



SHINGLE SPRINGS BAND OF MIWOK INDIANS
HUMAN RESOURCES
POLICY MANUAL

HUMAN RESOURCES POLICY MANUAL
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POLICY 1. GENERAL STRUCTURE

Section 1. Introduction

This manual is established by the Shingle Springs Band of Miwok Indians (“Tribe”) Tribal Council acting in its governmental capacity to regulate employment within its jurisdiction, including those between the tribal government and its employees, to implement the Tribe’s Employment Code and to provide a system of Human Resources (“HR”) administration that reflects the needs of the Tribe. This manual will detail the means to recruit, interview, select, develop, and maintain an effective workforce and includes policies and procedures covering hiring and promotion, training, job classifications, salary, benefits, performance management, termination, and other related activities.

Section 1. Severability

Should a provision of this policy or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other portions of this policy which are considered to have effect without the invalid portions.

Section 2. Amendment

The Chairperson or his/her designee shall have the authority to establish, as well as revise, Human Resource policies subject to Shingle Springs Band of Miwok Indians Tribal Council review and approval. Forms or other documents needed to fully implement this policy may be created and revised at the direction of the Chairperson or his/her designee as necessary without need for amendment to this policy.

Section 3. Applicability

These policies shall apply to all employees of the Tribe unless a specific departmental policy applies. This manual supersedes any previous verbal or written policies, practices, procedures, or promises made by the Shingle Springs Band of Miwok Indians, concerning its employees’ terms and conditions of employment, except those expressed in written individual employment agreements.

Section 4. Sovereign Immunity

These policies are not intended to, nor do they waive the sovereign immunity of the Tribe, and do not constitute, a contract for employment between the Tribe and employees. All employees are responsible for reading, understanding, and complying with the provisions of these policies and procedures. Any disputes under this Policy shall be resolved by the Shingle Springs Tribal Court, in accordance with and as authorized by the Tribe’s Employment Code.

Section 5. Definitions

- A. **“Bullying”** shall mean the repeated abuse that creates a psychological power imbalance and an inability of targets to engage in self-defense. It causes psychological and physical harm to targets and witnesses and typically happens at least once a week for a period of time. There are three typical types of bullying behavior: aggressive communication, acts aimed at humiliation, and manipulation of work.
- B. **“Chairperson or his/her Designee”** shall mean the Chairperson of the Tribal Council and his/her appointed interim authority.
- C. **“Evidence of Relationship”** shall mean supporting documentation needed to take FMCL for purposes of bonding with a newborn child. Such Evidence of Relationship shall include one of the following: copy of child’s birth certificate; copy of the completed hospital or birthing center documents attesting to the birth of the child (the document must include the baby’s name and date of birth along with the Father’s full name); letter from a medical provider of the newborn (the document shall contain the child’s full name, gender, date of birth, full name of mother, father, and/or domestic partner, and the signature and date of the physician’s); or other documents from the appropriate government agency evidencing adoption, foster care placement, or declarations of paternity.
- D. **“Family and Medical Care Leave”** the Tribe provides employees job-protected unpaid leave due to a serious health condition that makes the employee unable to perform his or her job, or to care for a sick family member, or to care for a new child (including by birth, adoption or foster care).
- E. **“Fraud”** shall mean the intentional act of misconduct, violation of trust, deception, concealment or misrepresentation resulting in a financial loss to the organization.
- F. **“Human Resources (“HR”)** shall mean the Human Resources Department of the Shingle Springs Band of Miwok Indians.
- G. **“Immediate Family”** is spouse, domestic partner, parents and grandparents, children and grandchildren, brothers and sisters, mother-in-law and father-in-law, brothers-in-law and sisters-in-law, daughters-in-law and sons in law. Adopted, half, and step members are also included in immediate family.
- H. **“Leave”** is defined as any authorized absence, with or without pay, during regularly scheduled work hours.
- I. **“Manual”** shall mean this Shingle Springs Band of Miwok Indians Human Resources Policies and Procedures Manual describes in detail the correct processes used in the Human Resources Department.

- J. **“Policy”** shall mean this Shingle Springs Band of Miwok Indians Human Resources Policy describing in detail the correct processes used in the Human Resources Department.
- K. **“Shingle Springs Band of Miwok Indians (“Tribe”)**” is the Shingle Springs Band of Miwok Indians, a sovereign Indian nation, federally recognized by the United States of America. The Tribe occupies the Shingle Springs Rancheria located in Shingle Springs, El Dorado County, California.
- L. **“Seniority”** is the employee’s relative status with respect to length of service with the Tribe as established by his/her hire date following a successful completion of the eligibility period.
- M. **“Sick Leave”** shall mean time off from work, paid or unpaid, on account of an employee's temporary inability to perform duties because of sickness or disability.
- N. **“Social Media”** shall mean the online technologies and practices that are used to share information and opinions, host conversation and build relationships. It can involve a variety of formats.
- O. **“Tribal Council”** is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe.

Section 5. Administration of Policies

The Chairperson or his/her designee has the authority to hire and terminate employees in accordance with the provisions of this manual. The Chairperson or his/her designee will perform the following functions:

- A. Hire and terminate employees in accordance with the provisions of this Policy Manual.
- B. Review HR policies and procedures, and recommend appropriate modifications when appropriate.
- C. Administer the HR system as well as its implementation.
- D. Monitor activities to ensure that HR procedures are followed, and that there is a positive work environment.

POLICY 2. GENERAL EMPLOYMENT PROVISIONS

Section 1. General Employment Provision

To be considered for employment with the Tribe a person must complete and sign an Employment Application. At the direction of the Chairperson or his/her designee, the appropriate employees will conduct interviews and, prior to an offer of employment being extended, will conduct reference checks of prior employment. Additional background checks, including but not limited to, educational verification, DMV, and credit checks may be required for certain job classifications.

Section 2. At-Will Employment

Employment with the Tribe is for no definite or determinable period and may be terminated at any time, with or without cause, at the option of the employee or the Tribe, and no promises or representations are binding on the Tribe unless made in writing, reviewed and approved by Legal Department and signed by the employee and the Tribal Chairperson. Receipt and acknowledgement of receipt of these policies and procedures does not imply an employment contract. The at-will employment relationship may not be modified by any oral or implied agreement, and no policy, nor any course of conduct, practice, award, promotion, performance evaluation, transfer, or length of service can modify this at-will relationship.

Section 3. Employment Classifications

The HR Director, in consultation with appropriate staff, shall be responsible for the classification of all positions.

- A. Types of Employment. An employee of the Tribe is a person who regularly works for the Tribe on a wage or salary basis in an authorized position. Authorized positions may be exempt, non-exempt, regular full-time, regular part-time, and temporary.
1. *Regular.* A regular employee is one established on a regular, year-round basis, after completing an eligibility period.
 2. *Full-Time.* A position where the employee works a minimum of thirty (30) hours per week or more.
 3. *Part-Time.* A position where the employee works less than thirty (30) hours per week. Employees who work less than thirty (30) hours per week are not provided with benefits except those mandated by law (workers compensation, SSI, FICA, SDI, etc.).
 4. *Temporary.* A position where the individual is hired to perform specific tasks in relation to a specific project and for a specified period of days. When deemed essential to the operation of the Tribe, the Chairperson or his/her designee may

make temporary positions available. The pay established for such positions will not exceed the rate of pay set forth for full-time employees with comparable classifications. A temporary position will not exceed three (3) months. Temporary employees are not provided with benefits except those mandated by law (SSI, FICA, SDI, etc.). If hired as a regular employee, temporary employees must complete the probationary period as of the date of the first day as a regular employee.

5. *Exempt.* Exempt employees are defined as employees who, based on duties performed and manner of compensation, shall be exempt from the minimum wage and overtime provisions. Because of hourly pay practices, an employee appointed to a per diem position in an exempt title shall be treated as a non-exempt employee subject to wage and overtime provisions.

Exempt employees shall be paid an established monthly or annual wage and are expected to fulfill the duties of their positions regardless of hours worked (with a minimum of 40 hours worked). Exempt employees are not eligible to receive overtime compensation or compensatory time off, and are not required to adhere to strict time, record keeping, and attendance rules for pay purposes. Employees are required to be present generally during core working hours of the office and effectively manage any employees under his/her supervision.

6. *Non-Exempt.* Non-exempt employees are defined as employees who, based on duties performed and manner of compensation, shall be subject to all wage provisions. Because of hourly pay practices, an employee appointed to a per diem position shall be treated as a non-exempt employee subject to minimum wage and overtime provisions.

Non-exempt employees shall be required to account for time worked on an hourly and fractional hourly basis and are to be compensated for qualified overtime hours in accordance with the Benefits Policy.

Non-exempt employees will be required to use the Tribe's Time Clock – clocking in upon arrival to work, clocking out when leaving for breaks and/or lunch and clocking back in upon return from breaks and/or lunch and finally clocking out when leaving work. All necessary edits to employee's time in the Time Master System must be initiated by the employee by filling out a Time Edit Form and given to their supervisor for approval and entry into the system, otherwise, employees will only be paid for time in the system. By use of the employee time clock, employees attest that all time and any edit forms are accurate. If employee does not use the time clock properly then they are subject to disciplinary action, up to and including termination.

- B. Employment Contracts. Employment contracts are agreements between the Tribe and the employee to complete specific work during a specified period of time for a specified salary. The Chairperson or his/her designee and the Legal Department will negotiate all terms of the contract. Employment Contracts will specify the extent to which the Tribe's personnel policies apply.
- C. Probationary Period. All new employees or any employee rehired after a break in employment shall serve a probationary period of six (6) months, unless defined otherwise by an employment contract or a temporary position. There shall be no extensions of the probationary period, except that the probationary period will be extended, if the employee takes more than 24 hours of leave during the probationary period, by the number of hours of leave taken. During the probationary period, the supervisor observes and evaluates the conduct, performance, attitude, and job knowledge of each employee and determines whether the employee is fully qualified for regular status. Policies regarding progressive discipline shall not apply during the probationary period. The employment relationship can be terminated by the employee or the employer at any time during or after the probationary period, at will, either with or without cause. An employee who successfully completes the probationary period will be notified that he or she has become a regular full-time or regular part-time employee of the employer, but the employee's at-will status will not change. All benefits offered to employees shall accrue in accordance with the Benefits Policy.

Section 4. Organizational Structure

The Tribe is a sovereign Indian Nation and is federally recognized by the United States of America. The governing body of the Tribe is comprised of a seven (7) member Tribal Council, consisting of a Chairperson, Vice-Chair, and five (5) council members. The Tribal Council is responsible for establishing policies and administering the business affairs of the Tribe, its programs and services. The Tribal Council is empowered to create subordinate Tribal enterprises, boards, and associations to provide and perform specific functions. The Tribal Council appoints a Chairperson or his/her designee who may be responsible for the administration and management of Tribal programs and staff.



POLICY 3. RECRUITMENT

Section 1. Indian Preference

Preference in hiring is given to qualified American Indians in accordance with the Indian Preference Act (Title 25 U.S. Code, Section 472 and 473). Applicants claiming Indian Preference must submit Indian verification certified by the Tribe of affiliation or other acceptable documentation of Indian heritage which may include, but is not limited to, a letter from the Tribe, Tribal identification card and judgment roll. *(Indian preference in hiring will be given first to enrolled members of the Shingle Springs Band of Miwok Indians, All other documented Native Americans, and then to non-Indian candidates.)*

Section 2. Non-Discrimination Policy in Hiring

The Tribe is committed to extending equal employment opportunities to everyone without regard to age, creed, gender, race, sexual orientation, gender expression, gender identity, national origin, color, religion, genetic information, marital status, pregnancy, disability, or disabled veteran status, military service, or any other status which may provide for other protected classes in hiring, promotions, and transfers. Indian preference will be given first to enrolled members of the Shingle Springs Band of Miwok Indians, all other documented Native Americans, and then to non-Indian candidates.

Section 3. Job Description Creation

Department Directors must receive approval of newly created job descriptions from the Tribal Council. The following steps must be completed prior to any job description creation and the attached Job Description Creation Form must be completed:

1. Department Directors must work directly with the Human Resources Department prior to creating a job description to ensure that all correct Human Resources processes are followed.
2. The HR Department will then create the job description and obtain approval of the description from the Tribal Administrator and Legal Department. The HR Department will only obtain approval of the job description from the Governing Board as necessary.

Section 4. Job Description Amendment

Department Directors may approve amended job descriptions without prior approval from the Tribal Council. The following steps must be completed prior to any job description change and the attached Job Description Amendment Form must be completed:

1. Department Directors must work directly with the Human Resources Department prior to amending a job description to ensure that all correct Human Resources processes are followed.

2. The HR Department will then amend the job description and obtain approval of the description from the Tribal Administrator and Legal Department.

Section 5. Recruitment Process

- A. Tribal Council Approval. The HR Director shall provide new job descriptions to the Tribal Council for approval prior to position announcement, interview or hire.
- B. Commencing Recruitment. To begin the recruitment process, a “Request to Fill” form must be signed by the department director with justification if it is a non-budgeted position. It must be approved by the Finance Director for verification of funds and then given to HR to move forward with the recruitment. All requests for hiring an employee will be submitted to the Chairperson or his/her designee for review and approval. Appointments to vacant positions shall be based on an evaluation of a person’s knowledge, abilities, and skills to perform the essential functions of the position.
- C. Removal of Applicants. The Chairperson or his/her designee shall remove an applicant if that person is determined to have misrepresented himself or herself, used political or other pressure or, in any other way, materially failed to compete fairly.
- D. Grant Funded Positions. If position applied for is funded by a grant, the position is only for the period of time covered by said grant.
- E. Minimum Qualifications. The minimum qualifications for classification of positions shall be approved by the Tribal Council and be included as part of the official job description. Minimum qualification requirements will be education, knowledge, ability, skill, and physical requirements to perform the essential job functions.
- F. Job Posting/Advertisement. Job opportunities shall be posted “in-house” via email and on bulletin boards known by and available to all Tribal and Red Hawk Casino employees for a period of five (5) business days preceding any announcement to outside applicants to allow for promotions and/or transfers. If a suitable internal candidate is not identified, announcements shall be posted publicly for a minimum of ten (10) calendar days. Public announcements will be posted with a closing date on the Tribe’s web sites and on the video screens at the Tribal offices. If it is deemed necessary, advertisement of vacancies may be placed in the newspapers, trade journals, on-line listing services, employment agencies and at other locations.
- G. Applicant Screening.
 1. Applicants must submit their applications to the HR department for consideration.
 2. An HR representative will screen all of the applications received during the recruitment process for those applicants who meet the minimum qualifications of

the position. Applicants who meet the minimum qualifications may be accepted for further consideration.

