

CHAPTER 4
GWICHYAA ZHEE GWICH'IN TRIBAL EMPLOYEES
(last modified 07-16-04)
TITLE 1
INTRODUCTION

SECTION 4.01.01: Welcome
SECTION 4.01.02: Equal Opportunity
SECTION 4.01.03: Indian Preference
SECTION 4.01.04: Employment

SECTION 4.01.01
Welcome to Gwichyaa Zhee Gwich'in Tribal Government

The Gwichyaa Zhee Gwich'in Tribal Government considers its employees to be its most valuable asset. The Gwichyaa Zhee Gwich'in Tribal Government has adopted these ordinances in order to support each of you.

SECTION 4.01.02
Equal Opportunity

It is the intent and resolve of Gwichyaa Zhee Gwich'in Tribal Government to comply with the requirements and spirit of the law in the implementation of all facets of equal opportunity and affirmative action. In the recruitment, selection, training, utilization, promotion, termination, or any other personnel action, there will be no discrimination on the basis of race, creed, color, religious belief, sex, age, national origin, ancestry, physical or mental handicap, or veteran status. The Gwichyaa Zhee Gwich'in Tribal Government fully complies with all government requirements for setting up and carrying through affirmative action ordinances related to the protected classes mentioned above.

SECTION 4.01.03
Indian Preference

As a Federal government contractor, the Gwichyaa Zhee Gwich'in Tribal Government complies with U.S. Public Law 93-638, Section 7(b) which states "any contract, subcontract, grant or sub-grant pursuant to this Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall require that to the greatest extent feasible" shall give preference and opportunity for training and employment in connection with the administration of such contracts or grants shall be given to Indians. In compliance with Federal law, the Gwichyaa Zhee Gwich'in Tribal Government gives Indian preference to qualified candidates who are Alaskan Native and/or American Indian and a documented member of a Federally Recognized Tribe.

1. Applications from Gwichyaa Zhee Gwich'in tribal members will be considered first and exclusively; if a qualified and suitable candidate is found among this applicant pool, the Gwichyaa Zhee Gwich'in Tribal Government may select one of these candidates.
2. Applications from Alaskan Natives and American Indians shall be considered first and exclusively; if a qualified and suitable candidate is found among this applicant pool the Gwichyaa Zhee Gwich'in Tribal Government may select one of these candidates.
3. Should no selectable candidate is found from among the Indian preference applicant pool then all other applications submitted to the Gwichyaa Zhee Gwich'in Tribal Government will be considered for the advertised position. If a qualified and suitable candidate were found, then the Gwichyaa Zhee Gwich'in Tribal Government may select one of these candidates.

SECTION 4.01.04 ***Employment***

Employment at the Gwichyaa Zhee Gwich'in Tribal Government Office is "at will". Either party can terminate employment, at any time, and for any reason during the initial probationary period. This includes termination with or without cause, and with or without notice during the initial probationary period. Any oral statements, promises, or assurances to the contrary are not binding on the employer and should not be relied upon by the employee or job applicant. If you believe such assurances have been made, contact the Executive Director for confirmation. The employer is not responsible for, and will not be bound by, any statements that are not reaffirmed in writing by the Executive Director.

Statements on the employment application, or in these ordinances, training manuals, or other Tribal documents, do not constitute or imply an employment contract and should not be relied upon by the employee or job applicant under any circumstances as assuring continued employment or superseding the Gwichyaa Zhee Gwich'in Tribal Government's "at will" employment ordinance.

TITLE 2
RULES AND DISCIPLINE

SECTION 4.02.01: Offences and Discipline Table

SECTION 4.02.01
Offences and Discipline Table

Violations of the following rules will result in the discipline specified.

Violation	1 st offense	2 nd offense	3 rd offense	4 th offense	
1	Theft of property from company or other employee	Immediate Discharge			
2	Drinking alcoholic beverage on company premises	3 days Suspension	Discharge		
3	Assault on supervisor or other employee	Immediate Discharge			
4	Intentionally punching another employees time card or having one's own time card punched by someone	3 days suspension	Discharge		
5	Reporting for work under the influence of alcohol or drugs	Written Reprimand	10 day suspension	Discharge	
6	Falsifying company records including employment application	3 day suspension	Discharge		
7	Possession of illegal weapons or firearms on company premises	10 day suspension	Discharge		
8	Intentionally misusing or damaging company property or property of another employee	3 day suspension	Discharge		
9	Smoking in unauthorized area	Verbal Warning	Written Warning	3 day suspension	Discharge
10	Repeated failure to punch own timecard	Written Warning	3 day suspension	Discharge	
11	Permitting the use of office or building keys to individuals who are not employed at the GZGTG. Except under the direction of the Executive Director	Discharge			
12	Leaving work without signing out, notifying employer or getting permission.	Written Warning	3 day suspension	Discharge	
13	Unauthorized use of equipment. i.e. GZGTG van	1 day suspension	3 day suspension	Discharge	
15	Posting notices on bulletin boards that negatively portray the GZGTG or removing notices out of malice	Warning	3 day suspension	Discharge	
16	Disregard of common sense safety rules	3 day suspension	10 day suspension	Discharge	

17	Failure to wear safety equipment	Verbal Warning	Written Warning	Discharge	
18	Failure to report injury or accident	3 day suspension	Discharge		
19	Stopping work before work shift ends	Written Warning	3 day suspension	10 day suspension	Discharge
20	Unauthorized absence	Written Warning	3 day suspension	10 day suspension	Discharge
21	Creating a scrap or poor quality of material due to carelessness	Written Warning	1 day suspension	7 day suspension	Discharge
22	Stretching breaks or otherwise wasting time	Verbal Warning	Written Warning	3 day suspension	possible discharge
23	Creating or contributing to unsanitary conditions by poor housekeeping	Verbal Warning	Written Warning	3 day suspension	10 day suspension
24	Insubordination by refusing a supervisor's order	1 day suspension	3 day suspension	Discharge	
25	Sleeping on the job	Verbal Warning	Written Warning	3 day suspension	10 day suspension
26	Unauthorized soliciting of contributions on company premises	Verbal Warning	Written Warning	3 day suspension	10 day suspension
27	Deliberately restricting services to individuals out of malice	10 day suspension	Discharge		
28	Threatening or intimidating other employees or supervisor	10 day suspension	Discharge		
29	Failure to work up to standards	Written Warning	3 day suspension	10 day suspension	Discharge
30	Lateness/Tardiness	Verbal Warning	Written Warning	3 day suspension	10 day suspension
31	Use of other employee's supplies and equipment without permission	Written Warning	1 day suspension	3 day suspension	10 day suspension
32	Distributing printed matter on the premises without permission	Verbal Warning	Written Warning	3 day suspension	10 day suspension
33	Fighting or attempting to provoke a fight on company premises	10 day suspension	Discharge		
34	Failure to follow job instructions	Written Warning	1 day suspension	3 day suspension	10 day suspension
35	Inability or unwillingness to work harmoniously with other employees	Verbal Warning	Written Warning	3 day suspension	10 day suspension
36	Removal of company records or release of confidential information	Discharge			
37	Constant but differing violations	5 combined violations 1 day suspension	7 combined violations 3 day suspension	10 combined violations Discharge	

TITLE 3
RECRUITMENT & SELECTION

SECTION 4.03.01: Recruitment
SECTION 4.03.02: Announcement of New Positions
SECTION 4.03.03: Employee Selection Process
SECTION 4.03.04: Position Descriptions
SECTION 4.03.05: Employment Classifications
SECTION 4.03.06: Anniversary Date and Reinstatement
SECTION 4.03.07: New Hire
SECTION 4.03.08: Rehire
SECTION 4.03.09: Relatives

SECTION 4.03.01
Recruitment

The Gwichyaa Zhee Gwich'in Tribal Government provides equal employment opportunity to all applicants on the basis of demonstrated ability, experience, and training. As positions become available within the company, prior to outside recruitment, the Executive Director or his designee shall determine the availability of qualified candidates within Gwichyaa Zhee.

SECTION 4.03.02
Announcement of New Positions

The availability of all job openings will be announced within Gwichyaa Zhee for ten working days prior to outside recruitment for any position. The job requisition giving job title, class, department, job functions, and qualifications will be posted on all tribal bulletin boards. Employees may have only one application in process with the Gwichyaa Zhee Gwich'in Tribal Government at any one time.

SECTION 4.03.03
Employment Selection Process

A. Selection of candidates for all positions will follow the Gwichyaa Zhee Gwich'in Tribe Equal Opportunity and Affirmative Action ordinance. The Employment Director is responsible for preparing the position requisition. Only the Executive Director is authorized to place ads, respond to inquiries from employment agencies, and post requisitions on the company bulletin boards.

B. Job related duties and qualifications, as listed on the position requisition, will provide the basis for initial screening of applications. All applications and resumes received for the requisitioned position will be forwarded to the personnel department. The Executive Director and Employment Director will conduct initial screening for the minimum qualifications. The Employment Director will further screen the applications to select those individuals to be interviewed for the position. The Executive Director will conduct the interviews. Only job-related questions or ones, which assess the candidate's

experience, skill, and training, will be asked. Definite salary commitments will be avoided during the initial interview.

C. Some positions will require skills for which a known level of competence must exist, for example, typing, mathematics, and keypunch. Under these circumstances, the personnel department may request applicants to demonstrate these skills by completing an exercise involving a job-related work sample. It must be evident that such an exercise measures knowledge or skills required for the particular job. The results of an exercise must prove to be a valid prediction of job performance. All interviewed applicants must be given the same exercise.

D. The Employment Director will be responsible for verification of employment information provided by the applicant, if the information is needed in making a candidate selection. The only information to be verified from prior employers will be the following:

1. Dates of Employment
2. Positions Held
3. Salary at Time of Termination

E. The applicant should be advised that this information will be verified. Additional information should not be requested from prior employers, unless the applicant agrees in writing, because it may violate the applicant's privacy.

F. After the verbal offer has been made and the candidate has agreed to the essential terms of the offer (typically position, employee classification, salary or rate, and starting date), a written offer will be prepared by the Executive Director and submitted to the candidate in person or by mail.

G. The written offer will confirm the verbal offer and will include the essential terms of the verbal offer as agreed to by the candidate. The candidate will be required to sign and date an acceptance of the written offer which will state as follows: "The undersigned accepts the above employment offer and agrees that it contains the terms of employment with the Gwichyaa Zhee Gwich'in Tribal Government and that there are no other terms express or implied. It is understood that employment is subject to verification of identity and employment eligibility and may be terminated by the Gwichyaa Zhee Gwich'in Tribal Government after corrective action through the use of "rules and discipline, section 1.4 Employment," have been exhausted.

H. In summary, good personnel practices begin with the selection process. All applicants should be evaluated consistently as part of the interviewing process. All supervisors are critical in the process of selecting the most suitable, qualified candidate for the position. In order to assist supervisors in this process, the following checklist helps assure consistency in the hiring process.

SELECTION PROCESS CHECKLIST

- A.** Write a job description for the vacant position or review the old one updating the duties required.
- B.** Make a skills profile, which lists the precise duties of the position and the skills, needed to accomplish these duties in a minimally acceptable manner.
- C.** Receive applications and evaluate them. Notify unqualified candidates. Rank qualified ones.
- D.** Schedule interviews. Prepare specific open-ended questions, which will help to determine whether the applicant will be able to accomplish the duties of the position.
- E.** Discuss the duties, responsibilities, and skills required; and describe the wages, benefits, advancement opportunities, and other aspects of the job.
- F.** Summarize the interview in a written report and retain in a file.
- G.** Check the candidate's references.
- H.** Check the requisite documents to determine whether the new hire is a U.S. citizen or has the proper authority to work in the U.S., and complete the INS Form I-9.
- I.** Remember, Federal law prohibits the use of a polygraph to prescreen prospective employees in most situations.

