



# EMPLOYEE'S HANDBOOK



**THE COLORADO RIVER INDIAN TRIBES**

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## DIRECTORY

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Colorado River Indian Tribes "MOTTO".

"I will meet all kinds of people today. Help me to help them all. If I meet any who are sad, help me to comfort them, even if I can do no more than say a word of kindness and shake their hand. If I meet any who are depressed, help me to cheer them and send them on their way happier because they met me. If I meet any who are worried, help me ease their anxiety as far as I can. If I meet any who are overburdened, help me to lend them a hand, even if it means extra work for me and even if I have to go out of my way to do so. If I meet any who are disgruntled, even angry, help me to show them that things are not as bad as they think they are. If I meet any who are happy help me to share in their joy. Make me able to enter the minds and hearts of all I meet today and to bring joy and happiness wherever I go. And finally, make me ever mindful that courtesy is not only the least expensive thing I have at my immediate disposal but also that it is the most contagious."

## PREFACE

The following subjects of the Tribal Employee's Handbook have been adopted by the Colorado River Indian Tribes for the purpose of assuring the efficient, economic, consistent and fair administration of Tribal Employee's management matters.

Recognizing the importance of recruiting, selecting, training and retaining the very best Tribal workers possible with the ultimate goal of providing the most effective services to our Tribal people, the Colorado River Indian Tribes are committed to implementing the provisions of the following policies relating to Tribal employees, fully, impartially, and with a sense of dedication to the values of human rights, privileges and dignity. All regular (permanent) Tribal employees are to be included in this system.

Various forms are mentioned throughout this publication and all are important. Department Heads and Supervisors are charged with the responsibility of proper form usage and with the duty of providing appropriate instructions to employees regarding proper form usage. In addition, an ample supply of all forms should be maintained and controlled at the Department Head level.

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## DEFINITIONS

The following list of terms and expressions is not all inclusive and may require updating from time to time to keep pace with Tribal progress in an ever-changing world.

1. **CRIT** - The Colorado River Indian Tribes.
2. **Colorado River Indian Tribes** – The membership and the organization of the Colorado River Indian Tribes on the Colorado River Indian Reservation, under and pursuant to its Constitution and Bylaws.
3. **Tribal Council** – The Governing body elected by Tribal membership, existing and functioning pursuant to the Constitution and Bylaws of the Colorado River Indian Tribes.
4. **Reservation** – The Colorado River Indian Reservation as established, existing and geographically defined under the laws of the United States, encompassing all territory within the exterior boundaries as now or hereafter prescribed or ascertained, including fee patented lands, allotted lands, town sites, roads, waters, bridges, and lands and rights-of-way owned, used or claimed by any person.
5. **Tribes** – The Colorado River Indian Tribes, and Tribal – belonging or pertaining to the Tribes.
6. **Indian Preference** – The implementation of various legislative enactments which provide for preference in the employment of Indians when qualified Indians are available.
7. **Indian** – Indian in this personnel system means a member of the Colorado river Indian Tribes; non-Tribal members means other Indians; employee means Indian, non-Tribal member and non-Indian working for the Tribes.
8. **Veteran's Preference** – A qualified Indian who is a veteran shall have preference in employment over a non-veteran Indian; a qualified Indian who is not a veteran will have preference over a non-Indian veteran.
9. **Statement of Non-Selection** – In the event a non-Indian applicant for a position is selected when qualified Indian applicants are available, justification for such selection will be submitted by the hiring/selecting supervisor and approved by Personnel System Board before the appointment is finalized.
10. **Probationary Period** – The first ninety (90) days of employment for most position, possibly one (1) year for highly technical and professional positions.



11. **Leave Without Pay (LWOP)** – Time away from the job, usually not authorized.
12. **Position Description (PD)** – A written explanation of employee's duties and responsibilities.
13. **Duty Hours** – 8 am – 5 pm Monday thru Friday.
14. **Compensatory Time** – Work performed before or after regular duty hours.
15. **Flex time** – Employee oriented timekeeping system, to accommodate unique or special employee requirements with respect to starting and quitting time.
16. **Holiday Pay** – Certain days of the year regularly observed by CRIT as paid holidays. LWOP immediately before or after a holiday prevents payment for holidays.
17. **Pay Day** – Every other week on Friday, 26 pay periods during the year.
18. **Disciplinary Action** – Imposition of penalties for failure to comply with official rules, regulations, directives, and supervisory instructions and requests.
19. **Insubordination** – Refusal to perform duties of a position.
20. **Conflict of Interest** – Use of status as an employee of the Tribes for personal gain or gain for relatives.
21. **Reportable Injury** – All injuries suffered by employees during working hours or on Tribal premises during the interval immediately, before, or after working hours.
22. **Annual Leave** – A privilege of employees to earn time off with pay at the rate of four (4) hours per pay period if employed less than three (3) years, six (6) hours per pay period if employed for three (3) but less than fifteen (15) years, and eight (8) hours per pay period if employed fifteen (15) years or more. Honorable military service, properly supported (Honorable Discharge Certificate) shall be creditable as employment for the purpose of computing annual leave earned.
23. **Sick Leave** – Employees shall earn leave at the rate of four (4) hours per pay period; 104 hours during the year of 26 pay periods.
24. **Creditable Leave** – Leave, annual and /or sick leave, will be creditable only for a pay period of eighty (80) hours of service.

- 25. Alcohol Abuse** – The drinking of alcoholic beverages to an extent which interferes with ability to do the job or with attendance on the job.
- 26. Administrative Leave** – Time away from the job without loss of pay usually associated with personal emergency when annual leave has been exhausted.
- 27. Per Diem** – Reimbursable expense for cost of meals, lodging, laundry, and incidentals incurred by an employee while away from place of work overnight on Tribal business.
- 28. Performance Appraisal** – An evaluation of the work and results achieved by workers.
- 29. Incentive Awards** – The recognition and reward of employees individually or in groups for performing special acts or service in the Tribes' interest in connection with or related to official employment.
- 30. Special Achievement Awards** – Merit Increases, Sustained Superior Performance, Superior Service, Career Service Recognition.
- 31. Employee appeal** – An entitlement to have an opportunity to question or appeal any action of management which is considered to be adverse to your interest. (Separation during probationary period is not subject to appeal).
- 32. Immediate Family** – The Colorado River Indian Tribes impose certain restrictions on the hiring of employee' relatives in order to minimize the difficulties that such relationships may cause in the normal conduct of work. Relatives may be hired when the specific limitations noted are not violated; however, they must be advised that future promotions, transferred, re-assignment, etc., may be needed if such moves will create situation in conflict with Tribal policy.

Related persons may not be given work assignments which require one relative to direct, review or process the work of another.

Definition of Relatives:

- Husband and Wife
- Parent and Child (step-child)
- Brother and Sister (step- brother and step- sister)
- Aunt or Uncle (by blood or marriage)
- Grandparent and Grandchild
- First Cousins
- Brother-in-Law and Sister-in-Law

- 33. Policies** – Guides to thing in decision – making. Their purpose is first to define the area within which a decision should be made, and then to guarantee

that the decision made will be in line with overall plans and goals. Provide for necessary flexibility.

**34. Rules** – Rules are requirements for certain actions or non-actions, with no allowance for discretion on the part of the person following them.

**35. Termination** – To discontinue employment; to bring employment to an end.

**36. Date of Hire** – Date employee started work as recorded on Personnel Status Report.

**37. Effective Date of Employment** – Date of Hire provided employee has completed 90-day probationary period.

**38. Completion of One-Year Service** – 365 days after Effective Date of Employment.

**39. Probationary Period** – 90 day/3 months continuous service represented by 80 hours of work for six (6) consecutive pay periods supported by time cards certified to by both the supervisor and employee.

## LEAVES OF ABSENCE

- A. Effect of leave of absence on employee's benefits.
1. Time spent on unpaid leave of absence of over 30 days, except a military leave of absence, will not be counted as time employed in determining an employee's eligibility for benefits that accrue on the basis of length of employment.
  2. An employee who is granted a leave of absence for a period of 30 days or more may be paid any annual leave that is due at the time he starts leave.
  3. In the case of leaves of over 30 days, the Tribes cannot guarantee that the same position or a similar position will be immediately available at the time the employee returns; if this occurs the employee's leave will be extended until such a time a suitable position is available.
  4. Time-off under this policy applies to all permanent full-time employees and part-time employees normally scheduled to work at least 30 hours per week who have completed the probationary period.
  5. An employee will not be eligible to receive bereavement time-off while on scheduled vacation time or absence from work because of sickness.
- B. Types of Leaves of Absence.
1. Personal Leave.
    - a. A permanent full-time or permanent part-time employee, scheduled to work 30 hours per week or more, who has completed the probationary period, may request a leave of absence without pay for personal reasons, including health.
    - b. The Department Head shall review and act upon a request for leave of absence for personal reasons in consideration of the following:
      - (1) The purpose for which the leave is scheduled.
      - (2) The length of time the employee will be away.
      - (3) The effect the leave will have on the ability of the department to carry out its responsibility.
      - (4) The employee's position and length of service.

- c. A leave of absence for personal reasons for up to 30 calendar days may be approved by the Department Head. A leave of absence for personal reasons of over 30 days must be approved by the Administrative Manager and/or the Administrative Committee.

2. Emergency Leave.

- a. If an employee does not have any accumulated annual or sick leave, the employee may be allowed a maximum of three days with pay for an emergency.
- b. In the case of a death in the immediate family or a deceased co-worker, Bereavement Leave may be granted pursuant to section B.9. herein.

3. Administrative Leave.

On occasions it may be necessary, in the best interest of the Tribes, to grant an employee administrative leave. The employee shall be so assigned by means of a memorandum of instructions signed by the supervisor and approved by both the Department Head and the Administrative Manager. Administrative leave shall be with pay and may be for, but not limited to the following:

- a. To obtain additional formal education that will be beneficial to the Tribes.
- b. To attend special short course training in connection with assigned duty.
- c. For travel to another location while on assignment or in a travel status on Tribal business.
- d. To adjust or make right any prior contribution by an employee in the form of compensatory time erroneously overlooked.

4. Jury Duty Leave.

Jury duty should be a fairly straightforward matter. When an employee is ordered by the courts to be present, the employee makes every effort to cooperate.

- a. Procedure.

- (1) An employee who receives notice of jury duty must notify his supervisor as soon as possible.
- (2) In the event the absence of an employee from work over a long period of time would cause a hardship on the Tribes, they (the Tribes) may petition the Judicial Clerk to excuse the employee from jury duty. Also, the individual may petition to be excused from jury duty if doing so would cause a hardship on the employee's family.
- (3) The Tribes will cooperate fully with local, state, and federal courts as well as the Tribal Court in allowing the employee to serve on jury duty without any financial loss.
- (4) All full-time regular employees called for jury duty will receive their regular rate of pay plus fees received for jury duty from the official court.

5. Maternity Leave.

a. Policy.

Under normal conditions, maternity leave will be granted to permanent employees up to a period of four months based on date of estimated departure. Expectant mothers are allowed to work as long as their health permits with the approval of their physician. All leaves granted will expire after three months from the date of delivery. Leaves will not be extended unless supported by a doctor's certificate. An attending physician's statement is required indicating the anticipated delivery date so proper departure and return to work dates may be arranged.

b. Administrative Guidelines.

- (1) Permanent full-time employees or permanent part-time employees normally scheduled to work at least 30 hours per week who have completed the probationary period may use accumulated annual and sick leave in lieu of leave without pay. Absence commencing at the time an employee's condition of pregnancy becomes disabling should be handled under Sick Leave. Time away from the job not covered by annual or sick leave will be without pay.
- (2) The employee requests a maternity leave of absence from the Department Head or supervisor as far in advance of the requested Department Head or supervisor as far in advance

of the requested departure date as possible. Prior to the scheduled date to return to work the employee notifies the Department Head concerning:

- (A) Availability to return to work.
- (B) Unavailability to return to work as scheduled due to medical reasons or other circumstances; or,
- (C) Intent to resign.

c. Limitations.

In no instance should a maternity leave of absence be requested or required of an employee.

If a pregnant employee is unable to perform the duties of her position in a safe and/or efficient manner, the employee may be involuntarily placed on sick leave of absence.

In no instance should an employee be involuntarily terminated because of pregnancy.

d. Exceptions.

Recommendations for exceptions to the Maternity Leave policy, material described herein must have the approval of the Administrative Committee.

6. Military Leave.

- a. A leave of absence without pay will be granted to reservists required to attend military training. Such leaves generally start no earlier than two days in advance of the start of training and end within two days following the end of same.
- b. Reservists may request that their vacations or a portion thereof be scheduled for the period of their military training.
- c. Requests for military leave of absence must be approved by the Department Head and the Administrative Manager.
- d. Employees entering active military service for a single enlistment period will be granted military leave of absence. The Tribes will make every effort to reinstate employees returning from military leave to their former jobs or an equivalent position.

7. Sick Leave.

- a. Sick leave is leave with pay granted an employee who is suffering with a disability which prevents them from performing their usual duties or who requires medical, dental, or optical consultation or treatment. No sick leave shall be credited while serving under an emergency appointment or under a temporary appointment.
- b. No employee shall be credited with sick leave until 3 months probationary service has been completed.
- c. Accrued sick leave will be dropped from employee's record after date of termination.

8. Annual Leave.

- a. Annual leave shall be earned by each full-time and each part-time employee who has a regular tour of duty. No employee shall earn annual leave while serving under an emergency appointment or under a temporary appointment.
- b. The earning of annual leave shall be based on the equivalent of years of full-time service and shall be creditable at the end of each regular pay period in accordance with the following schedule:
  - (1) Less than 3 years of service, at a rate of 4 hours of annual and 4 hours leave for each 80 hours of regular duty.
  - (2) Three years but less than fifteen (15) years of service, at the rate of 6 hours of annual and 4 hours of sick leave for each 80 hours of regular duty.
  - (3) Fifteen (15) or more years of service, at the rate of 8 hours of annual and 4 hours of sick leave for each 80 hours of regular duty.
- c. Honorable military service, properly supported (Honorable Discharge Certificate), shall be creditable as employment by the Colorado River Indian Tribes for the purpose of computing annual leave earned.
- d. No employee shall be credited with Annual Leave:
  - (1) Until 3 months probationary service has been completed.



- (2) For any leave without pay.
  - (3) For any overtime hours.
  - (4) For any holiday or other non-work day which occurs while he is on leave without pay.
  - (5) For any holiday or other non-work day which occurs immediately before or immediately after his being in a leave without pay status.
- e. Annual leave must be applied for by the employee and may be used only when approved by the Department Head or his authorized representative.
  - f. Annual leave shall not be charged for non-work days.
  - g. The minimum charge to annual leave records shall not be less than one-half hour.
  - h. The immediate supervisor may recommend and the Department Head may approve annual leave for a maximum period up to 120 hours workload permitting.
  - i. Annual leave requests for periods in excess of 120 hours must be approved by the Administrative Committee.
  - j. Enforced Annual Leave
    - (1) The Tribes may require an employee to take annual leave whenever, in its administrative judgment, such action would be in the best interest of the employee.
    - (2) No employee shall be required to reduce his accrued annual leave to less than 30 working days or the equivalent thereof in hours, provided that an employee may be required to take any part or all of his accrued annual leave prior to being granted leave without pay.
  - k. Payment of Annual Leave upon Separation
    - (1) Each employee upon separation shall be paid the value of his accrued annual leave in a lump sum disregarding any final fraction of an hour. The payment of such leave shall be computed as follows:

- (A) When an employee is paid on an hourly basis, multiply his regular hourly rate by the number of hours accrued annual leave.
- (B) When an employee is paid other than an hourly basis, determine the hourly rate by converting his salary to an hourly rate. Multiply his converted hourly rate by the number of hours of accrued annual leave.

9. Bereavement Leave.

- a. Bereavement Leave is available to regular, full-time employees (post-probational). Bereavement Leave can be taken, with the approval of the employee's Department Supervisor, in the event of a death of a member of the employee's immediate family. For the purposes of Bereavement Leave an immediate family member would be:

- Husband or Wife
- Parent or Child (step-parent and step-child)
- Brother or Sister (step-brother and step-sister)
- Aunt or Uncle directly related by blood
- Grandparent or Grandchild

- b. Bereavement Leave can be taken for a period up to 3 days and the employee approved for Bereavement Leave will receive pay at the same pay level. Employees that qualify for Bereavement Leave are compensated at their normal hourly rate.

[January 16, 2009]

10. Medical Disability Leave.

Medical Disability Leave is available to regular, full-time employees (post-probational) who need to be absent from their employment (with physician's certification) for a period not to exceed four (4) months to recover from a medical disability. During that time the employee has the responsibility to provide routine notification to the supervisor of their absence substantiated by a physician's medical certification.

Prior to the expiration of the four-month recovery period, if the employee has not been released by their physician to report to work, the supervisor prepares and send a letter to the employee inquiring as to their medical status and when they can be expected to report to work without restrictions, substantiated by a letter from their physician.

The supervisor's letter should also make reference that if they are not able to report to work by the expiration of the four-month recovery period that they will be released (terminated) from their employment due to their medical disability.

In the event the employee's physician does not release the employee back to work by the expiration of the four-month period the employee may be terminated from employment due to their medical disability at the discretion of their Department Head.

Employees who qualify for Medical Disability Leave can elect to use their accumulated annual leave for compensation. The employee can also apply for Shared Leave.

[January 16, 2009].

## **ABSENTEEISM**

Employment is a matter of mutual agreement. In return for offering an agreed to reliable income, the employer is entitled to or receive agreed to reliable performance. An employer has a right to expect that employees will be present, ready for work, when and where they are assigned.

### **EMPLOYEE ABSENTEEISM POLICY**

You are expected to report for work on time, on a regular basis. Unnecessary absenteeism and lateness are expensive, disruptive, and place an unfair burden on other employees and your supervisor. Unsatisfactory attendance will also result in disciplinary action, including suspension and discharge. It will also have an adverse effect on any promotional consideration.

If you are going to be late or absent for any reason, telephone your immediate supervisor as far in advance as possible of your starting time. Explain why you are going to be absent and when you expect to return to work. NOTE: It is your responsibility to ensure that proper notification is given. Asking another employee, friend, or relative to give this notification is not considered proper, except under emergency conditions.