3. The Department Director and HR Department will then select which applicants, from those who meet the minimum qualifications, will be selected for an interview. Prior to being interviewed, selected applicants must perform a drug test. Upon passing the drug test, selected applicants must have their fingerprints taken for a background check prior to being granted an interview.
 - a. Applicants that qualify for the Tribal Preference and meet the minimum qualifications of the position must be selected for an interview.

H. Interviews. The HR Director or designee will set a date and time for interviews.

I. Interviewing Panel. The interviewing panel will include, but is not limited to:

1. A representative from the HR Department;
2. The Director of the department or program which the position will be employed under and/or any other individual the Tribal Council deems appropriate to participate on the interviewing panel; and

Individuals who have a conflict of interest may not sit on an interviewing panel regardless of their position. Individuals may not participate in the interviewing of any of the candidates for a position when a person whom they have a conflict of interest in is a candidate that will be interviewed. (*Please refer to Conflict of Interest section for clarification.*)

J. Background Check.

1. *Disqualifications*.

- a. Potential employees must have not within a three (3) year period preceding submittal of their application been convicted of or have had a civil judgment rendered against them, commission of fraud, or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction to contract under public transaction: violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, larceny involving money or burglary in the first degree.
- b. All potential employees having any conviction of a sex crime, an offense involving a child victim, or a drug felony within the last seven (7) years, shall be automatically disqualified from Tribal employment. Those with

felony convictions for violent crimes shall also be disqualified from Tribal employment. For the purposes of this policy “violent crime” is any violent behavior by persons, against persons or property that intentionally threatens, attempts, or actually inflicts physical harm.

- c. If a potential employee has a felony conviction other than those specifically listed above and has rehabilitated him or herself from the behavior and alleviated such circumstances in their life to become a productive member of the community and society, he/she may be considered for the position unless employment of an individual with a specific charge is specifically prohibited by applicable laws. The potential employee must supply sufficient proof of this rehabilitation or alleviation upon request. The Tribal Chairperson or his/her designee will make a determination of the potential candidate’s suitability for the position.
- d. Failure of a drug test shall be grounds for disqualification. Drug tests shall be administered through blood or urine test and will test for all federally and state controlled substances. Possession of a California Medical Marijuana card or recreational use of marijuana is not acceptable justification for a positive drug test. Drug tests may be administered following suspicion of drug use and/or randomly at any time during employment.

2. *Self-Disclosures of Criminal Convictions*

- a. Individuals applying for positions are required to self-disclose criminal conviction information when they apply. Failure to disclose will disqualify an individual from further consideration in the hiring process
- b. The HR Department is required to ask all interviewed candidates about convictions revealed on applications and/or resumes and inquire about the nature of the conviction(s) during the interview process. Questions regarding criminal convictions should focus on the relevancy to the job duties as well as the time frame, severity and circumstances surrounding the conviction.

3. *Criminal Background Check Records*

- a. Background checks may be performed by either an in-house investigative department or by a third party vendor. The results of the background check shall be delivered to the HR Director.

- b. Candidates not hired due to information revealed on a background check conducted by a third party vendor must be provided with a copy of the results and a copy of the *Summary of your Rights Under the Fair Credit Reporting Act*. The HR Director is responsible for providing the results to the candidate. Any copies of background checks must be picked up by the candidate in person.
 - c. To the extent possible, all information received in connection with the background check process will be treated as confidential except when disclosure is necessary. Disclosure will be in the form of hard copy only. All hard copies shall be immediately returned and/or destroyed upon satisfaction of the appropriate disclosure. The HR Department will serve as the Office of Record for all background check results and will maintain confidentiality of these records. Tribal policy and Federal laws recognize a subject's right to privacy and prohibit Tribal Employees and others from seeking out, using or disclosing personal information except within the scope of their assigned duties.
 - d. Given the sensitivity of the background check information, such records shall be stored in a secure area.
 - e. In the event that private background check information is inadvertently disclosed, the responsible party shall make every effort to immediately remedy the situation by following the procedure below.
 - 1) Stop reading further once material is believed to be confidential.
 - 2) Notify the recipient or sender of the inadvertent disclosure.
 - 3) Immediately secure information.
 - 4) Destroy or return information as directed by the HR Director.
 - 5) Notify the unintended recipient that the information is not to be discussed or disclosed further, under penalty of suspension or termination.
 - 6) Failure to do so would be considered a violation of confidentiality and may be prosecuted by the Tribe in any court of law.
4. *Educational Background Check*. All employees and candidates being seriously considered for employment may have their education and credentials verified. Misrepresentation of educational status, regardless of job requirements will be grounds for denying employment or dismissal of a current employee.

5. *Driving Record Check.* All employees, candidates being seriously considered, and contractors and volunteers that may be called upon to drive a vehicle (either personal or Tribal vehicle) on Tribal business, will be required to provide the HR Department with a copy of his/her DMV report at the interview.

Examples of unacceptable driving infractions include, but are not limited to:

- a. DUI/DWI/BAC or drug abuse related to vehicle operation;
 - b. Convicted of hit and run or leaving the scene of an accident;
 - c. More than one at-fault accident in past twelve (12) months or more than two (2) accidents in past thirty-six (36) months;
 - d. More than three (3) moving violations;
 - e. Combination of more than two (2) accidents and one moving violation;
 - f. Currently suspended license; and
 - g. Reckless or careless driving citation.
6. *Employment Verification.* All employees and candidates being seriously considered will undergo employment verification via reference checks conducted by the HR Department, prior to any offer of employment being made.
 7. *Credit Check.* All employees and candidates being seriously considered for employment in certain positions whose duties include handling, budgeting or accounting for money, and access to legal or personal identifying information will undergo a credit check. Individuals with recent bankruptcy or other major credit problems may be considered ineligible for those types of positions.
 8. *Immigration Law Compliance.* The Tribe is committed to employing only those who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility no later than the date of hire. Any employee with an expiring work authorization must renew the authorization or the employee will be considered to have voluntarily resigned. Former employees who are rehired must also complete the Form. All offers of employment are conditioned upon the receipt of satisfactory evidence of an employee's authorization to work in the United States

and conditioned upon continued satisfactory evidence of employee's authorization to work.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the HR Department.

- K. Selection. The HR Director and Department Director shall review all pertinent information and select a person to be appointed to the position. If the interviewing panel recommends a candidate who is not a Tribal Member of the Shingle Springs Band of Miwok Indians for an open position which a Tribal Member has also applied for and met the minimum qualifications, a written justification (from the Department Director) explaining the reason that the Tribal Member was not interviewed and/or recommended must be submitted to the HR Director for review and proper storage.
- L. Appointment/Hiring. Once the selection has been made, all conditional job offers are made by the HR Department. The HR Department shall complete an Employee Action Notice form indicating the employee's department, effective date of hire, position and recommended wage, and employment classification. Once completed, the Employee Action Notice shall be submitted to the Department Director, Finance director, HR Director, Chairperson or his/her designee for signature/approval. The Action Notice must be created and approved prior to the employee's start date
 - 1. The Gaming Commission Executive Director will decide on a case-by-case basis if a Gaming Commission employee can work for Red Hawk Casino. Due to the regulatory responsibilities of their job duties as gaming commission employees, their request to be employed with Red Hawk Casino will be carefully considered before approving or denying their eligibility.

Section 6. Miscellaneous

- A. Outside Employment. Employees may hold outside jobs in non-related businesses or professions as long as the employee meets the performance standards of their position with the Shingle Springs Band of Miwok Indians. Employees must disclose any outside employment to the HR Department.
- B. Promotions. It is the policy of the Tribe to encourage promotion from within the organization whenever possible to fill a vacancy through the normal recruitment process. An Employee's past performance reviews will be considered during the recruitment process. When these factors are determined by management to be equal, employees having the greater seniority shall receive preference.

C. Transfers.

1. *Management Initiated Transfers.* When work requirements make it necessary, management retains the right to transfer employees between departments and/or office sites. A decrease or increase in pay rate may be necessary based upon management/budgetary discretion.

POLICY 4. PERSONNEL

Section 1. Fulfillment of Job Duties

All employees are responsible for fulfilling the job duties outlined in his/her job description with competence and professionalism. If an employee is unable to fulfill his/her job duties, he or she must inform his/her supervisor immediately. The supervisor and Department Director will work with Human Resources to eliminate and reduce barriers to performance where possible and provide reasonable accommodations, where requested in writing with appropriate medical documentation.

Section 2. Code of Conduct

A. Employees shall at all times:

1. Conduct themselves in an honest and upright manner, with regard for the great responsibility that they bear in their position.
2. Conduct their personal affairs in a manner that does not adversely affect the Tribe or their own integrity, reputation or credibility. This includes but is not limited to, the manner in which the Employee represents him or herself in public, in the press, in the media and online.
3. Act with the best interest of the Tribe in mind.
4. Remain objective in the performance of their duties and avoid any and all potential or perceived conflict of interest which may conflict with them professionally, by voluntarily removing themselves from any decision making process which may be affected by the conflict of interest.
5. Publicly disclose any interests relating to an individual or business with which they are in business, or with which they propose to do business including, but not limited to, employment with said business, a business relationship, or an economic interest, as defined in other than the holding of common stock in said business.
6. Safeguard Tribal information at all times whether on-duty or off-duty.
7. Be expected to dress in a professional manner appropriate to his/her position, taking into consideration personal safety, and proper professional dress in respect to specific occasions. The Chairperson and/or his/her designee shall determine the appropriate dress code for each department. Generally, it shall be inappropriate for any piece of undergarment to be showing while at work and clothing to have rips or holes in it.

Personal overall appearance shall be a matter of concern for each employee, which includes but is not limited to grooming and personal hygiene. The Department Director has sole discretion to determine whether an employee's appearance is appropriate for his/her job position in accordance with the policy set by the Chairperson.

8. Be respectful to fellow Tribal employees, patients, clients, and Tribal members.
9. Notify HR of change of address within five (5) days of moving or risk disciplinary action.

B. Employees shall not at any time:

1. Accept privileges, benefits, or gifts which may affect their ability to remain objective in the performance of their duties.
2. Receive monetary or material benefit as a result of their position except for compensation received directly from the Tribe.
3. Make personal investments in any business that will create a conflict with their duties as a Tribal Employee.
4. Engage in negotiations with businesses or other governments doing business with the Tribe without the knowledge and authorization of the Tribal Chairperson and that are not in the sole best interest of the Tribe.
5. Knowingly and independently use his or her position to access information, documents, or other materials which are not available to the general public unless such access is necessitated by their position.
6. Accept a gift from any person seeking to obtain a contract, grant, loan, employment, or any financial relationship from or within the Tribe; from a person or business having a financial relationship with the Tribe; from a person or business whose operations or activities are regulated or inspected by the Tribe; or, from a principal and or attorney in proceedings in which the Tribe is an adverse party.
7. Use, request, or permit the use of the Tribe's motor vehicles, equipment, materials, or property, except for in the conduct of official Tribal business.
8. Impede any employee/employment investigation or Tribal Police investigation. No employee shall willfully fail or refuse to comply with any lawful order of direction of any Tribal Police Officer who has been authorized by the Tribal Council to administer or enforce the provisions of this code or any other Tribal Code or Ordinance.

9. Failure to follow the established chain of command in resolving problem arising out of the employer-employee relationship;
10. Attempt to speak directly with a member of the Tribal Council regarding Tribal business or employment issues without complying with the established chain of command.
11. Exhibit unprofessional behavior, including confrontational, argumentative, angry outbursts, harassment, retaliation, or bullying while on duty.
12. Make threats of violence by any means, unless required in the Tribal Police Department.
13. Be under the influence of drugs, including marijuana for any purpose, or alcohol during work hours.
14. Not participate in a consenting romantic or sexual relationship between a Supervisor/Manager and an Employee who share a reporting relationship.
 - a. It is the policy of the Tribe that consenting “romantic” or sexual relationships between a supervisor/manager and an employee who share a reporting relationship (directly or indirectly) may at some point lead to complications and significant difficulties for all concerned. The Tribe considers such a relationship contrary to both good business practice and the Tribe’s best interest. Accordingly, employees who establish such relationships will be subject to disciplinary action up to, and including, termination.
 - b. Procedure: If a romantic or sexual relationship between employees with a reporting relationship develops, it shall be the responsibility and mandatory obligation of the supervisor/manager to immediately disclose the existence of the relationship to his/her Department Director. The employee in the subordinate role may make the disclosure as well, but the burden of doing so shall be upon the supervisor/manager.

The Department Director shall immediately inform the HR Director. Together, all steps will be taken that they, at their discretion, deem appropriate. At a minimum, the supervisor and subordinate will not be permitted to work together. The supervisor must immediately withdraw from participation in activities or decisions (including, but not limited to hiring, evaluations, promotions, compensation, work assignments, and discipline) that may reward or disadvantage the employee with whom the supervisor/manager has had such a relationship. Other remedies may

include job reassignment, or termination of employment of one or both employees. In most cases the employee in the non-exempt position will be terminated.

