

Human Resources Manual

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Jicarilla Apache Nation

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CHAPTER 1 - PURPOSE

These personnel policies and procedures are established by the Nation's Legislative Council under authority granted by the Revised Constitution of the Jicarilla Apache Nation, hereafter referred to as Nation. These policies and procedures shall supplement the Nation's Personnel Code, which is codified within the Jicarilla Apache Nation Code at Title 19, Chapter 1.

The purpose of this manual, the Jicarilla Apache Human Resources Manual, is to assure that the employment policies and procedures contained herein are applied consistently and fairly and to assure that all employees covered by these policies and procedures clearly understand the rules that govern their employment.

In addition to employment procedures, this manual describes benefits and obligations required of an employee of the Jicarilla Apache Nation. Therefore, all employees are expected to be familiar with and be knowledgeable about the requirements and procedures contained in the manual.

Policies set forth in this manual are not intended to create a contract, nor are they to be construed to constitute contractual obligation of any kind or a contract of employment between the Nation and any employees. The information, policies and benefits described in the manual are subject to change **by amendment to Title 19 only**.

Employees are encouraged to contribute to the Nation's success and growth by submitting suggestions for practical work-improvements, cost-saving ideas or policy changes. All suggestions will be reviewed and if appropriate forwarded to the President for consideration. Policy changes to this manual may be recommended by the President and approved by Legislative Council. All approved changes will be communicated through official notice.

The Jicarilla Apache Human Resource Office is charged with the administration and application of all the requirements contained in this manual. Executive Leadership of operating Departments and Directors of staff offices **under** the Executive Department are expected to abide by, implement and enforce the requirements contained in this manual. The Court Administrator, Judicial Department of the Nation, is similarly required, to enforce the requirements of this manual.

CHAPTER 2 – HUMAN RESOURCES MANAGEMENT

SECTION 1. AUTHORITY

The Jicarilla Apache Personnel Code is enacted in accordance with Article V, Article X, Section 1, Article XIII, Section 3, and Article XVI, Section 1(b) of the Revised Constitution of the Jicarilla Apache Nation. The Personnel Code establishes the general framework that governs the recruitment, hiring, training, promotion, disciplining, and discharging of Nation employees and provides for the general regulation of employees. The Jicarilla Apache Personnel Code is the only source of authority governing Jicarilla Apache Nation employees in their employment.

This Jicarilla Apache Human Resource Manual establishes, defines and outlines the operational procedures allowed under the Code. This Manual supplements the Code.

The Jicarilla Apache Nation President and Legislative Council have approved these policies and procedures, as required by the Code and Jicarilla Apache Nation Constitution. The administration of these policies and procedures rests with the Nation's President and the Jicarilla Apache Human Resource Office, which operates under the direct authority and direction of the President.

SECTION 2. EXEMPTIONS FROM THE CODE AND MANUAL

Persons or officials specifically exempt by the Jicarilla Apache Nation Constitution from coverage by the Personnel Code and thus, this manual, are the following:

- Nation Legislative Council
- Nation President
- Nation Vice-President
- Nation Secretary
- Nation Treasurer
- Trial Judge
- Administrative Manager
- Other Appointed Officials

Employees of Law Enforcement are exempt from certain provisions of this code and manual and are directed to the Legislative Council approved Standard Operating Procedures (SOPs).

The Legislative Council may, by resolution, approve special personnel policies and procedures for law enforcement employees of the Nation, including the Police Department and Chief of Police. The provisions of the Human Resources Manual shall not apply to employees of law enforcement to the extent such personnel policy differ from the provisions of the Human Resources Manual.

Employees of unincorporated enterprises or corporations of the Nation or any other retail, commercial or industrial concern or business within the Jicarilla Apache Nation, regardless of its ownership or affiliation, or any persons hired by the Nation as consultants, contractors, or subcontractors who are self-employed or employed by another firm or agency are not covered by this manual. Members of board, commissions and committees when serving in such capacity are also not covered in this manual

SECTION 3. ENFORCEMENT

The responsibility for enforcing the requirements of the Code and this manual rest with the President and Trial Judge, as appropriate. The Human Resource Office through its Director is delegated the responsibility to execute the requirements of the Code and manual. Executive Leadership, Court Administrator, Directors, Supervisors and employees are required to follow the requirements of this manual.

SECTION 4. HUMAN RESOURCE OFFICE

The Jicarilla Apache Nation Human Resource Office is established under Article V, Article XI, Section 1(f) and Article XVI, Section 1(b) of the Revised Constitution of the Jicarilla Apache Nation.

The Human Resource Office is responsible for the administration and implementation of the policies and procedures contained in this manual. The Human Resource Office is a part of the Executive Department of the Nation and its Director is responsible to and reports to the President of the Jicarilla Apache Nation.

For purpose of efficiency and economy, the Human Resource Office also performs personnel administration duties for the Judicial Department of the Nation when employees or positions of that Department are affected.

The Human Resource Office, has responsibilities that include the following:

- A. Exercises leadership in and encourages the development of an effective human resource management program and system within the Nation and among its departments, offices and programs.
- B. Administers a comprehensive human resource management system which includes: recruitment, employment, merit promotion, classification, rules of conduct, compensation and benefits, separation, grievance, safety, employee records maintenance, and other personnel related activities for employees of the Nation
- C. Maintains and keeps current officially approved organizational chart(s) of the Nation, which includes a description of functions and organizational relationships, and coordinates organizational structure matters with appropriate departments and programs.

- D. Assures compliance with Jicarilla Apache preference requirements and applies appropriate requirements of Equal Employment Opportunity and Civil Rights laws of the United States.
- E. Assures compliance with Nation and applicable United States labor standards and requirements.
- F. Determines, assesses, and assures that applicants for positions in the Jicarilla Nation Government meet the minimum qualification requirements of each position.
- G. Verifies and assures that Jicarilla Apache Nation members meeting the minimum qualification requirements are given preference in employment.
- H. Promotes and coordinates employee training and development activities designed to improve the efficiency of Nation by enhancing the skills and professional capabilities of employees.
- I. Provides personnel management assistance and services to Nation enterprises, organizations, and contractors (consultants), who are not covered by the Code and manual, when directed by the Nation's President and/or Legislative Council.
- J. Maintains and assures confidentiality of official employee personnel records, assures that such records are not removed from the Human Resource Office, and assures that the right to privacy of an individual is protected.
- K. Retains employee records for a period of three (3) years from the date a vacancy is filled, recruitment notices and any other relevant materials related to the filling of a vacancy or position.

SECTION 5. EXECUTIVE LEADERSHIP AND COURT ADMINISTRATOR RESPONSIBILITIES

The Nation President and Trial Judge, as appropriate, for the purpose of operational efficiency delegate human resource management responsibilities to Executive Leadership and Court Administrator, respectively.

Executive Leadership are those individuals that are responsible for managing broad functional areas or divisions of the Jicarilla Apache Nation Government, who report directly to the President of the Nation, and who have been formally delegated supervisory and budgetary responsibility for their respective organizational Department. The responsibilities of the Court Administrator are equivalent to those of Executive Leadership as they relate to the Judicial Department (Nation's Court).

Executive Leadership may delegate certain human resource management responsibility to subordinate supervisory personnel. Executive Leadership will ultimately be held

responsible for and accountable for carrying out the requirements of this manual. All delegations of responsibilities relating to human resource management by Executive Leadership will be formal and in writing.

Executive Leadership and the Court Administrator in compliance with these policies and procedures, are expected to perform or accomplish management tasks that include the following.

- A. Takes action or makes final recommendations for the selection, retention, transfer, training, promotion and separation of employees in their area of responsibility.
- B. Supervises, evaluates, and reports the performance of employees, and when necessary, initiates corrective or disciplinary action following established procedures incorporated in this manual.
- C. Reports changes in the duties of employees and assures that proper classification of their position is maintained.
- D. Recommends changes in wages and salaries in accordance with an established Nation pay plan.
- E. Recommends appropriate changes to these personnel policies and procedures, which will result in an improved management program and system.
- F. Follows and applies principles and procedures established in this manual.

To promote and conduct an orderly and efficient operation, Executive Leadership and Court Administrator may establish internal policies and procedures for their Department. When Executive Leadership establishes such policies and procedures, they must be approved by the President, be consistent with this manual and officially filed with the Human Resource Office. All employees of each respective organizational Department must be aware of such additional internal policies and procedures.

Executive Leadership and the Court Administrator, as appropriate, may request assistance from the Nation's in-house counsel regarding Human Resources matters. Executive Leadership and the Court Administrator must seek approval from the Nation's President or Trial Judge when requesting assistance from outside counsel.

SECTION 6. DEPARTMENT DIRECTORS

Subordinate to the Executive Leadership and Court Administrator are Department Directors who are directly responsible for operation of day-to-day functional units of the Nation. The duties and responsibility of a Department Director are those formally delegated by Executive Leadership or Court Administrator. When and/or unless Executive Leadership

or Court Administrator are specifically stated or mentioned in this manual, the term Director will generally refer to a Department Director.

SECTION 7. ADMINISTRATIVE DIRECTORS

There are staff functions and offices in the Executive Department in the Jicarilla Apache Nation Government that report directly to the Nation President. The Directors in those offices are designated Administrative Directors in this manual.

Administrative Directors for purposes of implementing the requirements of this manual shall have the same level of responsibility as Executive Leadership, except as limited by the Nation's President. When the term Executive Leadership is used in this manual it also includes Administrative Directors.

SECTION 8. NATION EMPLOYEES

All Employees of the Jicarilla Apache Nation Government are required to follow, abide by, and apply the requirements of this policies and procedures manual in their employment with the Jicarilla Apache Nation Government. Employees are encouraged to submit written suggestions for changes in policies and procedures contained in this manual or improvements to the Human Resource Office of the Jicarilla Apache Nation Government.

CHAPTER 3 – EMPLOYMENT POLICY & REQUIREMENTS

SECTION 1. POLICY

Employment in the Jicarilla Apache Nation Government shall be based on hiring an appropriately qualified applicant for each position. Each person selected and hired to a position must meet the minimum qualifications of the position. The Nation gives preference in employment to enrolled members of the Jicarilla Apache Nation as defined by Article II of the Revised Constitution of the Nation. This will result in an effective, responsive and efficient Nation Government. In return, employees will be compensated fairly and treated in an equal and consistent manner.

SECTION 2. COVERAGE—CLASSIFIED AND COURT EMPLOYEES

This Jicarilla Apache Nation Human Resource Manual (and Code) is intended for and covers Classified and Court employees of the Jicarilla Apache Nation Government unless exempted by resolution of the Legislative Council. The procedures and processes defined in the manual apply to and govern Classified and Court employees regardless of the source of funds from which they are compensated. Therefore, employees working under State or Federal funded programs are covered by the requirements of this manual.

SECTION 3. CLASSIFIED AND COURT EMPLOYEES

The two categories of employees that these policies and procedures address and are intended for are the following:

Classified Employees: All employees of the Executive Department of the Jicarilla Nation Government that hold or occupy a position or job that meet the following conditions:

- Position approved by the Nation’s President
- Budget approved for the position by Nation President and Legislative Council
- Authorization by the President and/or Executive Leadership to fill the position
- Position properly classified regarding duties and pay in accordance to the classification and compensation plan

Court Employees: All employees of the Judicial Department of the Nation that hold or occupy a position or job that meet the following conditions:

- Position approved by the Trial Judge
- Budget approved for the position by Trial Judge and Legislative Council
- Authorization by the Trial Judge and/or Court Administrator to fill the position

- Position properly classified regarding duties and pay in accordance to the classification and compensation plan.