Any employee who fails to give such notification will be charged with an unexcused absence. If an employee is absent for three consecutive days without notifying the Colorado River Indian Tribes, he or she is subject to discharge. If notice is given and the Colorado River Indian Tribes do not think it justifies and absence, it will be considered unexcused. The following chart shows the discipline that will be administered for unexcused absences:

<u>1<sup>st</sup> Absence</u>	<u>2<sup>nd</sup> Absence</u>	<u>3<sup>rd</sup> Absence</u>	<u>4<sup>th</sup> Absence</u>
Written warning	3-day suspension	10-day suspension	Discharge

Four consecutive unexcused absences = Discharge

Repeated lateness will also subject an employee to discipline including suspension and discharge.

Holiday Pay: An employee will be excluded from holiday pay when a holiday falls within the week in which an unexcused absence occurs.

All absences will be recorded on the employee's attendance record (time card). If the immediate supervisor decides that the excuse is not acceptable, a written warning will be issued. A copy of the warning should go to the employee and Human Resources. Keep in mind that these records may be used in a grievance or formal hearing.

Employees have a right to appeal any imposed penalties through regular grievance procedures. Termination for any reason during probationary period is not subject to appeal.

## **ALCOHOL**

(For more in-depth information consult the CRIT Substance Abuse Policy)

It is the Colorado River Indian Tribe's policy to help reduce the losses in dollars and manpower resulting from alcohol abuse. Through employees' supervisors we hope to maintain a program of early detection, provide a source for consultation and readily available information concerning treatment.

All must recognize that the successful treatment of alcohol abuse depends on early discovery, applicable reporting, appropriate communications and proper medical aid.

Alcohol abuse is defined as the drinking of alcoholic beverages to an extent which interferes with ability to do the job or with attendance on the job.

Supervisors are responsible for the recognition of signs of alcohol abuse and for appropriate reporting and follow-up.

The Alcoholism Director administers the alcohol abuse program, provides or arranges for consultation services, and arranges examination by appropriate medical service.

When a change in personality is evident, when absenteeism increases, when appearance changes, when a previously good attitude turns bad, when work begins to suffer, alcohol abuse may be the cause.

It is appropriate in such cases for the supervisor to inquire into what might be the cause. If it appears that it might be drinking, he/she should say so and suggest a cessation of drinking.

If no improvement is shown after a reasonable length of time and drinking is apparent cause, the employee is told and warned that continued drinking affecting his/her job performance will not be tolerated. Further, disciplinary action including termination of employment will be taken if drinking continues. At this point, the Colorado River Indian Tribes program is explained to the employee and offered to him/her at Tribal expense with the assurance that strict adherence to the program will eliminate the drinking problem. If it is refused and employee does not want help, he is told the responsibility is his and the consequence may be loss of job. A written record of all conversations and instructions are made and forwarded to Administrative Manager for proper filing in employee's personnel record.

The program is simple and effective. The employee is examined by a doctor and if indicated is placed on proper therapy. The Colorado River Indian Tribes will provide follow-up at its expense through the Alcoholism program for as long as is considered necessary by the doctor.

Services through the program are arranged by the Alcoholism Director who provides the supervisor with periodic reports regarding attendance and stage of recovery.

### **ATHLETIC ACTIVITIES**

The Colorado River Indian Tribes encourages all its employees to participate in athletic activities as a means to better health.

The Colorado River Indian Tribes provides a gymnasium for work out, lifting weights, etc.

Athletic activity must be done on the employee's own time.

The Colorado River Indian Tribes sponsors baseball, basketball, volleyball teams for men and women and supports community sporting events at various times during the year:

- (1) Native American Days
- (2) Other holidays

(3) Special events

**ATTENDANCE**

Regular and prompt attendance at work is required of all employees.

If it does become necessary for you to be absent, it is your responsibility to notify your supervisor.

An absence may be recorded as an excused absence for reasons of personal or family illness or for several other reasons which would require an employee to miss a part or all of a scheduled workday and which can be substantiated by the employer if requested to do so. Such absence will be recorded as an excused absence if the employee has requested of his or her supervisor the necessary time off in advance or, if he calls in to report his absence between the hours of 8:00 and 9:30 am.

An employee's failure to request and excuse, or to report his absence in the manner described above, will result in the absence being recorded as an unexcused absence.

An employee who fails to call in for three consecutive days shall deem to have voluntarily terminated his/her employment with the Colorado River Indian Tribes.

If an employee's attendance record indicates frequent absence, the employee shall be required to document the reasons for his absence at the request of the immediate supervisor in order for the absence to be recorded as an excused absence.

**AUTOMOBILES (Personal Automobiles)**

The Colorado River Indian Tribes provides and maintains parking facilities for the use of employees. As space is limited, we encourage the use of carpools whenever possible. Employees shall park only in designated areas in the parking lot in the rear of the Administration Building. The Colorado River Indian Tribes assumes no responsibility for damage to vehicles or theft of articles from vehicles while on Colorado River Indian Tribal property. Employees are asked to use caution while driving and observe a 5 mph speed limit.

**AWARDS**

The Colorado River Indian Tribes incentive awards program is designed to encourage employees to participate in improving the efficiency and economy of operations; to recognize and reward employees, individually or in a group, for participating in the form of superior performance, cost-saving suggestions and

other personal efforts which contribute to improved efficiency in tribal operations. Also, to recognize and reward employees or departments for performing special acts of service to the Tribes' interest, in connection with or related to official employment. This program provides for the following awards:

A. Cash Awards for adopted suggestions resulting in improved methods, procedures, working conditions, service to the Tribes, employees' morale, health and safety. Suggestion boxes are located near the coffee bars. Contact your supervisor for additional information.

B. Special Achievement Awards.

1. Merit increases

This award equates to an increase in salary and must be based strictly on merit and increased productivity. Merit increases must not be used to supplement annual salaries which may be considered low. Before a supervisor submits a written recommendation for a merit increase to the Administrative Committee through the Administrative Manager, standards of performance must be established, reviewed and approved.

All recommendations for merit increase must be supported by written documentation, explaining:

- a. Why an employee should be awarded an increase in pay.
- b. How the employee actually exceeded the approved standards of performance
- c. When the employee performed in an outstanding manner and for how long.
- d. To what extent employee performed in an outstanding manner. Several examples of the outstanding performance should be included setting forth the dates and a description of what was actually accomplished to warrant an increase in pay.
- e. Each recommendation will also contain a statement to the effect that the supervision expects the employee to continue to perform at this high standard.

2. Sustained Superior Performance. This is a Cash Award for:

- a. Substantially surpassing normal production standards over a period of several months.

- b. Obtaining highly superior quality results on special projects(s) while satisfactorily meeting standards of quantity for an extended period.
3. Superior Service. This is a Cash Award given at any time during an employee's career for:
  - a. Significant acts of service.
  - b. Achievements that materially aid or affect the successful accomplishment of the Colorado River Indian Tribes' operation.
4. Career Service Recognition. This Award may be given in the form of an emblem, gift, ceremony with plaque, or cash in recognition of years of Service.

Lapel emblems for 5, 10, 20, 30, etc., years of service may be awarded. Awards may be given in private, in presence of employee's peers, or at a Tribal Council meeting, depending on the length of service. Employee's preference will be honored, if possible.

Awards must be earned and the price is high. Recipient's attitude, conduct and performance must reflect the qualities of courtesy, consideration, loyalty and a deep sense of responsibility to self and others, both on and off the job.

## **BENEFITS**

### **A. Medical (Insurance).**

All full-time regular employees are eligible to participate in the health benefits available under a voluntary program. Employees pay 100% of premium at group (reduced) rates for the benefits they desire. Employees enrolling in the group plan within 30 days of date of employment are not subject to medical examination. Employees leaving employment, who are enrolled in the group plan, are allowed to convert their policy and retain coverage.

### **B. Life Insurance.**

All full-time regular employees are eligible for insurance effective on the first day of the month coinciding with or next following 90 days of continuous employment. The amount of life insurance for you is the equivalent of your annual salary multiplied by two (2). A booklet describing your insurance plan will be distributed by Human Resources upon completion of the 90-day



probationary period. Entire cost of your life insurance is paid by the Colorado River Indian Tribes.

C. Pension Plan.

All full-time regular employees who have completed one year of service shall be deemed to be participants in the Colorado River Indian Tribes Pension Plan. The one-year service date requirement starts upon completion of your 90-day probationary period. Each participant shall have an Employee Contribution Account. The Colorado River Indian Tribes annual contribution shall be allocated to the Employee Contribution Accounts of all eligible participants according to the ratio that each participant's compensation for the year bears to the total compensation of all eligible participants for the year. Retirement date is the 31st day of December following the date a participant has attained age 60. Entire cost of your pension plan is paid by the Colorado River Indian Tribes. The Tribal Council has appointed a Pension Committee which administers the Pension Plan and decides all questions arising in its operation.

D. Payroll Savings Plan (Not currently offered).

Payroll deduction is available for those who wish to purchase U.S. Savings Bonds. Full details regarding this plan may be obtained from the Human Resources Department.

E. Breaks.

The Colorado River Indian Tribes provide two breaks each of 15 minutes duration: one in the morning and one in the afternoon. Employees may leave their work stations at this time and have a cup of coffee, light snack, pop, etc.

### **BULLETIN BOARDS**

All notices which affect employees in any way will be posted on the Bulletin Board, including information on safety and policy changes. No one may post information on the Bulletin Boards without first obtaining approval from the Human Resources Office.

### **COMPLAINT PROCEDURE**

It is the policy of the Colorado River Indian Tribes to give every employee's complaint a full and impartial hearing. Hopefully this procedure will resolve most discontent and keep employee problems from developing into a grievance.

## DO YOU HAVE A PROBLEM?

If you do, we want to know about it. If there is something about your job that is bothering you, bring it out in the open. Every effort will be made to straighten out your problem. Here are four steps that can be taken to get your problem a fair hearing.

**STEP 1:** Your immediate supervisor. He or she is ready and available to give you a fair hearing. Talk your problem over with your supervisor honestly and sincerely. There is a good possibility that your problem can be resolved at this stage.

**STEP 2:** Human Resource Director. If your problem remains unresolved, you can bring it to the Human Resource Director. If your problem remains unresolved, you can go to Step 3.

**STEP 3:** At this step you will meet with the Administrative Committee for a complete hearing. Be prepared to submit your problem(s) in writing including but not limited to:

- a. Your name and mailing address
- b. Name and location of your office/place of work.
- c. Your present job title and salary.
- d. Your reason(s) for believing an injustice has been done or the exact nature of your problem(s).
- e. Names of persons and a list of places, dates and events which may have a bearing on the matter.
- f. Your recommendation(s) for solving the problem in a satisfactory manner and for preventing a recurrence of the problem.

**STEP 4:** Your problem will be addressed by the Administrative Committee and a recommended solution will be rendered within 7 days from date of the hearing.

## **COURTESY**

- A. Employees should not work in a manner that willfully obstructs or hinders another employee from completing his or her assigned duties.
- B. Employees should operate in a manner both safe to themselves and their fellow workers.

- C. Personal problems between employees should not be pursued at work.
- D. When leaving the work area or office area for other than lunch, all employees should have the permission of their supervisor who will know why, where, and for how long they will be gone. Employees who work in the office area will also tell the receptionist where they are going and when they expect to return. Returning employees should check in with the receptionist and/or their supervisor. Should supervisors be leaving the work area for any extended period of time, they should tell their subordinates whom to contact in case of emergency.
- E. In case of sickness, all employees must contact their supervisor or designated officer (not the receptionist) by phone promptly in the morning. For extended illness in excess of 3 work days, a doctor's statement will be required.
- F. Telephones should not be used for personal telephone calls and employees should not have personal visitors unless permission is obtained.
- G. All employee information will be posted on bulletin boards.
- H. Any employee who changes his or her address or family status should report it in writing to the Human Resources Department.
- I. Contributions may not be solicited of employees of any department unless approved by the Department Head. Raffles, benefit sales, and the like for charitable organizations may be allowed if they do not interfere with the progress of work.

Following is a list of Colorado Indian Tribe's rules and disciplinary action associated thereto: (Following page)

**RULES AND DISCIPLINE  
VIOLATION OF THE FOLLOWING RULES WILL RESULT IN THE  
DISCIPLINE SPECIFIED**

<b>Violation</b>	<b>1<sup>st</sup> Time</b>	<b>2<sup>nd</sup> Time</b>	<b>3<sup>rd</sup> Time</b>	<b>4<sup>th</sup> Time</b>
1. Theft of Property from Colorado River Indian Tribes or other employee	Discharge			
2. Drinking alcoholic beverages on Colorado River Indian Tribes Premises	Discharge			
3. Assault of Supervisor or other employee	Discharge			
4. Intentionally falsifying any time card in any way	Discharge			
5. Reporting for work under the influence of alcohol or drugs	Discharge			
6. Falsifying Colorado River Indian Tribes records (any)	Discharge			
7. Possession of illegal weapons or fire arms on CRIT Premises	Discharge			
8. Intentionally misusing or damaging CRIT property of Another employee	30 day suspension	Discharge		
9. Smoking in unauthorized areas	3 day suspension	30 day suspension	Discharge	
10. Leaving work area or department during working hours Without permission	1 day suspension	3 day suspension	Discharge	
11. Unauthorized operation of vehicles and equipment	1 day suspension	3 day suspension	Discharge	
12. Posting or removing notices on CRIT bulletin boards without permission	Written warning	3 day suspension	Discharge	
13. Disregard for safety rules	3 day suspension	30 day suspension	Discharge	
14. Failure to wear specified equipment	3 day suspension	30 day suspension	Discharge	
15. Failure to report injury or accident	3 day suspension	30 day suspension	Discharge	
16. Unauthorized absence	Written warning	3 day suspension	10 day suspension	Discharge
17. Stretching breaks or wasting time	Oral warning	Written warning	3 day suspension	30 day suspension
18. Creating or contributing to unsanitary conditions by poor housekeeping	Oral warning	Written warning	3 day suspension	30 day suspension

<b>Violation</b>	<b>1<sup>st</sup> Time</b>	<b>2<sup>nd</sup> Time</b>	<b>3<sup>rd</sup> Time</b>	<b>4<sup>th</sup> Time</b>
19. Insubordination by refusing a supervisor's orders	3 day suspension	20 day suspension	Discharge	
20. Sleeping on CRIT premises during work hours	3 day suspension	30 day suspension	Discharge	
21. Unauthorized soliciting of contributions on CRIT premises	Oral warning	Written warning	3 day suspension	Discharge
22. Threatening or intimidating other employees or supervisor	10 day suspension	Discharge		
23. Lateness	Oral warning	Written warning	10 day suspension	Discharge
24. Unexcused absences	Written warning	3 day suspension	10 day suspension	Discharge
25. Eating at work station at other than authorized time	Oral warning	Written warning	1 day suspension	3 day suspension
26. Failure to observe traffic and parking rules on CRIT property	Written warning	3 day suspension	10 day suspension	Discharge
27. Fighting or attempting to provoke a fight on CRIT premises	10 day suspension	Discharge		
28. Failure to follow specified instructions	Written warning	10 day suspension		
29. Inability or unwillingness to work harmoniously with other employees	Written warning	3 day suspension	10 day suspension	Discharge
30. Removal of CRIT records or release of confidential information	Discharge			

## **PROPRIETARY INFORMATION**

When the Tribal Council receives proprietary information or produces proprietary information as a result of Tribal Council meetings and Tribal Committee meetings or as a result of any other action, all employees are obliged to safeguard the information and to retain it on a confidential basis.

Adherence to confidential measures is required of all employees who from time to time may receive, obtain, have access to, work with, or otherwise be in knowledge of information of a confidential nature.

The nature of confidential information may include, but is not limited to such materials as Tribal Council meeting minutes, Committee meeting minutes, technical, economic or legal data or analyses, know-how, test results, lists, charts, maps, accounting and financial data, job applications, employee credit information and other proprietary interests of the Tribes and their employees. Protecting and safeguarding of confidential information is a condition for initial and/or continued employment. All employees whose regular work activities involve access to such confidential information are so advised by their supervisor of their obligations.

Requests from any outside source for disclosure of confidential information shall be reported immediately to the Tribal Chairman.

## **PROPERTY OF COLORADO RIVER INDIAN TRIBES**

### **A. Care of CRIT Property.**

1. An employee is expected to exercise due care in the use of the property of the Colorado River Indian Tribes, and to utilize such property only for authorized purposes. Negligence in the care and use of Tribal property may be considered cause for suspension and/or dismissal.
2. Unauthorized removal of the property of the Colorado River Indian Tribes from the premises, or its conversion to personal use, will be considered cause for suspension and/or dismissal.

### **B. Return of Colorado River Indian Tribes Property.**

CRIT Property issued to an employee must be returned to the Colorado River Indian Tribes at the time he terminates employment or when it is requested by his Department Head for his designated representative. The value of any property issued and not returned may be deducted from the employee's pay check.

C. Personal Property on CRIT Premises.

The Colorado River Indian Tribes assumes no responsibility for loss or damage to the personal property of an employee.

## **DISCIPLINE**

A. Purpose of Disciplinary Action

A violation of the Colorado River Indian Tribes Rules constitutes misconduct on the part of the employee, and appropriate disciplinary measures, as indicated in the following actions, should be initiated by the supervisor. Such disciplinary measures should be administered in an objective and constructive manner intended to motivate the employee toward proper conduct in the future. All disciplinary actions must be documented and a copy sent to Human Resources.

The handling of work performance problems not arising out of misconduct should be according to Performance Reviews and disciplinary action should not be taken.

B. Investigation of Misconduct

1. A supervisor who becomes aware of suspected employee misconduct should promptly commence a thorough investigation of the incident, and this must include asking the employee for an explanation of his/her actions.
2. If the suspected misconduct would constitute a serious offense, the Administrative Manager should be notified as soon as possible. The employee may be suspended without pay while the investigation is being conducted for a period not to exceed seven (7) calendar days, if warranted by the nature of the offense and/or the employee's behavior. Any period of such suspension not converted to discharge or disciplinary time off will be treated as compensable time not worked.

C. Classification of Misconduct

1. Minor offenses are those violations of the Colorado River Indian Tribes Rules which are unacceptable if repeated, but for which the employee will not be discharged for the first offense.
2. Serious offenses are those willful or deliberate violations of the Colorado River Indian Tribes Rules of such a nature that the first offense may indicate that continued employment of the employee may not be in keeping with the best interest of the Tribes.