SECTION 4.03.04 ***Position Descriptions***

The purpose of position descriptions at the Gwichyaa Zhee Gwich'in Tribal Office is to define a position's duties and set requirements for filling a position. Within three months after every employee has filled a position, a personalized position description detailing the unique features of the job and establishing each supervisor using input from the employee will prepare the employee's job objectives. The previous position description will be used as a model in defining the present employee's position. A supervisor shall review an employee's position description when he or she requests it. All position descriptions shall include the following information:

1. Title of Position;
2. Assigned Organizational Unit;
3. Position Classification Number;
4. Position Summary or Overview;
5. Position Qualifications (minimum qualifications including job experience, skills, and education); and
6. Major Duties and Responsibilities.

Position descriptions are also one of the factors used in setting the pay scale of positions within Gwichyaa Zhee Gwich'in Tribal Government. Management shall review all position descriptions annually to ensure equity and consistency within and across job families and functional lines.

SECTION 4.03.05 ***Employment Classifications***

Positions within the Gwichyaa Zhee Gwich'in Tribal Government are generally designed to require full-time employees. In certain functions and during some seasons, work schedules and Tribal needs may require the services of other than full-time employees. There are five classifications of employees at the Gwichyaa Zhee Gwich'in Tribal Office.

1. Probationary: An employee who is hired to fill a full-time, regular position but who is on probation for a period of at least ninety (90) days. If the employee's service is satisfactory after the completion of the probationary period, his/her status is changed to that of a regular employee by his/her immediate supervisor.

2. Regular: an employee hired for an indefinite period in a position for which the normal work schedule is between (30) and (40) hours per week.

3. Part-time: an employee hired for an indefinite period in a position for which the normal work schedule is less than (30) hours per week. This position is required for only specific, known duration.

4. Temporary: An employee hired for a position for which the scheduled workweek can range from less than twenty (20) to forty (40) hours, but the position is required for only a specific, known duration, usually less than six (6) months but exceed that time frame.

Neither temporary nor summer employees qualify for regular employee benefits.

5. Provisions in the Fair Labor Standards Act divide all employees into two (2) categories, exempt and nonexempt, with respect to eligibility for overtime payment. They shall be defined as:

a) Exempt: an employee considered to be managerial, administrative, professional or outside sales.

b) Nonexempt: An employee who devotes most of his/her hours in activities that are not managerial, administrative, professional or outside sales.

If you are uncertain as to your status, please contact the Executive Director and/or the Education & Employment Department.

SECTION 4.03.06

Anniversary Date and Reinstatement

An employee's anniversary date is defined as his/her first day on the job with the Gwichyaa Zhee Gwich'in Tribal Government. Performance reviews will be completed annually on the employee's anniversary date or at a date specified by the immediate supervisor or the Executive Director. Although a salary adjustment never automatically follows a performance review, if a review cannot be completed prior to the employee's anniversary date and a salary adjustment is in order, it will be made retroactive to the anniversary date.

Employees who are re-employed by the Gwichyaa Zhee Gwich'in Tribal Government after termination will lose their original anniversary date for all purposes and be assigned a new date corresponding to their first day on the job after re-employment. This policy shall not apply to layoffs or to an employee who was erroneously terminated for cause and later reinstated.

SECTION 4.03.07

New Hire

The Employment Director/Executive Director is responsible for having the new employee fill out all pre-employment forms, benefit applications, and enrollment forms; and providing, on the employee's first day of work, basic information on pay and leave policies, benefits, parking situations, and working hours. Within the first week of employment, the Employment Director/Executive Director will conduct a new employee orientation.

SECTION 4.03.08***Rehire***

Applications received from former employees will be processed using the same procedures and standards that govern all direct applications. The Employment Director will review the former employee's performance records and the circumstances surrounding termination of previous employment with the company. This information will be provided to the staff responsible for screening and interviewing applicants. The Gwichyaa Zhee Gwich'in Tribal Government is under no obligation to rehire former employees.

SECTION 4.03.09***Relatives***

Relatives of Gwichyaa Zhee Gwich'in Tribal Government employees may apply and, if qualified, will be considered for employment. A supervisor may not evaluate a relative's performance for promotion or merit pay increases. The Executive Director shall conduct evaluations of employees who may be supervised by a relative. A relative of the Executive Director and employed by Gwichyaa Zhee Gwich'in Tribal Government will be evaluated by the Employment Director. A relative is defined as any person related to the employee by blood, marriage, or adoption in the following degrees: parent, child, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, and cousins.

TITLE 4

COMPENSATION

- SECTION 4.04.01: Equal Pay
- SECTION 4.04.02: Workday
- SECTION 4.04.03: Payday
- SECTION 4.04.04: Pay Advances
- SECTION 4.04.05: Overtime Compensation
- SECTION 4.04.06: Compensatory Time
- SECTION 4.04.07: Flextime
- SECTION 4.04.08: Salary Administration
- SECTION 4.04.09: Payroll Deductions
- SECTION 4.04.10: Quick Ticket Policy

SECTION 4.04.01

Equal Pay

The Gwichyaa Zhee Gwich'in Tribal Government will not pay wages to any employee at a rate less than what the Gwichyaa Zhee Gwich'in Tribal Government pays employees of the opposite sex for comparable work requiring comparable skills. This policy is to be construed in accordance with applicable federal and state laws and regulations.

SECTION 4.04.02

Workday

A workday begins at 8:00 AM and ends at 5:00 PM with one (1) hour off for lunch. Each workweek consists of thirty-five to forty (35-40) hours, and generally includes work performed Monday through Friday. Employees are entitled to a 15 minute break for every 4 hours worked. All employees are required to sign out upon leaving the building for a break, or other business outside the office. However, the nature of our activities sometimes demands workday or workweek hours different than those set forth above. Variation to the schedule will be made or approved by the Executive Director.

For those employees classified as part-time and are scheduled to work 5 hours or less per day, a 15 minute break may be taken half way through the employee's scheduled workday.

Employees who do not report to work within 15 minutes of their scheduled daily start time will be considered tardy. Employees who do not report in within 30 minutes will be considered to have an unexcused absence. The first instance of tardiness shall be recognized with a verbal warning, this will be followed by a written warning; then a three day suspension. A fourth infraction will result in a 10 day suspension. The first unexcused absence will result in a written warning; additional infractions will result in a 3 day suspension, a 10 day suspension then discharge. Excessive tardiness and/or absenteeism could affect the employee's performance evaluation and make the employee ineligible for raises, promotions, or other benefits.

SECTION 4.04.03***Payday***

(last revised 10/19/04)

Our employees are paid semimonthly, 24 times annually. Time sheets are submitted on the work day following the last day of the pay period.

SECTION 4.04.04***Pay Advances***

(last revised: 09/09/03)

It is the Gwichyaa Zhee Gwich'in Tribal Government policy to decline all requests for early paychecks or pay advances (only for hours actually worked) for personal reasons. Exception made on special circumstances by prior approval of the Executive Director with suggested guidelines. Pay advances in the event of vacation or legitimate business reasons (e.g., temporary duty assignment) may be requested through the employee's supervisor to the Executive Director.

SECTION 4.04.05***Overtime Compensation***

Nonexempt salaried employees will be paid at the rate of one and one-half times their regular hourly rate of pay for all time worked in excess of eight (8) hours in any one (1) day and forty (40) hours in any one workweek with the supervisors prior approval. i.e. Grant Deadline, Audit Preparation, Year-end Reports. Double-time on holidays.

Overtime is never at the employee's discretion. It shall only be incurred and paid at the request of the employee through the employee's supervisor. Supervisors shall ensure that no unauthorized overtime hours are or are not worked.

If an employee anticipates the possibility of having to work longer hours than scheduled, then the employee should consult with the Executive Director and arrange for time off prior to accumulating overtime.

SECTION 4.04.06***Compensatory Time***

Compensatory Time, commonly known as Comp Time, will be allowed on an hour for hour basis for exempt and non-exempt employees. Comp time can be taken in substitution of over time compensation.

SECTION 4.04.07***Flextime***

Flextime is not allowable unless good justification has been submitted and approved by the immediate supervisor. The flextime employee is expected to be responsible and is trusted to begin and end work without direct supervision.

The employee and supervisor are to select a work schedule, which ensures effective functioning of the department, and are convenient to them and will not interfere with Tribal Government Business.

Once the employee and supervisor have chosen a mutually convenient workday schedule, the schedule becomes "fixed" and is to be adhered to without deviation. However, the employee normally may be allowed to change his/her schedule once every six (6) months subject to the immediate supervisor's approval and concurrence by the Executive Director.

SECTION 4.04.08***Salary Administration***

It is the Gwichyaa Zhee Gwich'in Tribal Government's policy to award annual merit increases to employees for their dedication to the growth of Gwichyaa Zhee Gwich'in Tribal Government, based on their skills, improvement, and outstanding performance. Every employee is eligible for a merit increase; however, merit increases are not automatic. Following the employee's performance review, the manager will rank the employee's performance according to his/her relative level of contribution to the Gwichyaa Zhee Gwich'in Tribal Government. Factors will include, without limitation, how well the employee has met the objectives agreed upon in the last review and the employee's level of contribution to the success of the department.

Employees will be ranked as: 5) Outstanding; 4) Very Good; 3) Good; 2) Marginal; and 1) Unsatisfactory. The supervisor will forward a merit increase recommendation with the appraisal to the Executive Director for final approval. Any merit increase will be retroactive to the date of the performance appraisal.

SECTION 4.04.09***Payroll Deductions***

The following mandatory deductions will be made from every employee's gross wages: Federal Income Tax, Social Security FICA Tax, and applicable local taxes.

Every employee must fill out and sign a federal withholding allowance certificate, IRS Form W-4, on or before his/her first day on the job. This form must be completed in accordance with federal regulations. The employee may fill out a new W-4 at anytime when his/her circumstances change. Employees who paid no federal income tax for the

preceding year and who expect to pay no income tax for the current year may fill out an Exemption Form Withholding Certificate, IRS Form W-4E. Employees are expected to comply with the instructions on Form W-4. Questions regarding the propriety of claimed deductions may be referred to the IRS in certain circumstances.

Other optional deductions include the portion of group health insurance not paid by Gwichyaa Zhee Gwich'in Tribal Government, which is deducted from each payroll check. Other voluntary contributions, such as credit union and pension plan, are also deducted each pay period per employee agreement.

Every employee will receive an annual Wage and Tax Statement, IRS Form W-2, for the preceding year on or before January 31. Any employee, who believes that his/her deductions are incorrect for any pay period, or on Form W-2, should check with the Executive Director immediately. Your supervisor will give you time to do this during the workday.

SECTION 4.04.10 ***Quick Ticket Policy***

A. Federal grants and contracts state that we try to obtain the best price for goods and services. Quick Tickets are purchased in bulk quantities from Frontier Flying Service and/or Warbelow Air Ventures. We negotiate the price and receive the best price available for this service in our area.

B. Quick tickets are purchased as prepaid assets. As soon as we receive the tickets they are recorded in a log.

C. As the tickets are used the following forms are completed for each ticket.

- Ticket Log
- Travel Authorization
- Ticket Purchase Form
- Cash Receipt Form

D. These tickets are expended to the proper funds as they are used.

E. Tickets can be purchased by employees, at cost, for use of their immediate family (spouse or children) only. This is done as a courtesy to employees since the Gwichyaa Zhee Gwich'in Tribal Government Employee's do not have the pleasure of health benefits that many employers provide for their employees.

F. Employee incentive mileage tickets.

SECTION 4.04.11***Direct Deposit***

(last revised: 09/09/03)

Employees have the options of electronic direct deposit of their pay and are encouraged to take advantage of the benefits of direct deposit. To be enrolled in the direct deposit program employees are asked to provide a direct deposit application which includes a voided check or deposit slip to verify account information. Employees are required to notify the Accounting Department promptly and provide a new authorization when changing financial institutions or account numbers.