SECTION 4. JICARILLA APACHE PREFERENCE

Jicarilla Apache Nation members, as defined by Article III of the Revised Constitution of the Jicarilla Apache Nation, shall be given preference in employment provided the Jicarilla Apache Nation member meets the minimum qualification requirements of the position for which applied.

Minimum qualification requirements are defined in an official position description on file in the Human Resource Office and as stated in recruitment and employment documents. All efforts will be made to make reasonable accommodation for a disability for Jicarilla Apache Nation members. The Human Resource Office validates Jicarilla Apache preference eligibility.

Jicarilla Apache Nation Preference shall be accorded in the following order of preference:

1. Honorably discharged Jicarilla Apache Nation Veterans of the US Armed Forces.
2. Enrolled members of the Jicarilla Apache Nation
3. Immediate family (spouse, father, mother, son, daughter, brother, or sister) of enrolled members of the Jicarilla Apache Nation. (Must attach certified copy of marriage and/or census record.)

Once employed as a Classified or Court employee of the Nation, such employee shall have the same employment and/or promotion rights as a Jicarilla Apache Nation member and must be considered for positions applied for concurrently, provided they have satisfactorily completed the required probation.

SECTION 5. JICARILLA VETERAN PREFERENCE

The Jicarilla Apache Nation Government will give employment preference to honorably discharged Jicarilla Apache Veterans of the United States Armed Forces. Veteran's preference will apply only for initial hire from outside the Nation. The Veteran receiving preference will be required to meet minimum qualifications for the position applied.

Veteran preference and Jicarilla Apache preference are considered equal. However, Jicarilla Apache veterans applying for initial hire or from outside the Jicarilla Apache Nation Government may be given preference over a non-veteran Jicarilla Apache Nation member.

SECTION 6. EQUAL OPPORTUNITY

As a Government entity the Jicarilla Apache Nation will comply with applicable laws of the United States and make every effort to assure that the civil rights of all citizens are

protected. The Nation gives preference in employment to enrolled members of the Jicarilla Apache Nation as defined by Article II of the Revised Constitution of the Nation

The Nation policies that apply specifically to this issue are the following:

- A. In establishing qualifications for employment, no provision or requirement will be adopted that would be discriminatory on the basis of protected characteristics, as determined under applicable laws of the United States.
- B. No questions in any interview, examination, application form or Human Resource proceeding will be used to elicit information concerning protected characteristics, as determined under applicable laws of the United States.
- C. No appointment to or removal from a position will be affected in any manner solely on the basis of the employees protected characteristics, as determined under applicable laws of the United States.

Any employee or job applicant who feels an employee, supervisor, or director of the Nation has subjected them to discrimination is requested to provide a written report of the incident to the Human Resource Office. The Human Resource Office will investigate and resolve the matter.

SECTION 7. NEPOTISM

To assure equality of opportunity and treatment for all Jicarilla Apache Nation members and/or employees with respect to employment within the Jicarilla Apache Nation Government, certain restrictions are set forth regarding employment of members of the same immediate family.

These general rules shall apply. No Jicarilla Apache Nation Office employee shall be directly involved in the selection of an immediate family member. No employee shall be directly supervised by an immediate family member unless approved by the President. Any issues that may arise due to the supervision of immediate family members shall be resolved by the President through department reorganization.

SECTION 8. CHILD LABOR LAWS

The Jicarilla Apache Nation Office will apply the requirements of the Federal Child Labor Laws. In implementation, the guidelines published by the Federal and State governments regarding the application of said laws would govern in the employment of youths at various age groups sixteen (16) and under.

SECTION 9. DRUG FREE WORKPLACE ACT

The Nation has adopted the policy and general requirements of the Federal Drug Free Workplace Act of 1988. Accordingly, it shall be unlawful to manufacture, distribute, dispense, possess or use any substance considered under Federal Law to be an unlawful controlled substance as defined by the Act. Possession or use is allowed only when prescribed by a Physician. Any violation of this policy, see Chapter 8 of Title 19 Personnel Code, will result in disciplinary action, which may lead to termination of employment. Additional information on the Nation's Drug and Alcohol Policies can be found in Chapter 18, Section 3.

CHAPTER 4 – RECRUITMENT & INTERVIEW PROCESS

SECTION 1. POLICY

To attain the highest level of effectiveness and efficiency, the Nation must recruit and employ the highest caliber of applicants. A primary step in reaching this objective will be to begin by identifying and attracting qualified applicants for each position available.

Recruitment and publicity efforts will be directed at and utilize the best means possible to assure that Nation members are given every opportunity to apply and be considered for employment. When Nation members are not available, equally aggressive means will be employed to find the talent to further the productiveness of the Nation.

The process of hiring a person to a position shall be based on job related requirements, the potential of the applicant, and on a clear demonstration that the applicant possess the skills, knowledge, ability and characteristics necessary for successful job performance.

SECTION 2. DETERMINING VACANCY

Executive Leadership, Court Administrator, Directors and/or Supervisors are required to actively participate in filling a vacancy within their department. Directors will determine whether a position will be filled through an internal or external recruitment procedure. All pertinent information will be provided to Human Resources.

Upon receipt of a formal request to fill a vacancy, Human Resources will review and verify the information submitted for accuracy and completeness. All requests submitted must contain the following: cover memo requesting to advertise a vacant position, copy of resignation/termination of employee who vacated the position, justification of approved budgeted position, account number, updated job description, suggested/recommended questions to be used in interviews. If the information is considered as incomplete, Human Resources will notify the department to obtain the missing information. Upon receipt of all required information, Human Resources will continue in the hiring process of filling the vacancy.

SECTION 3. PRE-RECRUITMENT PROCEDURES

Recruitment for a position shall commence upon completion of the following steps:

Defining a job. When a vacancy occurs, the Director, Executive Leadership or Court Administrator requesting action shall assure and ascertain that the position description is accurate and current and submit to HR. The position description shall include detailed

statements relating to functions, duties, responsibilities, and minimum qualifications, special requirements and performance standards.

Budget certification. The Director, Executive Leadership or Court Administrator is required to submit certification and proper documentation that the position is itemized on an officially approved budget.

Special requirements. The Director, Executive Leadership or Court Administrator shall define general, specific, educational and training requirements to be included in the recruitment documents. The appropriate Director may be required to provide sample questions to be used in the interview process.

SECTION 4. INTERNAL RECRUITMENT

Executive Leadership or Court Administrator and the Human Resource Director may limit recruitment to within a department where the vacancy exists. This will allow employees of the Nation an opportunity for advancement through this process. Internal recruitment for management level positions and above are approved by the President. When a decision is made to fill a position from among existing employees, the following procedures must be followed:

- A. Job announcements or recruitment documents must clearly state that a specific position will be filled from among applicants who are currently considered employees.
- B. Recruitment documents must be complete and accurate in describing title, general and specific qualification requirements, statement of duties and responsibilities, pay/salary range, location of position and other vital information which an applicant may need to best respond to the recruitment.
- C. Notices of vacancies or internal recruitment documents shall be posted or advertised for not less than five (5) days. Such advertising will be posted within the department and a copy provided to the Human Resource Office.

If there are no applicants for the position through internal recruitment, the position will be filled through external recruitment.

SECTION 5. EXTERNAL RECRUITMENT

External recruitment means that applications for employment will be accepted from any eligible person, including a current employee, who wishes to be considered for a specific position in the Nation.

The Human Resource Office shall execute recruitment efforts which will result in the most appropriate qualified candidates for each position in the Nation.

The Human Resource Director, in consultation with an appropriate Director, will determine the range, method, and the mode of advertising to be used in the recruitment process for each position. Additionally, a standardized job announcement format shall be implemented for posting at www.hrjicarilla.com; Human Resource Office; Jicarilla Chieftain Newspaper; public bulletin boards and at key locations throughout the community. Job announcements shall contain the following information: job title, minimum qualifications and required skills and abilities, statement of duties and responsibilities, pay/salary range, location of position, and other vital information which an applicant may need to respond to the recruitment notice.

All applicants, including those that are currently employed by the Nation, shall receive fair and equal consideration in accordance with the Jicarilla Apache Preference.

SECTION 6. EMPLOYMENT APPLICATIONS

Applications for employment shall be for a specific vacancy and shall be accepted by the Human Resource Office from the date public notice of the vacancy is posted.

All applicants applying for employment must file an application and/or resume with attached current required documentation for the position with the Human Resource Office prior to the close of business on the date specified in the vacancy announcement in order to be considered. Human Resource is not responsible for attaching or retrieving required documentation. It is the responsibility of each applicant to submit required documentation. Each applicant shall sign the application certifying to the truthfulness of all statements and answers. It should be made clear that making false or deliberate deceptive statements on an employment application are grounds for rejecting an applicant. The Human Resource Office will verify applicant information.

SECTION 7. MINIMUM QUALIFICATION REQUIREMENTS

Applicants for Nation employment must meet the minimum qualification requirements, as defined in the position description and vacancy announcement of the position. Minimum requirements may be set for employment factors or areas that include skill level, experience, education, training, certification and suitability.

The Human Resource Office is responsible for assuring that an applicant for employment meets the minimum job requirements of a position and suitability standards for the position which they apply. An applicant not meeting the minimum suitability standards will receive no further consideration and will be deemed to be ineligible for the position applied.

If there are no applications for or persons meeting the minimum qualification requirements for a position advertised, the requirements of that position may be restructured or changed. A position restructured or changed may require different minimum qualifications and the salary for the position may also change. Reclassification by changing the minimum requirements of any position after a position has been advertised will require the concurrence of Executive Leadership or Court Administrator, as appropriate.

SECTION 8. BACKGROUND INVESTIGATIONS, SPECIAL SELECTION CRITERIA AND SUITABILITY STANDARDS

The Human Resource Office will conduct Background Investigations on applicants for positions and classifications that drive a tribal vehicle; have access to tribal assets; and/or work with tribal elders or tribal youth, with the exception of Law Enforcement positions, that are screened and checked by the Public Safety Department. The background investigations shall include review of applicant's personnel file (if applicable), check of references, driver's history and federal, state, and tribal criminal history check. Executive Leadership or Court Administrator and the Human Resource Office may place specific and additional requirements for certain positions in the Nation consistent with position, grant or funding requirements. Requirements that may be considered additional criteria and which are allowed include the following:

- A. A comprehensive and complete medical, psychological and stress examination or test may be required of individuals being considered for positions that demand above normal physical, mental and emotional strength.
- B. A drug or substance abuse test may be required to conform to the Jicarilla Apache Nation Government policy or prohibition of intoxication, use of alcoholic beverages, drugs or other controlled substances while on duty. This requirement conforms to the Federal Drug Free Workplace Act requirements.

Suitability or restrictions against specific personal character traits may be made as minimum requirements for certain specific positions. Such character traits may include:

- A. Documented disciplinary actions that include a pattern of misconduct or negligence in current, or prior employment;
- B. Excessive criminal conduct and conviction records;
- C. Pattern of dishonest conduct and/or intentional false statement, deception or fraud in obtaining employment;
- D. Refusal to cooperate with an employee background investigation;
- E. Habitual use of unlawful substances without evidence of substantial rehabilitation, or alcohol use of a nature and duration that suggests the individual could not perform the duties of the position or would directly threaten the property or safety of others;
- F. Individual knowingly and willfully engaged in an act or activities designed to disrupt government operations by force or violence;
- G. Known medical condition, such as, a behavior pattern or condition that could adversely affect other employees or would impede the progress of the Nation.

