policy with respect to alcohol and drug abuse. The Pueblo is committed to providing a safe work environment and to promote and protect the health, safety, and wellbeing of our employees and community members. This commitment is jeopardized when any employee engages in use, possession, sale, conveyance, distribution or manufacture of illegal drugs, intoxicants, controlled substances or abuses prescription drugs or alcohol. It is a violation of the Drug and Alcohol Policy for any employee:

1. To use, possess, sell, convey, distribute, or manufacture illegal drugs, intoxicants, or controlled substances.
2. To use, abuse or be under the influence of alcohol anytime during work hours.
3. To use prescription drugs illegally. It is the responsibility of the employee to report the use of prescribed drugs that MAY (per warning labels provided by the pharmacy) affect the employee's judgment, performance, behavior or ability to function properly.
4. To be indicted or convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace.
5. To be indicted or convicted for driving while intoxicated or driving under the influence (DWI/DUI) in any jurisdiction when driving is a requirement as part of the job duties.
6. Use of marijuana or other controlled substance on the job, or appearing at work under the influence of marijuana, whether or not the employee has a valid prescription for the possession and use of marijuana for medical reasons.

The Pueblo may also require an employee who violates this policy to participate satisfactorily in a substance abuse treatment or rehabilitation program.

As a condition of employment, employees must abide by the terms of this policy and must notify the Pueblo in writing of any indictment or conviction of a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such indictment or conviction. Employees must notify the Pueblo in writing of any arrest and/or citation for DWI/DUI within forty-eight (48) hours.

It is the policy of the Pueblo to commit the resources necessary to achieve and maintain a drug-free and alcohol-free environment. The Pueblo may establish written procedures to conduct alcohol and other drug screening tests to both prospective and current employees. Refusing consent to testing or refusing to submit a urine sample for testing is grounds for immediate termination of employment. Failing, when requested by the Pueblo, to enroll in any alcohol or other drug treatment or counseling program and failing to adhere to the requirements of the program is grounds for termination of employment. Violations of this policy are subject to disciplinary action up to and including termination of employment.

**I. Self-Referral**

Employees with personal drug, alcohol or controlled substance abuse problems should request assistance through their individual program or department, the Human Resources Office or any employee assistance program. Assistance will be provided on a confidential basis, and each employee will be referred to the appropriate treatment and counseling services including the Pueblo's Employee Assistance Program. Employees who voluntarily request assistance in dealing with drug or controlled substance abuse problems may do so without jeopardizing their continued employment with the Pueblo subject to reasonable limits established by the Tribal Administration.

**IX. COMPANY PROPERTY**

**A. Use of Equipment – Phones, Computers, Vehicles, Etc.**

Desks, computers, vehicles, phones, other equipment, supplies, program documents and facilities are the property of the Pueblo and are to be used only for work-related purposes and not used for personal or non-business reasons. Items such as keys, laptops, tablets, and cell phones will be recorded as being issued to employee upon hire and must be returned upon separation of employment. When using Pueblo property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. Only authorized personnel may use equipment and vehicles. Employees' must have a valid driver's license, must be insurable and may be required to obtain certification or training. Vehicle use shall be regulated by the Motor Vehicle Usage Policy and Procedures.

The Pueblo reserves the right to inspect all property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. An employee's supervisor should be notified if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. Employees are required to notify their Supervisor if their driver's license becomes invalid for any reason

if the operation of a motor vehicle is an integral or required part of the employee's job duties.

Pueblo computers, postage, phone systems, voicemail, email and other systems are to be used for business purposes only. The Pueblo reserves the right to access, review, and exclude material transmitted over or stored in these systems at any time, without notice, and not necessarily in the employee's presence. The inappropriate use of systems can result in disciplinary action, up to and including termination of employment.

Computer, computer files, the email system, and software furnished to employees are property of the Pueblo and are provided solely for the intention of business use. The Pueblo prohibits the use of computers and the email system in ways that are disruptive, offensive to others, or harmful to morale. Non-work-related software must be approved by the IT Department prior to installation.

The display or transmission of sexually explicit images, messages and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or show disrespect for others.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media include all means of communicating or posting information. Ultimately, employees are solely responsible for what they post online.

The creation or sharing of content from social media sources that has a negative impact on the government, employees, citizens, contractors or vendors of the Pueblo may result in disciplinary action up to and including termination.