#### D. Classification of Disciplinary Action

There are four basic classifications of disciplinary action:

1. Employee counseling or oral reprimand - Employee is counseled by the supervisor following a minor offense in an effort to eliminate possible misunderstandings and to explain what constitutes proper conduct.
2. Written reprimand - Employee receives a written notice of discipline following intentional or repeated minor offenses. The purpose of a written reprimand is to make certain that the employee is fully aware of the misconduct he/she has committed and what is expected, thereby enabling the employee to avoid a recurrence of the incident.
3. Final written warning - Employee receives written notice of disciplinary action following serious misconduct or further repeated minor offenses; disciplinary time off without pay may also be given. The purpose of a final written warning is to make certain that the employee understands the seriousness of the misconduct and that further misconduct will most likely result in discharge.
4. Discharge - Employee is discharged as the result of a serious offense or the final step in the accumulation of minor offenses of the same nature.

If any employee disagrees with discipline given, the Grievance Procedure may be used.



## DUPLICATING EQUIPMENT

The use of Tribal duplicating equipment (Photocopier, etc.) will be confined to tribal business and to projects specifically sponsored and financially supported by the Colorado River Indian Tribes.

Use of duplicating equipment for personal benefit of employees or others is contrary to tribal policy and will not be allowed.

When the Colorado River Indian Tribes directly sponsors outside or tribal membership organizations, reasonable use of duplication equipment by a tribal representative will be, on occasion, approved.

Following is the heading on Duplicating Use Log and entries for all duplication use must be made:

DEPARMENT/ORGANIZATION				
DATE	NAME	A/CNO.	NAME	NO. OF COPIES

## **EMPLOYEE IDENTIFICATION BADGES**

The Colorado River Indian Tribes shall issue employee identification badges to every employee. Employees shall be required to wear the identification badge at all times while on duty. Habitual failure to wear the identification badge will result in disciplinary action. Employees are responsible for notifying the Human Resources Department if his or her identification badge is lost or stolen and to obtain a duplicate.

[July 23, 2009]

## **EMPLOYEES' PRIVACY PROTECTION POLICY**

The CRIT Employees' Privacy Protection Policy has three basic objectives:

to create a proper balance between what an individual is expected to divulge to its record keeping department (personnel) and what he seeks in return (to minimize intrusiveness);

to open-up record keeping operations in ways that will minimize the extent to which recorded information about an individual is itself a source of unfairness in any decision about him made on the basis of it (to maximize fairness); and

to create and define obligations with respect to the uses and disclosures that will be made of recorded information about an individual to create legitimate, enforceable expectations of confidentiality.

Note CRIT Rule No. 30 and accompanying explanation, particularly 3rd paragraph, page 30, concerning protection of Tribal governmental and operational information.

## **GRIEVANCE PROCEDURE**

### **A. Policy.**

It is the policy of the Colorado River Indian Tribes:

1. To ensure that employees receive fair and equitable treatment;
2. To provide employees with an easily accessible procedure for expressing dissatisfaction;
3. To foster sound employee-supervisor relations through communication

and ultimate reconciliation of work-related problems.

The employee Grievance Procedure described herein has been established as a primary means of meeting these policy objectives.

Department Heads and supervisors are responsible for making certain that employees under their jurisdiction have knowledge of and understand the Grievance Procedure, and that employees feel free to use the procedure without fear of criticism or action being taken against them affecting their job security, wage progression opportunity, or chance for job advancement.

B. Application.

This policy has application to all employees.

C. Definition.

**GRIEVANCE.** An expression of dissatisfaction relating to wages, hours of work, administration of personnel policies, perceived unfair or inequitable treatment or discipline, or other conditions of employment.

D. Administrative Guidelines.

1. All time limits specified herein are calendar days. In the interest of the prompt resolution of employee complaints, the action at each step of the Grievance Procedure should be taken as rapidly as possible but not later than the prescribed time limit. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties at that step.
2. Grievance hearing will be scheduled at mutually satisfactory times. Grievance hearings are considered compensable hours worked, except in cases where the employee has been placed on suspension or terminated.
3. An employee may have the assistance of the Human Resources Director in preparing and processing a grievance at any step.
4. New grievance issues that were not raised at Step 1 may not be raised by either party at Steps 2 and 3.
5. A written summary of the complaint and facts and information accumulated should be made by the representative at each step and forwarded to the Human Resources Director and to the next higher level in the Grievance Procedure, together with copies of grievance appeals and responses.

6. Grievance information or testimony must be treated in a most discreet and confidential manner by all persons involved.

E. Administrative Procedure.

1. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems and misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions they may have with their immediate supervisors and are urged to initiate such discussions at the time the dissatisfaction or question arises. Supervisors, in turn, should take positive and prompt action to answer employee's questions and resolve complaints presented to them. Employees may also meet with the Administrative Manager prior to initiating a grievance to receive guidance and assistance.
2. If an employee's problem has not been resolved after presenting it to his/her supervisor, a grievance may be initiated with the Department Head at Step 1. To be accepted for consideration, a grievance must be initiated within ten (10) days following the date when the employee first had knowledge of the incident that gave rise to the grievance. The Department Head arranges a meeting with the employee to discuss the complaint, develops all the available facts and information relative to the grievance. In cases where an oral response has been given the employee, a memorandum summarizing the response should be prepared and forwarded to the Human Resources Director.
3. Step 2 – Human Resources Director.

If a satisfactory resolution of the grievance is not reached at Step 1, the employee may request that the grievance be processed to the Administrative Manager for review at Step 2. The grievance must be in writing and presented to the Administrative Manager within seven (7) days after receiving the Step 1 decision; the grievance is considered settled on the basis of the Step 1 decision if such a request is not presented. Upon receiving the grievance appeal, the Administrative Manager conducts a preliminary investigation as a background for analysis and discussion, and meets with the employee within seven (7) days after receiving the grievance to hear the employee's viewpoint. The Administrative Manager's written decision is presented to the employee within seven (7) days following the meeting, with copies to the Administrative Committee.

4. Step 3 - Administrative Committee.

If a satisfactory resolution of the grievance is not reached at Step 2,

the employee may request that the grievance be processed for review at Step 3. The request must be in writing and presented to the Administrative Committee within seven (7) working days after receiving the Step 2 decision. If the Grieving Employee and the Department Supervisor agree, the seven (7) working days can be extended. The grievance is considered settled on the basis of the Step 2 decision if such a request is not presented. At the Administrative Committee's option, the grievance is reviewed and a final decision made by the Administrative Committee.

For purposes of Step 3 Grievance Hearings with the Administrative Committee, the Administrative Committee will present the Chairman, Vice-Chairman, Tribal Secretary and Tribal Treasurer. The Chairman has the option to replace a member of the Administrative Committee who is absent from or who elects to recuse themselves with another Tribal Council Member.

The Administrative Committee will arrange for a grievance hearing to be conducted within fourteen (14) working days after receiving the Step 3 appeal. The Administrative Committee will review all the available facts and information and will make the best effort to issue a written decision within seven (7) working days following the hearing.

The Administrative Committee will review the decision of the Human Resources Director in Step 2. The only evidence before the Administrative Committee will be the record used by the Human Resources Director in Step 2. A decision issued by the Administrative Committee is final and binding on all concerned.

F. Procedures for the Administrative Grievance Hearing.

The Chairman shall have responsibility and authority over the entire hearing process. Each Administrative Committee member will be given the opportunity to address questions to the Grieving Employee, Human Resources Director and Department Supervisor.

The Chairman will enter Executive Session in order to maintain confidentiality for the protection of the Grieving Employee's rights to privacy. A copy of the Grievance will be distributed to the Tribal Council members in attendance and will be collected by the Human Resources Director at the end of the Administrative Hearing.

G. Grieving Employee.

The Grieving Employee will have the opportunity to make an opening and closing statement to present his or her perception of the issue of the Grievance. The Grieving Employee will have the opportunity to review and

discuss the record as stated in the Human Resources Director's findings from Step 2.

H. Department Supervisor and Human Resources Director.

In addition to the Grieving Employee and Administrative Committee members, the Human Resources Director and the Department Supervisor who took the course of action with the Grieving Employee will be in attendance at the Administrative Hearing. The Human Resources Director and the Department Supervisor will be given the opportunity to review the record as stated in the Human Resources Director findings from Step 2. The Human Resources Director will be given the opportunity to make an opening and closing statement.

I. Presenting Information.

Before addressing the Administrative Committee, all persons at the hearing shall be recognized by the Chairman.

The presentation of any information that is irrelevant, immaterial or unduly repetitious or that does not bear directly on the issue before the Administrative Committee shall be disallowed by the Chairman.

Personal comments regarding individuals whether or not present at the hearing, will not be allowed, unless they clearly go to the credibility of a witness present some evidence of relevant bias, or are clearly probative to the issue before the Administrative Committee.

J. Confidentiality.

Confidentiality of the hearing is of the utmost importance. The Administrative Committee, Department Supervisor, Human Resources Director and Grieving Employee participating in the hearing shall not discuss the action beyond the confines of the hearing, except to seek legal advice.

K. Determination by the Administrative Committee.

Once the review of the findings of the Human Resources Director from Step 2 is complete and closing statements are made the Chairman shall exit the Executive Session and a motion can be made concerning the Grievance. A decision issued by the Administrative Committee is final and finding on all concerned.

L. Exceptions to Grievance Procedure.

1. In cases where an employee believes that the overall performance rating or a particular rating received under a Performance Review is

unfair, the employee may discuss his/her concerns with the supervisor in an attempt to reach a satisfactory resolution and enter any remarks deemed appropriate in the section provided on the Performance Review form. If a satisfactory resolution is not reached, the employee may initiate a grievance at Step 1 of the procedure. Except in cases where the overall performance review rating is unsatisfactory, and/or where the employee has been suspended, placed on probation, or involuntarily demoted or transferred, the decision of the Department Head is final.

NOTE: A grievance initiated by an employee reporting directly to a Department Head may be appealed to Step 2 of the procedure for review and final decision by the Administrative Manager.

2. In cases where an employee believes that he/she should not have been involuntarily terminated (released or discharged), the employee may initiate a grievance at Step 2 of the procedure.
3. In cases where a grievance has been initiated by a new employee in probationary status, the decision of the Department Head at Step 1 of the procedure is final. Recommendations for other exceptions to the Grievance Procedure described herein must have the approval of the Administrative Manager and the Administrative Committee prior to submission to the Tribal Council.

[July 23, 2009]

## **HIRING**

The Colorado River Indian Tribes (CRIT) is an equal opportunity employer and will not discriminate in the hiring process on the basis of sex, religion, race, color, age of national origin. The same actions apply to the hiring of any handicapped person unless the handicap is directly related to job performance.

There is a Tribal policy with respect to Indian preference as explained below:  
Background: The history of granting Indians preference for employment within the outer boundaries of the reservation is quite extensive. The Act of June 30, 1834 (25 U.S.C. 45) stipulates:

“In all cases of the appointment of interpreters or other persons employed for the benefit of the Indians, as far as practicable be given to Indians in the employment of clerical, mechanical and other help on reservations and about agencies. “

A hundred years later, after the original enactment of legislation providing for Indian preference the Wheeler Howard Act of June 18, 1934 (25 U.S.C. 472) was

enacted providing for,

“Standards for Indians appointed to Indian Office. The Secretary of the Interior is directed to establish standards of health, age, character, experience, knowledge, and ability for Indians who may be appointed without regard to civil service laws, to the various position maintained, now or hereafter, by the Indian office, in the Administration of functions on services affecting any Indian tribe. Such qualified Indian shall hereafter have the preference to appointment to vacancies in any such positions.”

It is obvious and clear that it is the interest and policy to provide preference to Indians seeking employment within the Indian programs and Tribal operations.

## POLICY

It is the policy as well as the intent of the Colorado River Indian Tribes to implement the various legislative enactments cited which provide for preference in the employment of Indians within exterior boundaries of the Colorado River Indian Reservation. Accordingly,

- A. When a qualified Indian\* is available, she or he will be selected for initial appointment to vacancies unless there are valid and documented reasons of unsuitability or unsatisfactory performance as a basis for rejection.

\*Indian in this document means a member of the Colorado River Indian Tribes.

- B. The Colorado River Indian Tribes will continue active recruitment efforts through all possible channels to locate qualified Indians.
- C. A thorough review will be made to determine whether the scope or responsibility of any vacant position may be structured to permit the appointment of a qualified Indians.
- D. To enhance the achievement of the goal and objective of the Colorado River Indian Tribes Preference Policy, persons of Indian descent will be given priority for promotions. When a position with promotional opportunity is available, qualified Indian employees and qualified Indian applicants will be given priority consideration within the precepts of good management. When applicants are basically equal, priority will be extended to Indians unless there are valid, documented reasons of unsuitability or unsatisfactory performance which would justify non-selection of the Indian employee or applicant.
- E. As a basic part of the overall policy of the Colorado River Indian Tribes to



increase the involvement and participation of Tribal members in the management of their offices, the Colorado River Indian Tribes will aggressively promote career development and training programs which will give consideration to their needs. Training positions may be established, funded and monitored by the Tribal Council; these positions to be scattered throughout operating units forming a bridge for advancement (career development) leading to an all-Indian operated organization.

## VETERAN'S PREFERENCE

It is the policy of the Colorado River Indian Tribes regarding veteran's preference that a qualified Indian who is not a veteran will have preference over a non-Indian veteran. A qualified Indian who is a veteran shall have preference over a non-veteran Indian.

## STATEMENT OF NON-SELECTION

In the event a non-Indian applicant for the position is selected where qualified Indian applicants are available, justification for such selection will be submitted by the hiring/selecting supervisor and approved by Tribal Administration officials before the appointment is finalized.

Complete records of this process will be kept and all job openings not filled from within the Colorado River Indian Tribes operating units will be placed as public ads with the local or surrounding area news media. The Human Resources Office must be contacted prior to undertaking any action to procure help. All hiring procedures must be adhered to.

The Colorado River Indian Tribes will also endeavor to hire the best qualified applicant. The selection will be based on qualifications, skill, training, personality, temperament and experience. All Department Heads will coordinate applications through Human Resources.

All new positions that are advertised will be posted for all present employees to note.

Files of applicants are maintained in the Human Resources office. These may be used and should be reviewed when seeking new employees.

## PROCEDURES

Prior to employing an individual, certain preliminary steps must be taken to ensure uniformity of our Personnel practices and compliance with the various laws concerned with employment practices. These are the steps and procedures.

A. The Department Head requesting additional or replacement people must

submit in writing the request identifying the job position and need to Human Resources. The need for temporary employees would be anticipated at least several days in advance for the proper channels to be followed.

- B. Human Resources must then verify if a Job Description has been written and is up to-date. The Job Description must include a description of duties, responsibilities, qualifications, salary range, and performance standards.
- C. If the Job Description has not been written or is not up-to-date, Human Resources must do so together with the Head of the hiring department. This Job Description together with the request then goes to the Administrative Committee for approval.
- D. If the request is approved, the Department Head may rehire a person from the established Recall List of past employees which is held in Human Resources. If a person is not hired from the Recall List, Human Resources will post the opening with the Job Description on all bulletin boards for a period of 10 working days.
- E. Employees may then apply for the opening. Applications must be submitted to Human Resources Office in writing.
- F. The Department Head is to review the applications submitted by employees. A suitable person from within the Colorado River Indian Tribes may be hired at this point. The Review Sheet must be completed for all applicants from any source for any job.
- G. If a suitable person is not available from within the Colorado River Indian Tribes, Human Resources is to review the files for persons on the Recall List. If a suitable person is not then available, applications on file in Human Resources must be reviewed and noted on the Review Sheet. Human Resources will keep all applications of the past 8 months. If a suitable person is not available from past applicants, advertisements and where they are to be placed must be submitted to Human Resources.
- H. The Human Resources Department must approve all advertisements and post the openings of jobs of greater than 5-day duration. All applications are to be kept by Personnel. Copies may be made of applications if a Department so wishes. The hiring of a presently employed person or a person from the Recall List are exemptions to the posting requirement.
- I. If a suitable applicant is found, he or she may then be hired.
- J. If desirable, the Human Resources Office may coordinate this process to allow an internal search, a Recall List review, and an outside search simultaneously to produce applicants.

- K. After an employee has been hired, Human Resources must be notified in writing and all pertinent information on the person supplied. Instructions will come from Human Resources.
- L. The actual hiring of persons will be made by an Officer of the Colorado River Indian Tribes or his/her authorized representative. Interviewing and selection may be done by persons designated by an Officer. Actions to begin the Employment Request must be initiated by an Officer, or in a written request to an Officer from a Department Head.
- M. The qualifications which we impose as necessary when hiring, must be directly related to successfully performing the job.

## FORMS

The forms applicable to the hiring process are:

- A. Office Memo requesting the job position and need to Human Resources.
- B. Job Description
- C. Vacancy Announcement
- D. Employment Application
- E. Personnel Status Report
- F. W-4 Employees Withholding Allowance Certificate
- G. State Withholding Exemption Certificate
- H. Recommendation for Hire Form
- I. Drug Screening Consent Form

Copies of forms listed above are in the Department Head's office.

## HOLIDAYS

- A. Policy

It is the policy of the Colorado River Indian Tribes to afford qualifying employees eleven (11) paid holidays each year.

- B. Application

This policy applies to all permanent full-time employees and permanent part-time employees normally scheduled to work at least thirty (30) hours per week.

C. Administrative Guidelines

1. Holidays Observed

a. The Colorado River Indian Tribes observes the following holidays:

January 1	New Year's Day
January 19	Martin Luther King Birthday
Third Monday in February	Washington's Birthday
March 3	CRIT Observance Day
Last Monday in May	Memorial Day
July 4	Independence Day
First Monday in September	Labor Day
Last Friday in September	Native American Day
November 11	Veteran's Day
4th Thursday & Friday in November	Thanksgiving Day
December 24 (1/2 Day)	Christmas Eve
December 25	Christmas Day
December 31 (1/2 Day)	New Year's Eve

- b. If a paid holiday falls on Sunday, Monday will be the paid holiday. If a paid holiday falls on Saturday, Friday will be the paid holiday.
- c. An employee who is scheduled to work on a holiday, or is on a scheduled day off when a holiday is observed, will be granted equivalent time off with pay, either before or following the holiday.
- d. If an employee desires time off to observe a holiday not listed above, such time off may be granted without pay or by a charge to annual leave, subject to staffing needs of the department.