Section 3. Drug and Alcohol Free Workplace

It is the objective of the Tribe to establish and maintain a drug and alcohol free workplace. Employees are strictly prohibited from unlawful manufacture, distribution, possession or use of a controlled substance, including alcoholic beverages, as defined in the Controlled Substances Act and its implementing Code of Federal Regulations, in or around any building or property maintained by the Tribe or on the Shingle Springs Rancheria. Furthermore, employees are prohibited from conducting themselves in any manner while under the influence of drugs and/or alcohol which can have an adverse effect on the Tribe's interests, including public image, regardless of the location or time of the behavior.

- A. Legally Prescribed Medications. The use of legally prescribed medications and/or over the counter medications is not a violation of this policy. An employee may be asked to supply documentation from a medical doctor proof that explains the effect the prescribed medication may have on the employee and the effect it may have on a drug and/or alcohol test. It is not necessary that the documentation supplied contains information on diagnosis or condition. The Tribe has the right to also request proof of a valid prescription in the Employee's name. The employee must provide any proof requested within 24 hours of the request.
- B. Medical Marijuana. Possession of a California Medical Marijuana card is not acceptable justification for a positive drug test or considered a legally prescribed medication.
- C. Positions Which Require Driving. If an employee who is required to drive as part of his/her assigned duties has his/her driver's license suspended, revoked (whether temporarily or permanently) or an ignition interlock or car breathalyzer has been required to be added to his/her car, due to a drug and/or alcohol related offense, the employee must notify his/her supervisor when next reporting to work.
- D. Employee Training. Employee and supervisory training on drug and/or alcohol abuse shall be required and may be presented as a separate course, or be included as part of an ongoing training program. The training program shall be provided as soon as possible after a person is hired or assumes a supervisory position.
 1. Supervisory Training Courses Will Include the Following Information:
 - a. The prevalence of various employee problems with respect to alcohol and drugs;

- b. Approaches to handling drug and/or alcohol abuse including the supervisor's role and relationship to the Employee Assistance Program;
 - c. Documentation of employee performance or behavior when reasonably suspected to be abusing drugs and/or alcohol.
 - d. Skills in confronting employees with possible problems.
 - e. Procedures for referring employees to the Employee Assistance Program including disciplinary action.
2. Employee Awareness Training Courses Will Include the Following Information:
- a. The provisions of this section and any related drug testing procedures;
 - b. Impact of alcohol and drugs in the workplace;
 - c. Available resources for assistance including the Employee Assistance Program;
 - d. Confidentiality and its application in this section.
- E. Drug/Alcohol Testing. A positive drug and/or alcohol test result, which cannot be verified as being caused by a legally prescribed drug for which the Employee has a prescription, is a violation of this policy and will result in automatic termination from employment with the Tribe. Drug/alcohol testing may be prescribed for the following reasons by medical examination, breath test, blood test, and/or urinalysis at the Shingle Springs Health and Wellness Center or applicable lab:
- 1. *Reasonable Suspicion.* The Tribe may require testing when there is a reasonable suspicion to believe that the employee is using drugs and/or alcohol at work. Drug and/or alcohol testing of an employee may be required when one or more of the following exist, but is not limited to:
 - a. Direct observation of drug and/or alcohol use or possession, and/or the physical symptoms of being under the influence of drugs and/or alcohol are present.
 - b. The employee exhibits a pattern of abnormal conduct or erratic behavior.
 - c. The employee is arrested or convicted of an offense related to drugs and/or alcohol, or the employee is identified as the focus of a criminal investigation involving illegal drug possession, use or trafficking.
 - d. Information provided either by reliable and credible sources, or independently corroborated of employee drug and/or alcohol use.

- e. Newly discovered evidence that the employee has tampered with a previous drug and/or alcohol test which has been received.

Any supervisor evaluating an employee for reasonable suspicion shall contact their immediate supervisor to provide a second opinion as to reasonable suspicion. If both supervisors concur that reasonable suspicion exists, the employee shall submit to a drug and/or alcohol test and be placed on administrative leave until results can be obtained. The employee's immediately supervisor shall complete the "Observation/Incident Report" and obtain the signature of his/her own immediate supervisor on the report. The Observation/Incident Report shall be sent to the HR Director.

2. *Post-Accident Testing.* Any employee who is involved in any work related injury or accident, including a motor vehicle accident involving a Tribal vehicle or piece of heavy equipment while on Tribal premises or while off-site on Tribal business, will be tested immediately for drugs and/or alcohol.
3. *Regular Testing.* The Tribe shall conduct quarterly drug and/or alcohol testing for employees within the following departments: any emergency services professional including fire preservation and tribal police; Health and Wellness Center; the Shingle Springs Tribal TANF Program; and any employee who transports regularly for his/her job.
4. *Random Testing.* The Tribe may conduct random drug and/or alcohol testing for all employees. Random testing shall be performed a minimum of once per calendar year.

Individuals randomly selected for drug and/or alcohol testing and the individual's first-line supervisor shall be notified the same day the test is scheduled, preferably, within two hours of the scheduled testing. The supervisor shall explain to the employee that the employee is under no suspicion of taking drugs and/or alcohol, but random testing will occur in compliance with this policy. An employee selected for random drug and/or alcohol testing may obtain a deferral of testing if the employee's first-line and higher-level supervisors concur that a compelling need necessitates a deferral on the grounds that the employee is: (1) In a leave status (sick, annual, administrative, or leave without pay); or (2) On official travel status away from the test site or is about to embark on official travel scheduled that day prior to testing notification. An employee whose random drug test is deferred will be subject to an unannounced test within the following sixty (60) days. Once the random test is conducted, the employee with a negative drug test will be permitted to return to work.

- F. Transportation to Testing Facility. Employees will be transported to a drug and/or alcohol specimen collection site for drug and/or alcohol testing by a designated tribal employee. Once the test sample is collected, arrangements will be made to have the employee transported back to work for random testing or home if for reasonable suspicion or post-accident testing. The sample will be tested and confirmed and chain of custody maintained by a certified laboratory facility.

Section 4. Privacy in the Workplace

- A. To maintain the security of the governmental operations, Tribal Administration may gain access to and search all work areas and personal belongings, including desks, file drawers, lockers, briefcases, handbags, pockets, cell phones and personal effect located in the Tribe's offices, buildings, parking lots, and government and business areas. Individuals are not to leave personal belongings in the workplace, except for items required to do the duties of his/her job or which serve as appropriate professional office decoration. Upon separation from employment, the HR Department will gather all personal items from an employee's workplace and coordinate a time for pick-up.
- B. The Tribe reserves the right to request or retain keys to any locked area in the Tribe's offices. Furthermore, if personal locks are placed on lockers or any area in the Tribe's offices, the Tribe may request a copy of the key to all personal locks.
- C. Computer systems are solely for business use and the Tribe reserves the absolute right to monitor, review, audit, and disclose all matters sent over the computer system or placed in storage, including email. Furthermore, Employees are required to provide his/her supervisors with his or her computer and phone passwords for investigations purposes and to continue the flow of business when off-shift.
- D. Workplace areas are subject to surveillance.
- E. Business phone calls may be monitored.

Section 5. Information Technology and Social Media in the Workplace

- A. The Tribe provides designated employees access to the vast information resources of the Internet and electronic technology for the purpose of increasing productivity in the workplace. The following procedures are required for employees accessing the Internet on Tribal equipment.
 - 1. Employees must identify themselves accurately and completely when corresponding or participating in interactive Internet activities.
 - 2. Employees must obtain prior permission from the Tribe's IT Department before downloading or installing any software from the Internet or other sources.

3. Employees must delete any offensive or obscene electronic mail or other such materials received or encountered on the Internet or any other electronic device. Such material must not be forwarded, downloaded, recorded, copied, printed, saved or viewed.
4. Employees who encounter offensive or obscene email or material, or who receive electronic mail from unknown individuals must notify the IT Department.
5. As with personal telephone calls, employees are expected to keep personal Internet use to an absolute minimum, and only in compliance with Tribal personnel policies and supervisory work guidelines.
6. Employees must save all documents/work product to their appropriate server. No documents/ work product should be stored on the local computer drive unless expressly granted permission from the IT Department. All documents/work product are the property of the Tribe.
7. No personal or external electronic devices are to be connected to the Tribe's network at any time unless given express permission by the IT Department to protect against viruses and bugs.
8. Employees are to make no additions and/or changes to the Tribe's equipment or network at any time.
9. All electronic devices belonging to the Tribe (i.e. cell phones, laptops, aircards and/or iPads) are to be brought to work with the employee every day (no exceptions).
10. Use of iCloud software applications are strictly prohibited on any Tribal equipment (phones, laptops, iPads, etc.) due to risk of breach of confidentiality of Tribal documents.
11. Employees are prohibited from intercepting or accessing electric mail or information intended for other employees; however, Employee shall have no expectation of privacy for electric mail, Internet use or on any electronic device of the Tribe.
12. Employees may not use profane or sexually-oriented language in any communication using Tribal devices or email.
13. Employees may not send unsolicited mass electronic mail.
14. Employees may not knowingly download or distribute any licensed or copyrighted material in violation of any copyright laws.

- B. Investigations using Electronic Data or Files. For the purpose of investigations, requests for access to data, including, but not limited to, any Employee's email and/or other information stored electronically on a computer or similar device, must be requested by the Department Director and must receive final approval from the Tribal Chairperson or his/her designee; the HR Department; or the Legal Department before data is to be released.
- C. Social Media Usage Policy. The section provides guidance for employees use of social media, which should be broadly understood to include blogs, wikis, microblogs, message boards, chat rooms, electronic newsletters, online forums, social networking sites, and other sites and services that permit users to share information with others in a contemporaneous manner. These principles apply to professional use of social media on behalf of the Tribe as well as personal use of the social media when referencing the Tribe.
1. Employees need to know and adhere to these policies when using social media in reference to the Tribe.
 2. Employees should be aware of the effect their actions might have on their images, as well as the Tribe's image. The information that employees post or publish might be public information for a long time.
 3. Employees should be aware that the Tribe may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is neither inappropriate nor harmful to the Tribe, its employees, Tribal members, patients, or clients.
 4. Although not an exclusive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. If you choose to make comments of this nature on your own personal social media, you shall be solely and legally responsible for those comments.
 5. Employees are not to publish, post or release any information that is considered confidential or not public. If there are questions about what is considered confidential, employees should check with the HR Department and/or his/her supervisor.
 6. Social media networks, blogs and other types of online content sometimes generate press and media attention or legal questions. Employees should refer all media inquiries to the Public Relations Department.
 7. If employees encounter a situation while using social media that threatens to become antagonistic, employees should disengage from the dialogue in a polite manner and see the advice of a supervisor.

8. Employees should get appropriate permission before you refer to or post images of current or former employees, Tribal members, vendors, suppliers, clients, or patients. Additionally, employees should get appropriate permission to use a third party's copyrights, copyrighted material, trademarks, service marks or other intellectual property.
9. Social media use should not interfere with employee's job duties. The Tribe's computer systems are to be used for business purposes only. When using the Tribe's computer systems, use of social media for business purposes is allowed, but personal use of social media networks or personal blogging of online content is discouraged and may result in disciplinary action.
10. Subject to applicable law, after-hours online activity that violates any Tribal law or policy may subject an employee to disciplinary action or termination.
11. Employees shall not publish content that involves work or subjects associated with the Tribe and may only share posts made by the Tribe's official social media pages.
12. The Tribe's Public Relations Department shall maintain all social media accounts and websites dealing with the Tribe or its activities.

Section 6. Fraud in the Workplace

Fraud shall not be tolerated in the workplace. The Tribal Chairperson and Tribal Administrator are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Additionally, the Tribe's Department Directors shall be familiar with the types of fraud that may occur within his/her Department, and be alert for any irregularity.

Any irregularity that is detected or suspected must be reported immediately to the Legal Department, who coordinates the investigation of fraud with the appropriate Departments and government agencies. Questions regarding fraud should also be directed to the Legal Department.

Types of fraud may include, but are not limited to: any dishonest or fraudulent act; misappropriation of funds, supplies, or assets; receiving gift or kickbacks from vendors against the Tribe's policies; improperly handling money or reporting of financial transactions; disclosing confidential and/or proprietary information to outside parties; destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment.

All incidents or accusations of fraud shall be investigated immediately. Any investigation shall be conducted without regard to the suspected wrongdoer's legal of service, position/title, or relationship to the Tribe. Investigators shall be given unrestricted access to the Tribe's records and premises. Decisions to prosecute or refer the investigation results to appropriate law enforcement shall be made by the Tribal Chairperson or Tribal Administrator, if appropriate.

Anyone reporting any irregularity that is detected or suspected must be acting in good faith and have reasonable grounds for believing the information provided. Allegations made maliciously or with knowledge of their falsity will not be tolerated. Employees making such allegations will be subject to disciplinary action.

Section 7. Building and Property Security of the Workplace

- A. Securing a Building. Every building must be secured when unoccupied. At any point when a building is unoccupied and unlocked, even for a short time, all items at risk of theft or vandalism must be locked up or otherwise secured. All buildings must be locked overnight. The person who is responsible for locking a building is always the last person to leave who has a key to the building. This person shall check to ensure the following things before exiting the building:
1. Lights, AC, heater, Office Equipment and/or Appliances are turned off
 2. No person is still in the building
 3. The alarm is set if equipped
 4. All windows are closed and locked
 5. All doors are closed and locked
- B. Securing a Vehicle. Every vehicle must be secured when unoccupied. At no point shall a vehicle be left unoccupied and unlocked, even for a short time, particularly overnight. Vehicles are at a particularly high risk for theft as they are mobile, rather than stationary, and the public has greater access to them. The person who is responsible for locking the vehicle is always the driver. The driver shall check to ensure the following things before exiting and locking the vehicle:
1. The vehicle is off
 2. The lights are off
 3. All doors are completely closed
 4. Each window is rolled up
 5. No person is still in the vehicle
 6. The alarm is set if equipped
 7. All doors are locked

C. Keys. Receiving a key to a Tribal building or vehicle is an important responsibility. You are responsible for ensuring that the key does not get lost or stolen, that the building or vehicle is secure when unoccupied and that consideration for others entering and exiting the building or vehicle is made. Carelessness by those who receive keys can result in trespass, theft, vandalism and even danger for community members.