Employees should refrain from using social media while on work time or performing work-related functions. Work email addresses should not be used to register on social networks or other networks intended for personal use. Employees should not register on such sites in a capacity that gives the impression opinions expressed are speaking for the Pueblo.

Internet access is provided to assist employees in obtaining work-related data and technology. All Internet data that is composed, transmitted or received via Pueblo computer systems shall be considered part of the official records of the Pueblo and, is subject to disclosure to law enforcement or other third parties. Employees should ensure that all information transmitted by use of the Internet is accurate, appropriate, ethical and lawful. The following behaviors are examples of activities that are prohibited and can result in disciplinary action up to and including termination:

1. Sending or posting discriminatory, harassing or threatening messages or images;
2. Using technology provided by the Pueblo for personal financial gain;

3. Stealing, using or disclosing a person's code, password or access information without authorization;
4. Copying, pirating, or downloading software or electronic files without permission of the author;
5. Violating copyright law;
6. Engaging in unauthorized transactions that incur cost to the government, or unwanted paid services or surcharges;
7. Sending or posting messages or material that could damage the image or reputation of the Pueblo;
8. Participating in the viewing, storing, exchanging or creating of pornographic or obscene material;
9. Sending or posting messages that defame or slander other individuals, races or protected classes;
10. Attempting to break into a computer system or files of other persons or organizations ("hacking") without authorization;
11. Refusing to cooperate with a security investigation;
12. Using the Internet for political causes or activities, religious activities or gambling;
13. Compromising the security of the Pueblo's electronic communications systems;
14. Sending or posting messages disparaging the goods or services of a third-party business or organization;
15. Passing off personal views as the endorsed views of the Pueblo;
16. Sending anonymous email messages;
17. Engaging in any activity that would be a violation of federal or tribal laws.
18. Employees are required to immediately complete an incident report form regarding any knowledge of a violation of this Use of Equipment policy to their Supervisor. Failure to report such unauthorized use may result in appropriate disciplinary action up to and including immediate termination of employment.

**B. Visitors in the Workplace**

To provide for the safety and security of employees and the facilities at the Pueblo, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on the Pueblo's premises, employees should immediately notify the Tribal Administrator. In addition, employees may be requested to complete an Incident Report Form.

## **X. SAFETY IN THE WORKPLACE**

### **A. Workplace Violence**

The Pueblo is committed to providing its employees a work environment that is safe, secure, and free from harassment, intimidation and violence. The Pueblo maintains a zero-tolerance policy regarding all workplace violence. Violence will result in immediate termination of employment.

The word "violence" in this policy shall refer to an act or behavior that:

1. is an actual physical assault;
2. a reasonable person would perceive as obsessively directed, e.g., intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property;
3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
4. would be interpreted by a reasonable person as carrying potential for physical harm to the individual;
5. is a behavior, or action, that a reasonable person would perceive as menacing;
6. involves carrying or displaying weapons, destroying property, using or throwing objects in a manner reasonably perceived to be threatening; or
7. consists of a communicated or reasonably perceived threat to destroy property.

Violent actions on Pueblo property or facilities, or while on Pueblo business, will not be tolerated or ignored. The Pueblo intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

All employees and everyone on Pueblo property should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the Pueblo without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a client, or a member of the public at any time, including off-duty periods, will not be tolerated. All threats of violence or actual violence, both direct and indirect, must be reported as soon as possible to your immediate Supervisor or any other member of management. This includes threats by employees, as well as threats by community members, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All reports of threats and/or actual violence and suspicious individuals or activities will be promptly and thoroughly investigated by the Human Resources Manager. The identity of

the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, an employee may be suspended, either with or without pay, pending an investigation.

Any persons determined to be responsible for threats of, or actual violence or other conduct that is in violation of these guidelines will be subject to prompt termination of employment.

Employees are encouraged to bring their disputes or differences with other employees to the attention of their Supervisor and the Human Resources Manager. If the matter cannot be resolved, then the employee's Supervisor and employee together should bring the matter to the attention of the Tribal Administrator and the Human Resources Manager for resolution.

#### **B. Workplace Safety, Emergencies, and On the Job Injury**

The Pueblo strives to provide safe working conditions for its employees. No one is required to work in a manner known to be unsafe. Safety is every employee's responsibility, and all employees are expected to do everything reasonably necessary to keep the Pueblo a safe place to work. Employees must report safety hazards, accidents or injuries to a Supervisor immediately. It is extremely important for the employee to report the injury immediately, no matter how minor it may seem, due to the Worker's Compensation guidelines. If an accident or injury is not reported in a timely manner (within twenty-four (24) hours), it could mean the denial of a claim and the employee would be responsible for paying out of pocket for the injury sustained on the job. Supervisors are expected to notify the Human Resources Manager when there has been a report of a safety hazard, accident or injury. Work related accidents or injuries may be subject to medical examination. Failure to report incidents within twenty-four (24) hours could result in disciplinary action up to and including termination of employment.