2. Designated Holidays

- a. Holiday pay benefits for Native American Day, Independence Day (July 4), and Labor Day (First Monday in September) apply to all employees including temporary part-time employees, summer vacation relief employees and temporary student help.
- b. An employee who is on paid leave of absence including leave due to occupational injury will be eligible for holiday pay for a designated holiday observed during the leave of absence.

- c. If a designated holiday is observed during an employee's vacation period, the employee will be eligible for an additional time off with pay equal to the holiday time for which the employee is eligible.
- d. An employee with an unexcused absence immediately prior to or after a designated holiday, or equivalent day off, will not be paid for the holiday or equivalent day off.

## **INJURY**

### **On the Job**

- A. Regardless of the nature or severity, all injuries incurred while on the job must be reported to your supervisor at once.
- B. The Colorado River Indian Tribes insures employees against accidental injuries under the Workmen's Compensation Act of the State of Arizona. Injured employees are to be sent to Parker Community hospital for treatment.
- C. In case of serious injury your Supervisor may refer the employee to the treatment doctor on duty at the local hospital.
- D. An injured employee who is sent home by the doctor will be paid for the remainder of the work day. In no event shall an employee receive remuneration in excess of base pay for time lost due to a work incurred injury. The injured employee becomes eligible on the eighth day and if continues until the fourteenth day retro to the first day of injured for compensation.
- E. Any employee who fails to report an injury during the work day in which the injury incurred, will be subject to disciplinary action. Examinations, follow-up, prescription, mileage, meals, and accommodations, are provided under policy.

### **INFORMATION ABOUT CURRENT OR FORMER EMPLOYEES**

- A. In order to protect the interests of the tribes and Tribal employees, information regarding employees is treated as confidential.
- B. All inquiries regarding current or former employees from any source outside the Tribes are referred to the Administrative Manager.
- C. Letters of reference or recommendation for employees leaving the Tribes are usually not provided. Any specific request for an exception is referred to the Administrative Committee through the Administrative Manager.

- D. The Administrative Manager or a duly authorized representative will provide certain employee information in accordance with the following guidelines:
1. Verification of employment in respect to a prospective creditor via telephone.
  2. Verification of salary only in response to written requests for information from prospective employers or creditors.
  3. Necessary information only in response to written requests for information required to process an employee's credit application (home loan, etc.) making certain that the employee understands and agrees to Administrative Manager's processing such information.

### **INSUBORDINATION**

There is a fine line between outright refusal to accept a supervisor's instructions, and legitimate questioning of an order. The former challenges the superior's authority and cannot be ignored; the latter may well have a constructive intent, even when it is crudely expressed.

When employee challenges a superior's authority, and uses a few choice words in the process, recognize that the superior cannot ignore the situation. It is a direct challenge to authority, particularly if other workers hear the remarks.

It should also be recognized that provocation, illness and stress are mitigating factors in cases of foul language. But no one will support an employee who claims his words were free speech protected by the First Amendment.

One of the most justifiable reasons to refuse an order is a belief it would be unsafe to obey. However, unless the employee has a reasonable safety complaint it is usually better for all concerned to do the work now, and file a grievance later.

### **LATENESS**

Employees are expected to be on time. Continued lateness will not be tolerated and may result in the employee's dismissal.

If you are going to be unavoidably detained, you should phone your supervisor and let him know.

Employees, in cooperation with their supervisor, must fill in their timecards and certify to their correctness.

Anyone found cheating on his/her timecard may be subject to immediate dismissal. Honest mistakes should be corrected immediately upon detection.

## **MAIL**

All incoming mail is subject to examination. Mail addressed to employees may be opened as it is Colorado River Indian Tribes' standard practice to open all incoming mail. If employees do not wish to be subjected to this standard practice, they must have their mail sent to their place of residence.

Employees may use Tribal Courier service for outgoing mail. All employee outgoing mail must bear applicable postage.

## **MOONLIGHTING**

**DEFINITION** When permanent full-time Colorado River Indian Tribes employees take employment outside Colorado River Indian Tribes.

The Colorado River Indian Tribes discourages its full-time employees from taking employment outside the Colorado River Indian Tribes.

If an employee is planning to take an outside job the employee's supervisor should be notified.

If an employee is unable to maintain high work performance at the Colorado River Indian Tribes as a result of his moonlighting at the outside job, the employee may be asked to terminate his outside job.

The Colorado River Indian Tribes will not pay medical benefits for injuries or sickness resulting from employment at an outside job.

## **ORIENTATION**

Orientation activities for all full-time permanent employees are divided into two segments. The objective of an orientation procedure is to explain the Colorado River Indian Tribes' policies and procedures to new employees so they will have a thorough understanding of what is expected of them.

### **A. Orientation Procedures for First Day**

Welcome the employee to the department and make him/her feel at home. Explain what the department does, its role in relation to the total, Colorado River Indian Tribes operation, and where the new employee's job fits into the total department and Colorado River Indian Tribes operations.

Tell the new employee about work schedule - starting time, quitting time, lunch hour, and breaks. Be sure to stress the importance of promptness.

Explain pay procedures. Tell employee when pay day is, how checks are distributed, and the length of pay periods.

Discuss procedures pertaining to absence from work. Employee should be told whom to call to state why they will be absent. Also explain the sick leave plan and stress the effect that absences will have on the employee's record. Stress importance of completing 90-day probationary period.

Explain that smokers must respect the right of non-smokers.

Introduce new employee to other workers and explain what other workers do and how their jobs relate to his/her job.

Show new employee where washroom, fire exits, drinking fountain, and vending machine are located. Also explain parking rules and location of parking lot.

Explain what holidays the Colorado River Indian Tribes celebrates and the policy on being paid for these holidays.

Discuss procedures for compensatory time and extent of new employee's role in working before and/or after regular starting and quitting time.

Explain the Colorado River Indian Tribes vacation policy; when vacations are scheduled, how long they last, and the pay policy for vacations.

Specify where first aid can be obtained and explain policy on filing an accident report if hurt on the job.

Give information on department safety rules, practices and procedures.

Explain policy on making or receiving personal telephone calls during working hours.

Discuss courtesy and explain how it affects employee's image as well as Colorado River Indian Tribes' image with tribal members, the general public, fellow employees, and other individuals. Give new employee a copy of Colorado River Indian Tribes "MOTTO".

"I will meet all kinds of people today. Help me to help them all. If I meet any who are sad, help me to comfort them even if I can do no more than say a word of kindness and shake their hand. If I meet any who are depressed, help me to cheer them and send



them on their way happier because they met me. If I meet any who are worried, help me ease their anxiety as far as I can. If I meet any who are overburdened, help me to lend them a hand, even if it means extra work for me and even if I have to go out of my way to do so. If I meet any who are disgruntled, even angry, help me to show them that things are not as bad as they think they are. If I meet any who are happy help me to share in their joy. Make me able to enter the minds and hearts of all I meet today and to bring joy and happiness wherever I go. And finally, make me ever mindful that courtesy is not only the least expensive thing I have at my immediate disposal but also that it is the most contagious.”

B. Orientation Procedures During Second or Third Week

Discuss Colorado River Indian Tribes' policy regarding the solicitation of funds (collections and donations) during working hours.

Discuss employee benefits as pension, life insurance, and group medical plan.

Tell employee what procedures to follow in case of changes in personal status such as change of address, change of beneficiary, change of marital status, etc.

### **OUTSIDE ACTIVITIES**

By and large, an employer cannot dictate the activities in which an employee may participate away from the employer's place of business. However, if an employee's activities off the job have a negative impact on his or her work, there may be valid reason for disciplining or terminating an employee in order to eliminate any difficulties caused by non-work activities.

Employees should avoid any outside activities which interfere with their work performance.

### **PERFORMANCE REVIEW**

A. Policy

It is the policy of the Colorado River Indian Tribes to conduct Performance reviews with employees on a regularly scheduled basis as an employee development activity intended to assist and motivate employees to attain their maximum potential.

B. Objectives

The specific objectives of the Performance Review Plan are:

1. To motivate and guide employees toward greater self-development and improve performance by discussing significant strengths and areas needing improvement in a positive, constructive manner.
2. To provide a uniform means for supervisors to make tenure-merit salary determinations based upon their assessment of employee performance in relation to performance requirements.
3. To provide a means for evaluating employee suitability for continuation of employment beyond the probationary period and for job transfer and/or promotions.
4. To identify training resource needs.
5. To provide a record of employee progress.

C. Application

1. The performance of all employees should be reviewed on a regularly scheduled basis. The program described herein applies to all employees.
2. The review of unsatisfactory performance due to employee misconduct, rather than job inaptitude, should be handled under Employee Conduct and Discipline.

D. Administrative Guidelines

1. Performance Requirements

Performance requirements represent the level of performance that is expected of employees in fulfilling the duties and responsibilities of a position. Performance requirements are established by the Department Head and supervisor responsible for a position, and should be communicated to incumbent employees.

2. Reviewing Employee Performance

- a. Supervisors are responsible for conducting thorough, impartial and timely Performance Review with employees who report directly to them. Performance Reviews are a function of "rating" employees on the basis of their performance and length of time in the position in relation to the performance requirements, Reviews

should not be made by comparing or "ranking" the performance of one employee against another employee's performance.

- b. Performance Review forms are intended to assist supervisors in recording their assessments of employee performance in communicating their appraisals with employees.
  - (1) Employee Performance in each criterion should be rated independently of the other criteria according to the following definitions of performance levels:
    - OUTSTANDING - Performance is consistently at the very highest level and far exceeds requirements. (Note: the supervisor must include explanatory comments)
    - SATISFACTORY- Performance is at an acceptable level and meets or exceeds requirements.
    - UNSATISFACTORY - Performance is at an unacceptable level and below requirements. (Note; the supervisor must include explanatory comments and notify employee 30 days in advance.)
  - (2) Whenever a supervisor has insufficient information concerning performance, the supervisor should confer directly with the employee and with other supervisors who have knowledge of the employee's performance.
  - (3) Space is provided on the forms to include pertinent comments relative to the employee's performance and together with the discussion of the Performance Review should lead to a complete understanding of why the rating has been made. If additional space is required, attach another sheet properly referenced.
  - (4) In determining the Overall Employee Performance Rating, those criteria most important to the duties of the position should be given the most weight; the performance ratings should not be averaged.
- c. Should an employee disagree with the Performance Review, the employee should discuss the differences with the supervisor in an effort to reach a mutually satisfactory resolution. If unable to achieve such a resolution, the employee should note any unresolved issues on the form. The employee should also be advised that the dispute can be appealed to the supervisor's

superior or the Department Head for review.

- d. Where it has been determined that the employee's performance is unsatisfactory and immediate improvement appears unlikely, the Department Head should confer with the Administrative Manager to arrange for the employee's release, demotion or transfer. Involuntary termination of employee initiated by the supervisor requires prior approval by the Department Head and Administrative Manager and, except in cases involving probationary employees, the Administrative Committee.

(See attached performance review form in the addendum)

### 3. Frequency of Performance Reviews

- a. The performance of an employee should be reviewed three (3) months after employment, six (6) months after employment, twelve (12) months after employment, and annually thereafter.
- b. Special Performance Reviews should be conducted at time other than the above when deemed necessary or appropriate by supervisors, e.g., unusual improvement or decline in work performance.
- c. Performance Review dates are adjusted as necessary to be consistent with changes in an employee's salary review date.
- d. Performance Review discussions should closely interface with the day-to-day informal coaching and guiding of employees in their development.

### E. Administrative Procedure

1. Department Head or supervisor originates the Performance Review form as indicated in Frequency of Performance Reviews, (See D3.)
2. Supervisor prepares the Performance Review form and reviews completed form with the next higher level of supervision.
3. Supervisor discusses Performance Review with employee on or before the scheduled review date. Supervisor invites the employee to enter comments on the Performance Review form affording the employee a reasonable period of time to develop his/her comments, if requested.
4. Supervisor makes distribution of the form as follows:

- a. Original – Human Resources Department
  - b. First copy - Department Head
  - c. Second copy - Employee
5. Human Resources Department reviews the Performance Review form to determine that it is consistent with administration policy guidelines.
  6. Human Resources Department prepares annual departmental and overall summaries of the ratings and advises Department Heads on significant departures from the normal distribution.
  7. As appropriate, the Department Head and supervisor will review the results of Performance Reviews in order to identify training needs and develop or recommend training programs or other specific follow-up measures for individual employees or groups. Cost estimates for training or other measures will be included in annual budget request.

### **PERSONAL TELEPHONE CALLS**

- A. Personal calls, both incoming and outgoing, are discouraged.
- B. The Colorado River Indian Tribes recognize that there may occasionally be times when personal calls must be made or received during business hours. Such calls must be held to a minimum and must not interfere with the employee's work. Workers are encouraged to make personal calls during their morning or afternoon breaks.
- C. In an emergency, phone calls may be made or received. An emergency is regarded as illness or a severe injury to a member of one's family, changed plans regarding an employee's transportation home from work. etc.
- D. Where a long distance call must be made in an emergency situation, the call must be billed to the caller's home phone number.
- E. Long "chatty" telephone conversations on unimportant matters may result in disciplinary measures.

### **POLITICAL INVOLVEMENT**

The Colorado River Indian Tribes encourage employees to participate in the political electoral process. It is each employee's duty to his government to do so. However, employees may not do the following on a personal as is during working hours:

- A. Work on political efforts during specific working hours.

- B. Use Colorado River Indian Tribes' stationary, staff services, employee's time, office equipment, materials or plant equipment, or any other Colorado River Indian Tribes' owned asset for political purposes. This includes telephone calls.
- C. Exploit their titles or positions within the Colorado River Indian Tribes.

### **POLITICAL CONTACTS**

The Tribal Council has the sole authority to develop and represent the Tribes' position on any public issue, legislation or regulatory proposal.

Tribal Officers, with approval of the Tribal Council, have sole authority to represent the Colorado River Indian Tribes' position on the concerns in an open forum, including formal letters, personal telephone calls, conversations at public gatherings, etc.

Employees are encouraged to contact their governmental representative on their own time in any appropriate place and manner.

### **EMPLOYEES AS ELECTED OFFICIALS**

The Colorado River Indian Tribes grant unpaid leaves of absence to employees who seek elective office. With the Administrative Committee's approval, employees who wish to participate in a temporary, full-time, campaign position may be granted a leave of absence for the duration of the election.

The possibility of conflict of interest precludes staff members and permanent full-time employees being appointed members of Tribal committees.

Committee appointees are expected to participate fully, and employees may not be able to provide the required time without adversely affecting their regularly assigned work.

### **PROBATION**

New employees shall be on probation until they have completed three months satisfactory service. Employees in a probationary status may be discharged, or laid-off at the sole discretion of the Tribes.

No employee shall be credited with annual or sick leave until 90-day probationary period has been completed. At the completion of the probationary period the employer will be credited with the annual and sick leave applicable to the 90-day probationary period.

CETA Manpower personnel who have completed a 90-day probationary period

prior to transferring to a CRIT Department will not be required to complete an additional 90-day probationary period for annual and sick leave purposes, but will have to complete an additional 90-day probationary period for job performance and punctuality purposes.

Any trainee, from CETA or any other program will, upon transfer to the Tribal payroll, start from zero hours annual and/or zero hours sick leave.

Department Heads, Program Managers and Other Key Employees hired to fill supervisory and/or management positions may be required to complete a longer than 3 months probationary period. Key positions as Comptroller, Librarian, Administrative Manager, etc, may be required to complete 12 months satisfactory service in a probationary status. This determination will be made at the time approved for hire is made by the Administrative Committee. Termination/Separation during probationary period is not subject to appeal.

### **OVERTIME**

It is Colorado River Indian Tribes' policy not to work beyond the regular time of duty which is from 8 a.m. to 5 p.m. The annual department budgets do not include funds for overtime work except in the Law and Order Department, Newspaper and Fish and Game Department. Emergency situations which arise during the year must be provided for and the use of compensatory time only would place an undue hardship on these departments resulting in a disruption of necessary services.

### **COMPENSATORY TIME**

When it is necessary to work beyond the regular time, employees will be compensated in the form of time off during regular working hours at a later date. All compensatory time will be approved in advance by the supervisor, recorded as such on the time card, and should be taken during the same or immediately following pay period. Compensatory time not taken during designated time will be lost.

### **PROMOTIONS AND TRANSFERS**

The Colorado River Indian Tribes will fill job openings and promote present employees whenever such employees are qualified. Specifically:

- A. Whenever job opening arises as a result of a resignation, transfer, or creation of a new position, present employees will be given first consideration.
- B. Persons outside the Colorado River Indian Tribes will be hired to fill vacancy only if no one working for the Colorado River Indian Tribes has the necessary qualifications and ability to fill the position.

- C. Factors to be considered in the promotion of employees include education, experience in present and previous jobs held with the Colorado River Indian Tribes, performance record, ability, character, skill, willing participation in on-the-job training programs, and health and physical fitness. Seniority will be a factor in the selection of employees for promotion only when two or more employees are equal in all other respects.
- D. This promotion policy is not applicable in following situations:
  - 1. Temporary opening - that is a position which is established for a prescribed time period or for a specific project.
  - 2. Reassignment of personnel which is not a promotion but is actually a reorganization of a department or several departments within the Colorado River Indian Tribes.
- E. The employee will begin a new probationary period for the position solely for the purposes of evaluating the employee's performance in the new position. The employee will be subject to drug testing and any required background and credit checks for the new position.
- F. A promotion or transfer between tribal departments will be considered a continuation of employment for all benefits leave accruals, compensatory time, and seniority purposes. However, this provision is not applicable where prohibited by the term or requirements of a grant or contract which is the funding source of the position.

Reassignment of an employee made at the discretion of the Administrative Committee to correct a faulty placement, eliminate personal disagreement, and compensate for physical problems. Such reassignments are not considered promotions but are made to improve Colorado River Indian Tribes organization, relationship between people working together, and provide suitable opportunities for handicapped workers currently on the payroll.

## **RECORDS**

### Change of Employee Status Policy

- A. Employee personnel records. As required by law and for efficient operations, will be maintained by the Colorado River Indian Tribes. Employees are requested to report promptly changes in status listed below to their Department Head.