1. *Issuance.*

- a. All keys issued are the property of the Tribe.
- b. The Department or Program Director or Tribal Administrator AND the Facilities Department Director will be responsible for initial authorization of the issuance keys.

2. *Return.*

All keys must be returned upon completion of service. As such you should give your key to the Facilities Department Director, Tribal Administrator or supervisor when you no longer work for the Tribe or no longer require access to the building or vehicle for which you have a key.

3. *Copies.*

- a. Only the Facilities Director, or his or her designee, is allowed to make copies of keys. This keeps the Facilities Department informed of the number of keys issued in total improving safety and reducing cost.
- b. Not each Employee needs a key to the exterior doors of their office. Generally the person who arrives first and the person who leaves last would require keys. Others may require keys, which is to be determined by the Department or Program Director for an employee, or the Tribal Administrator for non-employees.

4. *Locks.*

No person may re-key locks without the knowledge and approval of the Tribal Facilities Department and the Department or Program Director responsible for the building or vehicle unless it is a specific order of the Tribal Council.

D. Access. Access to buildings or vehicles is restricted to approved activities. You may only access a building or vehicle during time periods for which you have permission for purposes for which you have permission. Unauthorized access is abuse of privileges and will not be tolerated.

Section 9. Use of Tribal Vehicles

- A. General Guidelines. Tribal employee operators are responsible for their own and others' safety. Tribal vehicles shall be operated in a professional and courteous manner and shall be maintained in a clean and safe condition. Tribal vehicle operators will obey all applicable laws, regulations and all Tribal Policies.
1. Riders or passenger (who are not employees) generally are not to be carried in any Tribal vehicle (with the exception of vans used for transporting TANF clients, tribal member children to school, crew to work sites, patients to clients, etc.).
 2. Each Tribal employee who will operate or ride as a passenger in a Tribal vehicle shall certify that he/she has read and will comply with all provisions identified in this policy including the use of seat belts. The certification must be signed by the Tribal employee and their Director. The Director must receive this certification before a Tribal employee may operate or ride in a Tribal vehicle and transfer a copy of such to Human Resources to be placed in the employee's personnel file.
 3. Tribal vehicles shall be used for Tribal business only. Employees shall not use a Tribal vehicle for personal business or convenience. If a Tribal vehicle is used for personal reasons, the operator will be held personally responsible for any and all damages.
 4. Tribal vehicles will be secured overnight at a designated location on the Shingle Springs Rancheria. Tribal vehicles will normally not be parked overnight at an employee's place of residence unless it is advantageous to the Tribe. Exceptions will be allowed only after the employee received prior written approval by the employee's immediate Director. The Tribal Chairperson must approve in writing a Director operating a Tribal vehicle to and from residence. Employees are responsible to immediately report any change in their driving record to their Director and designated staff member.
 5. Always lock the vehicle before leaving it attended. Do not leave valuables in an unattended vehicle. If an employee locks the keys in a vehicle, they are financially responsible to get keys out of the vehicle.
 6. Operators are responsible for any fines or penalties from traffic, parking or other citations. Operators will be charged the Tribe's insurance deductible, when operator is negligent, whether operating in their scope of duties or not (as determined by the insurance company investigation). Examples of negligence: backing a vehicle without ensuring area is clear, exceeding speed limit or parking where it is unsafe for vehicle, i.e. construction area or prohibited parking space.

7. Operators of Tribal vehicles are responsible for immediately notifying their Director upon their return to the Tribal office of any mechanical or operational problems with the vehicle. The Director is responsible for ensuring that maintenance issues are addressed immediately. Operators are required to immediately notify their Director and the Legal Department of any accident involving any Tribal or GSA vehicle.
8. In case of an accident, the operator is required to complete an accident report with the Legal Department immediately after the accident and submit to the designated staff member who will notify the insurance carrier and forward a copy of the accident report to the Director. Failure to properly complete the accident report will result in operator paying the present Tribal insurance deductible.
9. All operators involved in an accident on the job with property damage but no personal injury or whenever an injury does occur that is reportable by law to any of the Tribe's insurance carriers must submit to a post-accident drug and alcohol test immediately. If an employee does not submit to a post-accident test immediately following the accident they are immediately determined as at fault and must pay the deductible.
10. Employees should not be operating vehicles on the weekend other than for business related travel. If an accident happens on the weekend please contact your Director or an individual from the Legal Department immediately. Contact your Director to determine test site or instruction. If an employee does not submit to a post-accident test immediately following the accident they are immediately determined as at fault and must pay the deductible and may be subject to disciplinary action up to and including termination.
11. A review team consisting of the Director, Legal Department, HR Director, and Tribal Administrator will review all accidents. The review team will recommend specific actions to the Tribal Chairperson based on its review as necessary.
12. Operators must maintain and service their assigned vehicles when one is assigned to them permanently. Operators of permanently assigned vehicles may have Tribal Credit cards to allow them to pay for any necessary maintenance/service on Tribal vehicle (only with prior approval of Director).
13. Smoking is not allowed in any Tribal or GSA vehicle (per GSA Responsibilities – please see <http://www.gsa.gov/portal/content100041>).
14. Animals are not allowed in any Tribal vehicle (other than “Animal Control” with animal stored in portable kennel and secured in rear of vehicle).

15. The use of cell phones is prohibited while driving (please refer to Telephone Policy for further instructions). If a cell phone must be used while driving or operating a Tribal vehicle, the operator may use, either hands free headset or pull off to a safe area prior to using the cell phone. Penalties for using cell phones will subject employees to disciplinary action, up to and including termination of employment.
16. Tribal gas cards are to be used for fueling Tribal vehicles ONLY while on tribal business. All receipts should be turned in to the Director along with the vehicle log book at the end of each work day. Directors are responsible for tracking the expenses on their Department's Tribal vehicles. Please note: a copy of all repairs and/or maintenance should be placed in vehicle files.
17. No one other than an insured Tribal employee is allowed to drive or operate the vehicle.
18. Any operator who fails to follow the above rules and/or is in violation of Section 1, General Guidelines, will be referred to their Director for disciplinary action, up to and including termination (a copy of the action notice must be kept in employee's HR's file). If the operator failing to follow the above rules is the Director they will be referred to Tribal Chairperson or his/her designee for disciplinary action, up to and including termination. If no disciplinary action is taken, the Director will submit an incident report to the Tribal Chairperson detailing the incident.
19. Employees are required to abide by the Tribe's Substance Abuse policies including the prohibition against the use of medical marijuana. Driving under the influence of alcohol and/or drugs is strictly prohibited.
20. Vehicle log books are to be used in **all** Tribal vehicles. (See attached sample.)

B. Operator Qualifications. It is the responsibility of the Director to ensure that all of the following have been addressed prior to any employee operating a tribal vehicle:

1. A valid California driver's license, of an appropriate class for the vehicle that is being used, must be in possession of the operator of any Tribal vehicle with a copy in the Tribal Administration insurance and vehicle files. Employee driver's license must be sent to the Tribe's auto insurance carrier and operator approved by insurance carrier prior to operating any tribal vehicle. (All hard copies of DMV printouts will be stored in personnel files in HR Department.)
2. Operators must be 18 years old and have a clean driving record with three points or less. Verification of the driving record will be done through the Tribe's auto insurance; it is the Director's responsibility to ensure that the designated staff member receives employee driver's license number and ensure that they have been

approved by the Tribe's insurance carrier prior to allowing employee to operate any Tribal vehicle.

3. Operators of all Tribal vehicles must be listed on the Tribe's Vehicle Insurance.
 4. Employees shall notify their Director and Tribal Administration immediately of any changes to the above qualifications and/or conditions.
 5. Employees found in violation of Section B. Operator Qualifications will be subject to severe discipline up to and including termination.
 6. **Driving Record Check.** All employees, contractors and volunteers that may be called upon to drive a vehicle (either personal or Tribal vehicle) on Tribal business, will be required to Contact administration office to be insurable under the Tribe's auto insurance. The information provided will be submitted to Tribe's insurance carrier to qualify for coverage. Individuals, who are required to drive a vehicle for their job, who do not qualify or require excessive fees to be covered on auto insurance will not be eligible for employment. Employees may periodically be required to resubmit DMV information as required by our insurance carrier, any new disqualifying infractions may lead to discontinued employment. It is the employee's responsibility to ensure they are covered under Tribal auto insurance prior to driving any vehicle (personal or Tribal) on Tribal business.
- C. Violations. It is the responsibility of the Director to ensure all department employees have been properly trained and advised of the following:
1. *Incomplete vehicle logs.* On first offense employee's Director shall notify the employee operator with a written warning, second offense employee driving privileges shall be suspended for seven (7) days, and third offense employee driving privileges shall be suspended for thirty (30) days. (If your job is dependent on driving and you are suspended for violations of this policy you will be suspending from work without pay.)
 2. *Unauthorized use of vehicle.* On first offense employee will receive two (2) weeks suspension without pay and second offense employee will be terminated. If unauthorized operator uses a tribal vehicle and is in an accident they will be immediately terminated.
 3. *Employees driving without a license.* On first offense the employee will be terminated.
 4. If any of the above offenses involve a Director; the Legal Department will be notified of any wrongdoing and ensure compliance through the outlines steps in this policy.

5. Routine maintenance (i.e. oil change, tire rotation, etc.) of Tribal vehicles should be scheduled and completed on a timely basis to ensure the vehicle is kept in proper operating condition.

Section 10. Telephone Usage.

- A. Definition of Use. Telephone or similar device “use” includes, but is not limited to: receiving or placing calls, text messaging, accessing the internet, receiving or responding to email, checking for telephone messages or any other use of a telephone or similar device for any other purpose personal or related to employment, the Shingle Springs Band of Miwok Indians (“Tribe”), our customers, our vendors, volunteer activities, meetings, or civic responsibilities performed for or attended in the name of the Tribe, or any other Tribal or personally related activities not named herein. This applies to both land lines and mobile cellular telephones.
- B. General Use. The intended use of telephones which are provided to Employees by the Tribe is to conduct Tribal business. An “Employee” means any Employee or agent of the Tribe, or any other person authorized to use Tribal owned or compensated telephones or similar devices. Employees are expected to use and handle with care telephones provided by the Tribe. Failure to do so may result in having the telephone taken away temporarily or permanently, paying for a replacement if damaged or lost or other corrective actions.
- C. Personal use of Business Telephones. Employees are entitled to use the office or cellular telephones in case of an emergency. It is recognized that occasionally personal calls may have to be made or taken during scheduled working hours and these calls will be permitted. These calls must be kept to a minimum and should be interrupted immediately to handle incoming calls and/or business cellular telephones. Tribal property is not to be appropriated for Employee personal use. Furthermore, any device supplied to an Employee for business purposes, as well as any information which may be stored on such a device, is the property of the Tribe. Employees are not to use their business telephone to facilitate the storage, viewing or transmission of inappropriate content which may include, but is not limited to, pictures, text messages, websites, and applications.
- D. Use of Telephone at Meetings. To ensure the effectiveness of meetings, Employees are asked to leave cellular telephones at their desk or put their telephone on the silent or vibrate setting while attending a meeting. Furthermore, Employees shall not use their cellular telephones during meetings for any purposes that are not directly related to the meeting. Employees are not allowed to use their business or personal telephone during a meeting to record any part of the meeting or allow parties not present to listen to the meeting unless they have been specifically authorized to do so and have informed all meeting attendees. It is required that in unsafe work situations (e.g., construction sites, near heavy machinery,

etc.), telephones (whether personal or business-issued) are not to be used to conduct Tribal business.

- E. Use of Personal Telephone While on Duty. Employees shall refrain from utilizing personal cellular telephones (including text messaging) in guest areas or during work hours; unless approved by Department Director or Supervisor. All personal cellular telephones must be turned off prior to arrival at workstation and be stored in drawer, purse and/or personal vehicles and only may be utilized outdoors or in break areas during break periods. Inappropriate use of personal cellular telephones will be considered cause for disciplinary action up to and including termination.
- F. Use of Cellular Telephone While Driving. An Employee who uses a company-supplied device or a company-supplied vehicle is prohibited from using a cellular telephone or similar hand-held device while driving whether the business conducted is personal or company-related. If cellular telephones or similar devices must be used during vehicle operation, a hands-free device must be utilized. The Tribe will provide a hands-free device to Employees whose position requires them to answer the telephone while driving a vehicle. Employees who are not provided hands-free devices are prohibited from answer the telephone while driving. The Tribe is aware that Employees may at times utilize their cellular telephones for business purposes related in any way to the Tribe, while driving unless the device is hands-free. Therefore, if not equipped to receive calls hands-free, you are required to stop your vehicle in a safe location if it is necessary to use your cellular telephone or similar device. Employees are expected to follow all applicable state and local laws pertaining to cellular telephone use while operating a motor vehicle and are expected to stay abreast of changes to these laws and regulations. California Vehicle Code 23123 (a) states: “A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.” The Tribe has a zero-tolerance policy regarding texting while driving. If an Employee is found to be texting while driving using a business telephone or a personal telephone for a business reason, or while driving a Tribal owned vehicle, they will be subject to disciplinary action, up to and including, termination of employment. The Tribe’s automobile policy may not cover accidents, injuries or property damage sustained if the driver is found to be using a cellular telephone or similar device in any way that violates State or local laws.
- G. Monthly Charges. The Tribe will periodically monitor the usage of telephones that it has issued to Employees. Monthly statements will be reviewed by management and any unusual charges discussed with the Employee. Employees should refrain from excessive or irregular use of the telephone for non-business purposes and are responsible for paying any data usage (texting, multimedia messaging, personal e-mail, etc.) charges applied to the bill which are deemed by management to be for non-business purposes. If this behavior

occurs repeatedly the Employee will be subject to disciplinary action up to and including termination of employment.

Section 11. Employment of Immediate Family Members

Members of the same immediate family may be employed by the Tribe; however, a person may not work under the direct supervision of an immediate family member. It is the responsibility of the employee to disclose such relationship(s) to the HR Director.