### **XI. CORRECTIVE ACTION**

#### **A. Progressive Discipline**

The purpose of this policy is to state the Pueblo's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The Pueblo's best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial.

The purpose of any disciplinary action is to correct the infraction, prevent recurrence, and prepare the employee for satisfactory performance in the future.

Employment with the Pueblo is based on mutual consent and both the employee and the Pueblo, with the concurrence of the Tribal Administrator, and shall use progressive discipline for those activities or conduct that does not require immediate termination.



The Pueblo has the right to terminate employment at will, with or without cause or advance notice. The Pueblo reserves the right to alter the progressive discipline process including, not proceeding in the order listed, if the Supervisor, Department Director and the Human Resources Manager determine that the action or conduct warrants alteration of the other steps. When the conduct or performance on an employee is not meeting required standards, corrective action steps will be taken. Disciplinary action may call for any of six steps – Record of Discussion, Documented Verbal Warning, Documented Written Warning, Suspension, Corrective Action Plan and/or Termination of Employment. The following steps may be undertaken depending of the severity of the infraction, the urgency of remedy, the number of prior occurrences, or other factors where a Supervisor determines that one or more steps in the process should be bypassed.

**B. Record of Discussion**

1. When a Supervisor identifies an employee's unacceptable behavior, the Supervisor shall initiate a private discussion with that employee.
2. The Supervisor will provide coaching to the employee and provide information as to how the employee can correct unacceptable behavior.
3. The Supervisor will document the discussion by using the approved Record of Discussion form.
4. An employee may request an employee from the Human Resources Office to be present during a Record of Discussion.
5. The Record of Discussion may be placed in the employee's official personnel file but will remain with the Supervisor and may be used as a reference for future disciplinary action if the unacceptable behavior continues.

**C. Documented Verbal Warning**

1. When a Supervisor identifies an employee's unacceptable behavior and/or a performance that warrants a documented verbal warning, the Supervisor shall initiate a discussion with the employee within three (3) business days after discovery of the unacceptable behavior and/or performance.
2. The Supervisor will document the verbal warning by using the approved Disciplinary Action form.
3. A private discussion between the employee and Supervisor will occur to address the Disciplinary Action form, to discuss the corrective action to be taken, and to outline the expected behavior of the employee in writing.
4. An employee may request an employee from the Human Resources Office to be present during a documented verbal warning.
5. Written confirmation of a verbal warning or coaching shall be noted in the employee's personnel file.

**D. Written Warning**

A documented written warning may be issued after a documented verbal warning has been issued to the employee and corrective action has not resulted in acceptable employee behavior.

1. When a Supervisor identifies an employee's unacceptable behavior that warrants a documented written warning, the Supervisor shall initiate a documented written warning within three (3) working days after discovery of the unacceptable behavior and/or performance.
2. The Supervisor will document the written warning by using the approved Disciplinary Action form.
3. A private discussion between the employee and Supervisor will occur to address the Disciplinary Action form, discuss the corrective action to be taken and the expected behavior of the employee, steps taken in any prior warning or disciplinary action, and to address any additional training, support or other needs to restore the employee to acceptable behavior. Any decisions on additional remedial measures will be documented in writing. In addition, the employee will receive formal notice of the consequences of continued unacceptable behavior and any timelines for the employee to demonstrate compliance with Supervisor's directions.
4. The employee may request that an employee from the Human Resources Office be present at any Documented Written Warning and may include in the personnel file any documentation the employee believes is relevant to the circumstances.
5. Written documentation from the Supervisor will be included in employee's personnel file.

#### **E. Suspension**

A Supervisor may suspend an employee without pay. The employee shall not be suspended for more than three (3) working days. No other department of the Pueblo shall hire the suspended employee during the suspension period. The Supervisor and Tribal Administrator shall determine whether or not the employee will be retained or terminated. The employee shall receive a written notice of the suspension and records will be routed as follows: one copy for the employee's Supervisor, one copy for the Tribal Administrator and one copy for the employee's personnel file. If an investigation is necessary to determine the facts surrounding the unacceptable behavior and/or performance, an employee may be placed on Administrative Leave Without Pay pending the outcome of the investigation. If an employee is suspended, the employee may request a review of the suspension by making a written request to the Human Resources Office within the suspension period. A meeting will be held within three (3) days of the request for review between the employee and the Supervisor. The Supervisor shall make their recommendation in writing within three (3) working days of the meeting with a copy to the Human Resources Manager and to the employee.