Applicants who have regular contact or control over children must be disqualified for employment with the Nation if any statutory or regulatory provision would prevent his/her lawful employment.

Background Investigations may be completed upon hire or during employment as needed or required.

SECTION 9. BACKGROUND INVESTIGATIONS FOR CHILD CARE, ELDER (SENSITIVE) POSITIONS AND MINIMUM STANDARDS OF CHARACTER

The Nation shall serve to protect their children by making sure those employees of the Nation who have regular contact with or control over children meet the minimum standards of character as defined by this policy. This policy conforms with the laws of the Jicarilla Apache Nation and conforms with the mandates of the Indian Child Protection and Family Violence Act.

A “sensitive” position is defined as a position in which an individual has regular contact with, or control over, children or elders. Each individual serving in a sensitive position must meet the following standards of character:

- i. The individual has not been found guilty of, charged with, received a deferred sentence, received a conditional discharge of, or entered a plea of not contest to, or enter a plea of guilty to any one felony misdemeanors under Federal, State or Tribal law involving: crimes of violence, sexual assault, molestation, exploitation or contact; prostitution; or crimes committed against person(s) or children.
- ii. All convictions, guilty pleas and no contest pleas will be considered no matter how long in the past they took place. A conviction, guilty plea or no contest plea will be disregarded only if there has been a determination (by appeal, pardon, or subsequent court order) that the individual was not guilty.
- iii. The individual has the moral, ethical and emotional strengths of character to ensure that he/she is competent to complete his/her job without harm to children.
- iv. The individual has not violated the following additional standards of conduct to include: a judgement in a civil proceeding that the individual has engaged in conduct defined in Section 8; or conviction of any offense related to controlled substances.

In applying the standards of character under Section 8, an Adjudicating Official must determine where the individuals prior conduct will interfere with the performance of duties or will create a potential risk to the safety and well-being of any children.

SECTION 10. INTERVIEW BOARD

An Interview Board shall be established for filling vacant positions to the Jicarilla Apache Nation Government. The Human Resource Director is delegated the authority to appoint an Interview Board consisting of four (4) appointed Nation employees. The Human Resource Director may delegate such appointment responsibility to a Staffing Specialist. Each appointment for serving on an Interview Board will be for thirty (30) days.

Executive Leadership or a formally delegated department representative shall represent the department or office in which the vacancy exists. If the Director or his department representative is not present for the interview, the interview will be cancelled, and no action

will shall be taken. The balance of the Interview Board may include Nation employees, Nation members and/or individuals whose expertise may be helpful in evaluating the selection of an applicant.

Participation on an Interview Board, when appointed, is mandatory for Classified or Court non-probationary Nation employees. Refusal or failure to serve will be considered to be equivalent to non-performance of assigned job duties and responsibilities and will result in disciplinary action, beginning with a written reprimand upon recommendation from the Human Resource Office and concurrence with the President to Executive Leadership or Court Administrator. Being tardy to a scheduled Interview Board session may result in a formal reprimand or a more serious disciplinary action.

An employee may be excused from serving on an Interview Board if any of the following conditions exist: the applicant is an immediate family member or relative, personal illness, medical emergency in the immediate family, death in the family, or an excused absence by the Nation President.

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

The Interview Board has the following responsibilities:

- A. Participate in orientation briefings and training sessions related to interviewing techniques, what to look for, and behavior and mannerisms expected during an interview.
- B. Review, study and become knowledgeable about requirements of the position or job for which an interview will be conducted.
- C. Reviews applications, references, and other relevant material submitted by applicants.
- D. Evaluates applicant qualifications through direct personal interview and examination of relevant information.
- E. Assures that applicants eligible for Jicarilla Apache employment preference, as defined in the body of this policies and procedures manual are given such preference.
- F. Recommends and certifies for formal selection of an appropriately qualified applicant and an alternate.
- G. Submits Interview Board Recommendation form and documents that are required for formal selection and approval to the Staffing Specialist.

SECTION 11. INTERVIEWING PROCESS

The Human Resource Office shall prepare packets consisting of current job descriptions, applications for employment, verification of Jicarilla Apache Preference, and other relevant personnel information. This action shall be accomplished for each vacancy not more than two (2) weeks after the close of the vacancy announcement.

The primary purpose of the interviewing process is to assure that the most appropriately qualified applicants are recommended for selection. Executive Leadership, Court Administrator, Director or Supervisor are required to be present on the Interviewing Board. If the Director or Hiring Department Representative is not present for the interview, the interview will be cancelled, and the Director or supervisor will be subject to disciplinary action.

Executive Leadership or Court Administrator prepares specific job-related questions in close coordination with the Human Resource Office.

The Interview Board, together with a representative from the Human Resource Office and Hiring Department Representative(s) shall interview qualified applicants. Minutes of the Interview Board are confidential and shall not be available or open to the public.

Specific interview procedures to be followed are set forth below:

- A. The Human Resource Office shall provide the Interview Board members a packet containing employment applications, an official job description and interview questions. In instances where there is a single applicant for position the interview board may recommend a job offer.
- B. The Human Resource Office shall provide instruction and guidance about the interview process.
- C. Upon completing the interview process for a position, the Interview Board shall recommend for selection one applicant and one alternate Recommendation for selection. This shall be accomplished on an Interview Board Recommendation Form which shall serve as an official record of an applicant selection. Interview Board Recommendation Forms are submitted to the Staffing Specialist for processing and approval by the Nation's President or Trial Judge. The Human Resource Office is not involved in making a recommendation or selection.
- D. The Human Resource Office shall maintain a record of documents and materials used in the interviewing process for each position as required by this manual.

If the selected applicant declines the position or fails to satisfactorily complete the probationary period, the alternate whose name appears on the Interview Board Recommendation Form shall be offered the position.

Chapter 5 – SELECTION TO A POSITION

SECTION 1. NOTIFICATION OF SELECTION

Upon recommendation from the Interview Board and subsequent approval from the Nation’s President or Trial Judge, Human Resources will notify the applicant and the Department Director of the selection. An effective date shall be established for employment to begin at the beginning of the pay period.

The Human Resource Office will process and/or complete employment documents to include: Notice of Employment Selection, W-2, I-9, and Personnel Action Form (PAF) prior to the commencement of employment. The PAF specifies hire date, title, grade, and salary and is finalized with signatures from the new hire employee, Department Director, and Human Resources. Copies are provided to the Nation’s Finance and Payroll Office as well as the hiring department.

Applicants not selected for the position will also be notified concurrently.

SECTION 2. NEW EMPLOYEE ORIENTATION

The Human Resource Office together with an appropriate Director shall conduct an orientation for the new employee. The orientation shall include the following: an explanation of the Nation and its operations, the policies and procedures outlined in this manual, specific job duties and responsibilities, compensation and benefits, probationary period and other relevant information.

The employee orientation will include a checklist of topics covered by the responsible department. The checklist will include:

- Signing of employment forms, an employee handbook, confidentiality agreement, summary of employee benefits and internal department orientation checklist (covered by HR)
- Health Benefits and Enrollment Information (covered by Risk Mgmt.)
- Pension Plan and 401K plan (covered by Retirement)
- Department Orientation (covered by hiring Department)

The employee along with Executive Leadership, Director or Court Administrator, as appropriate, will sign the checklist to signify that all items on the checklist have been covered and a signed copy will be made a part of the employee’s personnel file.

The new employee will be informed that a probationary period of ninety (90) calendar days will have to be served before employment with the Nation is considered permanent. Newly

hired Law Enforcement employees will follow the Standard Operating Procedures probationary policy.

SECTION 3. CLASSIFIED OR COURT EMPLOYEE STATUS

An applicant hired through the policies and procedures described in this Chapter are considered a Classified or Court employee. Classified or Court employees are hired on a full-time permanent basis and are required to serve a probation of ninety (90) days. Classified or Court employees have a regularly scheduled set of duties and are required to work forty (40) hours or more each week. Employees in this category receive fringe benefits and are paid a salary.

The new employee is a Classified or Court employee upon satisfactory completion of the required probationary period.

SECTION 4. FINAL STEP IN THE SELECTION PROCESS

When a new employee is hired, they accept this manual in its entirety as condition of employment with the Nation. Employees are expected to abide by and be guided by requirements of this manual.

In rare instances, the Nation's President or Trial Judge, as appropriate, with the approval of the Executive Committee of the Nation, may set employment conditions which are not found in this manual. Such authority is provided in Article V and Article XIX, Section 1, of the Revised Constitution of the Jicarilla Apache Nation.

SECTION 5. PROBATIONARY PERIOD FOR NEW EMPLOYEES

All newly hired employees, or individuals not working for the Nation prior to being selected to a position, shall, from the effective date of employment specified on the Personnel Action Form, be conditional and subject to a probationary period of ninety (90) calendar days. All new employees, or individuals not working for the Nation prior to being selected to a position, shall complete the probationary period for each position selected. A partially completed probationary period of time shall not be transferable if there is a change in jobs.

A newly hired employee will earn annual and sick leave but may not use such leave during the probationary period. Newly hired employees may take ceremonial/cultural leave, bereavement leave, voting leave, administrative leave, or accrued comp time as needed and approved by the employee's supervisor. Any other leave taken is without pay. New employees will, however, be paid for official holidays. A new employee terminated during the probationary period is considered an "at will" employee and has no right to appeal and will not be paid for any leave balance accrued during probation.

The probationary period for a new employee will be extended for each day the employee is absent or on approved leave from work in order to allow for the full 90-day period of probation.

During the probationary period the supervisor shall evaluate the employee's overall work performance, including work skills and abilities, work habits, attitude and potential. An employee whose performance does not meet the required standards of work or who has not met or attained an acceptable level of performance shall be subject to termination. The decision to recommend termination will be made by the Director, Executive Leadership or Court Administrator through the Human Resource Office. In cases where performance is borderline or questionable, a determination may be made by Executive Leadership, President/Trial Judge as appropriate to extend the probationary period if there is a possibility that job performance could improve by such extension.

An employee successfully completing the probationary requirement will have their employment status changed from probationary to Classified or Court employee. The recommendation to change an employee's probationary status to Classified or Court employee status shall be made in writing to the Human Resource Office.

SECTION 6. THIRTY-DAY EVALUATION PERIOD FOR PROMOTION

The Thirty Day Evaluation Period is for current Classified or Court employees promoted to a new position, or who are placed in a position in a temporary acting capacity, with a higher grade, status or class. Employees will be required to serve a formal thirty (30) day evaluation period, similar to the probationary period required for a new employee. The reason for this requirement is that the promoted employee may be working in a new environment, setting, discipline or field, which requires adjustment to new or different work requirements.

During the thirty-day evaluation period, Executive Leadership or Court Administrator is required to conduct one formal performance evaluation. During this evaluation, if the employee's performance is found to be lacking or unsatisfactory, an action plan will be developed to raise the promoted employee's performance to an acceptable level. If after this process is completed and the employee continues to have unacceptable work performance, formal action shall be taken which may include restructuring the job with lower pay, disciplinary action, and/or termination.

Employees whose employment status changed because of transfer or reassignment will be required to go through the same evaluation process.

SECTION 7: RESTRICTIONS FOR APPEALING NON-SELECTION

Individual applicants for employment or persons who are not considered employees of Nation are not covered by this manual; therefore, formal personnel actions or decisions which such persons feel have wrongfully affected them shall not be addressed using the provisions of this manual. The only appeals proceedings that are allowed by this manual are those specifically addressing employment concerns and issues of Classified or Court employees.