SECTION 4.04.12***Community Service Release Time***

(last revised 10/07/03)

The contribution of time and work to a group or organization for the advancement, assistance or enrichment of the community is a priority of the Gwichyaa Zhee Tribal Government. Full time (30+ hours per week), permanent Gwichyaa Zhee Tribal Government employees are entitled to take two hours of paid release time per month for the express purpose of performing community service. In an effort to promote volunteerism, employees will be allowed to volunteer with any established organization in the village (work for individuals may be done if arranged through a legitimate organization, an example would be performing chores for the elderly through arrangements made by the Elders Coordinator as GZGTG).

All employees requesting release time must complete the "Request for Release Time" form to be approved by GZGTG and the organization served. Release time may be dispensed in 30 minute increments or greater. The hours expire at the end of the month and cannot be carried over or accumulated. Once service is provided employees are required to submit a "Release time Service Record" form approved by the organization served.

Employees on disciplinary probation or suspension are ineligible to participate in Release Time. Employees caught abusing the Release Time Program will be subject to disciplinary actions.

SECTION 4.04.13***Personal Appearance***

(last revised 02/23/04)

It is the policy of the Gwichyaa Zhee Gwich'in Tribal Government that each employee's dress, grooming and personal hygiene should be appropriate to the work situation. A good personal appearance is essential to creating and maintaining a favorable public image.

1. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. The following clothing are not permitted as they do not present a business-like appearance:

- Suggestive Attire;
- Ripped, Dirty, Excessively Worn or Disheveled Clothes;

- Sweatpants, Sweatsuits, or Hooded Sweaters;
- Novelty T-Shirts, with advertising or offensive language/pictures;
- And any similar item of attire.

2. Hair should be clean, combed and neatly trimmed or arranged. Excessive jewelry, cologne/perfume and makeup should be avoided.

3. If an employee's appearance is unacceptable or hygiene is poor, the employee will be sent home on a no pay status to correct the problem. The employee is then expected to return to work. The supervisor will counsel the employee on proper attire and hygiene if necessary. If the employee continues to arrive at work inappropriately dressed or hygienically offensive, further disciplinary action will result.

TITLE 5

EMPLOYEE BENEFITS

- SECTION 4.05.01: Insurance
- SECTION 4.05.02: Annual Leave
- SECTION 4.05.03: Holidays
- SECTION 4.05.04: Eligibility for Holiday Pay
- SECTION 4.05.05: Sick Leave
- SECTION 4.05.06: Leave of Absence and Subsistence Leave
- SECTION 4.05.07: Medical Leave of Absence
- SECTION 4.05.08: Maternity or Paternity Leave
- SECTION 4.05.09: Bereavement Leave
- SECTION 4.05.10: Return to Work
- SECTION 4.05.11: Return To Work After Serious Injury or Illness
- SECTION 4.05.12: Jury Duty
- SECTION 4.05.13: Benefits after Termination
- SECTION 4.05.14: Educational Assistance
- SECTION 4.05.15: Child Care

The Gwichyaa Zhee Gwich'in Tribal Government employees are its greatest asset and we have constructed a comprehensive benefits program reflecting the Gwichyaa Zhee Gwich'in Tribal Government's commitment to our employees. This includes the following, which are detailed below.

SECTION 4.05.01

Insurance

Insurance is based solely on availability.

The Gwichyaa Zhee Gwich'in Tribal Government recognizes the needs of employees for financial protection in the event of illness or injuries that result in medical expense and loss of income. Providing adequate, cost effective dental, disability, and life insurance protection is a concern of Gwichyaa Zhee Gwich'in Tribal Government. The Gwichyaa Zhee Gwich'in Tribal Government has selected a plan designed to meet the employees' needs. All are financially subsidized by Gwichyaa Zhee Gwich'in Tribal Government to keep the employee's cost to a minimum. Certain coverage's are offered at no cost to the employee.

The plans offered are somewhat complex. For this reason, the Summary Plan Descriptions (SPD) or brochures, which describe each plan, should be referred to for specific information. The Fiscal Officer is available to answer specific insurance questions. During new employee orientation, the cost, coverage, eligibility requirements and conversion privileges of each plan will be explained in detail. You will be provided a copy of the Summary Plan Description for each plan that you elect after you or your dependents become covered. The terms and conditions of the insurance policy, itself, will control over any inconsistent descriptions contained in this manual.

SECTION 4.05.02
Annual Leave

Qualified employees begin accumulating annual leave from the date of hire and may take and are compensated for accumulated annual leave. At no time will an employee be allowed to "overdraw" his/her annual leave accrual. Supervisor approval must be obtained as far in advance as possible to assist in staff scheduling requirements. Annual Leave Request Forms are available from the supervisor or personnel.

1. New employees are not eligible to use cumulative annual or sick leave until they have successfully completed their three month probationary period. Leave shall accrue from the beginning of the period of appointment of permanent status as an employee of the the Gwichyaa Gwich'in Tribe.
2. Annual leave will be paid upon final separation of employment within the Gwichyaa Zhee Gwich'in Tribal Government. Employee's who are not eligible for annual leave, hence employee's terminating prior to completing their probationary period are not eligible for compensation of accrued annual leave upon termination.
3. Annual leave will be accrued to a maximum of 240 hours, after this amount a person will stop accruing leave.
4. The Executive Director shall schedule leave for their respective employees with due consideration for the desire of the employees and work requirements facing the program or department. Leave schedules may be amended to allow the department to meet emergency situations.
5. Leave shall not be used in blocks of less than one hour.
6. All annual leave must have prior approval.

Annual leave accrues at the following rate:

YEARS OF EMPLOYMENT	NO. OF DAYS	ACCRUAL RATE (HRS/PAY PERIOD)
1 - 3	15 (3 WEEKS)	4.6 (2.3 HOURS PER WEEK)
4 - 5	20 (4 WEEKS)	6.2 (3.1 HOURS PER WEEK)
6 - 9	25 (5 WEEKS)	7.7 (3.8 HOURS PER WEEK)
10 PLUS	30 (6 WEEKS)	9.2 (4.6 HOURS PER WEEK)

SECTION 4.05.03 *Holidays*

The Gwichyaa Zhee Gwich'in Tribal Government provides twelve (12) paid holidays each year. The employee will be given a day off with pay for each holiday observed. The specific day of each holiday shall be posted in writing prior to January 1st, as well as, distributed to each employee in a memorandum. The Tribal office is officially closed on these days:

New Year's Day (2 days)	Labor Day
Traditional Chief's Day	Athabaskan Subsistence Day/Birthdays
Washington's Birthday	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas Day (2 days)

*If these holidays fall on Saturday, the preceding Friday will be a holiday. If they fall on Sunday, the following Monday will be a holiday.

**If these holidays fall on weekends, one-half day off will be observed on the last workday preceding the holiday.

***A floating holiday (i.e. birthday, anniversary, etc.) may be taken at the employee's request when approved by the supervisor.

SECTION 4.05.04 *Eligibility for Holiday Pay*

Employees must work the last scheduled day before a holiday and the first scheduled working day following the holiday to be eligible for holiday pay unless time off on these days has been excused with or without pay (e.g., vacation and sick leave). Only full-time employees are eligible for full holiday pay. Temporary employees are not eligible for holiday pay.

Part-time employees are entitled to an equal number of company holidays, but they shall receive pay for only the number of hours they would have regularly worked. Scheduled work on holidays is discouraged since Gwichyaa Zhee Gwich'in Tribal Government sees the purpose of holidays as a provision for employee relaxation. If an employee is required to work on a scheduled holiday, the employee will be paid for hours worked at his/her regular pay in addition to holiday pay. If a designated holiday falls within an employee's vacation period, the holiday is not considered a vacation day.

Employees may take religious holidays not designated as an official holiday either as a floating holiday or without pay. Prior approval in advance must be obtained from the employee's supervisor.

SECTION 4.05.05

Sick Leave

A regular full-time employee will receive forty (40) hours of sick leave after six months of continuous employment. Regular part-time employees will be credited with an appropriate prorated number of hours. After the first six (6) months of employment, sick leave is accrued monthly at a rate of eight (8) hours for a full-time employee and at a prorated amount for a part-time employee. Sick leave is accrued on the last workday of the month. Employees must be in an active pay status on the last day of the month to accrue sick leave for that month.

It is in the best interests of an employee who is ill or injured that the employee not to remain at work. It is the supervisor's responsibility to send the employee home if the employee is incapacitated.

Time for routine doctor or dentist appointments can be charged to sick leave. However, employees are encouraged to make such appointments before arriving for work or after leaving work for the day, if possible. If time off is required for such appointments, arrangements should be made in advance with the employee's supervisor.

An employee is expected to notify his/her supervisor at the beginning of each workday during illness or injury. Exceptions to this include a serious accidental injury, hospitalization, and when it is known in advance that the employee will be absent for a certain period of time.

A Medical Release Statement is to be submitted to the employee's supervisor for review before the employee returns to work in the following situations:

1. Three (3) or more consecutive workdays of absence due to illness or injury;
2. In all cases of work related injury when the employee has been unable to work after the time of the injury; or
3. When returning from medical or maternity leaves of absence.

In the case of a work related accident or injury, the Gwichyaa Zhee Gwich'in Tribal Government will compensate an employee for any lost work hours beginning on the date of the accident or injury and for the next 160 hours of scheduled work time lost as a result of that accident or injury. The employee's sick leave may be used for this purpose. The employee must then use accumulated sick leave in conjunction with worker's compensation or other disability income to achieve full pay for as long as possible. However, at no time can the combination of these exceed normal earnings. Other employees may, at their discretion, donate as many hours of their accumulated sick leave as they wish to another employee who may be experiencing an extended illness or injury.

Unused sick leave will be forfeited upon termination.

Sick leave is not earned while an employee is on a leave of absence.

SECTION 4.05.06***Leave of Absence and Subsistence Leave***

A leave of absence is time off in a non-pay status. Upon receipt of a formal written request for leave of absence from regular full-time employees, management will determine whether a leave of absence will be granted. The types of leaves granted are subsistence, personal, educational, public service, and military.

The leave classifications are defined as follows:

A. Subsistence: Subsistence leaves are granted to employees who traditionally hunt and/or fish. Each case must be evaluated on its own merits and consider:

1. The amount of time required
2. The employee's length of service and past record
3. The impact on the normal conduct of business

Normally, subsistence leaves are granted for periods of up to ten (10) days.

B. Personal: Personal leaves are granted to employees having special personal need for an extended period of absence. Each case must be evaluated on its own merits and consider:

1. The reason for the request;
2. The amount of time required; and
3. The employee's length of service and past record.
4. Normally, personal leaves are granted for periods of up to ninety (90) days.

C. Educational: To encourage the academic development of employees, educational leaves of absence may be granted. Employees must have three (3) years of active service with the Gwichyaa Zhee Gwich'in Tribal Government for each year of leave. If the educational leave is for completion of a college bachelor's degree, the employee must also have a minimum of two (2) years of college credit. The employee's record, career objectives, and the applicability of the major area of study to Gwichyaa Zhee Gwich'in Tribal Government's needs must be considered in determining whether educational leave will be granted. Typically, educational leave will be granted for one year and may be renewed for an additional year at the option of Tribal Council.

D. Public Service: Leave of absence for public service may be granted to employees to permit participation in special community projects or political campaigns or to accept a governmental elective or appointive position. Employees must have a minimum of four (4) years of active service with Gwichyaa Zhee Gwich'in Tribal Government for such leave to be considered.

E. Military: To protect the employment rights of employees entering the Armed Forces of the United States and to ensure conformance with the applicable federal laws, a leave of absence must be granted to all employees, except temporary, who enter military service for active duty as a result of the following:

1. Initial enlistment in the armed services of the United States;
2. Initial training periods in the National Guard;
3. Being ordered to active military service as a member of the Reserves or National Guard for an indefinite period or for a periodic training period up to ten (10) working days; and
4. Any service requirements under the Selective Service Act.