If the employee is not satisfied with the decision of the Supervisor, or if their Supervisor fails to act within the specified time, the employee may request a review of the suspension by making a written request to the Department Director and/or Tribal Administrator, with copy to the Human Resources Office. Filing must take place within five (5) calendar days after the Supervisor's decision or, in the case of no action, five (5) calendar days after the final day of the Supervisor's decision-making time limit. A meeting

will be held between the employee, Supervisor and Tribal Administrator within five (5) calendar days after the re-filing. The Tribal Administrator must make a recommendation in writing, with a copy to the Human Resources Office, within three (3) working days after the meeting and must notify the aggrieved employee.

#### **F. Corrective Action Plan**

The Supervisor may decide that an employee could be an asset to the organization and rather than seek termination, he/she may be placed on a Corrective Action Plan. This plan is a period of up to 6 months where all activity, compliance with this policy, performance, behavior, attitude, initiative, and other characteristics will be tracked to determine alignment with the job duties and responsibilities. A Corrective Action Plan is a documented plan prepared by the immediate Supervisor of the employee with clear and measurable objectives and deadlines for attainment. No employee is entitled to receive a Corrective Action Plan as a prerequisite to termination. Employees are entitled to a meeting to discuss the results of their attempts to comply with Corrective Action Plan requirements. Should the employee fail to complete the Corrective Action Plan, the employee will be terminated without recourse. Upon successful completion of the Corrective Action Plan the employee will be considered in good standing. The Department Director and/or the Tribal Administrator will monitor the Corrective Action Plan to ensure its completion.

#### **G. Termination**

There are circumstances which warrant such action in the opinion of a Supervisor, with the concurrence of the Department Director and the Tribal Administrator that the relationship between the employee and the Pueblo should be terminated. Any employee may be terminated at will.

1. A termination of employment shall be initiated if previous attempts at progressive discipline have not resulted in acceptable behavior by the employee, or if unacceptable behavior and/or performance warrant a deviation from the progressive discipline system.
2. When a Supervisor identifies an employee's unacceptable behavior that warrants a termination, the Supervisor shall initiate a termination within three (3) business days of discovery of the unacceptable behavior and/or performance.
3. The Supervisor will document the termination by using the approved Disciplinary Action form.
4. The Supervisor and an employee from the Human Resources Office shall provide the employee with the Disciplinary Action form and discuss the separation of employment, recovery of Pueblo property from the possession of the employee and to discuss any other terms related to separation of employment.
5. Documentation related to the termination shall be referred to the employee's personnel file and shall remain a part of that file indefinitely.
6. A termination shall be deemed effective immediately upon issuance of the Disciplinary Action form.

7. Employees terminated shall be entitled to receive all earned pay to the date of termination, subject to deductions for any indebtedness or unreturned property. Any annual leave at the end of employment shall not be paid.

## **XII. Grievances and Appeals**

It is the policy of the Pueblo to ensure that all employees have access to a process for workplace grievances to be heard in a safe and fair manner. A grievance, as established in this policy shall be defined as an employee's unresolved dissatisfaction with any aspect of the working conditions (except termination) or working relationships which is brought to the attention of a Supervisor or the Human Resources Department. An employee filing a grievance shall be free from restraint, coercion, discrimination, or reprisal. The Pueblo recognizes the importance of open communication in resolving disputes. All complaints shall receive full and fair consideration.

The grievance process shall be kept confidential and all communications, documents, and records relating to a grievance shall be kept in a separate file and maintained by the Human Resources Department.

A probationary employee shall not be permitted to file a grievance. A termination of an employee shall not be subject to that grievance process. An employee filing a grievance shall be responsible to comply with the requirements of this policy including any time deadlines.