A current Jicarilla Apache Nation employee who is not selected for a position and feels unfairly or wrongfully treated or feels that employment selection procedures outlined in this manual have not been properly applied, may formally express in writing such concerns to the Human Resource Director. The Human Resource Director shall investigate or cause to have investigated such matter and within five (5) days make a formal written response to the complainant. The decision by the Human Resource Director will be final.

Chapter 6 – WORK HOURS, OVERTIME AND HOLIDAYS

SECTION 1. WORK HOURS/WEEK

The Jicarilla Apache Nation Government has established that all Classified or Court employees will work eight (8) hours a day and forty (40) hours per week. The normal work schedules or tours of duty for Nation employees shall be 8:00 am to 5:00 pm Monday through Friday, with a one-hour lunch break. Due to the variety of functions of the many departments within the Nation, there may be differences in work hours and days of work among employees. The Directors, Executive Leadership, or Court Administrator are responsible for establishing work schedules appropriate to the mission of their respective departments. Exempt, or professional employees are expected to work the amount of time necessary to perform their job duties.

The Nation President or Trial Judge, when appropriate, may approve deviations from the normal work schedule for individual employees, departments or offices. Executive Leadership or Court Administrator may request a change or deviation in the normal work schedule by providing a full justification or reason why such a request will be beneficial to the Nation. Employees not on this normal schedule will be considered to work schedules on a forty (40) hour week schedule which begins at 12:01 Monday and ends on Sunday Midnight.

SECTION 2. ATTENDANCE

Employees are expected to report to their designated work location at the prescribed time by clocking in per work schedule and manner when work activity is to commence. Tardiness, absence or failure to report may result in disciplinary action. An employee unable to report as scheduled is required to call or contact their supervisor within thirty (30) minutes of the scheduled workday. If the absence is expected to be longer than a day, the employee may be required to call the supervisor on a daily basis.

An employee will be charged one-half (1/2) hour of leave without pay for every fifteen (15) minutes of being late.

An employee who is absent for more than three (3) consecutive days, without approved leave will be considered to have abandoned their positions. Abandonment of a position will be grounds for termination from employment with the Nation.

SECTION 3. BREAKS

Classified or Court employees are allowed a meal break. The meal break will be for one- (1) hour during each eight- (8) hour workday. The meal break is unpaid.

Classified or Court employees are also allowed a fifteen (15) minute break in the morning and afternoon when scheduled and approved by an immediate supervisor, and if necessary, approved by Executive Leadership or Court Administrator. Accordingly, such breaks may be scheduled for those not on a normal daytime work schedule.

Breaks cannot be combined to extend any allowable break time.

SECTION 4. OVERTIME/COMPENSATORY(COMP) TIME

All employees who are in designated positions are eligible for overtime pay and can earn overtime pay. If there are questions regarding eligibility, please see Human Resources. Overtime pay is earned when an employee works more than 40 hours in any given workweek (not to exceed 10 hours per pay period). Overtime pay is paid at time and a half at the hourly rate of the employee earning the overtime pay. All employees who are not eligible for overtime pay may accumulate comp hours (not to exceed 8 hours per pay period) and will carry a max bank of 40 hours subject to the terms and conditions below.

1. All overtime pay/comp time must be approved in advance by the Department Director. Overtime/comp time must be recorded and justified. Only in exceptional circumstances can this request be made at the last minute. The supervisor will evaluate last minute requests on a case-by-case basis. An employee who works overtime without prior supervisory approval will not receive such overtime pay/comp time and may be subject to disciplinary action.
2. Whenever feasible, efforts should be made to avoid accruing overtime pay/comp time by adjusting employee's work hours within the same work week. Employees should make arrangements with their supervisor to leave early or arrive late in order not to exceed 40 hours worked in the same work week.
3. Travel which is covered per diem will not be considered as overtime pay/comp time.
4. Tracking record of overtime pay/comp time will be reviewed by two key department personnel, and Human Resources for checks and balances.
5. Requests to use accrued comp time are handled in-house and will be recorded on tracking record as "used".
6. The maximum overtime pay is 10 hours per pay period. The maximum comp time is 8 hours per pay period.
7. Accumulated comp time must be scheduled as soon as practical after the end of the payroll period in which the overtime was worked. Any comp time unused after 60 days will be forfeited. Qualified and approved comp time hours will be paid up to the maximum bank of 40 hours when an employee terminated employment with the Nation.
8. Overtime hours appropriated to an employee will be transferred to another employee who is required to work for employees not reporting to work as scheduled. Department Directors will handle absenteeism and staffing problems with employees. The overtime policy is provided for emergency situations within the department and community and not intended to cover for employees with absenteeism issues.

9. Any employee and/or Department Director falsifying or altering time records in an effort to claim overtime pay/comp time will be immediately terminated.

SECTION 5. OFFICIAL HOLIDAYS

Following are the approved official holidays:

<u>Name of Holiday</u>	<u>Date Celebrated</u>
NEW YEAR'S DAY	January 1
M. L. KING DAY	January 18
JICARILLA DAY	February 11
PRESIDENT'S DAY	Third Monday in February
MEMORIAL DAY	Last Monday in May
INDEPENDENCE DAY	July 4
WARRIOR DAY	Third Friday in July
LABOR DAY	First Monday in September
GO-JII-YA	September 14, 15, and 16
JICARILLA LANGUAGE DAY	2 nd Monday of October
VETERAN'S DAY	November 11
THANKSGIVING DAY	4th Thursday of November
CHRISTMAS DAY	December 25

The following provisions shall govern holidays:

- A. Classified and Court employees will be considered to be on paid leave on the holidays specified.
- B. Classified and Court employee must be at work or on approved leave on the normal workdays before and after a holiday in order to be paid for the holiday.
- C. When a holiday falls on a Saturday it will be observed on the Friday immediately before, and likewise, a holiday falling on Sunday will be observed on the Monday following.
- D. Classified or Court employees in Departments or Offices, which must provide services on designated holidays, shall receive compensatory time in lieu of compensation, as approved by , Executive Leadership or Court Administrator as appropriate.
- E. Jicarilla Apache Nation Government Departments or offices, which require its employees to work on holidays, must have written holiday compensation policies approved by the Nation Legislative Council.

Chapter 7 – RULES OF CONDUCT

SECTION 1. GENERAL CONDUCT OF EMPLOYEES

Employees of Jicarilla Nation Government are expected to maintain a level of behavior and conduct that of the highest order and standard. Each employee has an obligation to render and perform assigned duties and responsibilities in an honest, efficient and courteous manner. Employees will be held responsible and accountable for adhering to rules and procedures contained in this manual and to all Nation policies, directives and procedures that govern their employment.

All Nation employees are responsible for performing their duties during work hours. Employees are required to conduct any personal endeavors and/or interest outside working hours. Employees of the Nation shall not engage in activities that may diminish discipline or morale in the workplace and that may degrade the integrity and efficiency of the Jicarilla Nation Government.

In turn, the Jicarilla Nation Government will take responsibility to keep work environment free from any type of unlawful harassment. The Jicarilla Nation Government has taken steps to assure that no person shall use their position, authority or political influence to negatively affect another employee's position or status, and to purposefully, obstruct or create unreasonable demands or commands, which hinders their advancement. Further, it assures that no employees shall in anyway or at any time be harassed or ridiculed because of a physical defect, personal handicap, disabling feature, and/or a character flaw which does not obstruct an employee's ability to perform assigned duties.

SECTION 2. RULES AND STANDARDS OF BEHAVIOR

The Jicarilla Nation Government will consider violation of the rules and standards of behavior enumerated below as grounds for disciplinary action, including suspension, demotion or termination.

1. No employee shall willfully or deliberately make false statements about self, another employee, or an applicant for employment.
2. No employee shall falsely certify, mark or report about self, another employee, or an applicant for employment; or in any manner be involved in fraudulent and deceptive behavior while an employee of the Nation.
3. Excessive personal use or abuse of Nation's office phones, cell phones, computer equipment and/or software, and other electronic or office equipment, provided for use in the workplace, is prohibited. Further, using a telephone, cell phone, computer or

other electronic communication equipment to abuse, assault or harass a Nation employee is also prohibited.

4. No employee shall make payment of money or other valuables, or exchange services to or with any person in the Nation for the purpose of gaining favorable treatment or for receiving advantageous consideration for employment.
5. No employee shall use his or her position to discriminate in favor of an immediate family member (father, mother, sister, brother, spouse, and child), or a personal acquaintance or to unfairly influence the work or employment status of an immediate family member or personal acquaintance.
6. No employee shall serve as a sales representative or make arrangement for an outside person or organization to sell goods, services or products while on official duty with the Nation.
7. No employee shall be involved in activities which are clearly in conflict (conflict of interest) with their duties or position in the Jicarilla Nation Government and/or which are contrary to Nation policies or are against the best interest of the Nation.
8. No employee shall use their position, or information from their employment, to influence decisions or action, which may result in an unfair advantage in outside employment or business activity.
9. Employees are prohibited from soliciting or accepting any gifts, gratuity, favors, entertainment, loan, or any other item of monetary value from any person(s) who has or is seeking to obtain business with the Jicarilla Apache Nation Government.
10. Employees are prohibited from accepting any item of monetary value from any person(s) within the Jicarilla Nation Government whose interest may be affected by the employee's performance or non-performance of official duties.
11. Employees shall not engage in any for-profit business activity other than their regularly assigned duties during working hours. Prohibited activities include but are not limited to the following: selling to fellow employees, lending money for profit, and soliciting for outside interest. An employee selling cosmetics, kitchenware, food or such items to fellow employees must handle all transactions before or after working hours or during lunch hours only.
12. Employees shall not use or authorize the use of a Nation owned motor vehicle for other than official purposes. A Jicarilla Apache Nation vehicle license is required and must be obtained in accordance with all applicable laws, rules and policies of the Nation prior to use of a Nation vehicle and shall be carried upon the person of the employee at all times while a Nation vehicle is in use by the employee. Jicarilla Apache Nation Government employees shall be held accountable for Nation property and funds entrusted to their use in connection with their official duties. It is their responsibility to protect and

conserve Nation property and to use it economically and for Jicarilla Nation Government purposes only.

13. Nation employees shall follow safety rules outlined in this manual and any other safety rules of the department or office in which they work.
14. Nation employees shall appear as requested or assigned at Grievance and Interview Board proceedings as outlined, described and required in this manual.
15. Executive Leadership and Court Administrator shall provide the Nation President or Trial Judge, as appropriate, and the Human Resource Office names of at least two persons, listed in order of succession that will be in charge in their absence.
16. With the written approval of the Nation President or Trial Judge, as appropriate, an employee may engage in outside employment. However, no employee may engage in additional employment which in any manner interferes with proper and effective job performance, results in a conflict of interest, or subjects the Nation to public criticism or embarrassment. If the Nation President or Trial Judge, as appropriate, determines that such outside employment is detrimental to the Nation, then the employee will be notified in writing that the employee must resign from either the outside employment or Nation employment.

Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement, or illness; food and refreshments in the ordinary course of business meetings; or unsolicited advertising or promotional materials, such as pens, note pads, or calendars of little value, are permitted. Also, contributions made for flower funds or special gifts are allowed. However, participation must be voluntary, and gifts should be of minimal value.

SECTION 3. SOCIAL MEDIA

The Nation has established requirements for the use of social media accounts for official purposes that applies to all Nation's employees with authority to use a social media account, and it includes reminders for all employees when using social media in a personal capacity.