Section 12. Disclosure of Immediate Family Members Suing Tribe

All employees who know that an immediate family member is threatening litigation or suing the Tribe, must report his/her family relationship to the Human Resources Department immediately so that they may be screened from any potential conflicts of interest.

Section 13. Conflict of Interest

No Tribal employee shall participate in the decision making process on issues involving an employee who is a member of their immediate family or which affect them directly. Employees may not conduct business or perform any services with a vendor, supplier or competitor of the Tribe, including employment or consulting and may not otherwise engage in any other activity in conflict with the interest of the Tribe, without the prior approval of the Tribal Council. If an employee is recommending a particular vendor, supplier or contractor or is approving such a recommendation, and knows that a member of his/her family or another Tribal employee's family member is employed by or has control of a substantial interest in that particular vendor, supplier or contractor, he/she shall disclose this fact, in writing, to the HR Director at the time of the recommendation of approval. Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged due to the potential for a conflict of interest.

Section 14. Political Affiliation/Board or Committee Appointment

Employees of the Tribe may hold elected positions on community or Tribal boards and committees, but may not vote on issues directly related to the Tribe unless specifically authorized to do so by the Tribal Council. Any employee appointed and/or voted to a Tribal Board, Commission or Committee must use vacation time for attendance of any meetings, trainings or travel regarding the Board, Commission or Committee held during regular Tribal office hours (8 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.) or use flex hours with prior approval of the Chairperson or his/her designee.

Section 15. Anti-Harassment Policy/Hostile Work Environment

The Tribe recognizes that sexual harassment and/or hostile work environment are forms of misconduct that undermine the integrity of the employment relationship. It is a policy of the Tribe

to provide a work environment that is free from harassment and hostile work environment and to aggressively adhere to this policy.

By understanding what constitutes harassment, including sexual harassment, employees can more readily recognize and avoid this behavior. Harassment is unwanted attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted.

Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile, or offensive working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include, but are not limited to:

1. Promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request;
2. Threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;
3. Denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request;
4. Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
5. Displaying, storing, or transmitting pornographic or sexually oriented materials using Tribal and/or personal equipment or facilities;
6. Engaging in indecent exposure; or
7. Any form of communication including but not limited to, verbal, written, photos or gestures.
8. Making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances.

Sexual harassment can be physical and/or psychological in nature. A combination of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur at any work location of the Tribe and whether or not the incidents occur during working hours. Sexual harassment can involve males or females being harassed by members of either sex.

Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for

engaging in prohibited harassment. Examples of inappropriate conduct of a sexual nature include sexually oriented jokes, sexually explicit e-mail, screen savers, posters, cartoons, and graffiti, and unwanted verbal and physical contact. Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged.

Hostile work environment harassment is where speech or conduct is “severe or pervasive” enough to create a hostile or abusive work environment. The standard used by civil rights agencies and courts in determining whether a hostile work environment exists is whether a reasonable person, in the same or similar circumstances, would find the conduct offensive.

- A. Responsibilities of Employees. If you believe that you have been subject to harassment of any kind or any unwanted sexual attention, please do the following:
1. If you are comfortable, make your unease and/or disapproval directly and immediately known to the harasser;
 2. Prepare a written complaint which includes the name(s) of the person or persons responsible for the alleged discriminatory action, date, time, and nature of the incident(s) and the names of any witnesses. The written complaint must be signed and dated. All complaints must be reported within ten (10) calendar days of the most recent alleged act; and
 3. Submit your complaint to your supervisor, or if such person is involved in the harassment, to his/her supervisor or the HR Director.

All incidents of harassment of any kind or inappropriate sexual conduct must be reported regardless of their seriousness. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint might be considered evidence of malicious intent on the part of the accuser. Upon receipt of the written complaint, the HR Director and designees from the Tribe’s Legal Department will begin a prompt investigation or recommend an investigation by a qualified individual from outside the Tribe’s operations in accordance with policies regarding investigations. Upon completion of an investigation, a written determination as to the status of the complaint will be issued to the complainant and respondent.

The Tribe will handle all reports of harassment as discreetly as possible, sharing information on a need to know basis only. To properly investigate an allegation of harassment, the Tribe may need to divulge the identities of individuals involved.

- B. Responsibilities of Supervisors. Supervisors must deal expeditiously and fairly with allegations of harassment of any kind within their departments whether or not there has been a written or formal complaint. Supervisors must:

1. Act promptly and cooperatively to assist in the investigation of the harassment claim or inappropriate sexually oriented conduct;
2. Ensure that harassment or inappropriate sexually oriented conduct is reported to the HR Director immediately; and
3. Take corrective action to prevent reoccurrence of the prohibited conduct.

Supervisors who knowingly allow or tolerate harassment of any kind are in violation of this policy and subject to discipline, up to and including termination.

All supervisors are responsible for the implementation of the Tribal policy regarding harassment of any kind and must take prompt corrective action to include contacting the HR Director whenever they become aware of allegations of sexual harassment. Actions taken may include discipline up to and including termination.

C. Employee Harassment Complaints. Employees may lodge complaints without fear of reprisal or retaliation. A timely investigation and resolution of the complaint will be accomplished. Harassment of any kind is in direct contradiction to the Tribe's values. Retaliation is strictly prohibited by the Tribe and if found to occur, swift performance management steps will be taken.

D. Additional Examples of Harassment. The following are additional examples of behaviors which, if based on any of these factors (race, color, religion, sex, national origin, age, genetic information or disability) are harassment and a violation of this policy:

1. Making demeaning remarks to an individual or group or in the presence of an individual or group. This includes, but is not limited to name calling, slurs, epithets, jokes, and put downs if the intention or result is to demean a person or group, treat individuals or groups differently;
2. Displaying, circulating, or placing visual or written material demeaning race, color, religion, sex, national origin, age or disability in any Tribal working area;
3. Damaging, defacing, or destroying Tribal property or the property of any individuals because of race, color, religion, sex, national origin, age or disability;
4. Expressing in words, pictures, or symbols commonly understood to convey hatred or contempt, based on race, color, religion, sex, national origin, or disability;
5. Engaging in intentional acts based on race, color, religion, sex, national origin, age or disability that obstruct or attempt to obstruct or seriously impair Tribal activities;
6. Physically threatening or assaulting, intentionally engaging in physically violent acts, malicious injury to person which intentionally or recklessly imperils the safety

of others whether during work hours or non-work hours at any of the Tribe's business locations.

Section 16. HR Investigation Procedures

1. Upon receipt of the written, signed and dated complaint, the HR Director and designees from the Tribe's Legal Department will begin a prompt investigation or recommend an investigation by a qualified individual from outside the Tribe's operations.
2. During the investigation, all parties must refrain from discussing the investigation with fellow employees, Tribal members, patients, clients, etc.
3. The Tribe will handle all reports of harassment as discreetly as possible, sharing information on a need to know basis only. However, to properly investigate an allegation of harassment, the Tribe may need to divulge the identities of individuals involved.
4. Once formal allegations are made, it may be necessary to place one or both of the parties out on administrative leave. If an employee is placed out on administrative leave by the Tribe, it shall be paid leave.
5. The Tribe will interview and/or request signed written statements from all individuals and witnesses involved. Once it receives all statements and investigates all facts, it will present the information to the HR Director and Tribal Administrator or Tribal Chairman, as appropriate, for determination of the status of the complaint.
 - a. Employees conducting the investigation will make a recommendation regarding the status of the complaint and submit it to the Tribal Administrator. The employees conducting the investigation shall then be excluded from making the final determination regarding the status of the complaint
6. Upon completion of an investigation, a written determination as to the status of the complaint will be issued to the complainant and respondent.
7. Cross agency investigations. If situations arise where Tribal HR must work with other HR entities, such as Red Hawk Casino HR or Development Corporation HR, in the course of employee investigations, the agency or department responsible for the accused employee will take the lead on the investigation. All other agencies and departments will be cooperative and mutually provide information to each other in a timely manner.

POLICY 5. COMPENSATION

- A. Wage and Salary Program. This program provides the basis for assuring that compensation for employees is equitable within the marketplace. This program is periodically reviewed through salary surveys within the Native American and non-native American community where comparable job categories exist. Thorough job analysis of each position, job description, and classification is developed using standard compensation practices. Payroll categories for salaries and hourly employees are established in conformance with Federal laws.
- B. Pay Regulations.
1. Prior to the payment of any salary, wage or other compensation, the HR Director shall certify that each person named on the payroll has been employed in accordance with the appointment and classification procedures of this Policy. No employee shall be paid unless such certification is made.
 2. Employees are paid bi-weekly on Friday by check or electronic transfer. Each paycheck includes earnings for all work performed through the end of the previous pay period. The pay period shall commence and end as specified by the Chairperson.
 3. Employees assume ownership and responsibility for their physical paycheck when they receive it. If it is lost or stolen, the employee should immediately contact the Tribe's Finance Department.
 4. No one may pick up an employee's paycheck without a signed authorization from the employee.
- C. Payroll Advance. Payroll advances are not allowed.
- D. Payroll Deductions.
1. Payroll deductions must be requested in writing and on the appropriate form. The Payroll Deduction Form is available from the Finance Department.
 2. Payroll deductions requested for more than one pay period must indicate the amount to be deducted and the reason for the deductions, and the pay period ending that will be affected. Prior to any deductions, authorization by the employee must be in writing and approved by the Finance Director.
- E. Wage Withholdings. An employee may request additional funds to be withheld by contacting the HR Director. All other withholding requests will be withheld in compliance with Title 8 of the Tribe's Employment Code.

F. Rates of Pay.

1. The Chairperson or his/her designee, upon recommendation of the HR Director, will make initial appointments for that classification, consistent with the education, experience, and approved rate of pay for the position.
2. When a former employee, if approved by Tribal Chairperson, or his/her designee, is rehired after a break in service to a job in the same or related classification, he/she may be paid at or below the level in the present rate of pay for his/her former classification.
3. When an employee is promoted, he/she shall receive at least the minimum rate of pay for the new classification, if minimum rate of pay has been determined.
4. When an employee is transferred to a position in another, but comparable classification within the same range, he/she shall continue at the same rate of pay.
5. In the event that an employee is demoted, his/her rate of pay shall be placed at a level in the job classification to reflect the change in status.
6. For the purposes of determining eligibility of benefits, the term “full-time service” shall mean the number of days actually worked on a job, including all absences with pay. Military leave exceeding fifteen days duration and authorized leave of absence without pay shall be credited as full-time service.

G. Pay Increases.

1. Performance Based Increases
 - a. *Performance Evaluations Required.* It is the policy of the Shingle Springs Band of Miwok Indians (“Tribe”) to approve performance based pay increases only after a performance evaluation is completed. Performance evaluations will be completed annually by an employee’s supervisor but may be conducted more frequently as determined by the supervisor or as requested by the employee. Merit increases will depend on the employee’s performance and recommendation, in writing, of his/her immediate supervisor and availability of budget and prior approval of Tribal Chairperson or his/her designee.
 - b. *Supervisors, Directors and Boards.* The person who conducts the performance evaluation is the employee’s supervisor. The supervisor may then make a recommendation of what the employee’s performance based pay increase should be, if any, based on the results of the performance

evaluation and budgetary constraints to the Department Director or Governing Board if the Department or Program is overseen by a Board.

- c. *Determination.* Performance based pay increases will be determined on the performance of the employee and availability of funds. Employees who receive higher marks on their performance evaluation may receive a performance based pay increase which is a higher amount or percentage than those employees whose performance is satisfactory or less than satisfactory. Upon receiving a recommendation from the employee's supervisor for a performance based pay increase, the Department Director or Tribal Chairperson, as appropriate, will make a determination of whether to accept or deny the recommended performance based pay increase or to choose a different amount.
- d. *Approval.* Department Directors and Governing Boards may approve performance based pay increases for employees up to an amount of 10% of the employee's previous salary without prior approval from the Tribal Council. Any performance based pay increase over 10% must be approved by the Tribal Council. Department Directors and Governing Boards must consult with the Finance Director prior to giving a performance based pay increase to determine if funds are available in the Department or Program budget to cover the cost of the increase.

2. Non-Performance Based Pay Increases.

Pay increases which are not based on performance are not restricted to a 10% increase. Pay increases which are based on a promotion or on the employee job description being changed are not considered to be performance based pay increases. Although an employee may be promoted to a position where they are paid at a higher rate or their job description is changed and reflects a higher salary range, they may be paid at a rate which is within their salary range without preapproval even if that amount is more than 10% higher than what their previous pay was. Cost of Living Allowance ("COLA's") are also not performance based pay increases and are considered adjustments.

H. Timecard. Timecards shall only be kept electronically for all employees.

1. All non-exempt employees are required to clock in and out of work using the biometric time clock. Employees must punch in and out of work, during any rest periods taken, and during his/her meal period, except for the Tribal Police Department as discussed in 2(a)(1) below. Any failures to punch in and out shall be corrected within 24 hours, by written request of the supervisor. Repeated failure to clock in and out with the biometric time clock shall result in disciplinary action.

2. Meal and Rest Periods.

- a. Meal Periods. Non-exempt employee working more than six hours per day must take a 30-minute unpaid meal period each work day and may take up to an hour as approved by his/her supervisor. If an employee works less than six hours, lunch can be waived by his or her supervisor.
 1. Employees in the Tribal Police Department may take a 30-minute paid lunch in order to allow him/her to respond to emergencies as needed. Employees shall not clock in and out for his/her meal period.
- b. Rest Periods. Non-exempt employees working more than six hours per day may take two paid rest periods per working day. Employees working less than six hours per day may take one rest period per working day. Rest periods may be no longer than fifteen (15) minutes in length. Employees must stay on the Employers premises during a rest period and obtain approval from his/her supervisor prior to taking the rest period. Extensions of rest periods past fifteen minutes shall be unpaid.