SECTION 4.05.07
Medical Leave of Absence

Upon written application by an employee who has at least thirty-six (36) months of continuous service with the Gwichyaa Zhee Gwich'in Tribal Government, it will grant to the employee for an appropriate period of time a leave of absence without pay for illness or pregnancy subject to the requirements set forth below. The Gwichyaa Zhee Gwich'in Tribal Government reserves the right to request a certificate or statement from the employee's physician establishing the employee's physical need for the leave of absence. An employee returning to work from a leave of absence in the case of illness or pregnancy will present a certificate or statement from the employee's physician indicating that the employee is able to return to work.

An employee need not apply for an illness or pregnancy leave of absence if the absence will not exceed five (5) working days; however, the employee must notify his/her department manager no later than the day of such absence.

The following requirements will be applicable to employees on all types of leaves of absence:

1. An employee on any leave of absence shall not return to work prior to the expiration of his/her leave without the prior written consent of the Executive Director.
2. An employee who does not return to work at the end of his/her leave of absence will be considered to have voluntarily resigned from employment with the Gwichyaa Zhee Gwich'in Tribal Government.
3. If an employee returns to work within eight weeks after the leave of absence begins, the Gwichyaa Zhee Gwich'in Tribal Government will return the employee to employee's previous job, if the job exists and if the employee remains qualified and able to perform the work in such job.
4. If an employee returns to work more than eight (8) weeks after the leave of absence begins, the Gwichyaa Zhee Gwich'in Tribal Government shall not be required to return the employee to any job within Gwichyaa Zhee Gwich'in Tribal Government.

5. An employee who accepts other employment while on any leave will be deemed to have voluntarily resigned his/her employment with the Gwichyaa Zhee Gwich'in Tribal Government.
6. Group insurance participation for employees on a leave of absence will continue during the leave but will terminate the first day after the day on which the leave of absence ends, but in no event later than eight weeks following the date of commencement of the leave, if the employee has not returned to full-time employment by that date.
7. The time that an employee is on leave of absence will be counted as time worked for determining whether or not the employee is entitled to other Gwichyaa Zhee Gwich'in Tribal Government benefits, subject, of course, to the specific provisions of any health insurance policy, retirement plan or other benefit package. Similarly, an employee's length of service will continue to increase while the employee is on leave of absence.

SECTION 4.05.08

Maternity or Paternity Leave

The Gwichyaa Zhee Gwich'in Tribal Government typically grants maternity/paternity leave for a period up to eight (8) weeks. Prior to delivery the mother/father may use annual leave, sick leave, or leave of absence. For physical examinations, childbirth classes and other childbirth related matters.

After delivery or miscarriage the mother/father may use ten (10) days of paid maternity/paternity leave. This leave is in addition to all other forms of leave earned as a regular employee. This leave shall not be charged against the employee's accrued leave, so long as this leave is started within ten (10) days immediately following delivery or miscarriage; failure to exercise this maternity/paternity leave within the prescribed timeframe shall result in forfeiture of the leave associated with the delivery or miscarriage.

Additional leave may be charged against the employee's accrued leave for a cumulative period up to eight (8) weeks.

SECTION 4.05.09

Bereavement Leave

The Gwichyaa Zhee Gwich'in Tribal Government will pay for time off in the event of death of the following immediate family members: spouse, parent, child or step child, brother, sister, grandparent, grandchild, father-in-law, and mother-in-law.

The employee and supervisor will determine the amount of time the employee will be absent from work. The maximum paid leave is three (3) days, in addition to all other paid leave. Leave for attendance at the funeral of a non-immediate family member or person with some especially close relationship may be granted with or without pay. The employee's supervisor will make determination after consultation with the Executive Director.

SECTION 4.05.10
Return to Work

The employee assumes responsibility for keeping the Gwichyaa Zhee Gwich'in Tribal Government's Executive Director periodically advised of the need for continuing leave of absence status. He or she should contact the supervisor at least two weeks prior to expiration of the leave to discuss return to work. Following leave of absence, the Gwichyaa Zhee Gwich'in Tribal Government will make every reasonable effort, consistent with Tribal needs, to reinstate an employee to the same position he or she previously occupied, or to a similar position. However, the Gwichyaa Zhee Gwich'in Tribal Government cannot guarantee that the employee will be reinstated to the same or a similar position. If the same or a similar position is not available, the Gwichyaa Zhee Gwich'in Tribal Government reserves the right to offer the employee a position at the appropriate salary for such a position.

If this is not acceptable to the employee, the employee will be terminated. Exceptions to this rule are employees who are granted military leave of absence. They are entitled to full re-employment rights subject to the governing federal and state laws. Employees who do not return to work after leave of absence will be terminated effective on the last day of work or paid leave whichever is later.

SECTION 4.05.11
Return To Work After Serious Injury or Illness

As a joint protection to the employee and the Gwichyaa Zhee Gwich'in Tribal Government, employees who have been absent from work because of serious illness or injury are required to obtain a doctor's release specifically stating that the employee is capable of performing his/her normal duties or assignments. A serious injury or illness is defined as one that results in the employee being absent from work for more than two (2) consecutive weeks, or one which may limit the employee's future performance of regular duties or assignments.

The Gwichyaa Zhee Gwich'in Tribal Government management shall ensure that employees who return to work after a serious injury or illness are physically capable of performing their duties or assignments without risk of re-injury or relapse.

If the cause of the employee's illness or injury was job-related, the employee's supervisor will make every reasonable effort to assign the returning employee to assignments consistent with the instructions of the employee's doctor until the employee is fully recovered. A doctor's written release is required before recovery can be assumed.

SECTION 4.05.12***Jury Duty***

The Gwichyaa Zhee Gwich'in Tribal Government will grant employees time off for mandatory jury duty or court appearances as a witness when the employee must serve or is required to appear as a result of a court order or subpoena. A copy of the court order or subpoena must be supplied to the employee's supervisor when requesting time off.

The employee is entitled to full pay for each day of jury duty or service as a witness up to a maximum of ten (10) days per year, in addition to any other paid leave. However, time off for court appearances as a party to any civil or criminal litigation shall not be compensated, and the employee must arrange for time off without pay or use accrued vacation or personal leave for such appearances.

SECTION 4.05.13***Benefits after Termination***

Dental and life insurance coverage continues for ninety (90) days after termination. Thereafter, coverage may be converted to an individual contract at the employee's expense. Holiday pay is not available to employees during leave of absence. Vacation, personal, or sick leave is not accrued during the leave of absence.

SECTION 4.05.14***Educational Assistance***

Educational assistance is available to all full-time employees beginning on the date of hire. The decision to provide this monetary assistance is based upon your supervisor's recommendation. Courses must be attended on the designated premises of the sponsoring institution. An exception to this policy is courses offered by television. Courses qualifying for financial assistance are those directly related to the employee's present assignment or directly related to the employee's job family (knowledge that will be used within a reasonable length of time).

Educational assistance approval must be received in advance. The employee and his/her supervisor will jointly prepare an educational assistance request. The request will include the course description, dates of enrollment, time off, if necessary; and the costs of tuition, registration fees, required textbooks, and laboratory fees. The Executive Director makes final approval.

Within thirty (30) days of completion of the course, the employee must submit documents to the Executive Director indicating that the course was satisfactorily completed, the grade received, if any, and original receipts for all approved expenses.

For all graded courses, a minimum grade of "C" or its equivalent is required for reimbursement. No reimbursement will be made for incomplete course work. If a course is available on either Tribal time or personal time, the employee is expected to use his/her personal time. Use or non-use of company time for class attendance is one of the determining factors in computing reimbursement. The percentage of normal reimbursement for approved expenses will be according to the following: 100% -Nonuse of Tribal time; 75% -combination of Tribal time and employee personal time; 50% -total use of Tribal time. Normally, the use of Tribal time will be unpaid time off. An employee on formal probation is not eligible for educational assistance.

Should an employee voluntarily terminate his/her employment within one (1) year following reimbursement for educational assistance, the employee will refund a pro rata share of the total educational assistance expenses paid based on the difference between the number of days that the employee worked after reimbursement and 365. An agreement to this effect shall be signed by the employee and attached to the reimbursement statement before final approval. The agreement will also authorize Gwichyaa Zhee Gwich'in Tribal Government to deduct the pro rata share of educational assistance expenses from the employee's final paycheck. If any amount remains owing to the Gwichyaa Zhee Gwich'in Tribal Government, the employee shall pay this amount before termination is completed or make other arrangements for payment, such as a promissory note.

SECTION 4.05.15

Child Care

Gwichyaa Zhee Gwich'in Tribal Government Triinin Zhee Day Care Center is available for all employees to use and employees can apply for childcare assistance. Child Care Assistance applications are available at the Gwichyaa Zhee Gwich'in Tribal Office and Tanana Chiefs Conference. Assistance is based on eligibility and availability of funds under that program.

TITLE 6
PERFORMANCE & PROMOTION

SECTION 6.06.01: Performance Review and Salary Merit Increases

SECTION 6.06.01
Performance Review and Salary Merit Increases

The Gwichyaa Zhee Gwich'in Tribal Government has adopted a modified management by objectives approach to performance appraisal. Each employee is given the opportunity to set individual written goals. He or she will be evaluated based on how well these goals have been met. Three months after an employee joins the Gwichyaa Zhee Gwich'in Tribal Government, the supervisor and employee will meet to establish employment goals consistent with the objectives of Gwichyaa Zhee Gwich'in Tribal Government and the employee's department. The first performance review will occur near the end of the next three (3) months, preferably on a date agreed to in writing. All future employee performance reviews will be scheduled at six-year intervals and noted in the preceding appraisal report.

It is the supervisor's responsibility to develop and maintain a work environment in which employees can openly discuss performance and develop plans. The employee will be notified in writing ten (10) days in advance of the performance review date. Also included in the notification will be the time, place, and the discussion topics for the employee to prepare for the review. The employee as well as the supervisor are to bring the following to the review meeting:

- a) A summary statement of the progress made toward meeting his/her employment goals
- b) Examples of job-related areas demonstrating greatest strengths and identifying areas where additional training is needed
- c) An outline of job-related tasks in which the employee can participate in to improve performance;
- d) A recommendation of job responsibilities and goals to be established for the next six (6) month period
- e) A summary of overall employment performance.

The Employee Work Plan and Performance Appraisal/Criteria for Appraising Demonstrated Performance form which follows this ordinance is to be used for the performance review. The Employee Work Plan and Performance Appraisal portion of this form serves as a planning tool by which employees and their supervisor set forth specific examples of job performance. The Criteria for Appraising Demonstrated Performance portion of the form is used to evaluate overall employee performance based on the specific examples referred to on the Employee Work Plan and Performance Appraisal portion. Employees and their supervisor should complete both portions of the form.

The supervisor is responsible for establishing a relaxed atmosphere at the performance review and encouraging two-way communication. The discussion should be conducted in a positive manner in complete privacy and with no interruptions. The supervisor shall verify that the employee is familiar with his/her job duties, previous goals, and the appraisal criteria or factors. At the conclusion of the performance appraisal, the employee will be requested to sign the appraisal verifying that he or she participated in the evaluation. The employee should be encouraged to submit comments about the appraisal, which will become part of the record. A date for the next appraisal shall be agreed upon and noted on the appraisal form. The employee must be given a signed copy of the appraisal. The performance appraisal is then submitted for review by the next level of management.

The Gwichyaa Zhee Gwich'in Tribal Government believes that pay increases should be related to an employee's performance. Following performance reviews, the supervisor will rank the employee's performance according to his/her relative level of contribution to Gwichyaa Zhee Gwich'in Tribal Government. Factors will include how well the employee has met the objectives agreed upon in the last review, whether it is the initial meeting or the following six-month review; and the employee's level of contribution to the success of the department. The supervisor will rank all department employees in one of five groupings: 5) Outstanding; 4) Very Good; 3) Good; 2) Marginal; and 1) Unsatisfactory.

A decision relating to the employee's merit increase in pay will be made by the supervisor after the review and ranking process has been completed. Any merit increase in pay will be retroactive to the date of performance appraisal. The supervisor will forward a merit increase recommendation with the appraisal to the next level of management. Merit increases in pay are neither automatic nor periodic. They are reserved for employees who show skills improvement and higher than average performance.