Change of:

- Name
- Address
- Telephone Number
- Marital Status



Name, relationship and total number of dependents  
Formal education, courses completed and other training or skills  
acquired  
Person(s) to notify in case of emergency  
Physical or other limitations  
Pension Plan Beneficiary  
Life Insurance Beneficiary

- B. Department Heads are responsible for forwarding any of the above information received by them to the Personnel Department. In addition to the above, the Department Heads are responsible for reporting promptly changes in status of employees as listed below to the Personnel Department:

Change of:

Completion of 3 months probationary period  
Annual leave allowance  
Annual salary  
Department with account number  
Job Title  
Duties and Responsibilities  
Working hours in conjunction with flex time program

Employees' personnel records maintained in the Personnel Department are the only personnel records officially recognized by the Colorado River Indian Tribes, employee personnel records maintained independently by Department Heads are not authorized and may not be recognized as "official".

### **RESIGNATION / TERMINATION**

In the event you resign, advance notice is expected, i.e., at least ten (10) days for all employees in a non-supervisory position, and four (4) weeks for any employees in Supervisory /Management positions.

Should it be found necessary to terminate your employment because of lack of work or your inability to do the job successfully, you will be given advance notice, i.e., two (2) weeks for non-supervisory, and four (4) weeks for Supervisory/ Management personnel. Advance notice will not be granted if you are discharged for dishonesty or an infraction of rules or policies. Employees shall be given the opportunity to resign before being terminated.

All employees having completed their probationary period whose service is terminated for any reason will be paid all earned annual leave (vacation time).

Any compensation or other termination pay shall not extend the effective date of termination beyond the last day worked.

- A. Policy

It is the policy of the Colorado River Indian Tribes to process terminating employees according to a standardized personnel procedure for the

following purposes:

1. To ensure the consistent and equitable treatment of terminating employees, employees will be given the opportunity to resign before the power of termination is instituted.
2. To conduct exit interviews to receive suggestions that terminating employees may have for improving employment conditions.
3. To review group insurance conversion privileges and other pertinent employee benefit matters.
4. To reclaim credit cards and other Colorado River Indian Tribes' property.
5. To arrange for distribution of terminal paychecks.

B. Application

This policy applies to all departments and to all terminating employees.

C. Definitions

1. RESIGNED - Voluntary termination initiated by the employee for such reasons as other employment, returning to school, leaving area, staying at home, dissatisfaction with pay or working conditions.
  - a. With Notice - Notification of intent to resign is given in advance of the last day of work according to the following schedule: non-supervisory employees, two weeks; supervisory employees, four weeks.
  - b. Without Notice - No notification of intent to resign is given. An employee absent without notification to, or prior approval by supervision for three consecutive days on which employee was scheduled to work is considered a voluntary resignation without notice.
2. RELEASED - Involuntary termination initiated by the Colorado River Indian Tribes due to the inability of the employee to perform satisfactorily the duties of position for reasons of job inaptitude, health problems, or lack of work.
3. DISCHARGE - Involuntary termination initiated by the Colorado River Indian Tribes for cause, such as absenteeism, misconduct or poor work attitude.
4. RETIRED - Termination in accordance with provisions of the Pension Plan (age 60); such terminations may be voluntary or involuntary.

5. DECEASED - Termination due to death.

D. Administrative Guidelines

Terminal Pay

1. Terminal pay shall include:

- a. Pay for work performed through the last hour worked; and
- b. Pay in lieu of unused vacation allowance accrued for each full 40 hours of employment since most recent pay period.

Employees who are resigning or retiring without notice, of being discharged shall not receive the terminal pay supplement described in b. above.

2. Terminal pay shall be reduced by any:

- a. Required legal deductions as loans outstanding;
- b. Blue Cross and/or other insurance employee premiums, if due that payroll period;
- c. Deductions for Colorado River Indian Tribes' property not returned;
- d. Prepaid tuition, travel and per diem payment for courses of transportation not completed at date of termination.

3. Terminal paycheck(s) are normally made available on the regular payday next following the date of termination. Such checks are issued through normal payroll distribution channels; alternative arrangements may be made, however, for terminal paychecks to be mailed; issued during the exit interview, or retained in the Human Resources Department for issuance at a later date.

E. Administrative Procedure

- 1. It is the responsibility of an employee who intends to resign to notify the immediate supervisor as soon as possible to allow for the selection and training of a suitable replacement in a timely manner.
- 2. It is the responsibility of the Department Head or supervisor designated by the Department Head:
  - a. To originate Termination Notice and forward the Personnel Status Report form to the Human Resources Department.

- (1) On the date that notice of intent to resign is given by an employee;
  - (2) On the date that an employee is notified of discharge or release; or
  - (3) On the third day of absence without notice from scheduled work.
- b. To schedule an exit interview appointment with the Human Resources Department (normally the employee's last day of work).
  - c. To meet with terminating employee to discuss details of the termination
  - d. Process, including terminal. pay adjustments, return of company property, final performance appraisal, exit interview appointment, handling of the terminal paycheck(s) and to issue the Employee copy of the Termination Notice;
  - e. To forward terminating employee attendance records (time cards) to the Human Resources Department on the last day of work.
3. It is the responsibility of the Human Resources Department:
    - a. To conduct and record the exit interview;
    - b. To advise the employee with respect to group insurance conversion privileges and other pertinent employee benefits matters;
    - c. To determine if prepaid tuition, travel and/or per diem is due the Colorado River Indian Tribes'
    - d. To ensure that the employee's personnel record is complete and in order to be placed in the terminated employee files; and,
    - e. To furnish a summary report of exit interview information to the Administrative Committee on a quarterly basis.

#### F. RE-HIRE

Employees terminated for cause will not be considered for re-hire without approval of a special written request by employee to Tribal Council through the Administrative Committee. Employees terminated for cause due to theft from the Colorado River Indian Tribes or its enterprises will not be eligible for re-hire until the following special conditions have been completed:

1. The employee has paid full restitution;

2. Three (3) years have passed since the Discharge for Cause due to Theft; and
3. The employee obtains approval of the Tribal Council after submission of a written request.

The written request will set forth the facts surrounding the cause for termination with reasons why the Tribes should consider the application for re-hire. An employee terminated for cause due to theft of a de minimus amount of quantity of property will not be subject to the special conditions.

Theft is the dishonest appropriation of property without the owner's consent, with intent to deprive them of its use, either temporarily or permanently. Property can include but is not limited to:

- a. Property of the Colorado River Indian Tribes
- b. Property of a Co-worker or Patron
- c. Office Supplies
- d. Data and Information
- e. Office Equipment
- f. Financial assets including:
  - (1) Cash
  - (2) Equivalent to cash
  - (3) Checks and items that can be converted into money
  - (4) Colorado River Indian Tribes' charge and credit accounts
  - (5) Confidential information that can be used in identity theft.

### **SAFETY**

The Colorado River Indian Tribes expect all employees to be safety conscious and to assist in finding conditions in offices which might cause an accident. Report any unsafe condition or injury received while at work to your supervisor or Department Head.

### **EVACUATION PROCEDURES IN CASE OF FIRE OR OTHER EMERGENCY**

Established evacuation procedures prevail and can only be modified by the

Safety Officer. Unless directed otherwise you will adhere to the following instructions to evacuate the building in case of emergency.

- A. Walk to nearest exit - DO NOT RUN! Once outside, proceed to the nearest parking lot and remain until your supervisor requests that you return to the work area.
- B. Department Head or Supervisor and/or alternate will insure that:
  - 1. Entire work area is cleared, including restrooms and storerooms.
  - 2. All safes or vaults and money are secure.
  - 3. Office business machines are turned off.
  - 4. Doors are closed upon exiting.

### **HORSEPLAY**

Horseplay and practical joking can result in serious injury or death; therefore, anyone engaging in horseplay or practical joking will be subject to discipline and possible dismissal.

### **HOUSEKEEPING**

A clean work area makes for a more pleasant, as well as a safer place to work. Employees in all departments are asked to help keep the surroundings as neat and orderly as possible.

Trash receptacles are located throughout the areas. Please use the bins, baskets and receptacles.

### **DRESS**

The many changes that are influencing dress styles of people suggest that a position should be taken to adhere to safety regulations in some cases and to maintain an acceptable image for the employee in other cases:

Shoes: No thongs, no platform type shoes over 3 inches in elevation.

Pants: No short pants, no pants riddled with holes.

Shirts: No tank tops, no shirts with midriff exposed, shirts to be worn at all times

### **SEXUAL HARASSMENT**

Employees have a grave responsibility for maintaining high standards of honesty,

integrity, impartiality and conduct to assure proper performance of tribal business and the maintenance of confidence of tribal members. Any employee conduct which violates these standards and confidence will be dealt with promptly and appropriately.

Sexual harassment is a form of employee misconduct which undermines the integrity of the employment relationship. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment weakens morale and interferes in the work productivity of its victims and co-workers.

Sexual harassment is a prohibited personnel practice when it results in discrimination for or against an employee on the basis of conduct not related to performance, such as the taking or refusal to take a personnel action, including promotion of employees who resist or protest sexual overtures.

Specifically, sexual harassment is deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome.

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect career, salary, or job of an employee is engaging in sexual harassment. Similarly, an employee who behaves in this manner in the process of conducting Tribal business is engaging in sexual harassment.

Any employee who participates in deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome and interfere in work productivity is also engaging in sexual harassment. It is the policy of the Colorado River Indian Tribes that sexual harassment is unacceptable conduct in the workplace and not be condoned. Personnel management within the Tribal workforce shall be implemented free from prohibited personnel practices and sexual harassment is a prohibited personnel practice.

- A. The following options are open to the victim of sexual harassment:
1. Recognize it for what it is, and understand that it is not your fault. You have a right to complain and take action.
  2. If possible, confront the offender directly if you think he or she can be reasoned with or scared off. Make it clear you are not interested and that this behavior is unacceptable.
  3. Keep a written record of the incidents of harassment, and of your complaints and their results. If people are present during the harassment, say something like, "Did you see so-and-so do such-and-such" .... ? The observers will be more likely to remember the incident. Get their names down in your

documentation.

4. Talk to good friends, to co-workers, to relatives. It is important to have a strong support system at this time. If you keep feelings to yourself, you will most likely remain isolated and powerless. By speaking out and documenting the incident and forms of sexual coercion, you help yourself as you contribute to defining sexual harassment as a social problem. A sense of being able to affect your own life replaces the sense of isolation.
  5. To get information or advice taking further action against the harasser, contact one or more of the following:
    - a. Your supervisor or a supervisor above him/her.
    - b. Human Resources Department.
    - c. Human Resources Director.
- B. Choose among the suggested contacts on the basis of who is involved in the complaint and which person you could be comfortable to talk with.
- C. It is Tribal policy that complaints of harassment should be examined impartially and resolved promptly.

### **SOCIAL ACTIVITIES DURING WORKING HOURS**

Informal coffee and cake parties during business hours, "long lunch hour" parties, etc., are not permitted.

The Tribal Council has set aside a liberal amount of time, the last Friday of each month, for employee get-together. This time has been officially designated - STAFF MEETING - on the monthly activity calendar. Each employee has a standing invitation to attend the monthly staff meetings and should consider this time as a part of his/her official tour of duty.

The Tribes discourage the participation of employees in certain social activities during working hours. Such activities include planning, organizing and attending informal parties in celebration of events, such as marriage, engagements, birthdays, resignation of employees, anniversaries, transfers of employees from one department to another, etc.

Although the Tribes discourage the above-mentioned practices, it is recognized that under certain unusual circumstances, some may be justifiable. Under no circumstance is the use of Tribal mail service, telephone facilities, or stationery and supplies justifiable. Supervisors serve as a reminder for all the above and shall place appropriate emphasis on applicable attendance at monthly staff meetings.



## **TEMPORARY EMPLOYMENT**

- A. Definition: Management-assigned people on short notice to duties for a period lasting more than 40 hours, but less than three months.
- B. Source of temporary employees is list of prior employees, particularly those who participated in training programs (CETA) sponsored by the Colorado River Indian Tribes.
- C. Temporary assignments and/or temporary hires may be extended beyond the three (3) months but only in those instances where a few additional days are needed to finish a job which has been substantially completed.
- D. Temporary employees will be entitled to Workmen's Compensation Insurance.
- E. Temporary employees will not be entitled to:
  - 1. Accumulation of seniority
  - 2. Leaves of absence
  - 3. Use of grievance procedure
  - 4. Accumulation of annual and sick leave
  - 5. Pay for time lost due to sickness or other unavoidable absences
  - 6. Holiday pay, except Indian Day, July 4th, and Labor Day.
  - 7. Group insurance
  - 8. Life insurance

## **TIMECARDS - BASIC RULES**

- A. Each employee's pay is based on information contained on a timecard.
- B. Every timecard must show:
  - 1. Employee number at the Top Left Side
  - 2. Department Account number at the Top Right Side
  - 3. Employee Name
  - 4. Pay period ending date
  - 5. Dates worked and hours worked on dates
  - 6. Annual leave, sick leave, administrative leave, compensatory time, and leave without pay when applicable.

7. Total hours to be reimbursed at BOTTOM RIGHT SIDE
  8. Employee's signature on bottom line
  9. Supervisor's signature near employee's signature
- C. Timecards must be delivered to the Comptroller's office, Payroll Department, before noon on Monday after the Payroll period ends. If the Monday cited above falls on a holiday, timecards should be delivered on Friday, the last day of the pay period. This will greatly assist the Payroll Department in meeting the compressed schedule.
- D. In case of sickness, the employee should call in and his/her supervisor will write on the employee's timecard that he/she is out sick that day. In case of annual leave/vacation, the supervisor will also be responsible for the employee's timecard.

### **TRAINING AND EDUCATION**

- A. Job related self-improvement in an employee is spare time is encouraged. Although no-formal training program is available, it is the policy of the Colorado River Indian Tribes to provide tuition reimbursement for those who are taking educational courses to improve themselves in their work. If an employee takes courses which are approved beforehand by the Colorado River Indian Tribes at a recognized institution he will be refunded a part or all of his/her tuition upon satisfactory completion.
- B. Employees receiving training sponsored by the Tribes (either on-the-job or at an approved program) will submit an evaluation report co-signed by the supervisor to the Administrative Manager within 30 days after completion of training.
- C. Training is an important part of each employee's career development and will be a matter of permanent record.
- D. Technical training required to meet specific needs including the appropriate planning programming and budgeting is the responsibility of the Department Head.
- E. Assistance in fulfilling training needs will be provided by Personnel in the following areas:
1. Assist in the development of training plans and programs.
  2. Makes arrangements for direct help through Adult Education programs or via cooperative efforts of the Bureau of Indian Affairs' training officer.
  3. Provides information about opportunities for and sources of specialized

training.

## **TRANSFERS**

The right to transfer employees where reasonably necessary is normally considered to be within the basic function of management.

A temporary transfer is usually made to cover a short-term vacancy and to avoid such alternatives as compensatory time and temporary/ part-time help. It is a recognized management tool used to help smooth over rough spots in the work flow.

Employees who wish to transfer are permitted to do so but only when there is a vacancy and a need. The Colorado River Indian Tribes reserves the right to transfer workers from one job to another or one department to another, according to need. If employees refuse to be transferred, and there is no work for them in their current position, for whatsoever reason, they may be subject to lay-off.

Only employees having completed their probationary period will be considered for inter-departmental transfer.

In the event an employee transfers from one department to another it must be the co-acceptance of both supervisors. Advance notice is expected, i.e., at least 10-days for all employees in a non-supervisory position and four weeks for employees in supervisory positions.

In the event an employee fails to comply with the advance notice provision stipulated above, the transfer action will be classified as a voluntary resignation without notice, resulting in forfeiture of accumulated sick leave and re-establishment of the 90-day probationary requirement beginning with effective date of re-hire.

## **TRAVEL**

SEE TRAVEL POLICY AND PROCEDURES adopted on June 27, 2017 and became effective October 1, 2017, Tribal Resolution #215-17.

## **VACATIONS**

### **POLICY**

It is the policy of the CRIT to grant vacations with pay to provide qualifying employees with periods of rest and recreation in recognition of service performed.

Administrative Guidelines.

A. Vacation Allowance.

The vacation allowance for eligible employees is based on length of service according to the following schedule:

COMPLETE YEARS OF SERVICE PER PAY PERIOD	ANNUAL LEAVE ALLOWANCE
Under 3 Years	4 HOURS*
3 - 15 Years	6 HOURS
Over 15 Years	8 HOURS

\*Eligible to use after completion of 90-days probationary period. The effective date for accumulation of annual leave is the first day of any 90-day probationary period.

Military Service may be considered in above calculations provided employee submits evidence in form of an Honorable Discharge Certificate. A certified copy will suffice.

B. Eligibility Provisions – General.

1. Vacation benefits apply to all personnel full-time employees and permanent part-time employees normally scheduled to work at least 30 hours per week.
2. The vacation year is defined as the 12-month period from January 1 through December 31.

C. Eligibility Provisions - Holidays , Leave of Absence , Illness Occurring During Vacation.

1. If a designated holiday is observed during an employee's vacation period, the employee will be eligible for an additional time off with pay equal to the holiday time off.
2. An employee's vacation allowance will not be reduced by any paid leave of absence.
3. An employee will be allowed to use accumulated sick leave in lieu of vacation time (annual leave) due to illness occurring while on vacation. A Doctor's certificate must be provided upon return to duty.

D. Eligibility Provisions - Terminating Employees.

1. In all cases, a terminating employee will receive pay in lieu of any

unused vacation/annual leave allowance as of date of termination.

2. Additionally, a terminating employee will receive all pay and allowance occurred at completion of last day of work provided termination was due to one of the following reasons:
  - a. Resignation with notice
  - b. Release of the employee, including termination of grant or contract;
  - c. Retirement; or
  - d. Death of the employee

E. Vacation Pay

Vacation pay will be at the same rate as regular pay.