The Nation utilizes social media in limited circumstances for defined business purposes. Social media is defined as a set of internet tools that aid in the facilitation of interaction between people online (i.e. Facebook, Linked In, Twitter, Snapchat, etc.) that may be used in furtherance of the department or program goals in support of the mission of providing services to the Nation and its' members. Requests for the creation of an official social media account must be submitted and authorized by Executive Leadership. Official social media accounts must abide by the requirements contained in this policy. Social media network access shall be limited only to those with a clear business purpose to use the forum.

A social media user in an official capacity is an employee who is communicating online when his/her supervisor assigns this activity as part of the employee's job duties. The social media user in an official capacity:

- uses department/nation branding, images, and/or logos on official social media accounts;
- verifies content to ensure the information is accurate, timely, relevant, and complete;
- protects nonpublic information, such as financial disclosure information, protected acquisition and personally identifiable information (including work product and conversations that are meant to be pre-decisional or internal to the department), by ensuring it is not disclosed through social media activities; complies with the laws related to the prohibition on the dissemination of nonpublic information.
- refrains from engaging in vulgar or abusive language, personal attacks of any kind, gossip, or offensive terms targeting individuals or groups; and refrains from posting any visual and audiovisual media that is vulgar or abusive, or offensive.

A social media user employed by the Nation is communicating in his/her personal capacity when he/she is acting on his/her own time and representing himself/herself and not the Nation. When using social media tools personally, it should not appear to others as though an employee is speaking for the Nation. Additionally, a social media user in a personal capacity should utilize good judgement and common sense and shall:

- follow the Rules of Conduct that govern the behavior of Nation employees which may extend to an employee's personal/private use of social media.
- refrain from discussing the Nation, their employees, or specific programs or departments and does not comment on work-related matters.
- not use department/nation branding, images, and/or logos on personal social media account.
- remember that the personal use of these tools during work hours is prohibited.

SECTION 4. ELECTRONIC MEDIA (i.e. computers, cell phones)

Electronic media is defined as desktop computers, laptops, handheld devices including but not limited to iPhone, blackberry, cell phones, etc. These items and all data transmitted through network servers are the Nation's property and must be maintained according to Nation's rules and regulations. Prior authorization must be obtained before any Nation property may be removed from the premises.

All electronic media must be kept clean and are to be used only for work-related purposes. The Nation reserves the right to inspect all Nation property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence.

All Nation's property and electronic media and files (including passwords) shall be returned to the Nation upon separation of employment.

SECTION 5. WORKPLACE BULLYING

The Jicarilla Apache Nation defines bullying as “repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.” Such behavior violates the Nation’s Chapter 7, Section 1 General Conduct of Employees, which clearly states that all employees are expected to maintain a level of behavior and conduct that is considered to be of the highest order and standard.

It must be noted that where an allegation of bullying is made, the intention of the bully is irrelevant. As with sexual harassment, it is the effect of the behavior upon the individual(s), which is important. The Nation considers the following types of behavior non-exhaustive examples of bullying:

- **Verbal Bullying:** slandering, ridiculing or maligning a person or his/her family; persistent name-calling which is hurtful, insulting or humiliating; using a person as the butt of jokes; making abusive and offensive remarks.
- **Physical Bullying:** pushing; shoving; kicking; poking; tripping; assault, or the threat of physical assault; damaging a person’s work area or property
- **Gesture Bullying:** non-verbal threatening gestures, glances which can convey threatening messages.
- **Mobbing:** bullying behavior carried out by a group rather than an individual.
- **Exclusion:** socially or physically excluding or disregarding a person in work-related activities

Responsibility of Individual Employee

Employee behavior and responsibility with regards to bullying fall into the four (4) areas:

1. Each employee is expected to and has the responsibility to refrain from or avoid behavior, which may be considered bullying.
2. An employee who bullies a fellow employee will be held personally responsible for their action and conduct.
3. No employee shall make false charges or claims of bullying toward another employee.
4. An employee who has been found to have bullied another employee is subject to disciplinary action, up to and including termination.

An employee who has been accused of bullying and does not participate in the investigation or voluntarily resigns prior to, or during the investigation may no longer be considered for re-employment by the Nation.

Responsibility of Director/Supervisory Personnel

Each Supervisor, Director, Executive Leadership, Court Administrator is responsible for maintaining a workplace free of bullying. This is accomplished by promoting a professional work environment and by addressing bullying with the same importance as with all other forms of employee misconduct.

Specifically, Directors and Supervisors must address any observed incident of bullying or complaint, with seriousness, and take prompt action to investigate it, report it and end it. All Directors and Supervisors are further expected to implement appropriate disciplinary action and observe strict confidentiality when handling bullying. These same actions are required in cases where an employee tells the supervisor about behavior considered bullying but does not want to make a formal complaint.

In addition, Directors and Supervisors must ensure that no retaliation will result against an employee making a bullying complaint.

Complaint Procedure

The Nation strongly urges the prompt reporting of all incidents of bullying, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they feel is contrary to the Nations' policy or who have concerns about such matters should file their complaints with their immediate supervisor, the Human Resource Office, Director or Executive Leadership or Court Administrator, before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor before bringing the matter to the attention of a Director, or Human Resource. Reports of bullying will be promptly investigated.

SECTION 6. ANTI-HARASSMENT POLICY

The Jicarilla Apache Nation Government has established a strict policy prohibiting any employee harassment based on a lack of appreciation and respect for differences, e.g., gender, religion, ethnicity, race, sexual orientation, age, and disabilities, including implied or expressed forms of sexual harassment. This policy applies to employees during all phases of their employment—including recruiting, testing, hiring, upgrading, promotion or demotion, transfer, layoff and termination. It also covers any type of employment action, including those relating to salary, benefits, training, travel, and participation in sponsored business and social events.

Employees shall not be retaliated against by virtue of having brought a concern and/or complaint forward, and/or assisted in the investigation of such a complaint, under the provisions of this policy.

The Human Resource Office will promptly investigate complaints of such retaliation. Employee complaints shall be treated as confidential and will be shared only with those who have a legitimate need to know.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments that are offensive or unwelcome regarding a person's gender, religion, ethnicity, race, sexual orientation, age, and disabilities, including, slurs and negative stereotyping.

- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of gender, religion, ethnicity, race, sexual orientation, age, and disabilities or other protected status.

SECTION 7. SEXUAL HARASSMENT

The Jicarilla Apache Nation Government will not tolerate sexual harassment in the workplace by any of its employees. The Jicarilla Apache Nation Government seeks to provide a work environment free of all harassment. The Nation has established a policy prohibiting any harassment or sexual harassment based on pregnancy or related medical conditions, gender, religion, ethnicity, race, marital status, sexual orientation, age, and disabilities, including implied or expressed forms of sexual harassment. Harassment or sexual harassment of any Nation employees is strictly prohibited.

SECTION 8. SEXUAL HARASSMENT – DEFINITIONS AND PROHIBITED ACTIVITIES

The Jicarilla Apache Nation Government policy defines sexual harassment as:

- Verbal or physical sexual advances, requests for sexual favors, sexual flirtations or gestures, sexual innuendoes, sexually related comments or joking; humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, statements about other employees, even outside of their presence, of a sexual nature.
- Uninvited physical contact or touching, such as patting, pinching, brushing against;
- Non-verbal actions: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking”, or “kissing noises”.
- Comments regarding physical or personality characteristics of a sexual nature;
- Sexually oriented “kidding”, “teasing”, or jokes;
- Visual displays or communication in any media type (i.e. email, text, IMs); display of sexually explicit material, pictures or literature including but not limited to posters, signs, pin-ups or slogans of a sexual nature.

Verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, or
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- submission to or rejection of such conduct has the purpose or effect of interfering with an individual’s work performance or creates an intimidating, hostile or offensive working environment.

Sexual harassment may be considered to have occurred if any or combinations of actions listed above have occurred. Sexual harassment, usually a pattern, may be severe and overt; or subtle or even complimentary. Examples of the latter would be the use of greeting terms such as “honey”, “darling”, and “sweetheart”, and complimentary remarks such as: “that’s an attractive outfit”. “You really fill it out well”. The degree to which an employee is offended may vary from one individual to another depending on differing perceptions and values; nevertheless, it is a violation of Nation policy if such behavior affects the ability of an employee to do their job.

SECTION 9. RESPONSIBILITY OF INDIVIDUAL EMPLOYEES

Employee behavior and responsibility with regard to harassment fall into the six (6) areas enumerated below:

1. Each employee is expected to and has the responsibility to refrain from or avoid behavior, which may be considered to be harassment.
2. An employee who harasses a fellow employee will be held personally responsible for their action and conduct.
3. No employee shall make false charges or claims of harassment toward another employee.
4. An employee who has been found to have harassed another employee is subject to disciplinary action, up to and including termination.
5. An employee who has been accused of harassment and does not participate in the investigation or voluntarily resigns prior to, or during the investigation may no longer be considered for re-employment by the Nation.
6. If an employee believes they have been harassed, they should bring your complaint to your supervisor, Director, Executive Leadership, Court Administrator, or Human Resource Office as soon as possible after the incident.

SECTION 10. RESPONSIBILITY OF DIRECTORS/SUPERVISORY PERSONNEL

Executive Leadership, Directors, Court Administrator and subordinate supervisors are responsible for maintaining a workplace free of harassment. This is accomplished by promoting a professional work environment and by addressing harassment immediately

Specifically, Directors and Supervisors must report any observed incident of harassment or a complaint of harassment to the Human Resource Office. All Directors and Supervisors are further expected to implement appropriate disciplinary action and observe strict confidentiality. These same actions are required in cases where an employee tells the

supervisor about behavior considered harassment but does not want to make a formal complaint.

In addition, Directors and Supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

SECTION 11. HARASSMENT/SEXUAL HARASSMENT COMPLAINT PROCESS

The harassment and sexual harassment complaint process as required by the Jicarilla Apache Nation Government is presented below:

- A. Complaint.
 - All complaints should be reported to the Human Resource Office.
 - Employees are required to report complaints as soon as possible, usually within five (5) working days of the occurrence giving rise to the complaint.
- B. Incident Report. The Human Resource Office will compile an incident report which will include details of the incident, names of individuals involved and names of any witnesses.
- C. Investigation. Based on the incident report, an effective, thorough and objective investigation of the harassment allegations will be undertaken. The Human Resource Office investigator will conduct an investigation and submit a written report to Executive Leadership, Human Resources, President or Court Administrator, as appropriate.
- D. Determination of Action. Executive Leadership, Human Resources, President or Court Administrator, as appropriate, will determine appropriate action within ten (10) business days of receiving the report prepared by the Human Resource Office investigator.

SECTION 12. RESOLUTION OUTSIDE EMPLOYMENT RELATIONSHIP

It shall be the policy and practice of the Nation to resolve all cases of harassment and sexual harassment within the employment relationship. However, nothing in the harassment policy is intended as a waiver of an employee's civil or criminal rights against another person, in that person's capacity as an individual.

Further, nothing in the policy is intended to be, or shall be interpreted as, a waiver of the Jicarilla Apache Nation's sovereign immunity.

SECTION 13. FALSE AND FRIVOLOUS COMPLAINTS

An employee making a knowingly false and/or frivolous claim of harassment or sexual harassment against another employee or supervisor, where such action is unsubstantiated,

will be deemed to have committed a serious offense that is punishable by a severe disciplinary action or termination. This may occur where the accuser is using a harassment complaint to accomplish some end other than stopping harassment. It does not refer to charges made in good faith and which cannot be proven.