Information pertaining to rates of pay and merit increases in pay, if any, are deemed to be confidential matters between the Gwichyaa Zhee Gwich'in Tribal Government and each employee and are not to be discussed among employees.

The Gwichyaa Zhee Gwich'in Tribal Government has adopted a modified management by objectives approach to performance reviews. To facilitate the review process both employees and their supervisors will be asked to respond in writing to the specific issues raised below in advance of the scheduled performance review. Employees will be notified at least ten (10) days in advance of the scheduled review. At the review, the employee and his/her supervisor will discuss and compare each other's response to the issues listed below. The first page of this form should be considered a planning tool to prepare for the review session. Employees and their supervisors should record specific examples of employee conduct and performance. The criteria listed on the second form are used to evaluate the employee's overall performance.

TITLE 7
PERFORMANCE IMPROVEMENT AND TERMINATIONS

SECTION 4.07.01: Performance Improvement
SECTION 4.07.02: Terminations
SECTION 4.07.03: Resignation
SECTION 4.07.04: Dismissal
SECTION 4.07.05: Layoff
SECTION 4.07.06: Termination Process Procedures

SECTION 4.07.01
Performance Improvement

Performance improvement may be suggested when management believes that an employee's performance is less than satisfactory and can be resolved through adequate counseling. Corrective counseling is completely at the discretion of the Executive Director. The Gwichyaa Zhee Gwich'in Tribal Government desires to protect its investment of time and expense devoted to employee orientation and training whenever that goal is in the Gwichyaa Zhee Gwich'in Tribal Government's best interests. The Tribal Council expressly reserves the right to discharge "at will." Even if corrective counseling is implemented, it may be terminated at the discretion of the Tribal Council. The Tribal Council in its sole discretion may either warn, reassign, suspend, or discharge any employee at will. The supervisor, with assistance of the Executive Director, will determine the course of action best suited to the circumstances. The steps in performance improvement are as follows:

A. Verbal Counseling: As the first step in correcting unacceptable performance or behavior, the supervisor should review pertinent job requirements with the employee to ensure his/her understanding of them. The supervisor should consider the severity of the problem, the employee's previous performance appraisals and all of the circumstances surrounding the particular case. Stating that a written warning, probation, or possible termination could result if the problem is not resolved should indicate the seriousness of the performance or misconduct. The employee should be asked to review what has been discussed to ensure his/her understanding of the seriousness of the problem and the corrective action necessary. The supervisor should document the verbal counseling for future reference immediately following the review.

B. Written Counseling: If the unacceptable performance or behavior continues, the next step should be a written warning. Certain circumstances, such as violation of a widely known policy or safety requirement, may justify a written warning without first using verbal counseling. The written warning defines the problem and how it may be corrected. The seriousness of the problem is again emphasized, and the written warning shall indicate that probation or termination or both, may result if improvement is not observed. Written counseling becomes part of the employee's personnel file, although the supervisor may direct that the written warning be removed after a period of time, under appropriate circumstances.

C. Probation: If the problem has not been resolved through written counseling or the circumstances warrant it, or both, the individual should be placed on probation. Probation is a serious action in which the employee is advised that termination will occur if improvement in performance or conduct is not achieved within the probationary period.

D. The Executive Director and the employee's supervisor, after review of the employee's corrective counseling documentation, will determine the length of probation. Typically, the probation period should be at least two (2) weeks and no longer than sixty (60) days, depending on the circumstances. The supervisor prepares a written probationary notice to the employee. The letter should include a statement of the following:

1. The specific unsatisfactory situation;
2. A review of oral and written warnings;
3. The length of probation;
4. The specific behavior modification or acceptable level of performance;
5. Suggestions for improvement;
6. A scheduled counseling session or sessions during the probationary period;

A statement that further action, including termination, may result if defined improvement or behavior modification does not result during probation. "Further Action" may include, but is not limited to, reassignment, reduction in pay, grade, or demotion.

The supervisor should personally meet with the employee to discuss the probationary letter and answer any questions. The employee should acknowledge receipt by signing the letter. If the employee should refuse to sign, the supervisor may sign attesting that it was delivered to the employee and identifying the date of delivery. The probationary letter becomes part of the employee's personnel file.

On the defined probation counseling date or dates, the employee and supervisor will meet to review the employee's progress in correcting the problem, which led to the probation. Brief written summaries of these meetings should be prepared with copies provided to the employee and the Executive Director.

At the completion of the probationary period, the Executive Director and the supervisor will meet to determine whether the employee has achieved the required level of performance and to consider removing the employee from probation, extending the period of probation, or taking further action. The employee is to be advised in writing of the decision. Should probation be completed successfully, the employee should be commended, though cautioned that any future recurrence may result in further disciplinary action.

E. Suspension: A two (2) or three (3) day suspension without pay may be justified when circumstances reasonably requires an investigation of a serious incident in which the employee was allegedly involved. A suspension may also be warranted when employee safety, welfare, or morale may be adversely affected if a suspension is not imposed. In addition, and with prior approval of the Executive Director, suspension without pay for

up to three consecutive working days may be imposed for such proven misconduct as intentional violation of safety rules, fighting, or drinking alcohol on the job. These examples do not limit management's use of suspension with or without pay in other appropriate circumstances, such as the need to investigate a serious incident. In implementing a suspension, a written counseling report should set forth the circumstances justifying the suspension. Such a report shall become part of the employee's personnel file.

F. Involuntary Termination: The involuntary termination notice is prepared by the supervisor with concurrence of, and review by, the personnel department. The employee is notified of the termination by the supervisor and will be directed to report to the personnel department for debriefing and completion of termination documentation. Involuntary termination is reserved for those cases that cannot be resolved by corrective counseling or in those cases where a major violation has occurred that cannot be tolerated.

The following definitions and classification of violations are merely illustrative. corrective counseling, performance improvement, or other disciplinary action may be taken but is not limited to these examples. A particular violation whether major or minor shall be handled on a case-to-case basis. An outline of the rules and discipline are outlined in section 1.4 Employment.

G. Minor Violations: Less serious violations that have some effect on the continuity, efficiency of work, safety, and harmony within the company. They typically lead to corrective counseling unless repeated or when unrelated incidents occur in rapid succession. Here are some examples of minor violations, all others are listed in Title 2, Section 1 of this Ordinance.

1. Excessive tardiness;
2. Unsatisfactory job performance;
3. Defacing Tribal property;
4. Interfering with another employee's job performance;
5. Excessive absenteeism;
6. Failure to observe working hours, such as the schedule of starting time, quitting time, rest and meal periods;
7. Performing unauthorized personal work on Tribal time;
8. Failure to notify the supervisor of intended absence either before or within one hour after the start of a shift;
9. Unauthorized use of the Tribal telephone or equipment for personal business.
10. Major Violations: these more serious violations would include any deliberate or willful infraction of Tribal ordinances and may preclude continued employment of an employee. Here are some examples of major violations:
 11. Fighting on Tribal premises;
 12. Repeated occurrences of related or unrelated minor violations, depending upon the severity of the violation and the circumstances;
 13. Any act which might endanger the safety or lives of others;
 14. Deliberately stealing, destroying, abusing, or damaging Tribal property, tools, or equipment, or the property of another employee or visitor;

15. Disclosure of confidential Tribal information or trade secrets to unauthorized persons;
16. Willfully disregarding Tribal policies or procedures;
17. Willfully falsifying any Tribal records; or
18. Failing to report to work without excuse or approval of management for three consecutive days.

The immediate supervisor will personally notify employees of a layoff. After explaining the layoff procedure, the employee will be given a letter describing the conditions of the layoff, such as the effect the layoff will have on his/her anniversary date at time of call back; the procedure to be followed if time off to seek other employment is granted; and the Gwichyaa Zhee Gwich'in Tribal Government's role in assisting employees to find other work. The employee and the Executive Director, after consultation with the employee's supervisor, will follow one of the following procedures:

- a) The employee will receive advance notice of termination date.
- b) The employee will be terminated immediately and will receive one (1) week of pay for each year of employment with the Gwichyaa Zhee Gwich'in Tribal Government in lieu of notice, up to a maximum of four weeks. The payment will be based on a forty (35-40) hour workweek at the employee's straight time rate or salary.

SECTION 4.07.02

Terminations

Termination's are to be treated in a confidential, professional manner by all concerned. The Supervisor, Executive Director and Tribal Council must assure thorough, consistent, and evenhanded termination procedures. This policy and its administration will be implemented in accordance with the Gwichyaa Zhee Gwich'in Tribal Government Equal Opportunity statement. Terminating employees are entitled to receive all earned pay. Sick leave earned will be retained by the Tribe, and will be left unpaid. Employment with the Gwichyaa Zhee Gwich'in Tribal Government is normally terminated through one of the following actions:

- 1. Resignation:** voluntary termination by the employee;
- 2. Dismissal:** involuntary termination for substandard performance or misconduct;
- 3. Layoff:** termination due to reduction of the work force or elimination of a position.

SECTION 4.07.03

Resignation

An employee desiring to terminate employment, regardless of employee classification, is expected to give as much advance notice as possible. Two (2) weeks or ten (10) working days is generally considered to be sufficient notice time.

SECTION 4.07.04***Dismissal***

A. Substandard Performance: An employee may be discharged if his/her performance is unacceptable. The supervisor shall have counseled the employee concerning performance deficiencies, provided direction for improvement, and warned the employee of possible termination if performance did not improve within a defined period of time. The supervisor is expected to be alert to any underlying reasons for performance deficiencies such as personal problems or substance abuse. The Executive Director must concur in advance of advising the employee of discharge action. Documentation to be prepared by the supervisor shall include reason for separation, performance history, corrective efforts taken, alternatives explored, and any additional pertinent information.

B. Misconduct: An employee found to be engaged in activities such as, but not limited to, theft of Tribal property, insubordination, conflict of interest, or any other activities showing willful disregard of the Gwichyaa Zhee Gwich'in Tribal Government's interests or policies, will be terminated as soon as the supervisor and the Executive Director have concurred with the action. Termination resulting from misconduct shall be entered into the employee's personnel file. The employee shall be provided with a written summary of the reason for termination. No salary continuance or severance pay will be allowed.

SECTION 4.07.05***Layoff***

A. When a reduction in force is necessary or if one or more positions are eliminated, employees will be identified for layoff after evaluating the following factors:

1. The Gwichyaa Zhee Gwich'in Tribal Government Work Requirements
2. Employee's Abilities, Experience, and Skill
3. Employee's Potential for Reassignment Within the Organization
4. Length of Service

B. The immediate supervisor will personally notify employees of a layoff. After explaining the layoff procedure, the employee will be given a letter describing the conditions of the layoff, such as the effect the layoff will have on his/her anniversary date at time of call-back; the procedure to be followed if time off to seek other employment is granted; and the Gwichyaa Zhee Gwich'in Tribal Government's role in assisting employees to find other work. The employee and the Executive Director, after consultation with the employee's supervisor, will follow one of the following procedures:

1. The employee will receive advance notice of termination date.
2. The employee will be terminated immediately and will receive one (1) week of pay for each year of employment with the company in lieu of notice, up to a maximum of four (4) weeks. The payment will be based on a thirty-five to forty (35-40) hour workweek at the employee's straight time rate or salary.

SECTION 4.07.06***Termination Processing Procedures***

(last revised 07/16/04)

- A.** The supervisor must immediately notify the Executive Director of the termination so that a termination checklist can be initiated. The Executive Director will direct and coordinate the termination procedure.
- B.** All outstanding advances charged to the terminating employee will be deducted from the final paycheck.
- C.** On the final day of employment, the Executive Director must receive all keys and Tribal property from the employee.
- D.** The Executive Director shall conduct an exit interview with the employee.
- E.** The employee will pick up his/her final payroll check from the Executive Director at the time of the exit interview. The final check shall include all earned pay and any expenses due the employee.
- F.** Notify the Payroll Office immediately of employee termination.