F. Vacation Scheduling.

1. Vacation will be scheduled by Department Heads with due consideration given to staffing requirements, employees' length of service and employee preference, in the order listed. Scheduled starting dates must be announced and approved not less than sixty days in advance, except where individual circumstances preclude such notice.
2. Vacation time/annual leave may not be accumulated in excess of 240 hours. All accumulated annual leave in excess of 240 hours at mid-night December 31 is dropped from the records.
3. Vacations should normally be taken in units of at least one week. Where possible, employees should take their total vacation.
4. Pay in lieu of vacation will not be granted; vacation in lieu of pay may be granted.
5. Personnel office will be notified prior to any vacation and this notification will include completion of PERSON IN CHARGE FORM. (Copy in Department Head's office)

## **VISITORS AND VENDORS**

Visits by personal friends are discouraged.

Visitors to the Colorado River Indian Tribes who are there on business must identify themselves, sign the visitor's book, and state their business.

No visitor will be allowed to wander about the premises unescorted.

No visitors (particularly children) are allowed to break rules affecting safety running in halls, playing on stairs, and any employee seeing this happen should inform his/her supervisor.

Groups of visitors, such as school children, who wish a guided tour are welcome. Arrangements for this must be made well in advance.

Vendors will not be allowed in work areas during working hours.

## **WAGES**

### **A. Garnishments**

Request for Garnishment of Tribal employees wages or salaries will not be honored. The Personnel Department will notify the employee of attempted garnishments and will send a copy to the employee's Department Head.

### **B. Advances on Unearned Wages and Salaries.**

Advances on unearned wages and salaries will not be made. Distribution of pay checks prior to regularly scheduled payday may be made but must be recommended by a Department Head and approved by the Administrative Manager. The Department Head must show evidence that:

1. The stipulated emergency was investigated and warrants consideration.
2. Employee was provided advice and counseling with respect to personal financial management.
3. A running log of emergencies approved is maintained and readily available for review by Administrative Manager.
4. Repeat requests are given special attention by Department Head.

### **C. Pay Checks Lost.**

Employees are responsible for their pay checks after they have been issued. Checks lost or otherwise missing should be reported immediately to the Payroll Department so that a stop payment order may be initiated. The

Comptroller with the approval of the Tribal Treasurer shall determine when and if a new check should be issued to replace a lost or missing check.

D. Final Pay Check for Dismissed Employees.

Whenever possible, a final pay check should be issued to a dismissed employee at the time of dismissal.

E. Final Pay Check for Voluntary Resigning Employees.

The final pay check for a voluntary resigning employee will be made available on the regular payday. In unusual circumstances a Department Head may make arrangements for earlier payment.

F. Pay Adjustment.

Any request for adjustments in pay will be made in writing, setting forth the reasons, and will be approved by the responsible Supervisor, Comptroller, and the Tribal Treasurer before processing by the Payroll Department. A request for adjustment must be made within 30 calendar days from receipt of pay for the day or days in question.

### **WARNING SYSTEM**

The Colorado River Indian Tribes believe that there is no better way to deal with rule violations than by using a consistent and effective warning system. There are four good reasons why a formal warning system is essential:

- A. It acts as a deterrent to a repetition of the offense.
- B. It gives rule enforcement a consistency.
- C. Since copies of written warnings are sent to Personnel it pin-points recurring problems and focuses on departments having rule infractions.
- D. It reduces charges of favoritism.

A sample warning notice follows:

WARNING NOTICE

NAME \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT \_\_\_\_\_ EMP. NO. \_\_\_\_\_

WARNING FOR:

Unexcused Absence \_\_\_\_\_ Poor Housekeeping \_\_\_\_\_

Lateness \_\_\_\_\_ Horseplay \_\_\_\_\_

Leave Early \_\_\_\_\_ Safety Violations \_\_\_\_\_

Others (explain in comment) \_\_\_\_\_

COMMENT

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: \_\_\_\_\_  
Employee Supervisor



## **CRIT DISCIPLINARY PROCEDURES**

- A. Supervisor must get all the facts:
1. Obtain detailed and complete statements of the incident by interviewing privately and separately each person who saw or heard what occurred and who therefore has firsthand information.
  2. If written statements are not secured, record the information obtained during, or immediately after, each interview.
  3. Interview the accused employee and obtain from him/her a written statement in which the employee admits, denies, or explains the alleged improper actions.
  4. Make every effort to reconcile conflicting statements.
  5. Where necessary, examine pertinent records and make written notation of such information, as it may have a bearing on the case.
- B. Prepare a complete, accurate and unbiased report, setting forth the information obtained. The report should be in narrative form and should relate information obtained regarding each alleged improper action; all persons, places, dates, records, etc., mentioned in the report should be completely identified.
- C. Weigh the evidence.
- Review the report and weigh the evidence to determine whether the offense is one that warrants formal disciplinary action. Doubtful points should normally be resolved in favor of the employee.
- D. If discipline is called for, consider the following factors before deciding on a penalty:
1. How serious was the offense?
  2. What is the employee's past record?
  3. Has he or she been disciplined in the past for the same infraction?
  4. What is the attitude of the employee?

## WORK SCHEDULES

### A. Normal Work Schedule

1. The normal work day for all employees consists of 8 hours of work; interrupted by an unpaid period from 12 noon to 1:00 p.m.
2. The normal work week for all employees consists of 5 consecutive 8 hour days from 8 a.m. to 5 p.m.
3. Two (2) 15-minute break periods are provided, one in mid-morning and the other in the mid-afternoon.
4. Every employee is expected to start work promptly at the regularly scheduled starting time. Work, as referred to here, includes getting equipment and supplies, etc., ready for actual work, and putting them away at the end of the day.

### B. Flex-Time Schedule

Employees may make arrangements with approval of the Department Head, to establish starting and quitting times to satisfy a special or unique circumstance.

#### Basic Requirements:

1. The Department Head must approve in advance all requests for any change from the regularly established 8-hour work day (8 AM to 12 Noon & 1 PM to 5 PM) Monday thru Friday.
2. Employees are required to work 80 hours during a pay period regardless of starting and quitting time arranged.
3. Supervision must be available for employee's reporting for work before 8 AM and those remaining after 5 PM.
4. Supervisory personnel working in close proximity may assist one another in order to provide required supervision for employees starting early and quitting late.

**Addendum A**  
**The Colorado River Indian Tribes**  
**Performance Review Form**

**PURPOSES OF PERFORMANCE REVIEWS:**

The principal purposes of staff reviews are to encourage staff development and to strengthen the Department's effectiveness. Some specific purposes are to:

1. Identify specific indicators of achievement
2. Pin-point areas of greatest/least effectiveness
3. Stimulate improved performance
4. Aid in promotion, retention and salary decisions
5. Develop mutually established goals
6. Increase employer-employee communication

The formal performance review occurs at the end of the probationary period and annually thereafter. The entire Performance Review form should be sent to the Office of Human Resources to be permanently filed.

**DEFINITIONS OF TERMS:**

**CONSISTENTLY BELOW EXPECTATIONS:** Performance is at a level below established objectives with the result that overall contribution is marginal and substandard. Performance requires a high degree of supervision.

**BELOW EXPECTATIONS:** Meets some of the established objectives and expectations but definite areas exist where achievement is substandard. Performance requires somewhat more than normal degree of direction and supervision.

**MEETS EXPECTATIONS:** Meets established objectives in a satisfactory and adequate manner. Performance requires normal degree of supervision.

**CONSISTENTLY EXCEEDS EXPECTATIONS:** Job performance easily exceeds job requirements, performance approaches best possible attainment.

**INSTRUCTIONS:**

Listed on the following pages are a number of Performance Factors that are important in the successful completion of most assignments. Factors 1-11 apply to all employees. Factors 11-16 apply only to administrators, Department Heads, and Supervisory personnel.

**To complete the Performance Review form.** Place an "X" under the level of each of the Performance Factors you are **encouraged** to support your ratings with clarifying comments and specific examples which occurred during the review period that determined or affected the level of achievement marked. Factors rated "Consistently Exceeds Expectations" or "Consistently Below Expectations" **must** be supported with examples or reasons.

EMPLOYEE'S NAME		
Last:	First:	Date of Review:
Position:		PERIOD REVIEW
Department:		From: To:
PERFORMANCE FACTORS		<b>RATING KEY</b>
		1. Consistently Below Expectations
		2. Below Expectations
		3. Meets Expectations
		4. Exceeds Expectations
		5. Consistently Exceeds Expectations
		6. Unobservable or Not Applicable

**1. QUALITY OF WORK:** How accurate, neat and complete is the individual's work? Consider the degree work meets acceptable standards.

**Examples or reasons for giving this rating are:**

1	2	3	4	5	6

**2. PRODUCTIVITY:** Does individual produce an acceptable amount of work? Consider how person effectively uses available working time, plans and prioritizes work, sets and accomplishes goals and completes assignments on schedule:

**Examples or reasons for giving this rating are:**

1	2	3	4	5	6

**3. KNOWLEDGE OF JOB:** Is individual familiar with duties and requirements of position as well as methods, practices, and equipment to do the job? Consider knowledge gained through experience, education and specialized training. Consider if person maintains current knowledge about changes in policy and procedure: keeps abreast of new developments and major issues in field.

**Examples or reasons for giving this rating are:**

1	2	3	4	5	6

**4. ADAPTABILITY:** How does individual adjust to changes? Consider ability to learn quickly, to adapt to changes in job assignments, methods, personnel, or surroundings.

**Examples or reasons for giving this rating are:**

1	2	3	4	5	6

**5. DEPENDABILITY:** How reliable is individual in performing work assignments and carrying out instructions? Consider degree of supervision required and willingness to take on responsibilities and to be accountable for them.

**Examples or reasons for giving this rating are:**

1	2	3	4	5	6

**6. INITIATIVE AND RESOURCEFULNESS:** Does individual see things to be done and then take action? Consider ability to contribute, develop and/or carry out new ideas or methods. Consider ability to be self-starter, to offer suggestions, to anticipate needs and to seek additional tasks as time permits.

**Examples or reasons for giving this rating are:**

1	2	3	4	5	6

**7. JUDGEMENT:** Does individual exercise ability to decide correct or choose best course of action

when some decision must be made? Consider ability to evaluate facts and make sound decision, and use or reasoning to identify, solve and prevent problems. Works in a safe manner, preventing accidents, injuries and theft.

**Examples or reasons for giving this rating are:**

1	2	3	4	5	6

**8. RELATIONSHIPS WITH PEOPLE:** Does individual work effectively with others. (Supervisors, peers, subordinates)? Consider respect and courtesy shown to others, how attitude affects the work area, willingness to accept supervision, and attitude exhibited toward CRIT as well as own job. Are apparel, manners and sociability appropriate to the job responsibilities?

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**9. ATTENDANCE AND PUNCTUALITY:** How faithful is individual in reporting to work and staying on the job? Consider arrival times, observance of time limits for breaks and lunches. Consider patterns of sick leave, prior approval for vacation and prompt notice of absence due to illness.

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**10. FOLLOWING DIRECTIONS:** Does individual follow instructions faithfully and promptly. Consider ability to follow directions without out the need for additional encouragement.

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**11. OVERALL JOB PERFORMANCE:** Does the individual reliably perform the job duties as described in the job description? Consider the previous ten questions along with the expected job performance.

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**IF THE PERFORMANCE REVIEW IS FOR NON-SUPERVISORY PERSONNEL, PROCEED TO PAGE 4**

**ADMINISTRATORS, DEPARTMENT HEADS, AND SUPERVISORY PERSONNEL**

**(Complete this section in addition to performance factors 1 – 11)**

**12. LEADERSHIP ABILITY:** Is administrator, department head or supervisor able to get employees, and co-workers to do willingly and well the duties to be accomplished? Consider ability to get the work done with a high degree of morale and satisfaction on the part of those doing the work: the ability to function consistently and effectively in an objective and rational manner regardless of pressures.

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**13. APPRAISAL AND DEVELOPMENT OF PEOPLE:** Does administrator, department head or supervisor demonstrate ability to select, train and effectively develop subordinates by recognizing their abilities and improving their weaknesses? Consider ability to exhibit fairness and impartiality with employees in assigning job duties and objectively evaluate work performance.

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**14. PLANNING AND ORGANIZATION:** How effective is the administrator, department head or supervisor in setting effective goals, planning ahead and establishing priorities? Consider ability to make the most effective use of time, facilities, material, equipment, employee's skills and other resources. Examines ability to prepare and administer budget effectively.

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**15. COMMUNICATION SKILLS:** To what extent does administrator, department head or supervisor demonstrate ability to communicate effectively in both oral and written expression with employees and his/her supervisor? Are issues confronted and resolved constructively? Consider ability to help employees with their work problems, ability to keep employees informed to decisions and plans for own office as well as policies and procedures of the Colorado River Indian Tribes.

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

**16. INTERNAL CONTROL:** Does administrator, department head or supervisor have an internal control program? If yes, how effective is the program? Consider how reliable the finance information is when received from the administrator, department head or supervisor. Does the individual safeguard assets? How effective and efficient is the operation? Does the administrator, department head or supervisor comply with the laws, regulations, policies and procedures?

1	2	3	4	5	6

**Examples or reasons for giving this rating are:**

Upon completion of above sections, proceed to back page.

**SUMMARY REVIEW SHEET**

Review the ratings assigned to the Performance Factors on the previous pages. Check the category below which most clearly describes the employee's total performance.

CONSISTENTLY  
BELOW EXPECTATIONS

BELOW  
EXPECTATIONS

MEETS  
EXPECTATIONS

EXCEEDS  
EXPECTATIONS

CONSISTENTLY  
EXCEEDS EXPECTATIONS

JOB SKILLS BEING PERFORMED WELL:

---

**IMPROVEMENT PLANS:**

What can the employee do to improve his/her performance on the job?

---

What can the supervisor do to support the employee's performance improvement?

---

**EMPLOYEE COMMENTS:**

If the employee wishes to do so, any comments concerning the Performance Improvement Plan or the evaluation (for example, agreement or disagreement) may be indicated in the space provide below:

---

I have reviewed this document and discussed the contents with my supervisor. My signature means that I have been advised of my performance status and does not necessarily imply that I agree with this evaluation.

---

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**SUPERVISOR'S COMMENTS:**

(Record here only those additional significant items brought up during the discussion with the employee which are not recorded elsewhere in this document)

---

\_\_\_\_\_  
Supervisor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**The original Performance Review is to be forwarded to The Office of Human Resources upon completion**

**ADDENDUM B  
COLORADO RIVER INDIAN TRIBES'  
SUBSTANCE ABUSE POLICY**

[As amended April 8, 2010.]

1. PURPOSE.

As part of its commitment to safeguard the health of its employees, provide a safe place for employees to work and promote a drug-free community, the Colorado River Indian Tribes (hereinafter "the Tribe") establishes this Substance Abuse Policy ("Policy") on the use and abuse of alcohol and illegal drugs by its employees. Substance abuse, while at work or otherwise, can seriously endanger the safety of employees and the general public, and can create or contribute to a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided by the Tribe.

The purpose of this Policy is to communicate the Tribe's position on alcohol and drugs in the workplace and to provide guidance for the implementation of related programs within the Tribe.

The Tribe's policies, procedures, and substance abuse or employee assistance programs are not intended to create any contract, express or implied, between the Tribe and its employees, independent contractors or job applicants. The Tribe retains the right to terminate any employee at will or to refuse to hire any job applicant.

This Policy supersedes the Tribe's previous Alcohol and Drug Policy. To the extent anything in this Policy conflicts with or is inconsistent with any provision of the Tribe's Employee Handbook, the provision of this Policy shall control. In particular, the Grievance Procedure set forth in the Employee Handbook shall not apply to terminations of employment for violations of this Policy.

2. SCOPE.

All Tribal employees, including management and administration, are covered by this Policy. As a condition of employment, employees are required to abide by the terms of this Policy.

3. SUBSTANCE ABUSE POLICY DISSEMINATION.

- A. All employees are to be informed of this Policy. All current employees and new employees shall be required to sign an Acknowledgment of Receipt and Understanding.

- B. All applicants for employment shall be informed in writing of the Tribe's Policy of pre-employment testing and shall be required to provide written consent to drug testing prior to referral for a drug test.

#### 4. DEFINITIONS.

##### A. Employee.

Any person employed by the Colorado River Indian Tribes, including but not limited to those persons serving under appointment or employee contract whether in temporary, part-time or full time status.

##### B. Illegal Drugs.

"Illegal drugs" are drugs or controlled substances that are (1) not legally obtainable or (2) legally obtainable but not obtained or used in a lawful manner. Examples include, but are not limited to, cocaine, marijuana and methamphetamines, as well as prescription drugs that are not lawfully obtained or properly utilized (3) any drug or substance identified or defined as a "controlled substance" under the provisions of Chapter 13, Title 21, United States Code, § 812, as amended to the date of the violation. The term "illegal drug" also includes mind-altering and/or addictive substances that are not sold as drugs or medicines but are used for mind or behavior-altering effect.

##### C. Legal Drugs.

"Legal drugs" are those prescribed or over-the-counter drugs that are legally obtained by the employee and used for the purpose for which they were prescribed and/or sold.

##### D. Tribal Property.

The term "Tribal Property" includes work sites; parking lots; vehicles or offices owned, rented, utilized, or serviced by the Tribe or by any members/vendors of the Tribe; employee-owned or employee-rented vehicles on the property of the Tribe or of any member/vendors of the Tribe while on Tribal business; and locations where an employee represents the Tribe in any capacity.

##### E. On Duty.



The term "on duty" includes all working hours, as well as meal periods, break periods, and travel, regardless of whether on premises, and all hours during which an employee is representing the Tribe in any capacity, including attendance at trainings and conferences during the required hours of attendance.

5. PROHIBITED CONDUCT.

- A. The use, sale, purchase, possession, manufacture, distribution or dispensation of illegal drugs on Tribal property or while on duty is prohibited and will result in immediate termination.
- B. Reporting to work or performing work with the presence of illegal drugs or the metabolite of illegal drugs in the employee's body is prohibited and will result in disciplinary action in accordance with Section 8 of this Policy.
- C. Any employee who is taking any legal prescription or over-the-counter drug that might impair safety, effective job performance, or any motor functions must advise his or her supervisor before reporting to work under medication. Failure to do so may result in disciplinary action in accordance with Section 8 of this Policy. Improper use of legal drugs is prohibited and may result in disciplinary action in accordance with Section 8 of this Policy.
- D. The consumption, sale, purchase, possession, manufacture or distribution of alcohol on Tribal property or while on duty is prohibited and will result in immediate termination.
- E. Reporting to work or performing work under the influence of alcohol or with a breath alcohol content level of .02 or above is prohibited and will result in disciplinary action in accordance with Section 8 of this Policy.