I. Compensation of Leave Benefits.

1. Holiday Leave:

- a. A holiday is eight (8) hours if an employee normally works an eight (8) hour shift and 10 hours if he/she normally works a ten (10) hour shift.
- b. Full-time employees (30 hours plus) are paid regularly scheduled work hours for the holidays listed in Policy 7 Benefits, Section K. Part-time employees are paid for the hours they normally would work on the day designated as the holiday.
- c. Full-time employees working other than the standard work week (Monday through Friday, 8:00AM to 5:00 PM) are entitled to the same number of holidays as employees working standard weeks. In this situation supervisors are required to work with their staff to accommodate their holiday time off. It is the responsibility of supervisor to track such hours.
 - 1) For exempt employees, if a holiday falls on a day that employee's working 4/10's or a 30 hour work weeks normally do not work, the employee may flex his/her

schedule to take a different day off within the same pay period at the discretion of his/her supervisor.

- 2) For non-exempt employees, if a holiday falls on a day that employee's working 4/10's or 30 hour work weeks normally do not work, the Tribe shall pay the employee straight time for the holiday day, even if not worked.
- d. Employees eligible for holiday pay and who are required to work on a holiday shall be compensated double-time pay for the day worked. If the department or program is unable to close for the day, employees may stagger their holiday days to ensure office coverage.
- e. Holidays will not be paid to an employee on any type of unpaid leave. Employees must be on paid status the day before and the day after the holiday in order to earn holiday pay.

2. Annual Leave: Leave may be taken once accrued.

- a. An employee is allowed to "cash out" annual leave at any time. An employee may cash out any amount of accrued annual leave, as long as he/she retains enough leave to cover the mandatory leave requirements per year. Cash out needs to be approved by the Department Director before going to the Finance Department to be sure this does not negatively affect their budget at the time of request. All requests will be seriously considered, but must be in line with the needs of the Director to maintain the financial well-being of the department. The cash out request must be submitted to the Finance Department in writing. The Tribal Chairperson or Tribal Council reserves the right to suspend all "cash out" request for a definite or indefinite period of time at any time.
- b. An employee who resigns or is laid off shall be granted a lump sum payment for annual leave time accrued to his or her credit.
- c. Upon the death of an employee, a lump sum payment for vacation time accrued to employee's credit will be made to the employee's beneficiaries or estate. The HR Director shall instruct the Finance Department on the nature of payment and correct payee.

3. Sick Leave:

Leave may be taken in increments of an hour for sick leave. Leave may be taken once accrued.

Accrued sick leave time shall not be cashed out for any purpose.

4. Administrative Leave:

- a. Closure of Offices: The Tribal Chairperson shall have the power to close some or all of the Tribe's offices early or all day at his/her discretion. If the offices are closed early, it shall be at the discretion of the Department Director whether his/her Department workload allows staff to take the administrative leave. If taken, all Department staff will be paid administrative leave during the hours of the office closure. If an employee is out on pre-approved vacation leave that day, they also will receive the administrative leave time. All other employees out on leave will not be credited/compensated any administrative hours if the offices should be closed early or all day. If employees are unable to leave their workstation or the department is unable to close, employees shall not earn comp time, overtime, or administrative leave to compensate.

5. Unpaid Leave:

- a. Employees are not allowed to take unpaid leave if he/she has accrued annual or sick leave, or administrative leave hours, unless on FMCL and utilizing a Tribal sponsored disability program. All paid leave must be used first.
- b. Any unpaid leave must be approved by the employee's supervisor, Department Director, and the Chairperson or his/her designee.
- c. Once an employee depletes all of their vacation/sick time while on unpaid leave, they must prepay each month for all insurance (health, dental, vision, etc.) to ensure its availability, unless the employee is on FMCL. Unpaid leave is unpaid personal leave and also can include employment suspensions. Insurance for employee only will be paid up to 30 day maximum and cost of dependent coverage must be prepaid to ensure its availability. *Example: Employee suspended for 60 days beginning May 1, 2016. On May 31, 2016 payment for employee and dependent insurance coverage must be received by Tribe's Financial Department.*

- J. Cost of Living Allowance (COLA). The Tribe may, based on the Chairperson or his/her designee's recommendation, declare in writing the amount of Cost Of Living Allowance ("COLA"), if any, in December of each year. Once declared, all employees will receive the COLA on January 1 of the following year. The COLA recommendation will be based on current salary schedules, level of staffing, funding levels and other budgetary and economic indicators. The Tribe reserves the right to freeze COLA provisions, or to declare 0% COLA.

POLICY 6. PERSONNEL RECORDS

A. Use and Maintenance of Personnel Records. The HR Department will be responsible for the maintenance of centralized personnel records. All employees will have a personnel file, a medical/benefit file, and payroll file. Separate files will be kept for investigations and workers compensation claims. Personnel files of all Tribal employees shall contain the following forms as well as other appropriate forms such as Resumes, Training Certificates and Commendations.

1. Application for Employment
2. Verifications of Employment
3. Employee Action Notice(s)
4. Confidential Employee Records
5. Performance Evaluations
6. Termination Records
7. Signed policy acknowledgements
8. Receipt of property forms
9. Letter stating background completed and acceptable for employment
10. Waiver for fingerprints and fingerprint card

I-9, Employment Eligibility Verification forms will be kept in binders in the HR Department. Current employees will be kept in alphabetic order. Terminated employees will be kept in a separate binder by month of destruction. The destruction date will be listed at the top of the form and HR will have an electronic reminder come up when the date of destruction arrives for each employee.

B. Confidential Nature of Personnel Records. In accordance with all regulations and laws, personnel records of employees are not public information and, therefore, shall be treated as confidential and kept in a secured file. Personnel records shall be available to authorized individuals when access to the information is reasonably necessary for the conduct of one's official duties as determined by the Chairperson or his/her designee, in accordance with the Tribe's confidential policies.

C. Personnel File Review. Every employee of the Tribe has the right to review certain information in his/her personnel file, and they may do so by following these procedures:

1. Requests to review the personnel file must be in writing and directed to the HR Director, indicating a date and time for which the review is requested.
 2. Review by the employee of their personnel file will be done in the presence of the HR Director and/or Chairperson or his/her designee. Only current employees have the right to inspect and request a copy of their application and any other documents they have signed in their personnel files. The Tribe has a reasonable time period to make these documents available to the employee requesting it. Former employees have no right to review or copy any documents in their personnel files. The personnel files are the property of the Tribe.
 3. Requests for removal of material that the employee feels should not be contained in their personnel file must be submitted in writing to the HR Director for consideration. Only after a careful review and concurrence by the Chairperson or his/her designee, would any materials be removed.
- D. Verification of Employment or Income. Only the HR Director can verify employment or income. For verification of employment, information released will be job title, dates of employment and rehire status, unless a “release of information” letter is signed by employee. All verifications will be turned around within 48 hours.
- E. Personnel Data Changes. It is the responsibility of each employee to promptly notify the HR Department in writing of any changes in personnel data such as:
1. Mailing address;
 2. Telephone numbers, name and number of dependents for changes in benefits;
 3. Individuals to be contacted in the event of an emergency; and
 4. Legal name and gender. HR and Tribal records revolving around an employee’s name and/or gender, including official tribal email, shall only be changed by submitting proof to the HR Department of an amended birth certificate for gender indicating the new gender and/or social security card for all legal name changes.

POLICY 7. BENEFITS

Section 1. Benefits and Leave

A. Benefits.

1. The Tribe offers comprehensive medical, dental, vision, and life insurance to employees. These benefits are provided to full-time employees (working 30 hours or more per week). Employees become eligible for health, dental, vision and life insurance benefits on the first of the month following thirty (30) calendar days from hire date.
2. The Tribe offers a discretionary 401K contribution plan to all FT or PT employees (not available for temporary employees). Employees become eligible to participate after six months of service to the Tribe. The rate of contribution will be determined annually, based on budgetary considerations; the employers' contribution may be as little as 0% and will not exceed 25%. Employees may contribute to the plan in accordance with IRS guidelines.
3. The Tribe offers a monthly health club stipend to all employees who provide proof by the 1st of each month to the Finance Department of payment the previous month for a gym membership. The stipend will be reimbursement for the amount paid for the gym membership up to \$60 and will be included in the employee's second paycheck of the month. The stipend will only cover the cost of monthly membership and shall not include additional services, including personal training, tanning, etc. Employees will not be allowed to submit multiple months' receipts at a time – only for the preceding month.
4. Education Benefit. The Tribe recognizes that the skills and knowledge of its employees are critical to the success of the organization. To that end, the Tribe is committed to continual training of its employees – both on position and Tribal specific topics and to assist those employees with licenses or certificates requiring continuing educational credit. This benefit is administered by each Department in accordance with its Policies and Procedures and budgetary constraints.
5. The Tribe also offers additional third-party employee paid benefits at reduced contracted rates that employees may choose to use utilize. Employees who choose to opt into such programs will have his/her paycheck deducted biweekly to pay for the services selected. Employee becomes eligible for employee paid benefits in accordance with specified contract provisions, and are responsible for managing the benefit.

6. In order to obtain the benefits described above, the Employee must fill out enrollment paperwork within 30 days of his/her hire date. Employees that do not complete the appropriate paper work within 30 days will be enrolled individually only. Following thirty (30) days, any changes to benefits will only be made during open enrollment or with a qualifying event.
7. Benefits that are available to the family or spouse, such as medical, dental and vision insurance, may only be utilized by individuals who are legal spouses and domestic partners; biological or adoptive children; biological or adoptive children of your spouse or domestic partner; or children in whom the employee is a legal guardian. HR reserves the right to conduct a benefits audit at any time and request legal documented proof of the relationships listed above for anyone added to benefits.

B. Leave Defined. Leave is defined as any authorized absence, with or without pay, during regularly scheduled work hours. Absence without leave is an unauthorized absence and is subject to disciplinary action.

Employees on unpaid leave will not accrue vacation or sick leave and will not be eligible for holiday pay.

All benefits stop when on unpaid leave of any kind for more than thirty (30) days or more, other than Family and Medical Care Leave.

C. Family and Medical Care Leave.

1. A Family and Medical Care Leave (FMCL) of absence can be granted to an employee who has been employed by the Tribe for a total of twelve (12) months and has worked at least 1,250 hours compensated (prorated for part-time) over the previous twelve (12) months and wishes to take leave in connection with:
 - a. The birth of a child and to bond with or care for the newborn child within one year of birth; or
 - b. the placement with the employee of a child for adoption or foster care and to bond with or care for the newly placed child within one year of placement; or
 - c. To care for a parent (or person who stood in the position of a parent when the employee was a child), spouse or child (including foster child, legal ward, stepchild, or a person to whom the employee stands in the position of a parent) with a serious health condition; or

- d. When a serious health condition causes the employee to be unable to perform the essential functions of the employee's job; or
 - e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"; or twenty-six (26) work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the employee (military caregiver leave).
2. FMCL requires a written application and medical certification (certification by a healthcare provider for employee or Family Member) within five (5) business days of the request for leave. If an extension of the leave is requested, recertification is required to be submitted to the HR Director at least five (5) working days prior to the expiration of the current leave. Whenever possible, an employee must provide his or her supervisor and the Chairperson or his/her designee with at least thirty (30) days advance written notice of the need for a Family and Medical Care Leave.
- a. FMCL taken for the purpose of bonding with a newborn child or a child placed for adoption or foster care, in accordance with Title 2, Article 5, Section D of the Tribe's Employment Code, shall not require medical certification, just Evidence of Relationship, once the child has been born. Any leave taken prior to the birth of the child must have medical certification as outlined above.
 - b. Prior to an individual being approved for FMCL, any outstanding progressive discipline matters shall be finalized and memorialized in writing.
3. FMCL can be up to twelve (12) workweeks of leave in a given 12-month period (beginning on the date of the initial requested leave.)
4. If the employee has not returned to work at the end of the approved period, he/she may be terminated. If the employee has been on a medical leave of absence for at least three months, then returns to work for thirty (30) working days or less and goes back out on medical leave, this will constitute a continuation of the previous leave. FMCL may be charged against the employee's sick leave, vacation leave, or taken without pay. In accordance with Title 2, Article 5, Section E of the Tribe's Employment Code, Employees are required to use all of his/her accrued sick and vacation leave prior to taking leave unpaid.

5. Upon return from FMCL, employee shall provide the HR Department with medical certification from a licensed medical provider certifying that the employee is medically clear to perform his/her job duties.
 - a. The medical certification must be submitted to the HR Director five (5) days prior to an employee's return to work. The certification packet provided to the licensed medical provider shall include a copy of the employee's job description and require that the licensed medical provider certify that he/she has read the applicable job description and certifies that the employee can meet the qualifications of the job description upon the employees return to work.
 - b. Upon a scheduled return, if an employee is not medically clear to perform all of his/her job duties, he/she must submit requests for accommodations in writing to the HR Department. The HR Director, in conjunction with the Department Director, will evaluate the reasonableness of the accommodations and provide a response in writing to the employee prior to his/her return. If the Tribe is unable to accommodate the request, the employee will not be allowed to return to work.

D. Leave Donation Program for FMCL

The Leave Donation Program for FMCL assists employees who have exhausted accrued leave time due to Family Medical Care Leave ("FMCL"). The Program allows other employees to donate accrued vacation time to the employee on FMCL so that he/she can remain in a paid status for a longer period of time, thus partially lessening the financial impact of the illness, injury, condition or circumstances.

1. *Eligibility.* To be eligible for this benefit, the receiving employee must: 1) Be a regular full time or regular part time employee who has passed his/her initial probationary period, 2) Have exhausted all accumulated leave including, vacation, sick leave, and administrative leave, 3) Be unable to return to work for at least 15 working days, and 4) Have applied and received approval for FMCL.
2. *Benefits.* Accrued vacation hours donated by other employees will be converted to sick leave and credited to the receiving employee's sick leave time balance on an hour-for-hour basis and shall be paid at the rate of pay of the receiving employee. For as long as the receiving employee remains in a paid status all other benefits will continue, with the exception of sick leave and vacation accrual. The total leave credits received by an employee will not

normally exceed two months. However, if approved by the department head the total leave credits may be extended on a case by case basis.