### **Grievance Procedures**

The following grievance procedures shall apply to all grievances within the executive administration under the authority of the Governor:

**Step 1 (informal):** An aggrieved employee is encouraged to attempt to resolve the dispute or problem in an informal, non-confrontational manner by making an appointment with their immediate Supervisor to discuss the matter. The Supervisor shall promptly inform his/her Supervisor and the Human Resources Department in writing that an aggrieved employee has requested a meeting to discuss an issue. The aggrieved employee and Supervisor shall promptly meet to discuss and attempt to resolve the matter. If the matter cannot be resolved informally, or if the employee does not believe that a discussion with their Supervisor is appropriate, then an aggrieved employee shall be required to go through the following steps to file a formal grievance or to appeal a grievance decision:

**Step 2 (Informal):** An aggrieved employee shall file a written grievance with their Supervisor, with a copy to the Human Resources Department, within ten (10) calendar days following the incident causing the grievance. A meeting shall be held between the employee and the Supervisor within five (5) calendar days following the submission of a grievance. The employee's Supervisor shall make a recommendation, in writing, with a copy to the Human Resources Department, within three (3) calendar days after the meeting and must notify the aggrieved employee in person or by certified mail.

**Step 3 (Informal):** If the employee is not satisfied with the decision, or if their Supervisor fails to act within the specified time, the employee may appeal the decision and file a written grievance with the Department Director and/or Tribal Administrator, with a copy to the Human Resources Department. Filing must take place within five (5) calendar days after Supervisor's decision or, in case of no action, five (5) calendar days after the final day of the of the supervisor's decision-making time limit. A hearing shall be held between the aggrieved employee, the Department Director and/or the Tribal Administrator within five (5) calendar days after the re-filing or appeal. The Department Director and/or Tribal Administrator must make a recommendation in writing, with a copy to the Human Resources Department within three (3) calendar days after the hearing and must notify the aggrieved employee either personally or by certified mail.

**Step 4 (Informal):** If the employee is not satisfied with the decision, or if the Department Director and/or the Tribal Administrator fails to act within the specified time; the employee may appeal the decision and file a written grievance with the Grievance Committee, with a copy to the Human Resources Department. Filing must take place within five (5) calendar days after the Department Director and/or the Tribal Administrator's decision or, in case of no action, five (5) calendar days after the final day of the decision-making time limit. A hearing shall be held between the aggrieved employee, employee's Supervisor, an employee from the Human Resources Department and the Grievance Committee within five (5) calendar days of filing. At this hearing, any party may present witnesses and other evidence. The Grievance Committee shall make its recommendation in writing within three (3) calendar days of the hearing and notify the aggrieved employee in person or by certified mail.

**Grievance Committee:** An Ad Hoc Grievance Committee will be established for purposes of hearing grievances as described herein. The Grievance Committee shall be appointed by the Tribal. If the Tribal Administrator is involved in the dispute, the Governor will appoint the committee members. The committee shall consist of two (2) members of management and one (1) employee. *Committee members will be required to sign a non-disclosure agreement.*

The Ad Hoc Grievance Committee shall decide regarding the grievance, in writing, within three (3) calendar days after the meeting and shall notify the aggrieved employee of the decision in person and by certified mail. The Ad Hoc committee shall provide a copy of the decision to the Human Resources Department. The decision of the Ad Hoc Committee shall be final.

#### **Grievance Policy Guidelines**

1. A grievance shall not exist until such time that an employee makes known to their Supervisor or the Human Resources Department that employment dissatisfaction exists. A formal grievance shall be in writing and shall be specific and supported

by factual evidence. The employee filing a grievance shall be required to be present at each proceeding of their case. Failure to follow the steps above, will result in a dismissal of the grievance.

2. Employees shall be required to appear as witnesses as part of the grievance process when requested by the aggrieved employee, or any other party to the grievance, the Tribal Administrator, or the Ad Hoc Grievance Committee.
3. The Governor shall have the authority to intervene and address grievance against any employee of the executive branch of government under the authority of the Governor notwithstanding the requirements of this policy. Depending on the nature of the grievance, the Governor shall have the sole discretion to address a grievance in a manner other than the process established in this policy and may reasonably modify the deadlines in this policy due to unforeseen or extraordinary circumstances. The Governor may not involve Himself in a grievance if any party to the grievance is an immediate family member or closer relative.

### **XIII. LEAVING EMPLOYMENT WITH THE PUEBLO**

Employment with the Pueblo is "at-will" so that employment is voluntarily entered into by the employee and the employee is free to resign at any time, with or without cause. Similarly, the Pueblo is free to terminate the employee at any time, with or without cause. All those concerned will treat any separation from employment in a professional and confidential manner.