6. TYPES OF TESTING.

Testing will be mandatory under the circumstances described below. Any drug testing or alcohol impairment testing of employees normally will occur during, or immediately before or after, a regular work period. The Tribe will pay for all preliminary, instant testing costs for current employees. Confirmation testing will be paid by current employees and reimbursed if such confirmation is negative. Also for current employees, testing time will be compensated and transportation to and from the testing facility will be provided at the Tribe's expense.

- A. Pre-Employment Testing.

1. The Tribe requires a pre-employment drug test as a part of the application process prior to being hired.
2. Pre-employment drug screening is required for all current/active employees who are considered for "new" employment opportunities within the tribal government.
3. Applicants will be advised of the Tribe's pre-employment testing requirements in writing prior to an offer of hire and asked to sign the Pre-Employment Drug Screening Consent Form. The instant saliva test is administered at no cost to the applicant. However, if the instant test is positive, the applicant must provide a money order or cashier's check made out to the Colorado River Indian Tribes and deliver payment to The Human Resources Department for the cost of the second confirmation testing that will be sent to the laboratory. If the applicant does not wish to submit or pay the cost for the second confirmation test the Human Resources Department will notify the applicant he or she will not be eligible for hire, nor will the applicant be reimbursed for the cost of the test. The Human Resources Department will notify the Department Head if an applicant tests positive on the instant saliva test and refuses to submit or pay for the confirmation testing.
4. Applicants who receive a negative test result on the confirmation testing and who begin working for the Colorado River Indian Tribes will be reimbursed for the cost of the test.
5. The Human Resources Department will notify the Department Head if an applicant tests positive and the Department Head will then contact the applicant advising of a positive test result. The applicant will not be eligible for hire, nor will the applicant be reimbursed for the cost of the test. If an applicant's test is confirmed as positive by Medical Review Officer (MRO), this decision is final and can not be appealed.

#### B. Initial Implementation Testing.

Upon initial implementation of this Substance Abuse Policy, all current employees will be subject to a mandatory substance abuse test as a condition of their continued employment.

#### C. Random Testing.

1. Following initial implementation testing, all employees will be

required to submit to drug and/or alcohol testing on a random basis. In support of this policy and the Tribe's commitment to a drug-free workplace and community, the members of Tribal Council will be subject to and required to participate in random testing. Tribal Council members are not subject to discipline as outlined within this policy. The Chairman shall maintain all the records of Tribal Council member testing, including his or her refusal to submit to testing. Any enrolled tribal member may make a formal request to view the testing results of members of Tribal Council. Said request will be considered by Tribal Council.

2. Each month, a number of employees and/or Tribal Council members will be selected for random testing through the use of random number generation or other neutral selection process.
3. Selection at random for testing does not remove a covered employee from the pool of employees eligible for testing for any period of time. Every employee has the same chance of being selected for random testing each month.
4. The Procedures for Random testing will be as follows:

**Initial Set-up and Up-dates:** The Director of Human Resources or his/her Designee will provide the third party administrator with an up-to-date list of all employees on a computer program compatible with the testing facility and The Human Resources Department. The Director of Human Resources or his/her Designee will provide the third party administrator with an up-to-date list of all employees the 15<sup>th</sup> day of every month, deleting terminated employees and adding new employees. The updated list will be e-mailed, faxed or mailed on a disc.

**Method of Random Selection:** The selection of employees for random alcohol/drug testing shall be generated electronically through a computerized random-pick program established by the third party administrator.

The number of employees to be randomly tested per month is 25 employees. Names will be randomly picked according to the following schedule: 6 employees selected 1 day per week.

**Test Days:** The days of random testing will be decided by the

Director of Human Resources in conjunction with the third party administrator and will not occur on the same day every week. The list of names that are randomly selected by the third party administrator will be e-mailed and faxed to The Director of Human Resources or his/her Designee between 8:00 - 10:00 a.m. by the third party administrator.

**Notification to Employee/Department Head:** The Director of Human Resources or his/her Designee will telephonically notify the Employee through their supervisor/designee between 10:00 a.m. and 12:00 noon. Each employee who is notified for random alcohol/drug testing shall immediately proceed to the drug testing collection facility as indicated on the Drug Screening Consent Form. If employee is not available due to approved travel status or other leave of absence, the third party administrator will be called to select additional employees needed to satisfy the count.

Employees who are on 24 hour shifts shall report to the drug testing collection facility as determined on the Drug Testing Consent Form and shall report within two (2) hours after starting their shift.

**Drug Screening Consent Form:** Supervisor/designee and Employee are to immediately process the Drug Screening Consent Form when notified by The Director of Human Resources or his/her Designee. Failure to process the consent form and/or notify the employee within the prescribed timeframe will be deemed as failure to follow a directive and may result in disciplinary action against the supervisor/designee.

**Report Date and Time:** Employee has two (2) hours to report to testing facility as determined by the Drug Screening Consent Form. Failure to report within the prescribed date and time frame will result in the employee being "positive" and disciplinary action will be implemented pursuant to the Substance Abuse Policy.

**Test Results:** Employees and their supervisor will be notified as to the results of the random drug/alcohol drug test pursuant to the Substance Abuse Policy.

#### D. Reasonable Suspicion Testing.

1. Employees may be required to submit to a drug and/or

alcohol test based on a reasonable and articulable belief that their ability to perform work safely or effectively may be impaired. The reasonable and articulable belief will be based on specific physical, behavioral or performance indicators of unlawful possession or use as observed during, before or after an employee's work hours.

2. Factors that individually or in combination could result in reasonable suspicion include, but are not limited to, the following:
  - a. Direct observation of an individual engaged in substance abuse, or substance abuse related activity;
  - b. A pattern of abnormal conduct;
  - c. Unusual, irrational, or erratic behavior, or acute behavioral changes;
  - d. Unexplained, increased or excessive absenteeism or tardiness;
  - e. Deterioration in work performance;
  - f. Repeated failure to follow instructions or operating procedures;
  - g. Violation of the Tribe's safety policies or failure to follow safe work practices;
  - h. Unexplained or excessive negligence or carelessness;
  - i. Discovery or presence of drugs or alcohol or drug paraphernalia defined as "drug paraphernalia" under the provisions of Chapter 13, Title 21, United States Code, § 863 (d) as amended to the date of the violation, in an employee's possession or near an employee's work station;
  - j. Odor or residual odor peculiar to some drugs or alcohol;
  - k. Recent arrest or conviction for a drug-related or alcohol-related crime;

- l. Information provided either by reliable and credible sources or independently corroborated;
  - m. Evidence that an employee may have tampered with a prior substance abuse test;
  - n. Various physical indicators, including red eyes, slurred speech, physical instability or lack of balance;
  - o. Suspicions or indications of distribution of illegal substances at a CRIT worksite may result in reasonable suspicion testing of every employee of the department or enterprise with access to or use of that worksite.
3. If a supervisor believes that reasonable suspicion exists, the supervisor should document his or her findings and observations and promptly report their written findings to The Director of Human Resources or his/her Designee. The Director of Human Resources shall make phone numbers of Human Resources staff available to those supervisors with employees who work outside the regular business hours. If the supervisor is unable to locate a qualified Human Resources staff member to administer the instant saliva-based test, the supervisor will immediately contact La Paz Regional Hospital for testing of the employee. Human Resources staff, who are qualified to administer the saliva based testing, shall be on-call and available on a 24 hour basis to administer a reasonable suspicion test.
4. Any employee subject to reasonable suspicion testing will be suspended immediately without pay, and will not be allowed to return to duty pending results of the test. A supervisor or his/her designee will process the Drug Screening Consent Form and escort the employee to the collection site. The employee will not be permitted to operate a motor vehicle prior to or following the test.
5. Employees who receive a negative reasonable suspicion test will be reinstated and returned to duty with full back pay. Reinstatement with back pay will occur only if the employee has not engaged in other misconduct supporting an unpaid suspension or discharge.

#### E. Post-Accident Testing.

1. An employee will be required to submit to a drug and/or alcohol test if the employee caused or contributed to, or is reasonably suspected of causing or contributing to, an accident or other occurrence that involves one or more of the following events: a fatality, an on-the-job injury to an employee or other individual, serious damage to vehicles, and/or serious damage to other property. The employee must submit whether the request is from law enforcement personnel, a department head or the Human Resources Department.
2. Any employee subject to post-accident testing will be suspended immediately without pay, and will not be allowed to return to duty pending results of the test, if supervisory personnel have a reasonable and articulable belief that the employee is engaged in substance abuse.
3. Employees who receive a negative post-accident test will be reinstated and returned to duty with full back pay. Reinstatement with back pay will occur only if the employee has not engaged in other misconduct supporting an unpaid suspension or discharge.

## 7. TESTING PROCEDURES AND RESULTS.

### A. Procedure.

1. The presence of controlled substances will be tested through saliva via an instant test for pre-employment drug testing by the Human Resources Director or his/her designee. Instant saliva testing will be utilized as a first preference for random drug testing, reasonable suspicion and post accident testing by the Human Resources Director or his/her designee. However, if the Human Resources Department is unavailable, the employee may be tested through a urine or saliva sample at the La Paz Regional hospital or another approved third-party provider for random drug testing, reasonable suspicion or post accident testing. Hair samples will be utilized only for the appeals process. Before being tested under this Policy, the applicant or employee will be informed of the substances for which testing will be performed through the consent form.
2. The Director of Human Resources and other Human Resources staff shall administer the instant saliva based test for pre-employment, random, reasonable suspicion testing, and post-

accident testing. A negative test result will not require any further testing. A positive test will require the applicant or employee to submit to a second saliva test to be sent to a laboratory for further analysis and confirmation. The employee or applicant will be required to pay the cost of the confirmation testing. For current employees payment may be arranged by the employee signing a voluntary wage deduction form for the cost. Failure to submit to the second confirmation test and pay the fees will result in an applicant being ineligible for hire and will be grounds for immediate termination of a current employee.

3. Test samples will be analyzed by a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), the College of American Pathologist for Forensic Urine Drug Testing (CAPFUDT), or other national certifying body. All samples will be tested according to the following sequence:
  - a. All samples will be subjected to an initial screening process.
  - b. Samples having a negative initial screen (no illegal or illicit substance present at or above the cutoff limit) will be considered to have tested negative, and no further testing will be done on that sample.
  - c. Samples which do not contain enough specimen to test will be discarded and the applicant or employee must perform a new test.
  - d. Samples that test positive on the first screen will be tested more extensively by a second methodology to eliminate any false-positive tests and confirm or deny the initial positive test result.
  - e. Samples that test positive after the second methodology will be referred to the Medical Review Officer. The MRO will contact the employee or applicant directly. If the employee or applicant does not have a home phone or if the MRO has not been able to contact the employee or applicant after 2 business days, the MRO will contact The Human Resources Department. The Director of Human Resources or his/her Designee will contact the employee or applicant and allow them to utilize the phone and office in the Human Resources



Department. The Medical Review Officer will evaluate the employee's or applicant's explanation and make sure the results were not impacted by any medications that might have been taken. At the conclusion of these discussions, the MRO may reclassify a positive substance abuse test as negative based upon the results of the consultation.

4. The presence of alcohol will be determined through use of an instant saliva based test, preliminary breathalyzer testing device or a blood test analyzed by a laboratory. The test utilized shall be dependent upon the circumstances, the provider, entity or individual conducting the test and availability of testing method. Samples which test positive for alcohol are not able to utilize the Medical Review Office nor are they subject to the appeals process. Any employee or applicant's test which returns positive for alcohol or who refuses to submit to testing will be immediately terminated and will be ineligible for hire.
5. The Director of Human Resources or his/her Designee will inform the employees of the final determination and will inform the employees in writing of any positive results. As set forth below, subject to the appeal process, a positive test will result in termination.
6. The Department of Human Resources shall ensure at least two staff members are trained to administer the instant, saliva-based test. If a Human Resources staff member is selected for random or reasonable suspicion testing and another staff is unavailable to administer the test, the staff member shall be sent to another approved provider for testing. In no event shall any staff member self-administer the saliva-based test.
7. All tests shall be witnessed by another member of the Human Resources staff with documentation showing who witnessed the test. In the event of after-hours testing or other reasonable suspicion testing where a staff member is unavailable to witness, said test may proceed but the HR Director or designee must document the reason a witness was not available. Due to issues of confidentiality only Human Resources staff may act as a witness.

B. Refusal to Submit to or Interference with Substance Abuse Testing.

1. An applicant who refuses to consent or submit to testing, fails to appear for testing, fails to cooperate with the testing procedures or tampers with the test (including but not limited to diluting, altering or substituting a sample) will be disqualified from consideration and ineligible for hire for a period of twelve months. Any subsequent hiring of the applicant is subject to the requirements of Section 13.
2. An employee who refuses to consent or submit to testing, fails to appear for testing, fails to cooperate with the testing procedures or tampers with the test (including but not limited to diluting, altering or substituting a sample) will be terminated and will be ineligible for hire for a period of twelve months. Any re-hiring of the employee is subject to the requirements of Section 13.

#### C. Appeal of Confirmed Positive Test.

1. After receipt of a confirmed positive test result from the testing laboratory and after consultation with the MRO, The Director of Human Resources or his/her Designee will inform the applicant or employee in writing of the positive test result and the consequences of the positive test result. Employee will be immediately suspended without pay pending the two days allowed for an employee to appeal. If the employee does not appeal in writing within 2 days the employee will be terminated. During the appeal process the employee will be suspended without pay until the results from the hair test results are received.
2. Positive screenings on alcohol cannot be appealed. Any employee or applicant's test which returns positive for alcohol will be immediately terminated or ineligible for employment opportunities.
3. The employee may request in writing and receive from The Director of Human Resources or his/her Designee a copy of his/her positive test result report from the testing laboratory.
4. The employee may request that a hair test be performed. This request must be made in writing within two (2) business days after receiving notice of a confirmed positive test result. The employee will be responsible for all costs associated with conducting the hair test and must provide a money order or cashier's check made out to the Colorado River Indian Tribes

and deliver payment to The Human Resources Department prior to it being conducted. If the hair test result is negative the Employee will be reimbursed and reinstated.

5. The Grievance Procedure set forth in the Employee Handbook shall not apply to terminations of employment for violations of this Policy if the hair test result is positive.

## 8. DISCIPLINARY ACTION.

- A. Any employee who refuses to consent to drug or alcohol testing, fails to appear for testing, tampers with the test (including but not limited to adulterating a test sample), or fails to cooperate with the testing procedures is subject to termination.
- B. Any employee engaging in the use, sale, purchase, possession, manufacture or distribution of drugs or alcohol while on Tribal Property or while on duty is subject to termination. Any arrest or charge for such conduct shall be adequate grounds for termination.
- C. In the case of a first-time violation of the Tribe's Substance Abuse Policy, including a positive drug or alcohol test result the Employee will be subject to termination.
- D. Under this Policy pending the results of a drug/alcohol test or investigation an employee will be suspended. Unless otherwise determined by the Tribe, the suspension will be without pay.
- E. Any applicant/employee whose drug test result has been confirmed positive by the Medical Review Officer (or by Appeal) and/or any applicant/employee whose test result has been confirmed positive for alcohol, shall be banned from employment opportunities with CRIT, including employment placements arranged through CRIT programs such as Education, Development and Training, Career Development, and TERO, with the Colorado River Indian Tribes for a period of one (1) year from the date the test was confirmed positive or the termination date. Any re-hire is subject to the requirements of Section 13.

## 9. INVESTIGATION AND SEARCHES.

- A. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the Tribe reserves the right to search all vehicles, containers, desks, file cabinets or other items on Tribal property in furtherance of this Policy. Individuals may be requested to display

personal property for visual inspection upon the request of The Director of Human Resources or his/her Designee.

- B. Failure to consent to a search or to display personal property for visual inspection will be grounds for termination or denial of access to the Tribal premises.
- C. The Tribe will turn over all confiscated drugs to the proper law enforcement authorities. Furthermore, the Tribe will cooperate with and may enlist the services of the proper law enforcement authorities in the course of any investigation.

10. ARREST OR CONVICTION FOR ALCOHOL-OR DRUG-RELATED CRIME.

- A. If an employee is arrested for or charged with an alcohol-or drug-related crime, the Tribe may utilize the drug-testing procedure. Being arrested for or being charged with a drug-related crime constitutes "reasonable suspicion" under this Policy.
- B. As a condition of employment, an employee shall notify The Director of Human Resources or his/her Designee of any criminal conviction or any plea of guilty, nolo contendere ("no contest"), or suspended imposition of sentence that has been entered on a criminal drug charge. The employee must give notice in writing to the Tribe within three (3) business days of such conviction or any plea of guilty, nolo contendere ("no contest"), or suspended imposition of sentence that has been entered on a criminal drug charge. Any employee, who fails to provide said notice, shall be immediately terminated. An employee who enters into a deferred prosecution agreement for a criminal drug charge is not required to report entering into such an agreement.

11. CONFIDENTIALITY.

The Tribe will keep all information concerning test results confidential. Medical records and communications pertaining to substance abuse testing will be maintained in a secure location with controlled access. Disclosure of test results will only be made:

- A. To the tested employee or applicant, or any other person or entity designated in writing by the employee or applicant;
- B. To The Director of Human Resources or his/her Designee or other

individual(s) designated by the Tribe to receive and evaluate test results, hear the explanation of the employee or prospective employee, and other Tribal personnel involved in disciplinary action and/or who make employment decisions based upon such results and explanations;

- C. In conjunction with any lawsuit, arbitration, mediation, administrative proceeding, or other claim or challenge of any nature, to which the employee and the Tribe are parties and in which the employee's treatment, medical history, or mental or physical condition is at issue; or
- D. As compelled by any judicial or administrative process or other specific provision of applicable law.

## 12. DRUG-FREE AWARENESS PROGRAM.

- A. The Tribe will present or arrange for drug-free awareness presentation periodically. These programs will inform employees about the following:
  - 1. The dangers of drug and alcohol abuse in the workplace.
  - 2. The Tribe's policy of maintaining a drug and alcohol-free workplace;
  - 3. Available drug and alcohol counseling, rehabilitation, and employee assistance programs; and
  - 4. The sanctions that may be imposed for violations of the Tribe's Substance Abuse Policy.
- B. Employees are encouraged to approach their supervisor at any time with any questions they have about the Tribe's Substance Abuse Policy as stated herein.