3. *Guidelines for Donating Leave Credits to the Program.* Upon approval of the application for donations of leave by the department head, the Human Resources Department will notify employees of the request and process for making a donation.

- a. Accrued vacation may be donated by any regular full time or regular part time employee who has completed his/her initial probationary period and his/her rate of pay is higher than the employee on FMCL.
- b. Initial leave time donations must be a minimum of eight (8) hours and thereafter, in eight hour increments. Employees must still comply with all annual leave requirements, including mandatory leave.
- c. The use of donated leave hours will be consecutive one shift increments (i.e., 8 hours for a full time employee working five eight hour days/week).
- d. Under all circumstances, time donations made by the employee are forfeited once made. In the event that the receiving employee does not use all transferred leave for the FMCL, any balance will remain with that employee until that employee's separation from service.

E. Authorized Leave Without Pay. An employee may use leave without pay for a maximum of six (6) months when the needs of the Tribe allow. The supervisor, Department Director, and the Chairperson or his/her designee must approve any use of authorized leave without pay to ensure adequate staffing is available and the department's ability to accommodate the leave.

F. Unauthorized Leave Without Pay. Any leave time, which is not approved as annual leave or authorized leave with or without pay, shall be unauthorized leave without pay and will result in disciplinary action, up to and including termination.

G. Restrictions of Leaves of Absence.

1. If it appears necessary for an employee to request an extension of leave, he/she must do so prior to the expiration of the original leave.
2. Administrative Leave is any leave approved by Chairperson outside of normal vacation time.

- H. Returning From Leave. When returning from medical leave due to a disability resulting from pregnancy, childbirth, or a related medical condition within three (3) months of the date commenced, the employee will be returned to their former classification or to an equivalent position unless, for business reasons unrelated to the leave, their former position ceases to exist. If their former position ceases to exist, the employee will be considered for equivalent open positions.
- I. Military Leave (Temporary). This is defined as a leave when an employee has a military reserve or National Guard commitment to active duty training or inactive duty training for a limited period of time. Any accrued Annual Leave may be used for Military Leave, or it can be taken without pay.
- J. Military Leave (Long Term). This is defined as a leave when an employee leaves to enter the Armed Services and returns to work within five (5) years, as provided for in the Uniformed Services Employment and Re-Employment Rights Act of 1994, subject to the availability of employment. Any accrued Annual Leave may be used for Military Leave, or it can be taken without pay.
- K. Jury and Witness Leave. The Tribe recognizes that one of the obligations of citizenship is to serve as a juror or witness when called upon to do so. If an employee is required to report for jury examination, jury duty, or as a subpoenaed witness in civil or criminal proceedings involving the Tribe in which the employee is not a party to the action, the employee will be paid his/her regular pay. Employee will ask to be unpaid as their employer is paying their regular wage during jury duty or the employee will return the jury duty paycheck to the courts rate of pay. This pay is for approved periods, normally not to exceed ten (10) working days during each calendar year, including accumulated partial days. When an employee receives a notice to report for jury examination, jury service, or to serve as a witness, he/she must promptly notify their Supervisor who will provide a copy of the jury summons to HR and payroll. After the jury service is complete, a copy of the juror badge and receipt from the courts indicating the days of service must be given to payroll to facilitate accurate payroll entry.
- L. Voter Leave. The Tribe recognizes that one of the fundamental rights and obligations of citizenship is to vote in elections, whether tribal, local, state or federal elections. To support this obligation, each employee may use one hour of paid leave to vote on Election Day. All voter leave must be coordinated with his/her supervisor and used in conjunction with the beginning or ending of a shift or in coordination with lunch breaks.
- M. Holidays.
1. The following shall be holidays for all employees of the Tribe:
 - a. New Year's Day

- b. Martin Luther King Jr. Day
 - c. President's Day
 - d. Memorial Day
 - e. Independence Day
 - f. Labor Day
 - g. California Indian Day
 - h. Veteran's Day
 - i. Thanksgiving Day and the day after Thanksgiving
 - j. Christmas Day
 - k. 1 Personal Day per calendar year ("use it or lose it")
2. Holidays will be scheduled at the beginning of each year by the Tribal Chairperson or his or her designee. The Tribe does not observe holidays that are not on the above list (Columbus Day, Easter, etc.) so please plan your schedule accordingly. The Tribal Chairman shall reserve the right to add additional holidays during the year.
 3. When any holiday falls on Saturday, the preceding Friday will be observed as the holiday. A holiday that falls on Sunday will be observed on the following Monday. If the holiday falls on a Tuesday, Wednesday or Thursday the Tribal Chairperson or his/her designee will decide which date it will be observed on and notify all staff of the observed date at the beginning of the year.
 4. All full-time regular employees receive one (1) Personal Holiday per year in addition to the Tribe's regular holidays. This Personal Holiday allows employees to have an additional day of paid leave to cover absences for personal reasons such as religious observances, holidays not observed by the Tribe or other reasons. Personal Holidays are available at the beginning of each calendar year. A Personal Holiday should be scheduled and approved in advance by the employee's immediate supervisor. In the event an employee misses work and would otherwise go unpaid because they do not have sick or vacation leave accrued, they may use their Personal Holiday.

N. Annual Leave (Vacation).

1. Vacation accrual begins on the date of hire. Employees may use the annual leave once it is accrued.

2. Full time employees begin accruing when they earn vacation at a rate of 120 hours (3 weeks) per 2,080 hours (1 year) worked for the first 6,240 hours (3 years) worked and at a rate of 160 hours (4 weeks) per 2,080 hours (1 year) worked from that point forward. Vacation hours may be accumulated to a maximum of 240 hours. Accrual Limits may be waived by order of the Tribal Council.
3. Part time employees shall earn vacation leave on a prorated basis and shall start to accrue from the date of hire and may be used upon accrual.
4. Vacation days must be requested and approved preferably 30 days in advance but no later than 5 days prior to requested vacation start date on the Leave Request form. Submit the Leave Request form to your immediate supervisor who will attach to time card for period of leave requested.
5. The employee's supervisor shall approve the time when vacation shall be taken after considering workload needs, seniority and wishes of the employee.
6. Mandatory Leave. All employees must take two weeks of vacation (if earned) annually. The equivalent of one (1) continuous workweek must be taken. Annual and administrative leave, overtime, or a personal holiday may be used to meet this requirement. Lack of a leave balance does not exempt an employee from this requirement. Vacation time helps all employees to "refresh" themselves and is proved to make for a more positive work environment for all employees.
7. The minimum leave time that may be taken at any one time by an employee shall be one (1) hour.

O. Sick Leave.

1. Leave taken due to illness/death in the family or Family and Medical Care Leave can be charged to sick leave. Please note: notice requirements below still apply, including a doctor's note if applicable. Leave authorization form must be completed upon return to work.
2. Full time employees shall accumulate sick leave at a rate of 96 hours (12 full time days a year) per 2,080 hours (1 year) worked. Part-time employees earn sick leave at a pro-rated rate.
3. For the purpose of determining eligibility for such leave allowance, the term "continuous service" shall be that service commencing with the date of hire and continuing until resignation or discharge.
4. For the purpose of determining sick leave earned, the term "actual service" shall mean the number of hours actually worked on the job; provided, however, that

absence from work due to sick leave with pay, vacation with pay, or injury or illness incurred in military duty shall be deemed actual service.

5. Employees may use the sick leave once it is accrued.
 6. Employee must notify Supervisor at least two hours prior to start of work that they are sick and unavailable for work to receive approved sick leave. The Supervisor shall approve sick leave only after having ascertained that the absence was for an authorized reason.
 7. If an employee is absent three (3) or more consecutive working days, even if the employee has reported the absence, and regardless of pay status, the supervisor will require a note from a medical practitioner to support the absence. Failure to provide such evidence when requested may result in disciplinary action.
 8. Sick leave may be accumulated to a maximum of 480 hours. Accrual limits may be waived a vote of the Tribal Council.
 9. The minimum sick or vacation leave time which may be taken at any time by any employee shall be one (1) hour and only if pre-approved by supervisor.
 10. Leave taken due to illness/death in the family or Family and Medical Care Leave can be charged to sick leave.
- P. Bereavement Leave. All regular, full and part time (pro-rated for part time), and probationary employees shall be granted, upon request, up to five (5) days per year of leave, with pay, to make arrangements for and to attend funeral services of any member of the employee's family. In extenuating circumstances, additional bereavement leave may be granted with the approval of the Chairperson or his/her designee upon submission of appropriate supporting documentation.
- Q. Educational Leave. The Tribe offers all full-time employees six (6) hours of educational leave each week in order to attend class during work hours. This benefit is not for study or homework time. Additionally, this benefit is not automatically approved, but is at the discretion of the Department Director and Tribal Administrator or Chairperson as appropriate.

In order to utilize this benefit, the following must be met:

- 1) The employee must be actively seeking a higher education degree or certificate.

- 2) Approval of the leave must be obtained prior to the start of the class and must be in writing.
- 3) The higher education degree or certificate must directly relate to the employee's position, as determined by the Department Director.
- 4) The class must be at an accredited education institution.
- 5) The leave time must not interfere with the employee's work performance and budgetary considerations permit such expenditure.
- 6) Employees must have completed one (1) year of service to be eligible for Educational Leave.
- 7) Employees must successfully complete the class and provide proof of the completion to the Training and Development Department. If an employee does not complete the class or provide proof within thirty (30) days of class completion, he/she must repay the Tribe for all the leave time taken unless an exemption is approved by the Chairman for extenuating circumstances (i.e. life threatening illness)
- 8) Education leave is not accruable or cannot be cashed out.

R. Overtime.

1. Exempt employees are not eligible for overtime.
2. Hourly (non-exempt)-Employees are paid on an hourly basis and are subject to overtime pay provisions only and do not receive compensatory time off. Hours worked in excess of forty (40) hours in any work week, excluding leave time, shall earn overtime at a rate of time and a half. It is the policy of the Tribe that overtime be held to a minimum and reserved for essential emergency situations. Overtime will be worked only with the prior approval of an authorized Supervisor. Overtime work may be required. Every attempt will be made to give adequate notice. If requested, employees will be expected to work unless it places an undue hardship on them. When proper notice of overtime work has been given, or an overtime assignment accepted, overtime is considered as scheduled working. Overtime shall be paid once earned in accordance with payroll practices.

S. Parental Bonding at Work.

In order to promote the bonding of a newborn infant with his/her parents, the Tribe allows employees the option to bring his/her biological or adopted newborn child, including a newborn child for which he/she is a legal guardian, to work with him/her until the child is six (6) months old, at the discretion of the Department Director or Tribal Administrator. This provision in no way implies a right to bring children to work, as the Tribe recognizes that in many situations it would be inappropriate and dangerous for children. Specifically, an employee that works in the following locations and/or positions may not bring his/her child to work: facility maintenance, gaming commission, health and wellness center (including medical, dental and behavioral health), fire, police, TANF, EPA and anyone providing transportation or required to drive for his/her position.

POLICY 8. PERFORMANCE MANAGEMENT

Section 1. Supervisor Responsibilities

- A. Monthly Check-Ins. Supervisors are required to privately check in face to face with each employee that he/she supervises. These check-ins may include a discussion of concerns or issues the employee may have, any tools the employee needs to success in his/her job duties, and provide any needed correction and direction. Supervisors are required to fill out the monthly check-in form and submit them to the HR Director.
- B. Performance Reviews. Supervisors are required to conduct performance reviews annually, during the probation period, and as needed, on each employee he/she supervises. Reviews must be an accurate representation of the performance of the employee during the period in question. Supervisors must complete any HR Performance Review forms, review them with his/her employee and then submit them to the HR Director.
- C. Approval of Time-Cards. Supervisors are required to verify and make any necessary edits to Employees time cards through the electronic timekeeping system. Time must be verified in accordance with the Finance Department Policies and Procedures Manual and per the Finance Director's request. Failure to verify time as required will result in disciplinary actions.
 - 1. Supervisors shall not approve leave time without pay for any employee unless receiving approval first from the Chairman or his/her designee.
- D. Recruitment and Hiring. Supervisors shall actively be involved in the recruitment and hiring of all employees he/she will be supervising. Supervisors shall work directly with the HR Department for all recruitment and hiring matters.
- E. Scheduling of Employees. Supervisors shall be responsible for ensuring that employees are scheduled for time off in accordance with the leave policies contained herein.
- F. Support of Staff and Tribal Codes, Policies, and Priorities. Supervisors shall support all Tribal codes, policies, and priorities approved by the Tribal Council, Tribal Chairperson and/or Tribal Administrator. Support may include implementation of any direction given with established time frame and compliance with all codes, policies, and procedures. Supervisors shall require all employees he/she supervisors to likewise support tribal codes, policies, procedures, and priorities. If employees fail to comply, Supervisors are required to provide proper progressive discipline

Section 2. Probationary Period

All new employees shall serve a probationary period of six (6) months, unless defined otherwise by an employment contract or a temporary position. During the probationary period, the supervisor observes and evaluates the conduct, performance, attitude, and job knowledge of each employee and determines whether the employee is fully qualified for regular status.

During the probationary period, employees will be reviewed by their supervisor upon completion of three (3) months of work in order for the employee to receive feedback on his/her performance.

Policies regarding progressive discipline shall not apply during the probationary period. The employment relationship can be terminated by the employee or the employer at any time during or after the probationary period, at will, either with or without cause.

Supervisors will be required to approve transition to regular employment at the end of an employee's probationary period. An employee who successfully completes the probationary period will be notified in writing that he or she has become a regular full-time or regular part-time employee of the employer, but the employee's at-will status will not change.

Section 3. Discipline

- A. Disciplinary and Corrective Actions. Any corrective actions or improvement plans will be discussed with the HR Director before being given to the employee. If a termination is required, the request must be brought by the HR Director to the Legal Department then to Chairperson or his/her designee. After an explanation for the requested termination, the Chairperson or his/her designee will give verbal approval to move forward with the termination or direct the HR Director to take a different action. Whenever a corrective action is given to an employee, there may or may not be an HR representative present. A witness to a disciplinary action should never be at the same level as the employee being disciplined.