TITLE 8
GRIEVANCES & APPEALS

SECTION 4.08.01: Grievance Procedure

SECTION 4.08.01
Grievance Procedure

The Gwichyaa Zhee Gwich'in Tribal Government recognizes the value of a grievance procedure that provides for the timely review of employee grievances in a fair yet workable manner. A grievance is considered to be any dispute between an employee and the Gwichyaa Zhee Gwich'in Tribal Government, which impacts on an employee's ability to perform his/her job. Although purely personal matters between employees would not ordinarily give rise to a grievance subject to this grievance procedure, any matter which adversely affects an employee's ability to perform his/her job could be the subject of a grievance. Use good individual judgment and common sense as your guide.

The grievance procedure being utilized encourages the informal resolution of grievances at several stages. Informal resolution can be obtained through supervisors or the Executive Director.

The attached grievance form will serve as the appropriate form for submitting a grievance. You may attach any additional information, which you feel necessary to fully state your grievance.

The following guidelines shall be applicable to all phases of the grievance process.

- a) All employees should endeavor to create a work environment that encourages an employee to discuss a grievance. The atmosphere created should be free from interference, coercion, restraint, and discrimination.
- b) All employees shall cooperate fully with the grievance review team, which are three (3) members of the Executive Committee (Executive Director, Executive Director and Employment Director).
- c) Grievances should not be discussed openly throughout the Gwichyaa Zhee Gwich'in Tribal Government. Interviews and investigations should be conducted to the extent practicable in as private a setting as possible.
- d) A grievance may be withdrawn at any time prior to the issuance of a written report by the grievance review team.
- e) Specified time limits are exclusive of Saturdays, Sundays, and holidays.

These are the steps to be followed in the grievance process:

Step 1: To encourage informal resolution, an employee should bring his/her grievance to the attention of his/her supervisor. No written grievance form would need to be completed. The supervisor and employee would discuss the grievance and determine a plan to resolve it. The supervisor and employee will then implement the plan. The grievance should be raised within thirty (30) days following the events or circumstances giving rise to it, and the employee and his/her supervisor shall endeavor to resolve it within five (5) days thereafter.

Step 2: If Step 1 is not successful or if the grievance is against an employee's supervisor, an employee shall submit written grievance to one of the grievance review team members. The grievance should be submitted within thirty-five (35) days following the conduct which led to the grievance.

Step 3: The grievance review team will assign the grievance to one of its members for review. The assigned team member will also seek an informal resolution to the grievance, and may conduct such investigations as necessary, including discussions with the person submitting the grievance, the persons against whom the grievance is submitted and any other employees who have personal knowledge of any matters related to the grievance. If an informal resolution is achieved, the assigned team member shall prepare a brief written statement setting forth the resolution. The person submitting the grievance and the person or persons against whom the grievance was directed shall sign the statement. Copies shall be given to each of these persons. The grievance review team shall retain one copy. Efforts to resolve the grievance under Step 3 should be concluded within ten (10) days following the submission of the written grievance.

Step 4: If no informal resolution is reached, the assigned team member will, at the written request of the employee submitting the grievance, convene the grievance review team for the purpose of reviewing the grievance. The employee's request should be made within five (5) days following the conclusion of Step 3 activities by giving the assigned team member a signed writing stating, "Please convene the grievance team". The grievance review team will review the grievance form filed and consider any information obtained by the assigned team member. The grievance review team can conduct additional investigations if it chooses, but it is not obligated to do so. The grievance review team shall prepare a brief written report setting forth its recommendation for grievance resolution within ten (10) days following the employee's request. The recommendation shall be distributed to the party filing the grievance and the party against whom the grievance was directed. A copy of the report shall be retained by the grievance review team.

In the event that the grievance is against a member of the grievance review team, the grievance should be submitted initially to either of the remaining two (2) grievance members. The two (2) remaining members will select a third person to serve on the grievance review team for the purpose of that grievance.

Step 5: Either the employee filing the grievance or the employee against whom the grievance has been filed may appeal the recommendation of the grievance review team to the full Council. To initiate this process, the employee must provide written notice of his/her intention to pursue a Step 5 appeal, and submit the written notice to the assigned team member of the grievance review team within five (5) days following the conclusion of the issuance of the Step 4 process. The written notice need only contain the statement "I intend to pursue a Step 5 appeal." If the grievance was originally filed against a member or members of the management team, the appeal shall be reviewed by the remaining member or members of the management team. The management team shall review the original grievance and discuss the grievance with the employee submitting the grievance, the person against whom the grievance was directed, and the assigned team member. The management team may conduct such other investigation as it may choose. The management team will issue its recommendation within ten (10) days following the notice of appeal.

TITLE 9
EMPLOYEE EXPENSES & REIMBURSEMENTS

SECTION 4.09.01: Employee Incurred Expenses and Reimbursement
SECTION 4.09.02: Travel Reimbursement
SECTION 4.09.03: Use of Rental Car on Company Business
SECTION 4.09.04: Conferences and Meetings
SECTION 4.09.05: Required Management Approval

SECTION 4.09.01
Employee Incurred Expenses and Reimbursement

To ensure that all proper business related expenses incurred by employees are reimbursed, the following procedures have been established:

A. All expenditures are to be approved in advance by the employee's manager unless circumstances prevent advance approval.

B. All business related expenditures must be accompanied by a receipt or evidence of expenditure in order to receive reimbursement.

C. All items purchased or charged by the employee are to be itemized on the approved expense report. All portions of the report must be filled out or marked "N/A" (not applicable), and the necessity and purpose of the expenditure must be explained in sufficient detail.

D. Expense reports must be signed and dated by the employee and initialed by the supervisor showing approval. Reports are due in the accounting department within thirty (30) days of the expenditure. Reimbursement will be made by the fifth working day of the month following submittal of the expense report.

E. The Executive Director is authorized to approve expenditures up to a limit of \$5,000 for non-travel related items, including local mileage reimbursement and one day trips for conferences, meetings, and the like. The Tribal Council must approve any amounts over this limit. The Executive Director must approve all travel related expense reports, except for local mileage reimbursement or one day trips.

SECTION 4.09.02
Travel Reimbursement
(last revised 01/06/04)

All official travel, conference, and meeting expenses must clearly serve the objectives of the Gwichyaa Zhee Gwich'in Tribal Government and should not conflict with the ethical standards of the Gwichyaa Zhee Gwich'in Tribal Government. In preparing for travel, approval must be obtained from your supervisor at least two weeks in advance. Travel requests submitted less than two weeks in advance may not be considered (at the

discretion of the Executive Director). A travel authorization form, detailing the itinerary, estimated cost, and business purpose of travel must be submitted for approval. If air travel is required, request the Gwichyaa Zhee Gwich'in Tribal Government's authorized travel agent (or the Accounting Department) must be contacted to make the reservations. All personnel will travel economy class unless extenuating circumstances require first class travel.

Travel advances are intended to allow employees the convenience of using the Gwichyaa Zhee Gwich'in Tribal Government money for business purposes while traveling. However, only reasonable travel advances will be granted and only when made 5-10 business days prior to travel. Travelers are provided with per diem to cover costs associated with lodging and meals. Reimbursements for lodging will not be made for those individuals receiving per diem funds. Receipts for business related transportation costs (taxis, rental cars, shuttles, etc) are required in order for reimbursements to be made. Reimbursements for transportation costs will occur generally at the end of that month's billing cycle.

Travelers who fail to depart as scheduled, return as scheduled and/or attend sessions of their approved travel will be required to re-pay a portion or the full pre diem amount plus any incurred transportation expenses. These funds must be repaid at the end of that month's billing cycle. Arrangements may be made to have funds deducted from payroll or meeting fees. However, all owed funds must be repaid in full no later than three months. Failure to do so may result in termination of employment or forfeiture of any position within the Tribal Government unless alternate arrangements are made and approved by the Executive Director.

Cancellation of travel (within 24 hours), failure to travel, or failure to attend events for which travel was authorized, which is not the result of a medical emergency or other serious condition, may result in suspension of all travel privileges for a period of six to twelve months and effect future performance evaluations (including eligibility for raises or promotions).

SECTION 4.09.03

Use of Rental Car on Company Business

Employees required to travel because of their job responsibilities may rent a car upon receiving the approval of their supervisor. An intermediate size car will be the employee's first choice in obtaining a rental car. The Gwichyaa Zhee Gwich'in Tribal Government is self-insured for damage to rental cars used on Tribal business. Any additional insurance charges offered as an option by the rental company are not reimbursable (Federal Tort Claims). A copy of the rental car agreement must accompany the employee's monthly travel expense report.

SECTION 4.09.04***Conferences and Meetings***

Gwichyaa Zhee Gwich'in Tribal Government employees may request time off or request financial support to attend conferences or meetings sponsored by institutions or professional organizations. The subject matter to be presented must relate directly to the employee's position or provide beneficial information to be shared in the employee's department.

The employee's supervisor and the Executive Director must approve the employee's participation in the conference or meeting. The Gwichyaa Zhee Gwich'in Tribal Government will pay for the following expenses if attendance is approved: tuition or registration fees, travel costs, lodging, and meal expenses not covered by registration. Time off for attendance and travel during normal working hours will be paid at the normal rate of pay.

SECTION 4.09.05***Required Management Approval***

All travel expense requests, mileage or per diem expense reports, purchase requisitions, educational assistance reimbursements, and other business related expense reports must be approved by the employee's supervisor before the request will be processed for payment.

Managers may only approve expenditures, which are business related, reasonable, and consistent with the letter and intent of the Gwichyaa Zhee Gwich'in Tribal Government policies. Occasionally, a policy will not cover a specific expenditure. Similarly, the facts and circumstances relating to a particular item or expense may justify an exception to the letter of a policy. In these events, a supervisor should consult with the Finance Committee for guidance. Among the factors to be considered in resolving such issues are:

- a) The intent or purpose of the policy
- b) The particular facts or circumstances surrounding the expense
- c) The necessity for the expense
- d) The amount involved
- e) Previous similar situations. Employees who incur expenses, or charge expenses to the Gwichyaa Zhee Gwich'in Tribal Government, without prior approval do so at their own risk. Employees are invited to seek prior approval from management in questionable situations.

All employee travel, educational assistance, and mileage expenses must have a supervisor's approval. Employees are required to request approval in advance of expenditures whenever possible to ensure no delay in reimbursement. All expense reports are due on the final working day of each month. Prior to being honored by the Gwichyaa Zhee Gwich'in Tribal Government, these reports must have the employee's signature and date and must be approved by the employee's supervisor.

TITLE 10
STANDARDS OF CONDUCT

- SECTION 4.10.01: Public Representation of Gwichyaa Zhee Gwich'in Tribal Government
- SECTION 4.10.02: Gratuities to Government Employees or Officials
- SECTION 4.10.03: Gratuities to Supplier Representatives
- SECTION 4.10.04: Sexual Harassment
- SECTION 4.10.05: Substance Abuse
- SECTION 4.10.06: Controlled Substance and Alcohol Ordinance
- SECTION 4.10.07: Smoking
- SECTION 4.10.08: Internet Usage

SECTION 4.10.01
Public Representation of Gwichyaa Zhee Gwich'in Tribal Government

An employee may not speak to the media (i.e. press) nor make a public appearance as an official spokesperson of the Gwichyaa Zhee Gwich'in Tribal Government without the prior approval of the Executive Director and clearance of the statement, press release, or speech. All inquiries from the media should be referred to the Executive Director or his/her designee, who will determine the appropriate action. Any deviation from this policy shall be considered misconduct by the employee and constitute grounds for disciplinary action which may include immediate termination.

SECTION 4.10.02
Gratuities to Government Employees or Officials

In adherence to government regulations, no employee may offer a gratuity to any government employee or official on behalf of, or in pursuance of the Gwichyaa Zhee Gwich'in Tribal Government business. Gratuities are defined as meals, drinks, gifts, expenses, cash, or any other item of value, including personal service. An offer to provide, or the actual provision of, any form of gratuity to a government employee or official may constitute grounds for immediate termination.