SECTION 14. RETALIATION

Retaliation is defined as any kind of negative action against a current or former employee that takes the form of punishment, and/or creates a hostile, threatening or uncomfortable work environment as a result of an employee's reported complaint. The Nation will not retaliate against employees for filing a complaint and will not tolerate or permit retaliation by management, employees or co-workers. The Nation, consistent with Personnel Code, is committed to the view that employees are entitled to pursue a grievance or investigation without fear, restraint, intimidation, interference, discrimination or reprisal. There will be no retaliation against any employee who files a grievance or participates in good faith in any aspect of the grievance or investigative process.

Any person found to have retaliated against another individual will be subject to appropriate disciplinary action, up to and including termination.

Disciplinary action may also apply to employees who have repeatedly filed false or unreasonable complaints and are proven to have been intentionally lying, falsifying evidence, acting maliciously or for personal benefit.

SECTION 15. CHILDREN IN THE WORKPLACE

The Nation recognizes that childcare is not always available to employees with children. Children of employees may be allowed in the tribal offices during working hours on a limited, emergency, case-by-case basis.

The below steps should be completed in advance in order for an employee's child to be allowed in the workplace:

1. The employee should receive permission from their Supervisor, in writing and in advance, which includes the dates and times that the child is approved to be in the workplace.
2. Upon receiving approval from the employee's supervisor, the employee must bring the written approval to Risk Management for review.
3. The employee must sign a waiver in Risk Management acknowledging the risks of bringing children in the workplace and agreeing to indemnify and hold harmless the Nation of any liability or claims.

The employee will provide line of sight supervision of the child at all times while they are present in the tribal office. Children will not be left alone at any time or left with other employees. The employee will be responsible to keep their child from all disruptive behavior and the employee will be responsible to clean up after their child. Employees must ensure that

work health and safety laws are followed at all times when bringing children into the workplace.

All complaints from other employees shall be made to the employee's supervisor. At no time will the child be allowed to disrupt the work of other employees.

CHAPTER 8 PERFORMANCE

SECTION 1. POLICY

It is the policy of the Nation to require a high level of performance from its employees. Furthermore, it is the desire of the Nation to maintain a highly motivated and productive work force. To achieve this end, heavy emphasis is placed on effective communication and training for employees, and the result will be an optimum level of work performance and achievement.

To assure effectiveness of each employee and the work force as whole, a systematic approach for evaluating job performance shall be instituted. Predetermined performance standards shall be established for each position that shall serve as the basis upon which employee performance evaluation is conducted.

SECTION 2. KNOWLEDGE OF JOB RESPONSIBILITIES

Every job or position in the Nation shall have a written position description. The position description shall contain information about the position that includes a job title, supervision received and exercised, statement of duties and responsibilities, general and specific qualification requirements, pay/salary range, and location of the position. Each employee is responsible for knowing, and each supervisor is responsible for explaining to subordinates, the responsibilities incorporated in their position description. This process is a basic foundation for the evaluation of job performance.

SECTION 3. PERFORMANCE EVALUATION SYSTEM

The Human Resource Office, in coordination with Executive Leadership and Court Administrator will be responsible for maintaining and implementing the employee performance evaluation system. Executive Leadership and Court Administrators will be held accountable for completion of their respective area's performance evaluation. The Director of Human Resource will report to the President any areas not in compliance.

The Human Resource Office in coordination with Executive Leadership and Court Administrator will design and implement appropriate evaluation forms to conduct and record employee evaluations.

Specifically, the performance evaluation system employed will address factors that include the following:

- Fairly and accurately assesses an employee's strengths, weaknesses, and potential for growth.
- Encourages the development of employee skills and work interests.

- Considers the assignment of more complex work based on merit and ability to perform at a higher level.
- Provides for a method, through employee input, to make operational improvements in a Nation Department
- Identifies training needs for the employee.

SECTION 4. PROBATIONARY PERIOD EVALUATION

A full probationary period shall be served for each position selected, including for promotion, transfer and reassignment

As a minimum, a formal performance evaluation shall be conducted after the first forty-five (45) days and not later than ten (10) days prior to the end of the probationary period. It is recommended that an informal evaluation occur on a weekly basis. The formal performance evaluation shall be conducted by the immediate supervisor in close consultation and coordination between Executive Leadership or Court Administrator and Human Resource Office.

At any time during the probationary period, an employee whose performance does not meet required minimum performance standards will be subject to formal job counseling, disciplinary action, or termination.

At the conclusion of the ninety- (90) day probationary period, the employee's supervisor, through Executive Leadership or Court Administrator, as appropriate, shall take action either to recommend termination or to change the employee's status from probationary to permanent Classified or Court status. The formal recommendation to change an employee's status to Classified or Court will be made to the Human Resource Office.

SECTION 5. MIDYEAR/ANNUAL PERFORMANCE EVALUATION

Each employee of the Jicarilla Nation Government will receive a midyear and annual performance evaluation. This formal evaluation shall occur annually during the second calendar quarter, beginning in April and no later than June 30, quarter and the last calendar quarter beginning in September and not later than December 30 of each year. The evaluation period will cover twelve months, or in the case of a new employee, the period of time worked during the past twelve months ending on December 30.

The performance evaluation process records and summarizes the employee's job performance based on predetermined performance standards. The performance standards are developed utilizing the major elements of the employee's position description and general employment policies of the Nation. The supervisor and employee agree to the relevancy and appropriateness of the standards to the actual work environment.

The evaluation, utilizing the performance standards as a guide, identifies employee's strengths and weaknesses, areas that require improvement, areas where the employee exceeds standards, and training needs. The employee's input regarding the evaluation is

documented and the employee and supervisor both formally certify to that evaluation occurred as recorded.

An unsatisfactory evaluation in any area of work shall require a thorough discussion between the supervisor and the employee on how improvement may be accomplished and within what time frame. An employee will be given thirty- (30) days to correct the area of work deemed to be unsatisfactory. If after thirty days performance is still unsatisfactory the employee will undergo formal disciplinary action, demotion or termination. In the event that the employee being evaluated disputes an unsatisfactory evaluation, the matter will be referred to Executive Leadership or Court Administrator, as appropriate, whom, together with the Human Resource Office, will resolve the matter.

During the evaluation process, the supervisor will review and discuss with the employee work areas that include the following: (1) Departments goals and objectives, (2) ascertain that the employee's position description is accurate and current, and (3) identify any barriers that may be affecting the employee's work performance--such as unreasonable workload or health concerns.

Upon completion of the performance evaluation, the supervisor forwards the documents to Executive Leadership or Court Administrator, as appropriate. Upon the successful completion of the performance evaluation, the supervisor retains a copy of the written evaluation, provides a copy to the employee, and forwards the original to the Human Resource Office, which becomes a part of the employee's personnel record. In addition, the supervisor or Director is expected as necessary to take the following actions or steps:

- A. Changes to the employee's job description, resulting from performance evaluation, must be forwarded to the Human Resource Office.
- B. When required, transmit employee's career plan or training needs to the Human Resource Office with comments and explanations as appropriate.

During the thirty- (30) day period allowed for correcting unsatisfactory performance concerns, employee should be monitored closely and progress documented.

Chapter 9 – EMPLOYEE TRAINING & CAREER PLAN

SECTION 1. POLICY

To assure efficiency, productiveness and favorable morale in the Jicarilla Apache Nation Government, the Nation encourages the continued improvement and advancement of employee skills, efficiency, performance, productivity and professionalism. To accomplish this, the Nation establishes general procedures and parameters in this manual with regard to employee training and development. Specific procedures and requirements are contained in various documents and training tools developed for that purpose.

Employee training and development as explained in this Chapter which applies only to Classified and Court Employees and is a central focus in the employee performance process. An employee in a probationary status may not receive off reservation training. Each request for employee training and development will be considered on an individual basis, and no decision will establish a precedent.

Career training may be on an individual or group basis. Group training will be conducted whenever it is determined to be the most cost effective or when the training subject requires common application among several Departments. Whenever feasible group training will be held in Dulce, NM or within the State in that order. Group training and scheduling will be coordinated between Human Resource Office and operating Departments and offices. If an employee who has received training in excess of \$1500 annually with the Nation terminates employment, the employee receiving training will be required to pay back a prorated cost of the training.

SECTION 2. ADMINISTRATION OF PROGRAM

The Jicarilla Apache Nation Human Resource Office is responsible for designing and coordinating employee training and development for employees of the Nation. Specific responsibilities are defined below.

- Establishes policies, procedures and criteria for career training programs.
- Summarizes information on training needs developed during the performance evaluation process.
- Maintains training information in individual employees' personnel records.
- Analyzes whether training programs meet identified employee training needs.
- Maintaining close liaison with Executive Leadership and Court Administrator and the Jicarilla Apache Department of Education concerning career education and training.
- Provides career development counseling and guidance to employees.

SECTION 3. PROGRAM GOAL

Employee training and development involves providing employees with job-related knowledge and skills that will enable them to perform work or tasks more effectively. Knowledge and skill areas in which performance is generally regarded as weak or deficient shall be considered a "need area" for training. Several sources which may be used in determining need areas include: job descriptions, which indicate the degree to which applicants or new employees were able to be qualified for their job; new employees, who need training to adequately perform basic job responsibilities; and employee feedback, individual stating training needs.

The goals of the career training is (1) to improve the employability of individuals, (2) to enhance the employee's ability to perform work, and (3) to provide job-related knowledge and skills to help employees improve their effectiveness and prepare for advancement.

SECTION 4. EMPLOYEE CAREER PLAN

Each employee will have a career and training plan for each budget year that shall also be part of the employee's annual performance evaluation. This plan, filed in the employee's official personnel file and with the employee's supervisor, will include a general statement of the employee's career goals and advancement aspirations. The training plan will be the basis upon which employee training is approved, except when training is mandated. When the plan has not changed from the previous budget year, the supervisor, with a concurring signature from the employee, may submit a memorandum indicating no change. The criteria to be used in approving career training will include the following:

- Career training is related to the employee's current position.
- Career training will increase on-the-job skills.
- Career training will increase the employee's career advancement.
- The employee has demonstrated high motivation for self-improvement.
- The employee has demonstrated superior work performance.
- The employee has shown motivation and suitability for further advancement.
- Professional and skills development.

SECTION 5. IDENTIFYING TRAINING NEEDS AND GUIDES

To assure effectiveness of the career education and training program it is important to identify specific training areas for each employee. Utilizing defined employee needs or the stated career objectives of employees, the level or degree of training for each employee shall be determined using the following steps as a guide:

Basic Knowledge. Training experiences designed to help new employees qualify for certain positions.

Job Exposure Training. Training provided for new or current employees, normally during probation period, who need further training relating above the basic skills required by a position.

Refresher Training. Because of changes in management, procedures, new technology, or changes in job descriptions, this type of training is designed to help employees keep abreast of new development and changes in positions or job requirements.

The first step in applying for and receiving employee training requires the identification of an employee's training needs. The discussions, understandings and agreements reached and recorded in an employee's performance evaluation may serve as central source in determining training needs. In addition, a supervisor, Executive Leadership or Administrative Director may request training for an employee or a group of employees, and an employee may request training, in both instances need must be established.

Chapter 10 - CHANGES IN EMPLOYMENT STATUS

SECTION 1. CHANGES IN EMPLOYMENT STATUS

Changes in employment status that include transfers, promotion, reassignments and demotions may be initiated in the manner that includes the following:

- The employee applying for and getting selected to a vacancy
- Nation President or Trial Judge, as appropriate, making changes in the organizational structure and/or work responsibilities
- The supervisor making a recommendation for change
- Human Resource Office through a classification action
- In the event of a demotion through disciplinary action

A promotion is defined as when an employee moves to a position that is a higher grade level (i.e. JS2 to JS4); a demotion is defined as when an employee moves to a position that is a lower grade level (JS6 to JS3); a transfer is defined as when an employee moves to a position that is the equivalent grade level; a reassignment is defined as when an employee is unable to perform the duties of their position for a specific period of time or due to extending circumstances. Reassignments require Director or Executive Leadership approval.