## 13. RE-HIRE.

If an employee is terminated for violation of this drug policy or an applicant is deemed ineligible for hire due to violation of the drug policy, the following must be completed in order to be eligible for hire or re-hire:

- A. One-year waiting period before re-employment;
- B. Must provide proof of completion of an AODA assessment and completion of all recommended treatment prior to being considered for rehire;
- C. All restitution, if any, is paid for any damages that may have been

incurred by the employee due to violation of this policy or an acceptable agreement for voluntary wage deduction is entered into; and

- D. Completion of Tribes normal hiring practice including pre-employment drug testing.

The one-year wait period may be waived in the discretion of the Administrative Committee if the individual provides proof of completion of an AODA assessment and completion of all recommended treatment and successfully completes the normal hiring requirements for re-hire or hire.

**ADDENDUM C  
COLORADO RIVER INDIAN TRIBES  
SHARED LEAVE PROGRAM**

Addendum C was rescinded on December 6, 2019 by Resolution No. 466-19.

**ADDENDUM D**  
**COLORADO RIVER INDIAN TRIBES**  
**EMPLOYEE COMPUTER USE POLICY**

This policy contains important rules covering computer and software usage, network computing, e-mail and access to the Internet. The Colorado River Indian Tribes reserves the right to monitor and inspect, at its discretion, any Colorado River Indian Tribes-owned computer or, if applicable, home computer (upon reasonable prior notice) which contains Colorado River Indian Tribes-owned software.

1. Network Computing.

- a. Network resources must be used responsibly by everyone as misuse by even one individual has the potential to disrupt Colorado River Indian Tribes business, cause significant financial loss, and subject the Tribes to liability for damages caused to third parties.
- b. All passwords shall be confidential and shall not be disclosed to others, except as may be required for Administrative or Technical access.
- c. The Colorado River Indian Tribes reserves the right to inspect any files stored on the network or computer.
- d. Each employee shall properly log-off and shut-down their computer at the end of each day, or during periods of non-use where the computer station is unattended and accessible to any other persons – including other employees – for example, during lunch, or while away at meetings held in another department.

2. Internet Access.

The Colorado River Indian Tribes provides access to the Internet as a means of obtaining information that will assist you in the performance of your job. Internet use shall be used for Colorado River Indian Tribes business only.

- a. Be aware: Employee activity on the Internet is not private.
- b. All communications sent or retrieved over the Internet are the property of the Colorado River Indian Tribes, and should be considered public information.
- c. The Colorado River Indian Tribes reserves the right to monitor and log employee activity on the Internet, including site visits, chat, newsgroup, message boards, e-mail messages, and file transfers.



- d. Revealing company information, customer data, and trade secrets over the Internet is prohibited.
  - e. Any on-line statements that may adversely affect the Colorado River Indian Tribes or any of its employees are prohibited.
  - f. Any on-line statements about the Colorado River Indian Tribes, its position on any issue, or about any competitor except those reviewed and authorized by senior management and/or legal department, are prohibited.
  - g. The Colorado River Indian Tribes' resources must not be used knowingly to violate the laws and regulations of Tribal, local state, federal or international laws.
  - h. The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-company business, or any use of the Internet for personal gain is prohibited.
  - i. Fraudulent, harassing or obscene communications are prohibited. All communications on the Internet should have your name attached. No messages will be transmitted under an assumed name.
  - j. Employees are prohibited from browsing any sites that could be considered offensive and/or inappropriate for the workplace, even during non-working hours such as during lunch-break, or before or after normal working hours.
3. E-Mail.
- a. E-mail messages are a formal means of business communications. Do not send non-business or personal messages. Highly sensitive or confidential issues should not be addressed through E-mail. E-mails should be written in a professional manner and should contain information pertaining to the Tribes' business. Consider your routing lists carefully and exercise the same care you would with any written document before sending messages.
  - b. E-mail is the Colorado River Indian Tribes property, not the private property of the individual. The Colorado River Indian Tribes reserves the right (i) to read any E-mail message, and (ii) to disclose any E-mail message to law enforcement officials or other third parties without prior consent of the sender or the receiver. Any

message can be obtained through a subpoena (unless marked “Privileged – Attorney-Client Communication”).

- c. Discrimination and harassment are unacceptable in any form of communication, including E-mail. This includes any material, which is offensive on the basis of sex, race, color, religion, national origin, ancestry, citizenship, pregnancy, age, sexual orientation, marital or veteran status, medical condition, or physical or mental disability.
  - d. If you receive an E-mail message from an unknown sender, delete the message to prevent viruses and other hazards. If you receive an E-mail message for which you are not intended as the recipient but the sender is known to you, immediately inform the sender that the message was sent improperly and delete the message from your mailbox. The content and maintenance of your e-mail folders is your responsibility.
  - e. Transmitting messages under an assumed name is prohibited.
  - f. Archive (move) unwanted and obsolete messages. It is each employee’s responsibility to keep their e-mail boxes manageable and up to date. No email is to be deleted, except emails not intended for you.
4. Copyright and Software.
- a. Do not attempt to gain access to, copy, move or remove information, proprietary software or other programs from files to which you do not have authorization to view. You must not copy, distribute, display, or disclose third party proprietary software without prior authorization from the licensor. Violation of copyright and licensing laws may subject you and/or the Colorado River Indian Tribes to liability.
  - b. Do not load any software, including screensavers, wallpaper, freeware or shareware onto your computer without prior consent of the Colorado River Indian Tribes. Any software must be checked for viruses and compatibility by the Colorado River Indian Tribes prior to installation.
5. Management and Administration.
- a. The Colorado River Indian Tribes reserves the right to monitor and record all employee computer and Internet usage without notice. No employee should have any expectation of privacy as to his or her computer or Internet usage and employees expressly waive

any rights of privacy in anything they create, store, send or receive on the computer system. The Colorado River Indian Tribes may review computer and Internet activity to analyze usage patterns and review data to assure the Colorado River Indian Tribes computer and Internet resources are devoted to maintaining the highest levels of productivity.

- b. All pass codes that an employee is using with the Colorado River Indian Tribes equipment, systems, software or files must be provided to supervision or to the Human Resources Department immediately on request.
6. Instant Messaging and Peer-to-Peer File Transfer.
- a. Employees are prohibited from participating in any form of Instant Messaging, i.e. AOL Instant Messenger, MSN Messenger, Yahoo Messenger, etc.
  - b. Employees are prohibited from participating in any form of Peer to Peer file transfer such as Napster, Kazaa, Gnutella, Morpheus, etc.
  - c. Employees are prohibited from downloading, sharing, or viewing streaming video, i.e. DVD movies or film clips, from the Internet.
7. Unauthorized Business Usage. Computer usage commonly considered unethical include:
- a. Unauthorized and time consuming recreational game playing;
  - b. Using the Colorado River Indian Tribes' computers for work not authorized on an account;
  - c. Sending chain letters or unauthorized mass mailings;
  - d. Non-productive or idle chatting;
  - e. Inputting, sending, receiving or storing personal data on the Colorado River Indian Tribes work stations, network or data lines;
  - f. Surfing or visiting websites not directly related to the Colorado River Indian Tribes task to be performed;
  - g. Using the computer for any illegal or immoral purposes;

- h. Using Colorado River Indian Tribes paid time to seek, refer, send or obtain non-Colorado River Indian Tribes information for personal amusement or benefit.

8. Penalties.

The Colorado River Indian Tribes will take appropriate action in response to the user abuse or misuse of computing services. Possible actions include, but are not limited to:

- a. Immediate termination;
- b. Revocation of computing privileges;
- c. Reimbursement to the Colorado River Indian Tribes for resources consumed;
- d. Legal action against the employee, including civil action to recover damages;
- e. Referral to law enforcement authorities.

[March 23, 2009]

**COLORADO RIVER INDIAN TRIBES  
EMPLOYEE HANDBOOK  
ADDENDUM E  
BACKGROUND CHECK POLICY**

**1) Purpose Statement**

It is the policy of the Colorado River Indian Tribes ("CRIT" or "Tribes") to perform pre-employment background checks in order to promote a safe and secure work environment as well as provide for the safety of children and community members, protection of the Tribes funds and property, and to ensure individuals hired are well qualified and have undergone a verification of personal character and suitability. This policy does not limit CRIT's right to hire, re-assign, discipline or terminate or create a right to or contract of employment.

**2) Policy**

The Colorado River Indian Tribes reserves the right to check the employment references of all applicants. This policy shall apply to all permanent, temporary, or seasonal employees, interns, and volunteers. The process is intended to help CRIT evaluate a candidate's suitability for hire. All job vacancy announcements shall indicate that a favorable background investigation is required. All offers of employment are contingent upon successful completion of the background checks and adjudication. Any misrepresentations, falsifications, or omissions in any employment information may result in no further consideration for employment. Candidates who fail to disclose accurate and complete information regarding any substantial negative history of criminal convictions or court proceedings may not be considered suitable for hire or continued employment. CRIT will also comply with all applicable tribal, state and federal laws to ensure candidates are not discriminated against because of negative history of convictions. CRIT does not automatically disqualify any person from hiring or promotion due to a criminal record.

CRIT will perform pre-employment background checks on all applicants for employment. CRIT shall not hire any candidate until a background investigation and suitability assessment have been completed. Conditional hires prior to completion of a suitability assessment may be permitted in exigent circumstances provided a preliminary background is completed and the conditional hire would not be in violation of regulatory or funding requirements. In addition, if an employee changes positions or if required due to Federal or Tribal regulatory or funding requirements, any additional required background checks for that position which have not previously been performed will be performed.

The results of pre-employment background checks are confidential and are to be shared on a strict "need to know" basis.

The Indian Child Protection and Family Violence Protection Act, as amended, requires that tribes and tribal organizations receiving federal funds under the Indian Self-Determination and Education Assistance Act conduct national criminal background investigations of prospective employees who will occupy positions having regular contact or control over Indian children.

Specifically, Section 408 of Public Law 101-630 of the Indian Child Protection and Family Violence Protection Act requires that organizations:

- A. Compile a list of all authorized positions the duties and responsibilities of which involve regular contact with, or control over, Indian children;
- B. Conduct an investigation of the character of each individual who is employed, or is being considered for employment in accordance with 25 Code of Federal Regulations Subpart 63 guidelines;
- C. Ensure minimum standards of character that each individual must meet to be appointed to such positions; and
- D. The minimum standards of character that are to be prescribed shall ensure that none of the individuals appointed to positions covered by the list described in item A above, have been found guilty of or entered a plea of nolo contendere (no contest) or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

Furthermore, Section 231 of Public Law 101-647 of the Crime Control Act of 1990 requires background investigations of “individuals involved with the provision to children under the age of 18 of child care services.” Child care services is defined in the Crime Control Act as “child protective services (includes the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, and detention, correctional or treatment services.”

Public Law 101-647 mandates:

- A. All existing and newly-hired employees undergo a criminal history background check within prescribed time limits;
- B. Employment applications shall contain a question asking whether the individual has ever been arrested for or charged with a crime involving a child, and if so requiring a description and disposition of the arrest or charge;

C. Obtain signature of the employee or prospective employee indicating that the employee or prospective employee has been notified of the employer's obligation to require a record check as a condition of employment and the employee's right to obtain a copy of the criminal history report made available to the employing organization and the right to challenge the accuracy and completeness of any information contained in the report;

D. The results of the background check shall be communicated to the employing organization; and

E. Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be grounds for denying employment or for dismissal of an employee involved in the provision to children under the age of 18 of child care services. Conviction of a crime other than a sex crime may also be considered if it bears on an individual's fitness to have responsibility for the safety and well-being of children.

Law enforcement officers must successfully complete a thorough background investigation no less stringent than required of a Federal officer performing the same duties. Those who are not deemed law enforcement officers, but will carry a gun in the performance of their duties must also successfully complete a thorough background investigation no less stringent than required of a Federal officer performing the same duties.

The laws and parameters outlined above are not meant to be all-inclusive. Certain positions, such as law enforcement officers, have additional background and suitability requirements due to federal, state, or tribal laws, grants, or contracts.

### **3) Procedures**

A. CRIT shall appoint one or more Background Investigators to complete background investigations and adjudications. In the absence of a Background Investigator, or where required by law or contract, the Human Resource Department shall designate other qualified staff or contractors to perform those functions. The individuals in these positions must also have been subject to a background investigation and be adjudicated with a favorable suitability determination. The Background Investigator(s) shall be responsible to gather the necessary information, conduct a suitability assessment, and issue a favorable or unfavorable determination, also referred to as adjudication, based on the results of a background check and/or suitability assessment.

B. The components of each individual's background check will depend on their position designation. Depending on the particular position, CRIT currently performs identity and address related searches; various types of criminal (including FBI Name and Fingerprint criminal history search and sexual offender

searches) background checks; driving record verification; education verification; prior employment, military, and professional license verification; financial responsibility and credit checks; etc. The Human Resource Department shall develop a list of each CRIT position and the employment background check required for that position.

C. All candidates and/or employees will be required to sign appropriate authorizations and consents prior to the performing of any background checks. Individuals are expected to provide accurate and complete information and not to omit material information needed to make a decision. A current employee or candidate must submit a completed background application and supporting documents within 30 calendar days of receiving notice from his/her current supervisor or human resources. Failure to submit the application and supporting documents shall result in a finding that the current employee or candidate is deemed ineligible for employment. CRIT relies on the accuracy of information on the employment application and other data developed through the hiring processing and subsequent employment. The results of a background check will only be used for the purpose of determining an individual's suitability for employment while maintaining strict confidentiality. Individuals that provide false or misleading information in their application and/or authorization shall be eliminated from any further consideration.

D. If an individual's criminal history includes pleas(s) of guilty to or no contest to or convictions of any offense under federal, state, including county and municipal, or tribal jurisdiction, the Background Investigator shall determine whether the offense(s) may bear upon the individual's fitness to perform the duties of the position. An unfavorable result shall be grounds for nullifying an offer of employment or terminating employment.

E. Prior to taking any adverse action, appropriate pre-adverse and adverse action notices will be sent to the individual together with the contents of the background check results considered adverse. An employee or candidate shall be given an opportunity to refute, correct, or explain the unfavorable information by submitting a written response with an explanation of the background information, and such information must be supported by documentation in the form of unaltered law enforcement, court or other applicable documentation within ten (10) business days of the request to refute, correct or explain the unfavorable information. An employee who is terminated from employment may not utilize the grievance procedure within the Employee Handbook. A candidate does not have the right to utilize the grievance process to challenge an unfavorable suitability determination.

F. For convictions that are identified in the Indian Child Protection and Family Violence Prevention Act or in other federal or tribal laws, as mandatory grounds for prohibition of employment, a suitability assessment shall not be conducted and CRIT will deny employment or dismiss an employee who does



not meet the suitability criteria established for positions having regular contact or control over Indian children. For all other circumstances, the Background Investigator shall conduct a suitability assessment which shall consider criminal history reports, outstanding warrants, and other negative information gathered. The relevance of a particular employment background check to an individual's eligibility for employment will be based on the following:

- (1) The nature and seriousness of the conduct in question;
- (2) How recent and the circumstances surrounding the conduct in question;
- (3) The age of the individual at the time of the incident;
- (4) Societal conditions that may have contributed to the nature of the conduct;
- (5) The probability that the individual will continue the type of behavior in
- (6) The individual's commitment to rehabilitation and a change in the behavior in question.

G. Having adverse information, including a criminal history or conviction does not automatically preclude a candidate's eligibility for employment in all circumstances. All individuals shall be reviewed on a case-by-case basis and decisions made with respect to employment/placement upon the whole person to include the results of the employment background checks.

H. It is not the purpose of this policy to provide detailed information or descriptions of searches and/or suitability criteria for each background check that can be performed. Nor is it the purpose of this policy to provide detailed information on how to make a final decision regarding results of background checks. Every case must be decided on its own merits based upon the specific program requirements and subject to the policy that all individuals be treated equally and consistently.

I. As a condition of employment, a background check shall be conducted every three (3) or five (5) years for each employee occupying a position requiring a background check dependent upon the requirements of the funding source, law, or regulation. A gap in employment at the Colorado River Indian Tribes of less than three (3) months shall not require conducting a new background check and adjudication unless the gap in employment was the result of misconduct or criminal conduct, the new position requires a different type of background investigation due to regulatory or funding requirements, or the employee had any arrest, criminal indictment, or conviction during the gap in employment.

J. An employee in a position requiring a background check shall report in writing to his or her supervisor, within 72 hours, of any arrest, criminal indictment, or conviction. The supervisor, within 72 hours of receiving the notice from the employee, shall report the information to the Background Investigator. Upon receipt, the Background Investigator shall determine if a new background check

and suitability assessment is required. Current employees may be administratively suspended without pay during the pendency of proceedings for or investigation of an offense which, if convicted, is mandatory grounds for the prohibition of employment under federal or tribal law. Failure to report may result in disciplinary action up to and including termination.

K. Individuals who have been found suitable for employment and/or eligible under the Indian County Law Enforcement requirements must continue to meet the loyalty, reliability, and trustworthiness standards while employed with the Colorado River Indian Tribes. Whenever information is developed or received by the Colorado River Indian Tribes regarding an individual that indicates access to classified information and/or retention in employment of that person may not clearly be consistent with the interests of the national security or efficiency of the Colorado River Indian Tribes, such information shall be evaluated against the adjudication criteria and if necessary, previously adjudicated information shall be re-adjudicated.

L. Employee credit reports shall only be used for law enforcement and other positions as designated by Tribal Council. Having negative credit information does not automatically exclude an applicant. Every applicant will be individually considered. Under no circumstances will an employment decision be based solely on information in a credit report and the credit report will be analyzed to determine the following:

- (1) Bankruptcy information will not be considered where prohibited by federal law;
- (2) Is the individual in a problematic financial position?;
- (3) Is there evidence that there is a compelling need for money?;
- (4) Consideration that the individual's financial problems will interfere with their ability to perform their duties;
- (5) Senior management should also be reviewed with respect to their ability to manage the Tribe's programs given their management of their personal obligations; and
- (6) Extenuating circumstances beyond the individual's control such as illness, divorce, family problems, loss of job, etc.

(Approved by Tribal Council on October 30, 2015.)