SECTION 4.10.03
Gratuities to Supplier Representatives

This policy establishes the ethical conduct to be maintained by employees in relationships with suppliers. As an employee, you may not receive, give, pay, promise, or offer to our suppliers anything of value whether cash or any other property for the purpose of securing or appearing to secure preferential treatment. This also includes any form of gratuity to or from employees of our suppliers or members of their families. Violation of this policy in any form will require immediate disciplinary action.

SECTION 4.10.04 ***Sexual Harassment***

The Gwichyaa Zhee Gwich'in Tribal Government will not allow any form of sexual harassment or any such conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Such conduct, when experienced or observed, should be reported immediately to the Executive Director or Tribal Council. The Executive Director will conduct an investigation and will be required to report the findings to the Tribal Council. The privacy of the employee filing the report and the employee under investigation shall be respected at all times.

Any intentional sexual harassment is considered to be a major violation of Tribal ordinance and will be dealt with accordingly by corrective counseling and/or suspension or termination, depending upon the severity of the violation.

It is the intent of the Gwichyaa Zhee Gwich'in Tribal Government to provide a work environment free from verbal, physical, and visual forms (e.g., signs, posters, or documents) of sexual harassment and an environment free of harassment, intimidation or coercion in any form. All employees are expected to be sensitive to the individual rights of their co-workers.

SECTION 4.10.05 ***Substance Abuse/Controlled Substance and Alcohol Ordinance***

A. Introduction: The Gwichyaa Zhee Gwich'in Tribal Government recognizes that substances such as alcohol and drugs are used by individuals, sometimes to an extent that their abilities and senses are impaired. Our position regarding substance abuse is the same whether alcohol, marijuana, illegal drugs, prescription drugs, or controlled substances are involved "substances".

This policy is implemented because we believe that the impairment of any Gwichyaa Zhee Gwich'in Tribal Government employee due to his/her use of substances is likely to result in the risk of injury to other employees, the impaired employee, or to third parties, such as customers or business guests. Moreover, substance abuse adversely affects employee morale and productivity.

"Impairment" or "Being Impaired" means that an employee's normal physical or mental abilities, or faculties, while at work have been detrimentally affected by the use of substances.

The employee who begins work while impaired or who becomes impaired while at work is guilty of a major violation of the Gwichyaa Zhee Gwich'in Tribal Government rules and is subject to severe disciplinary action. Severe disciplinary action can include suspension, dismissal, or any other penalty appropriate under the circumstances. Likewise, the use, possession, transfers, or sale of any substance on Tribal premises or in any the Gwichyaa Zhee Gwich'in Tribal Government parking lots, storage areas, or job sites is prohibited; and violations are subject to severe disciplinary action. In all instances, disciplinary action to be administered shall be at the sole discretion and determination of the Gwichyaa Zhee Gwich'in Tribal Government.

Employees who are taking prescription drugs shall report this to their supervisor. This is for the protection of the employee and for safety purposes in case of an adverse reaction to the drug while at work or so the employee is not falsely accused of taking an illegal substance. When an employee is involved in the use, possession, transfer, or sale of a substance in violation of this policy, the Gwichyaa Zhee Gwich'in Tribal Government may notify appropriate authorities. Such notice will be given only after such an incident has been investigated and reviewed by the Administrator.

B. Referral Services: The Gwichyaa Zhee Gwich'in Tribal Government is aware that substance abuse is a complex health problem that has both physical impact and an emotional impact on the employee, his/her family, and social relationships. A substance abuser is a person who uses substances, as defined above, for non-medical reasons, and this use detrimentally affects job performance or interferes with normal social adjustments at work. Substance abuse is both a management and a medical problem.

A supervisor who suspects a substance abuse case should discuss the situation immediately with the Executive Director. Because each case is usually different, the handling and referral of the case must be coordinated with the Tribal Council.

We have resources available to assist an employee who requests help with substance abuse. The employee must ask for help. The Gwichyaa Zhee Gwich'in Tribal Government will not require it. Should disciplinary action be pending against an employee who asks for help, the Gwichyaa Zhee Gwich'in Tribal Government will assist to the extent of its resources assuming that the employee remains employed. Nonetheless, regular disciplinary action will proceed. If the employee is terminated, the Gwichyaa Zhee Gwich'in Tribal Government will be unable to continue any program. Voluntary, successful participation in a recovery or rehabilitative program by an employee may be a mitigating factor in any disciplinary action, depending on the facts and circumstances of each individual case. In some cases, disciplinary action may be suspended, or the employee placed on probation pending a successful completion of a recovery program.

Employees who are placed on a rehabilitation program because of performance or behavior problems due to substance abuse are subject to dismissal for failure to successfully complete the program or change their performance or behavior.

Applicants who have a past history of substance abuse and who have demonstrated an ability to abstain from the substance, or who can provide medical assurance of acceptable control, may be considered for employment as long as they are otherwise qualified for the position for which they are applying.

C. Alcohol Prohibited: Management has chosen to adopt an alcoholic beverage policy in keeping with the concern for and the risks associated with alcohol use. Alcoholic beverages shall not be served or used on Gwichyaa Zhee Gwich'in Tribal Government premises at any time. Alcoholic beverages have no part in and shall not be used in conjunction with any Tribal business meeting. Social activities, held off premises and paid for on a personal basis are not affected by this policy. No alcoholic beverages should be served at any Gwichyaa Zhee Gwich'in Tribal Government event where children are present. The Gwichyaa Zhee Gwich'in Tribal Government is concerned with its employee's privacy, especially where matters regarding medical and personal information are involved. As long as the information is not needed for police or security purposes, the Gwichyaa Zhee Gwich'in Tribal Government shall maintain employee medical and personal information in confidence and release this information to authorize the Gwichyaa Zhee Gwich'in Tribal Government personnel on a "need to know" basis. An exception to this policy is where the employee signs a release for the transfer of such information on forms acceptable to the Tribal Council to designated persons or agencies.

Nothing contained in this section shall eliminate or modify the Gwichyaa Zhee Gwich'in Tribal Government right to terminate any employee at any time for any reason.

SECTION 4.10.06 *Controlled Substance Policy*

A. Controlled Substance Use Is Prohibited

Upon the Gwichyaa Zhee Gwich'in Tribal Government regulation of federal laws; federal regulations prohibit any unauthorized use of substance is determined to be potentially habit forming, and so lifted by the Drug Enforcement Administration as schedule I, II, IX, or V substance.

It is a violation of Gwichyaa Zhee Gwich'in Tribal Government regulations for an Employee to:

- 1) Report for duty or remain on duty when he/she is using or has used any control substance (except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her normal duties).
- 2) Unlawfully manufacture, distribute, dispense, and posses or use a controlled substance or alcohol on the Gwichyaa Zhee Gwich'in Tribal Government premises or while conducting tribal business either on or off tribal property.

- 3) Test positive for a controlled substance or refuse to submit to a controlled substance test as required by federal laws, federal regulations or Gwichyaa Zhee Gwich'in Tribal Government Policy.

If an Employee engages in the conduct described above, the employee is considered to have engaged in Prohibited Conduct, is immediately disqualified from performing any Safety Sensitive Function; is immediately prohibited from traveling under the Gwichyaa Zhee Gwich'in Tribal Government; the employee will not be eligible for pay raises; will be put on a probationary period for three months; and is subject to disciplinary action up to and including termination.

Under the terms of the Drug-Free Workplace Act, an employee must, as a condition of employment, abide by the terms of this policy, and report any conviction under a criminal drug statute for a violation occurring either on or off tribal property or while conducting tribal business. A report of such a conviction must be made within five days of such a conviction.

B. Controlled Substance Testing

The Gwichyaa Zhee Gwich'in Tribal Government will institute testing for controlled substances under the following circumstances:

1. Pre-employment testing shall be conducted after an initial offer of employment has been made, but before final job placement has been accomplished.
2. Reasonable suspicion testing may be conducted when a trained supervisor or other trained Gwichyaa Zhee Gwich'in Tribal Government official has observed an employee's behavior or appearance that is characteristic of controlled substance misuse.
3. Post-accident testing may be conducted after an accident (involving tribal equipment or while on Gwichyaa Zhee Gwich'in Tribal Government business) involving an employee whose performance could have contributed to the accident, if there is a death; substantial property loss or injury; or if a citation for a moving traffic, violation arising from the accident is issued.
4. Return-to-duty and follow-up testing may be done in conjunction with an employees chemical dependency treatment program in such testing is required under the terms of such an employee's treatment program.
5. Random-conducted on a random unannounced basis. If an employee tests positive, they will automatically have a random follow-up test.

C. What Controlled Substance Are Tested For

The Gwichyaa Zhee Gwich'in Tribal Government will require testing of urine specimens for the following controlled substance:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

D. How Is Controlled Substance Testing Done

Tests for controlled substances will be conducted under the guidance of a Medical Review Officer and these functions will be in accordance with DOT regulations at one or more designated collection sites provided by the Gwichyaa Zhee Gwich'in Tribal Government. The collection of urine samples will allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen. It is a violation of federal law and tribal regulations to adulterate or dilute a specimen during the collection procedure.

After providing the specimen, the “collector” will seal and label the specimen, complete a chain of custody document, and prepare the specimen and associated paperwork for shipment to a controlled substance testing laboratory. The specimen collection procedures and chain of custody ensures that the specimen’s security proper identification and integrity are not compromised. The analysis of urine specimen will be performed at a laboratory certified and monitored by the Department of Health and Human Services (DHHS).

Each urine specimen will be subdivided into two bottles labeled as a “primary” and a “split” specimen confirms the presence of a controlled substances, the employee has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure provides the employee with an equal opportunity for a “second opinion”.

E. Random Controlled Substance Testing

The Gwichyaa Zhee Gwich'in Tribal Government under the guidance of a Medical Review Officer will conduct random, unannounced controlled substance tests of employees. The total number conducted each year will be set and determined by the Gwichyaa Zhee Gwich'in Tribal Council and/or Executive Director. Some employees may be tested more than once each year; some may not be tested at all depending on the random selection. Random testing for controlled substances does not have to be conducted in immediate time proximity to performing safety-sensitive functions.

Once notified of selection for testing, however, an employee must proceed to a collection site to accomplish the urine specimen collection. Any employee who refuses to submit to a required controlled substance test will be immediately removed from his/her duties and such refusal shall be treated as a positive test. Failure to provide adequate urine for testing when required without a valid medical explanation, failure to remain available for post-accident testing, engaging in conduct that obstructs the testing process, or failure to sign the testing form constitutes a refusal to submit to testing and will be treated as a positive result.

Federal regulations provide for adjustments to the annual random testing rates based on the number of violations reported.

F. Who Reviews and Interprets the Laboratory Results

All controlled substance test results are reviewed and interpreted by a physician or Medical Review Officer (MRO) contracted by the Gwichyaa Zhee Gwich'in Tribal Government. If the laboratory reports a positive result to the MRO, they will contact the employee (in person or by telephone) and conduct an interview to determine if there is an alternative medical explanation for the controlled substance found in the urine specimen. For all the controlled substances except PCP, there are some limited, legitimate medical uses that may explain the positive test results. If the employee provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited controlled substance, the controlled substance test result is reported as negative to the applicable personnel office.

G. Consequences of a Positive Controlled Substance Test

Disciplinary action cannot take place until the MRO has interviewed the employee and determined that the positive controlled substance resulted from the unauthorized use of a controlled substance. An employee with a positive test for a controlled substance will be subject to disciplinary action up to and including termination

1. Written Warning; Offered Assistance
2. Counseling/Termination
3. Terminate

H. Controlled Substance Testing Records Confidential

The Gwichyaa Zhee Gwich'in Tribal Government, the controlled testing laboratory, and the Medical Review Officer maintain employee controlled substance testing results and records under strict confidentiality. They cannot be released to others without the written consent of the employee. Any other release of this information shall only be done with the written consent of the employee or as required by law.