#### **A. Voluntary Separation**

An employee wishing to terminate employment in good standing is expected to give as much advance notice as possible. Two (2) weeks or ten (10) working days is generally considered sufficient notice time. A voluntary resignation should be done in writing by the employee and confirmed in writing by their Supervisor. A confirmed resignation may be withdrawn by written request of the employee and at the sole discretion and written approval of the Tribal Administrator.

An employee who resigns from employment shall be entitled to receive all earned wages, subject to deductions for any indebtedness or unreturned property which includes deduction from final paycheck for drug test and background check costs if employment is less than two (2) weeks. Payment for earned hours will be paid by next regularly scheduled payday subject to the following: verification of time worked, return of equipment, calculation of any costs owed to the Pueblo by the employee, and other indebtedness. All unused annual leave balances up to a maximum of eighty (80) hours will be paid out by the next regularly scheduled payday.

## **B. Involuntary Separation**

Employees may be terminated in accordance with the at-will employment status. Nothing in this Personnel Policy Manual shall limit the right to terminate at-will employment. An employee may be involuntarily separated when the seriousness of the matter is such that the employee cannot be permitted to remain on the workforce.

An employee absent from work without authorization or without notifying their supervisor for three (3) consecutive days, may be deemed to have affected a job abandonment resignation.

An employee who is involuntarily separated from employment shall be entitled to receive all earned pay subject to deductions for any indebtedness or unreturned property. Payment for earned hours shall be processed within five (5) business days after the date of termination but is subject to the following time constraints: verification of time worked, return of equipment, calculation of any costs owed to the Pueblo by the employee, other indebtedness, completion of specific projects, and related matters. All unused annual leave balances will not be paid out for an involuntary ~~at~~ separation.

## **C. Return of Property**

Employees are responsible for items issued to them by the Pueblo or in their possession or control, including but not limited to the following:

1. Credit cards
2. Equipment
3. Identification badges
4. Keys
5. Manuals
6. Cellular Telephones
7. Intellectual property
8. Tools
9. Uniforms
10. Vehicles
11. All Computer Equipment
12. Passwords

Employees must return all Pueblo property on or before their last day of work to their Supervisor or the Human Resources Department. The Pueblo may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Pueblo may also take all action deemed appropriate to recover or protect its property.

## **D. Eligibility for Rehire Policy**

The Supervisor, with acknowledgment from the Department Director, is responsible for determining and recommending whether an employee is eligible for rehire each time an

employee terminates employment, whether voluntarily or involuntarily, and if any conditions exist that would affect the rehire eligibility process. Any employee who leaves the Pueblo de San Ildefonso in good standing and later wants to return is eligible for consideration for rehire. A former employee who is rehired will not be given credit for prior service for purposes of, paid time off (including vacation, and sick leave) or eligibility thereof and other applicable employee benefits.

1. Consultation before Determining Not Eligible for Rehire or Not Recommended for Rehire

Both the Supervisor and/or Department Director must confer with the Tribal Administrator or Governor and obtain approval of the recommended determination of whether the exiting employee is “Not Eligible for Rehire” or “Not Recommended for Rehire.” After receiving final approval, Human Resources must document the determination on the EAN (Employee Action Notice) and share the determination with the exiting employee during the exit interview.

2. Verification of Rehire Status

Human Resources will verify eligibility for rehire before activating the application. The Tribal Administrator and the Department Director will be advised of the former employee’s eligibility for rehire and the requirement to check references, including contacting the previous Pueblo supervisor before extending an offer of rehire.

3. Examples and Eligibility for Rehire Classifications

The list below provides examples of reasons for leaving the Pueblo and a corresponding classification of eligible for rehire, not recommended for rehire and not eligible for rehire. These are not all inclusive. The Pueblo reserves the right to decide to rehire based on the particular circumstances of the former employee’s performance, reason for leaving time passed since leaving Pueblo employment, and other relevant factors.

Voluntary Resignation	Eligible
Retirement	Eligible
Temporary Employment Ends	Eligible for Rehire once Credentials have been Reestablished
Attendance Violation	Not Recommended
Poor Performance	Not Recommended
Sleeping on the Job	Not Recommended



Unsafe Work Practices	Not Recommended
Job Abandonment (quit without notice) or ongoing documented attendance issues that have been addressed through the corrective action process to include termination	Not Recommended
Introductory and Evaluation Period termination: depending on circumstances	Not Recommended
Resignation – in lieu of discharge	Not Recommended
Inappropriate Behavior	Eligible after 5 years