An employee status change requires formal action by the Human Resource Office and the action is reflected in an official Personnel Action Form. The request is authorized and approved by Executive Leadership or Court Administrator, as appropriate.

SECTION 2. PROMOTION

Nation employees are allowed to apply for positions in a higher class, grade or status, which is considered to be a promotion. The promotion may be to a position in the same class or grade but to one, which is considered to have a better career advancement opportunity, increase responsibility or status. Recruitment for vacancies with promotional opportunity may be within a Department or for reassignment from within the Nation.

An applicant for a promotion must meet or exceed the requirements of a position for which applied. A primary consideration in evaluating the qualifications of an employee applying for a promotion will be the quality of performance in the employee's current position. The selection process and recommendation of an applicant for promotion shall be made following the selection procedures established in this manual.

An employee selected to a vacancy through promotion shall work through Executive Leadership or Court Administrator and the Human Resource Office to make appropriate arrangements for the change and to establish the effective date of the promotion. A

probationary period is required when selection to a position is made on the basis of a promotion.

SECTION 3. EVALUATION REQUIREMENT FOR PROMOTED EMPLOYEE

A Classified or Court employee promoted to a new position will be required to serve a formal thirty-day (30) evaluation period, similar to the probationary period required for a new employee. The reason for this requirement is that the employee may be working in a new environment, setting, discipline or field, which demands adjustment to work requirements. For that reason, Executive Leadership or Court Administrator is required to conduct at least one formal performance evaluation during the thirty-day (30) evaluation period.

During this evaluation, if the employee's performance is found to be lacking or unsatisfactory, an action plan will be developed to raise performance to an acceptable level. If after this process is completed and the employee continues to have performance problems, formal action shall be taken which may include restructuring the job with lower pay, disciplinary action, and/or termination.

As it is the intent and desire of the Nation that employees be successful in their work assignment; therefore, Directors and Supervisors are expected to provide guidance and assistance to the promoted employee.

SECTION 4. STATUS CHANGE DUE TO POSITION CLASSIFICATION

The employment status of an employee may be affected as a result of a position classification action. This type of action may result when in the process of a job evaluation, it is determined that the position no longer can justify the grade level at which it is classified. The result of such action may be a promotion or demotion for the employee occupying the position. Because a status change as result of a position classification is at no fault of the employee, the employee may retain pay for a specified period of time in the event of a demotion, or if promoted, receive the pay to which promoted. This type of action is defined in more detail in the chapter on position classification.

SECTION 5. REASSIGNMENT/ INTERIM ASSIGNMENTS

A Classified or Court employee may be reassigned to a position equal to or of lesser grade, status and/or pay when an employee is unable to perform the functions of their position for a specified period of time or due to extenuating circumstances. An example of when a reassignment may be appropriate is presented here. If, because of extenuating circumstances, physical incapacitation or because of some other form of extreme hardship, a person is unable to adequately perform the requirements of the position but is legally not considered handicapped or disabled, such person may request reassignment to a different position in the Nation.

An employee who has been appointed to an acting or interim position may receive a pay increase while in the interim position. At the end of the assignment the employee will be returned to their previous position at their previous salary. Executive Leadership is responsible for completion of the Personnel Action Form that must be returned to the Human Resources Office.

A Classified or Court Employee who wishes to transfer or be reassigned to another position within the Jicarilla Apache Nation Government should apply for other positions utilizing the internal recruitment process.

SECTION 6. VOLUNTARY DEMOTION

A Classified or Court employee may request to be demoted to a position in another class or grade having a lower maximum salary range, responsibility or status. With the approval of the Nation President or Trial Judge, as appropriate, an employee may be voluntarily demoted when such action would be in the best interest of the employee and the Nation. A request for voluntary demotion must be made in writing to the Human Resource Office, through Executive Leadership or Court Administrator, who shall make a determination to grant or deny the request. The employee requesting the action shall not have the right to pick or choose a position to which a voluntary demotion action is to be taken. The Human Resource Office, if the request is granted will screen vacant positions to which a voluntary demotion may be made. With the approval of the Tribal President or Trail Judge, as appropriate, such a voluntary demotion will be allowed.

Voluntary Demotion shall not be considered disciplinary action or shall not disqualify an employee from consideration for later advancement.

SECTION 7. DEMOTION FOR CAUSE

An employee may be demoted for inadequate performance or through performance related disciplinary action. The demotion is made to a position having a lower salary range, responsibility, or status. A demotion action is taken in lieu of termination or on the condition that if performance does not improve the result may be termination. Executive Leadership or Court Administrator recommends the demotion in writing to the Human Resource Office. The Human Resource Director upon completing a full inquiry makes a recommendation to the Nation President or Trial Judge, as appropriate. The disciplinary action procedures described in this manual shall be followed.

SECTION 8. REINSTATEMENT

A former Nation employee, who has been terminated due to lack of funds or work, shall receive prior consideration for vacancy for which he or she is qualified and meets minimum qualifications and wishes to be considered. Reinstatement shall apply only in those

instances where an individual has lost employment due to lack of work or funds and was through no fault of that individual.

The Human Resource Office shall maintain a current list of individuals eligible for reinstatement. Reinstatement eligibility shall be for a period of one year from the date of involuntary termination. The Human Resource Office shall have the responsibility to transmit the employee's personnel records to the department in which a vacancy exists and make the Interviewing Board aware that there are candidates available that are eligible for reinstatement.

Persons who have voluntarily terminated their employment or have been terminated through disciplinary action are not eligible for reinstatement.

Chapter 11 – DISCIPLINARY ACTION

SECTION 1. POLICY

Employees of the Nation are expected to abide by and comply with employment policies, procedures and rules of conduct adopted to govern their employment. Policies, procedures and regulations governing employment are intended to result in an effective and efficient Nation government. Therefore, it is understood that an employee who fails to follow policies and regulations governing employment can seriously and adversely affect discipline and the effectiveness of the Nation. Further, rules and regulations are enacted to enhance the general well-being of the Nation, and to protect the safety of other employees and the public it serves.

SECTION 2. REASONS FOR DISCIPLINARY ACTIONS

When an employee of the Nation violates established policies, procedures, or rules of conduct, that employee will face disciplinary action. A Supervisor, Director or Executive Leadership or Court Administrator, as appropriate, may take disciplinary action against an employee for cause or for violating established rules and regulations. If disciplinary action or adverse action against an employee becomes necessary such action shall be accomplished through written letters, memorandum and other documentation.

It is the responsibility of all Supervisors and Directors at all levels to make it clear that it is the responsibility of all employees to abide by the policies, rules and regulations of the Jicarilla Apache Nation Government.

Disciplinary action shall be imposed upon an employee for conduct or action that interferes with or prevent the Nation from effectively and efficiently discharging its responsibilities to the public. Actions that include, but not limited to the following shall be sufficient cause for disciplinary action:

- A. Neglect in the performance of the duties of the position to which the employee is assigned.
- B. Disregard for or violations of the requirements of this Human Resource Manual as well as departmental policies and regulations.
- C. Misuse, misappropriation, negligence, destruction of Nation property or conversion of Nation property to personal use or gain.
- D. Excessive tardiness or absence from duty without prior approval
- E. Abuse of leave or other benefits.

- F. Violation of any official order or verbal/written directive, refusal to carry out lawful directions given by immediate supervisor or other acts of insubordination.
- G. Intoxication or use of alcoholic beverages, narcotics, drugs, or other controlled substances while on duty.
- H. Criminal, dishonest conduct which interferes with effective job performance or has an adverse effect on the efficiency of the Nation.
- I. Disregard for or violations of the Nation's laws and ordinances.
- J. Improper disclosure of or use of privileged or confidential information for private gain.
- K. Violations of the bullying, electronic media or social media policies.
- L. Violation of the Retaliation policy.

SECTION 3. DISCIPLINARY ACTION PROCESS

The severity of the disciplinary action will be determined by the seriousness of the offense and the degree to which an employee's behavior affects the harmony of the workplace or the safety of others. The final outcome desired from disciplinary action is the satisfactory performance of the employee, but when and where necessary any of the following steps described below may be taken: oral reprimand, written reprimand, suspension from work without pay, demotion or termination.

Disciplinary action shall:

- A. be discussed and resolved informally between the employee and supervisor and/or appropriate Director whenever possible.
- B. include a formal written statement and be provided to an employee explaining the reasons for the disciplinary action and include recommendations and timelines for rectifying the deficiencies specified.
- C. be included in the employee's official personnel file.

Hearsay and rumors shall not serve as a basis for disciplinary action.

If an employee disagrees with the adverse personnel action being made or the recommendations for corrective action, he may request a formal hearing with the Human Resource Office utilizing the grievance process

SECTION 4. RESPONSIBILITY OF SUPERVISORS AND DIRECTORS

Executive Leadership, Court Administrator, respective directors and supervisors are responsible for the proper and efficient operation of their departments and for enforcing all employment policies, rules and regulations. When an employee fails to properly perform the duties and responsibility assigned or whose actions threatens the health, safety and well-being of others, it is the responsibility of supervisory personnel and directors to take appropriate disciplinary action. The supervisor, and up through Executive Leadership or Court Administrator, as appropriate, must document every phase of a disciplinary action and make such documentation a part of the employee's official personnel file. Executive Leadership and the Court Administrator, as appropriate, are ultimately accountable for and responsible to see that all required and/or appropriate documents pertaining to a disciplinary action are submitted to Human Resource Office in a timely manner.

SECTION 5. DISCIPLINARY ACTION STEPS—RESOLUTION

Generally, the following steps will be applied in the order presented below, but in instances where the offense is severe, some disciplinary action steps may not be applicable. Executive Leadership and Directors and the Court Administrator, as appropriate, will determine the nature and level disciplinary action necessary.

A. Oral Reprimand

Whenever grounds for disciplinary action exist and the supervisor determines that more severe action is not immediately necessary, the supervisor may select a course of action that involves an oral reprimand. The warning or admonishment received must include remedial solution to correct the deficiency. The employee shall be given one chance, within a specific timeframe, to improve before more severe disciplinary action is taken. When an oral reprimand is given, the Supervisor must ensure that proper documentation of the reprimand, including time, dates, and reason, are made a part of the employee's personnel file.

The employee will be advised that the reprimand will be documented and filed in his/her personnel file. Documents and materials accumulated that involve an oral reprimand will be purged at the end of twelve (12) months.

B. Written Reprimand

A written reprimand involves a critical step in the disciplinary action process. It is a step wherein a serious rules violation has occurred, or the employee's conduct is such that it warrants a written warning.

The written reprimand addressed to the employee should include the following:

- a description of the specific behavior, circumstances and supporting documentation that has brought about the need for a written reprimand;

- a warning that if the behavior continues it will result in more severe disciplinary action; specific suggestions about how to remedy the behavior;

A signed copy of the reprimand shall be included in the employee's personnel file. The employee will have the opportunity to submit comments or a response to the written reprimand for filing in his personnel file.

All documents involving the written reprimand will be purged from an employee's file at the end of twelve (12) months from the date of the incident.