I. Alcohol Use Is Prohibited

It is a violation of Gwichyaa Zhee Gwich'in Tribal Government regulations for an Employee to:

1. Use alcohol on the job, including during breaks or meals;
2. Possess alcohol on the job in any form, including during breaks or meals;
3. Have a requested breath or saliva alcohol test result indicating an alcohol concentration of 0.04 or greater.
4. Use alcohol within eight hours following an accident; until testing has been accomplished; or the employee is released by tribal management.
5. Refuse to submit to an alcohol test as required by tribal regulations.

If an employee engages in the conduct described above, the employee is considered to have engaged in Prohibited Conduct, and is subject to disciplinary action up to and including termination.

J. Alcohol Testing

The following alcohol tests may be required at the discretion of the tribal management. Such tests may be required under the same circumstance as described under Controlled Substance Testing (see above).

Alcohol testing, if required, will be done by breath alcohol testing or saliva alcohol testing by suitable trained personnel. If a confirming test done 15 minutes after a positive initial test is recorded as showing an alcohol level of 0.04% or greater, the test is reported as "positive".

K. The Consequences of Alcohol Misuse

Employees who engage in prohibited alcohol use will be subject to disciplinary action up to and including termination. At the discretion of tribal management, an employee may be required to submit to a chemical dependency evaluation by a qualified Substance Abuse Professional of their choosing, and complete counseling, and complete any required treatment prior to being offered the opportunity to return to work.

SECTION 4.10.06***Smoking***

No smoking will be allowed in any office area at any time. This ordinance is for the health and safety of all employees. Smoking will be allowed only in designated areas. Cooperation is requested, as this ordinance must be rigidly enforced to comply with the Gwichyaa Zhee Gwich'in Tribal Government health and safety requirements and to maintain proper insurance coverage for our buildings.

SECTION 4.10.07***Internet Usage***

This is an age where telecommunications and electronic information sources offer vast amounts of communication and resource information. It is the intent of the Gwichyaa Zhee Gwich'in Tribal Council that these services be used in a thoughtful and constructive manner by all employees and the public in general. The purpose of Tribal Internet access is to assist the Tribe in accomplishing goals and objectives that are directed by the Tribal Council and ultimately benefit the Gwichyaa Zhee Gwich'in Tribal members.

Usage of the Tribal computers is explicitly for official use only. Due to access to other networks and people around the world, you may access to information that may not be appropriate. The Tribe cannot control information available on the Internet and we must trust the judgment of the staff and public on what is appropriate or inappropriate.

The following guidelines are intended to help define Tribal Internet usage:

- Transmission of any materials in violation of any United States statutes is prohibited. this includes but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret.
- Tribal computers cannot be used for commercial purposes outside the interests of the Tribe.
- Spending no more than 10 minutes checking private e-mail accounts.
- No “chatting” during work hours * unless chatting is directly work related.
- No exchanging of chain letters, inappropriate jokes or pornographic pictures.
- Be polite never sending or encouraging others to send abusive messages.
- Use appropriate language-staff are representatives of the Tribe.
- No using the Internet in any way that disrupts the use of the Internet by others.
- Do not send anonymous messages or represent a message to have been written by another. All correspondence should be clearly identified as to its originator.
- No deliberate misuse of computers such as to physically deface, disable or destroy computers, peripherals or other network hardware, to harm or destroy data of another user or any other agencies or networks that are connected to the system, to gain access or attempt to gain access to unauthorized systems.

A. Security: If you identify a security problem with Tribal computers notify the Executive Director at once. Never demonstrate the problem to other users. Never use another individual's account. Never tell anyone else your password. Any user identified as a security risk will be denied access to the network and may be liable for disciplinary action or prosecution.

B. Misuse: Depending on the degree of misuse Staff members may be disciplined by:

- 1) verbal warning; 2) written warning; 3) discontinued use of Tribal Computers;
- 4) suspension; 5) termination.

TITLE 11
GENERAL OFFICE POLICIES

SECTION 4.11.01: Telephone
SECTION 4.11.02: Outside Employment
SECTION 4.11.03: Emergency Closing
SECTION 4.11.04: Mail and Shipping
SECTION 4.11.05: Voting
SECTION 4.11.06: Political Activities
SECTION 4.11.07: Employee Privacy
SECTION 4.11.08: Vehicle Use Policy

SECTION 4.11.01
Telephone

A large percentage of the Gwichyaa Zhee Gwich'in Tribal Government business is transacted by telephone. The telephone equipment is provided for the purpose of providing service for our Tribal members; therefore, it is necessary to limit your personal calls to an absolute minimum number. Personal calls should only be made in case of absolute necessity or emergency. If non-emergency personal calls must be made, please arrange to make them during your break or lunch period. No long distance personal calls may be made on the Gwichyaa Zhee Gwich'in Tribal Government phones.

SECTION 4.11.02
Outside Employment

Full-time employees are expected to be working solely for the Gwichyaa Zhee Gwich'in Tribal Government. Any outside employment should be promptly disclosed to the Executive Director. In certain circumstances, outside employment will be approved, but the Gwichyaa Zhee Gwich'in Tribal Government retains the right to review and evaluate each situation on an individual basis.

SECTION 4.11.03
Emergency Closing

Except for regularly scheduled holidays, the Gwichyaa Zhee Gwich'in Tribal Government will be open for business on Mondays through Fridays during normal business hours. The Gwichyaa Zhee Gwich'in Tribal Government recognizes that circumstances beyond its control, such as inclement weather, national crisis, or other emergency, do occur and on such occasions, the Gwichyaa Zhee Gwich'in Tribal Government may close for all or part of a regularly scheduled workday. In such event, the Gwichyaa Zhee Gwich'in Tribal Government will endeavor to notify all supervisory personnel for the purpose of contacting employees. Employees may also contact their supervisor or the Executive Director. Any closing longer than one full work shift shall be assessed against employee's sick leave or vacation time, whichever may be applicable and, if none, the closing shall be regarded as unpaid personal leave.

SECTION 4.11.04
Mail and Shipping

The Gwichyaa Zhee Gwich'in Tribal Government is dependent upon an efficient and economical system of receiving and sending mail. Postage and shipping costs represent a significant part of the Gwichyaa Zhee Gwich'in Tribal Government operating budget. In addition, the handling and processing of mail requires the time and effort of employees. To facilitate the efficient and economical receipt and dispatch of mail, no personal use of the Gwichyaa Zhee Gwich'in Tribal Government mail system shall be permitted including, without limitation, the use of the Gwichyaa Zhee Gwich'in Tribal Government stationery or envelopes, postage or postage meters for personal purposes, or the deposit of pre-stamped personal mail with the Gwichyaa Zhee Gwich'in Tribal Government mail.

From time to time, employees shall be permitted to utilize the Gwichyaa Zhee Gwich'in Tribal Government shipping department to arrange for the shipment of personal goods. Any personal use is subject, of course, to the availability of shipping department personnel and to the priority of business related shipments. Any costs associated with personal shipments shall be charged back to the employee and shall be promptly reimbursed by the employee to the Gwichyaa Zhee Gwich'in Tribal Government.

SECTION 4.11.05
Voting

The Gwichyaa Zhee Gwich'in Tribal Government encourages all employees to vote. Employees are encouraged to use flextime hours for this purpose or to take advantage of polling hours prior to the beginning or following the end of your workday.

If this cannot be arranged, your supervisor will approve time off to vote either at the beginning or end of your workday, provided that you give at least one (1) day's notice to your supervisor.

SECTION 4.11.06
Political Activities

The Gwichyaa Zhee Gwich'in Tribal Government encourages its employees to accept the personal responsibility of good citizenship, including participation in civic and political activities, in accordance with their interests and abilities.

The Gwichyaa Zhee Gwich'in Tribal Government accepts without reservation the basic democratic principle that all employees are free to make their own individual decisions in civic and political matters. Therefore, no employee's status with the Gwichyaa Zhee Gwich'in Tribal Government will be affected, in any way, whatsoever, because of participation or non-participation in lawful civic and political activities.

Participation in civic and political activities is considered to be a personal matter and, as such is generally to be carried on outside of normal working hours. No political activities or solicitations will be carried on Tribal premises.

Political activities are defined for purposes of this policy as activities in support of any partisan political issue or activities in support of, or in concert with, any individual candidate for political office, or a political party, which seek to influence the election of candidates to federal, state, a or local offices. The definition includes employees who are or may be candidates for political office.

The Gwichyaa Zhee Gwich'in Tribal Government reserves the right to deny time off for political activity where the activities, in the opinion of the Executive Committee, would unduly interfere with the employee's fulfillment of any obligations to the Gwichyaa Zhee Gwich'in Tribal Government. When an employee's full-time is required for political activity, however, a leave of absence without pay may be granted.

SECTION 4.11.07 ***Employee Privacy***

The Gwichyaa Zhee Gwich'in Tribal Government recognizes our employees' rights to privacy. In achieving this goal, the Gwichyaa Zhee Gwich'in Tribal Government adopts these basic principles:

- a) The collection of employee information will be limited to that which is needed for business and legal purposes.
- b) The confidentiality of all personal information in our records will be protected.
- c) All in-house employees involved in record keeping will be required to adhere to these policies and practices. Violations of this policy will result in disciplinary action.
- d) Internal access to employee records will be limited to those employees having an authorized, business related need to know. Access may also be given to third parties, including government agencies, pursuant to court order or subpoena.
- e) The Gwichyaa Zhee Gwich'in Tribal Government will refuse to release personal information to outside sources without the employee's written approval, unless legally required to do so.
- f) Employees are permitted to see the personal information maintained about them in the Gwichyaa Zhee Gwich'in Tribal Government records. They may correct inaccurate factual information or submit written comments in disagreement with any material contained in their records.

SECTION 4.11.08
Vehicle Use

Gwichyaa Zhee Gwich'in Tribal Government vehicles referred to in this policy include all motorized vehicles such as the van, 4- wheeler and motorized boat, all vehicles under the responsibility of the Tribe.

All Tribal employees will operate vehicles with care and abide by all laws. Any Gwichyaa Zhee Gwich'in Tribal Government employee driving a Tribal vehicle under the influence will be subject to immediate termination.

All incidents and accidents involving company vehicles will be immediately reported to the Executive Director.

- a) Insurance: All Gwichyaa Zhee Gwich'in Tribal Government Vehicle Drivers must be insured before any vehicle is driven. Each driver must have a valid driver license on file. Any history of DUI or DWI must be reported on insurance documents.
- b) Official Use of Vehicles: All Gwichyaa Zhee Gwich'in Tribal Government vehicles will be used for official business.
- c) Request Use of Vehicle: Employees will request to use a motorized vehicle from the Executive Director. The employee will have to state their business and the length of time they will be gone. The employee will log, their name, time left and time returned on a log sheet.
- d) Reporting Requirements: If vehicles are damaged and/or stolen, the driver(s) must report the accident with the City of Fort Yukon Police Department and the Gwichyaa Zhee Gwich'in Tribal Government Executive Director, immediately following the accident or just the Executive Director if it was a near accident.
 - Gwichyaa Zhee Gwich'in Tribal Government will not leave the scene of an accident unless authorized to do so or to seek medical attention.
 - All accidents must be reported to the Gwichyaa Zhee Gwich'in Tribal Government Executive Director, first verbally and then in writing, as soon as possible. Failure to do so can result in immediate dismissal.
- e) Purchasing & Leasing: The Gwichyaa Zhee Gwich'in Tribal Government Vehicles the Gwichyaa Zhee Gwich'in Tribal Government Executive Director and Department Officer will sign off on any purchasing and/or lease agreements for all Gwichyaa Zhee Gwich'in Tribal Government vehicles.
- f) Maintenance of Vehicles: Vehicle maintenance is the responsibility of the Executive Director. Vehicles will be regularly maintained. Any malfunctions of the vehicles must be reported right away to assure no further damage.