Section 3B below includes samples of disciplinary and corrective action steps. In no way does this guarantee the use of any of these steps in the termination process as the Tribe maintains the right to review the severity of the infraction and decide if one or none of these steps will be used in the termination process.

B. Warnings.

1. *Verbal Warning.* Should an employee's performance fall below the standard expected as outlined in his/her job description, or his/her conduct becomes questionable, the supervisor shall inform the employee verbally along with completing a Corrective Action Notice indicating the date, time, and details of the infraction. In the action section of the form, the supervisor will indicate what, how, and when the behavior needs to improve. There is space for the employee to write

any comments concerning the action. The employee, supervisor, and HR Director will sign the form. A copy of the form is given to the employee and the original filed in their personnel folder. Possibly an improvement plan will be crafted by the supervisor at that time if needed.

2. *Written Warning.* In the event that a verbal warning has not resulted in improvement or correction of the condition, or where more severe initial action is warranted, a written warning will be issued by completing a Corrective Action Notice stating the nature of the offense and prior action(s) taken shall be given to the employee. The employee, supervisor, and HR Director will sign the form. A copy of the form is given to the employee and the original filed in their personnel folder.
3. *Final Written Warning.* In the event that a written warning has not resulted in improvement or correction of the condition, or where more severe initial action is warranted, a written warning will be issued by completing a Corrective Action Notice stating the nature of the offense and prior action(s) taken shall be given to the employee. The supervisor may go directly to Final Written Warning if the offense is of an especially volatile nature which needs serious action immediately. The employee, supervisor, and HR Director will sign the form. A copy of the form is given to the employee and the original is filed in their personnel folder.

C. Suspension, Demotion and Termination.

1. When other forms of disciplinary or corrective actions have failed, or when the seriousness of the offense or condition warrants it, the Chairperson or his/her designee may suspend with or without pay, demote, or terminate the employee.
2. A letter outlining said suspension, demotion or termination shall be given to the employee and a copy placed in his/her personnel file.
3. During a suspension requiring an investigation of the Tribe, suspension will be with pay.
4. Unpaid suspension of an exempt employee shall be given in increments of a week.

D. Causes for Disciplinary Action.

The following include, but are not limited to, areas where correctional action will be taken:

1. Incompetency; inability to perform assigned job, or portions thereof.
2. Inefficiency: not efficient; unable to achieve desired results.

3. Misfeasance or Malfeasance; performance of act(s) which are in performance of duty harmful or contrary to the law.
4. Insubordination: Failure to follow direct orders, refusal to complete work assignments.
5. Discourteous treatment of the public or other employees, whether during work hours or not on any of the Tribe's business locations.
6. Falsification of Records: Misrepresentation of information.
7. Abuse of Leave Privilege: See section on leave.
8. Use of Position for Personal Advantage.
9. Theft.
10. Willful Violation of the Law.
11. Absence from the Job for Three (3) Consecutive Days without authorization.
12. Violation of Substance Abuse Policy, Violation of any Policy, Code and/or Ordinance of the Tribe.
13. Failure to punch in and out for work, rest and meal periods.
14. Attendance/Punctuality. The Tribe expects that every employee will be regular and punctual in attendance. This means being in the office ready to work, at their starting time each day. Absenteeism and tardiness places a burden on other employees and the Tribe.

If you are unable to report for work for any reason, notify your supervisor a minimum of two (2) hours before your scheduled start time. The two (2) hour notice applies to illness either personal or child(ren) or an emergency and approval is at the supervisor's discretion. Tardy is one minute after your scheduled start time. You must call if you think or know you are going to be tardy. You are responsible for making sure your supervisor knows of your absence or tardiness by either speaking to them, getting a response to a text message, or email. If you do not get confirmation that they know you are out or tardy, you must keep trying until you make contact of some form with the supervisor or their designee. If your supervisor is not available you must speak directly with the manager or director of your department.

NOTE: If you take vacation, you should give two (2) weeks' notice unless an emergency vacation.

If you do not report for work and the Tribe is not notified of your status, it will be assumed after (3) three consecutive days of absence that you have resigned, and you will be removed from the payroll. Undue tardiness may result in disciplinary action, including termination of employment.

Section 4. Separation

A. Voluntary Separation (Resignation).

1. An employee wishing to resign in good standing shall notify his/her immediate supervisor in writing with two (2) weeks' notice, specifying the effective date. Failure to give at least two (2) weeks' notice may be cause for denial of future rehire.
2. Any employee who has submitted a resignation will be required to perform duties until the resignation becomes effective. The employee's Department Director may recommend to the Chairperson or his/her designee dismissal prior to the resignation date. A written resignation shall be effective and binding upon its submission to the employee's supervisor. All benefits shall terminate on the effective date of the resignation.
3. Absence without leave, whether voluntary or involuntary, for three consecutive working days is an automatic resignation from employment, including incarceration.

B. Involuntary Separation (Termination). Any employee may be dismissed at any time, with or without cause, without right of appeal. Upon termination, an employee will receive his or her unused annual leave and last paycheck on the next payroll date if he/she has turned in all tribal property. All benefits will be terminated immediately. Furthermore, upon termination, an employee's belongings will be packed up by the HR Department and his/her supervisor and arrangements made for the former employee to come pick up the items. Items will be held for 60 days and then discarded if not picked up. Furthermore, no special requests will be granted to retrieve personal documents and files on work phones or computers.

C. Recall/Rehire/Layoff Procedures.

1. *Recall.* Recall is defined as a set policy that has been established to rehire employees who have been temporarily laid off. The Tribe may recall laid off employees based on a number of factors including, the financial resources available, staff requirements of the organization in order to meet community needs, and seniority of eligible laid-off employees. Recall will be based on the Chairperson or his/her designee's discretion.

2. *Rehire.* Rehire is the procedure by which employees, who separated from employment, may be re-employed by the Tribe one additional time following a one (1) year waiting period from the date of termination (“Rehire Applicant”).

If positions are available, and as part of his/her application, a Rehire Applicant must sign a Release of Information Form to release any information in his or his personnel file, including, but not limited to, confidential disciplinary or investigative information, to the interview panel and potential future supervisors. If terminated for a violation of drug/alcohol abuse or anger issues, written documentation from an accredited facility showing successful completion in the program specific to the issue must be provided. Additionally, all individuals requesting to be rehired must complete, prior to application, a nationally certified employment class as approved by the HR Director.

Following the interview process, if a Department Director desires to offer the available position to the Rehire Applicant, he/she must acknowledge in writing that he/she is informed of the reasons for the Rehire Applicant’s termination and request rehire. Approval of the rehire, must be approved by the Tribal Chairperson or his or her designee for rehire.

If an individual has already been terminated from employment with the Tribe twice, he or she is permanently not eligible for rehire.

This policy does not apply to employees employed by the Tribe at the Red Hawk Casino.

3. *Layoff.* The Chairperson or his/her designee will determine whether it is necessary to lay off employees for business reasons and will select the job classification(s) to be affected by the reduction in force. In accordance with the Tribe’s Indian preference policy, no Indian employee shall be laid off as long as a non-Indian working in the same classification is still employed, nor as long as the Indian employee meets threshold qualifications for the job. If two (2) or more employees in the same job classification have the ability to perform the remaining work, then the selection criteria used to determine what employees will be laid off include but are not limited to: performance, experience, education, skill, job related training, and seniority. Benefits shall terminate immediately upon the effective date of the layoff.

Please note: Final paychecks will be issued on the next regularly scheduled payroll date.

Section 5. Employee Evaluation

A. Performance Evaluation. It shall be the responsibility of the supervisor of each employee to evaluate the employee's performance on an on-going basis, thereby assuring that the employee is advised of the adequacy of his/her job performance. The goal of the Performance Evaluation is to:

1. To ensure that each employee has specific knowledge of the job responsibilities of his/her particular position within the organization and of his/her job performance in relation to established standards.
2. To promote employee capacity for better job performance and advancement to a more responsible position.
3. To provide the basis for recommendation of step increases.

B. Types of Evaluations.

1. Monthly Check-ins. Supervisors are required to privately check-in face to face with each employee he/she supervises at least once each month. While informal, these check-ins may include a discussion of concerns or issues the employee may have, any tools the employee needs to success in his/her job duties, and provide any needed correction and direction. Supervisors are required to fill out the monthly check-in form and submit it to the HR Director.
2. Probationary Period Evaluations. All newly appointed employees shall have a Performance Evaluation completed approximately three (3) months from his/her start of employment as described above. Additionally, at the completion of the probationary period, supervisors must document in writing that an employee has completed the probationary period and is eligible for regular status.
3. Annual Evaluations. All employees shall receive a written evaluation during the month of January each year, unless he/she is in the probationary period. Evaluations shall be completed by January 31st of each year and submitted to the Human Resources Department. Supervisors shall not receive his/her evaluation until they have completed all evaluations of those they supervise.
4. A formal performance evaluation may be completed at any time for a regular employee whose performance has fallen below standards. An improvement plan with dates and goals is required if there is a need to do a non-performance evaluation. Such performance evaluation shall be the basis for remedial action or to document and justify disciplinary action.

C. Evaluation Procedures.

1. Email notifications will be sent to the supervisor for both eligibility and annual evaluations by HR with the current evaluation form and procedure, thirty (30) days before the evaluation is due to allow the supervisor time to complete the form by the due date.
2. The completion of a formal performance evaluation shall require an evaluation conference between the supervisor and employee and complete a form requiring brief notations of conference signed by both individuals.
3. The original Performance Evaluation form shall be filed in the employee's personnel file and a copy shall go to the employee.

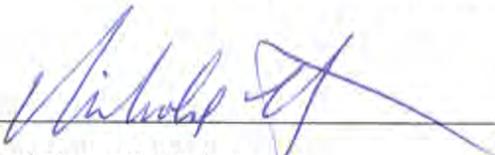
POLICY 9. CERTIFICATIONS

Section 1. Powers Reserved to the Tribal Council

For the best interest of the Tribe or its Tribal Members, the Tribal Council, via resolution, reserves the right to waive any portion of this policy in writing unless strictly prohibited by Federal law.

Section 2. Certification

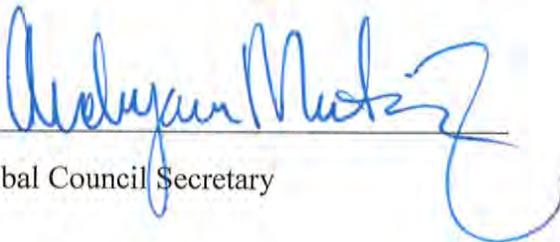
As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 12th day of October 2017 at which time a quorum of 7 was present, this policy was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said policy has not been rescinded or amended in any form.



Tribal Council Chairperson

October 12, 2017

Date



Tribal Council Secretary

October 12, 2017

Date

CONSENT AND RECEIPT OF HR POLICIES AND PROCEDURES

As an employee of the Shingle Springs Band of Miwok Indians (“Tribe”), I consent to the exclusive jurisdiction of the Tribe, these Policies and Procedures, the Tribe’s Employment Code, and the Tribal Court, as applicable, for any and all disputes in connection with my employment with the Tribe. I also consent to the application of the Tribe’s law, both substantive and procedural, regarding any and all proceedings, matters, and things relating to my employment relationship with the Tribe. I consent to the Tribe’s procedures and court for any and all disputes related to my employment with the Tribe. I understand that the reference to exclusive jurisdiction means that I do not have the right to sue the Tribe or its officials or employees in any other court or forum than the court or forum provided by the Tribe.

I acknowledge that I have a received a copy of the HR Policies and Procedures and understand its content and agree to abide by these policies and procedures.

Print Name: _____

Date: _____

Employee Signature _____

Department: _____



SHINGLE SPRINGS BAND OF MIWOK INDIANS

Shingle Springs Rancheria, (Verona) Tract, California
5281 Honpie Road, Placerville CA 95667
P.O. Box 1340, Shingle Springs CA 95682
(530) 676-8010 office; (530) 676-8033 fax

RESOLUTION 2017-66

SUBJECT: APPROVAL OF AMENDMENTS TO THE HUMAN RESOURCES POLICY MANUAL.

WHEREAS, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribe operates a government organization which includes several departments and programs; and

WHEREAS, on March 9, 2017, the Tribal Council approved a Human Resources Policy Manual ("HR Manual"), to set forth the procedures related to recruiting, interviewing, selecting, developing and maintaining an effective workforce and includes policies regarding hiring, promotion, training, job classifications, salaries, benefits, termination and other related activities; and

WHEREAS, the Tribal Council desires to change the HR Manual in order to reduce the number of days a job is posted to outside applicants from 30 to 10, and to change how jobs are advertised; and

WHEREAS, the Tribal Council has reviewed the attached amended HR Manual and has determined that it is consistent with the Tribe's goals in operation of its Tribal governmental operations.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby approves the attached "Human Resources Policy Manual" as a policy of the Tribe, and authorizes the Chairperson or his/her designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

BE IT FURTHER RESOLVED that the attached amended HR Manual supersedes and replaces any previous versions or copies of the HR Manual in conflict with this one.

CERTIFICATION

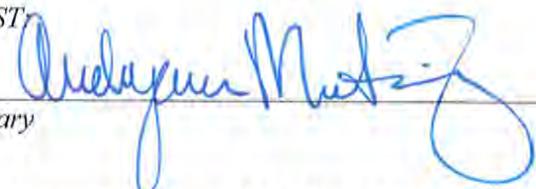
As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 12th day of October, 2017 at which time a quorum of 7 was present, this resolution was duly adopted by a vote of 7 FOR, 0 AGAINST, 0 ABSTAINED, and said resolution has not been rescinded or amended in any form.



Chairperson

October 12, 2017

Date

ATTEST:


Secretary

October 12, 2017

Date