C. Suspension

The Department Director, Executive Leadership or Court Administrator, as appropriate, may recommend suspension without pay for up to but not to exceed fourteen (14) calendar days. Not less than two workdays before the effective date of the suspension, Executive Leadership or Court Administrator will furnish the employee with a written statement setting forth specific reasons for the suspension that includes the following:

- description of specific behavior that supports the suspension, with effective suspension date and effective return to work date;
- give notice that if behavior continues it will result in more severe action and/or termination;
- offer specific suggestions on how to remedy the behavior; and

A signed copy of the statement of suspension shall be filed in the employee's personnel file and also be provided to the employee at the time of suspension. The employee will have the opportunity to submit comments or responses and all such materials will be retained in the employee's personnel file.

An employee while on suspension is not considered on duty and shall not be hired or hold a position with pay within another department or at any level of the Nation.

At the end of the period of suspension, the employee shall report to his or her supervisor and return to the regular work schedule. Failure to report at the proper time may be cause for further disciplinary action. Failure to report for a period of three (3) consecutive work shifts shall be considered an abandonment of position.

D. Demotion

When reason for the disciplinary action involves job performance or the inability to perform assigned duties and responsibilities of the position, Executive Leadership or Court Administrator, as appropriate, may recommend as a solution, the demotion of an employee. The demotion is to a position of a lower grade and pay rate within the Nation organizational unit involved. If performance does not improve or behavior associated with poor performance continues, then more severe action may be taken.

E. Dismissal for Cause

A supervisor or director may recommend termination of an employee to Executive Leadership or Court Administrator, as appropriate, and with their concurrence and approval make a recommendation to terminate an employee to Nation President or Trial Judge, as appropriate. The employee must be given written notice signed by the Nation President or Trial Judge, as appropriate, prior to or within two workdays after the effective date of the dismissal. The dismissal may be effective immediately if it is determined that the employee being dismissed is a threat or danger to other employees.

The formal notice of dismissal or termination shall specify the effective date of termination, the charge or offense, and offer reasons why such severe action is necessary. The written statement also advises the employee of his or her right to file a formal grievance or appeal. A copy of the termination documents shall be included in the employee's personnel file and the employee will have the opportunity to submit a response, which is made a part of his or her personnel file.

Chapter 12 – EMPLOYEE GRIEVANCE

SECTION 1. POLICY

It is the policy of the Jicarilla Nation Government to assure that all tribal employees receive fair treatment in their employment and are provided a method of having their complaints heard if they feel they have been wronged or treated unfairly in their employment. This policy will be applied and used in a manner, which assures that an employee's complaints are heard fully and fairly. The grievance procedures or process, including a hearing before a Grievance Hearing Board, , and applied without regard to technicalities. The proceedings of the Grievance Hearing Board, the final step at which a grievance is heard, is an administrative hearing and not a court of law. Under the President or Trial Judge's approval, the length of time in any step of the hearing may be extended on a case by case basis.

A grievance is a complaint by an employee that some act or failure to act by a supervisor or Director, Executive Leadership or Court Administrator has adversely affected them in their employment. It is a formal process through which an employee may file or initiate a complaint about what an employment action that an employee considers to be wrongful or unfair treatment in the workplace. A Grievance does not include unsubstantiated general complaints or gossip about work, and/or personal disputes that do not violate employment rules, procedures or rights as an employee. Workplace disputes related to harassment, sexual harassment, or bullying in the workplace are handled through the process defined in Chapter 11, Section 7.

SECTION 2. SCOPE/COVERAGE OF THE GRIEVANCE POLICY

Classified or Court employees who have completed their new hire probationary period of the Jicarilla Nation Government may file a complaint or grievance for any action that includes the following:

- employment/personnel action that employee feels adversely or directly affects their status, benefits, or condition of employment,
- the Nation's refusal to act on an employment issues or demand that the employee feels affects their employment status, and
- a condition or action which an employee feels is contrary to personnel policy or which adversely affects the employee's position.

A Classified or Court employee who has completed their new hire probationary period may file a grievance when the employee feels there has been a violation relating to their employment. An employee may also file a grievance when the employee does not agree with an adverse action taken by a supervisor which may adversely affects his or her status, benefits, or conditions of employment. The adverse action must be based on "just or good

cause” meaning Nation policies, job description, program procedures, or applicable federal and the Jicarilla Apache Nation laws must support the action.

SECTION 3. GRIEVANCE PROCESS AND GRIEVANT’S RESPONSIBILITIES

A formal grievance by an employee must:

- be in writing
- give enough information about the nature and substance of the complaint, so that supervisory personnel and the Human Resource Office are able to know and understand the nature of the complaint and how it may violate applicable policies. state the relief the employee desires, including a specific remedy, solution, or outcome.
- Be given to the immediate supervisor within (5) working days of the date of the adverse employment action.

An employee may be asked to supplement a written grievance with additional information to clarify the nature of the grievance. An employee who withholds or falsifies information on grievance documents will be subject to immediate termination of employment. If an employee fails to file a grievance or take a required step within the time allowed by these rules, the employee gives up the right to a grievance. In computing time under these rules, the first day of the time allowed begins on the date after the act complained of, and excludes any Saturday, Sunday or holiday which falls on the last day of the time period.

Strict confidentiality shall be adhered to in the employee’s grievance process. There shall be no retaliation against any employee who files a grievance or participates in good faith in any aspect of the grievance process.

SECTION 4. HUMAN RESOURCES RESPONSIBILITIES

Human Resource Office is expected to assist Executive Leadership and Directors or the Court Administrator, and the Grievance Hearing Board. In addition, the Human Resource Office will assist and provide employees with information about grievance policy, steps, and provide instructions about completing grievance procedure forms. Further, the Human Resource Office will, throughout the grievance process, serve as facilitators to assure that this policy and procedures presented in this manual is applied, to assure a fair hearing, and to assure proper interpretation of any provision of this manual.

The Human Resource Office (Grievances) will verify or make certain that all administrative steps have been exhausted and followed prior to proceeding to a formal hearing. The Program Specialist may deny or terminate an employee’s or management’s grievance if they have not completed Steps outlined in this Section.

If the Human Resource Office identifies technicalities in the management position or the employee's grievance and/or appeal issues, the findings will be remanded back to the department for corrective action.

SECTION 5. GRIEVANCE STEPS

The following steps shall be applied in the grievance process:

STEP 1. Informal Meeting with Immediate Supervisor

- a. The employee must complete a grievance form and give to his or her immediate supervisor within five (5) working days of the date the action was filed.
- b. The supervisor must immediately hold an informal meeting with the employee to discuss the grievance and how it may be resolved.
- c. The supervisor must give the employee a written response on the grievance within three (3) working days after receiving it with copies provided to Human Resources.

If a supervisor fails to act within the time allowed or makes a decision which the employee feels is unfavorable, the employee may go on to the next step. In cases whereby the President or the Trial Judge is the immediate supervisor, the employee may go on to Step 3.

STEP 2. Informal Meeting with a Director, Executive Leadership or Court Administrator

- a. After receiving the supervisors' written response, the aggrieved employee must request a meeting with the department Director, Executive Leadership or Court Administrator using the grievance form within five (5) working days, if not satisfied with the results of the employee/supervisor meeting.
- b. The Director, Executive Leadership or Court Administrator must hold a meeting with the aggrieved employee, within three (3) working days, after receiving the employee's written request.
- c. Executive Leadership or Court Administrator must provide a written report on their findings within five (5) working days with copies provided to the employee and Human Resource Office.

If the Director, Executive Leadership or Court Administrator fails to act within the time allowed or makes a decision which the employee feels is unfavorable, the employee may go on to the next step.

STEP 3. Hearing before a Grievance Hearing Board

If employee is dissatisfied with a decision resulting from the previous steps, disagrees with findings or believe there is a failure to follow procedures and/or timelines, the employee may submit a written grievance/appeal to the Human Resource Office to request a hearing before a Grievance Hearing Board. Before processing a grievance hearing, the Human

Resource Office shall review all circumstances surrounding the grievance and/or appeal and determine if the employee is entitled to a formal grievance before a Grievance Hearing Board.

Following are the steps to request a hearing by this Board:

- a. The employee must submit the request to the Human Resource Office within five (5) working days, after receiving Executive Leadership or Court Administrator's written report of decision and/or findings.
- b. The Human Resource Office shall set a date for a hearing, which must be no later than seven (7) working days following the employee's hearing request.
- c. The Grievance Hearing Board, within five (5) working days of their hearing, shall make a written decision and/or recommend a remedy, which shall be enforceable.

In cases involving the termination of an employee, the Nation's President or Trial Judge, as appropriate must approve the actual termination, but will not participate in a grievance by the employee.

Mediation (Optional)

Before requesting a hearing or proceeding to a Grievance Hearing Board, the Human Resource Office will determine whether the use of mediation can be useful in resolving the grievance issues in question. This step will generally be reserved for severe or serious disputes. Mediation will be selected with the hope that it will be a fair and efficient way to help an employee solve disputes and in reaching an agreement.

Mediation as used here is an informal process in which a trained mediator assists the parties to reach a negotiated resolution of a complaint. The mediator does not decide who is right or wrong and has no authority to impose a settlement on the parties. The Mediator helps the parties to jointly explain and reconcile their differences.

If mediation is not an option, the grievance and appeals process may proceed.

SECTION 6. COMPOSITION OF THE GRIEVANCE HEARING BOARD

The Human Resource Office provides a list or roster of Classified or Court employees to the Nation President or Trial Judge, as appropriate, from which three (3) Classified or Court employees and one (1) alternate are selected to serve on a Grievance Hearing Board. A Classified or Court employee may not serve on the Grievance Hearing Board if the grievance is filed by a family member or relative.

SECTION 7. SUPPLEMENTAL GRIEVANCE PROCEDURES

This chapter on grievance contains policies, steps and general parameters, which governs the grievance process and proceedings of the Grievance Hearing Board. The Human Resource Office may develop and have approved supplemental and detailed procedures for the grievance process, particularly for those involving the Grievance Hearing Board. The

supplemental procedures may as a minimum, contain Board organization, defined authority, selection of presiding officer, and hearing procedures.

SECTION 8. LEGISLATIVE COUNCIL HEARING

The Grievant or the Nation dissatisfied with the decision of the Jicarilla Apache Nation President or Trial Judge may petition the Jicarilla Apache Legislative Council to hear their concerns. The employee may request a hearing through the Human Resource by filing a written request. The decision by the Legislative is final. The Legislative Council may choose to or choose not to hear the matter. In the event the Legislative Council chooses to hear the employee the Nation President and Trial Judge, as appropriate, will be full participants.

SECTION 9. PAY AND NON-PAY STATUS OF GRIEVANT

There are instances or times where an employee involved or affected by a grievance may be placed on leave without pay or leave with pay status, not to exceed thirty days (30). Circumstances or seriousness of the situation determines the type of leave. This type of action may become necessary in cases where there is reasonable threat to health and safety of one or more employees. The leave will be granted or may be required during the investigative process of a grievance.

SECTION 10. GRIEVANCE RECORDS

The Human Resource Office shall maintain records of grievance proceedings as confidential. The Office is responsible to maintain all records of grievances and to assure that grievance hearings are properly recorded.

All procedures under these rules being confidential, the Human Resource Office may take whatever steps are necessary to assure confidentiality by all the parties involved in each individual grievance case.

Chapter 13 – COMPENSATION

SECTION 1. POLICY

It is the policy of the Jicarilla Nation Government to provide compensation that is comparable and competitive with other employers in the local and surrounding areas. The primary intent of this policy is to attract the most capable, talented and motivated employees for the Nation. In addition to compensation, the Nation provides standard employment benefits. The compensation received by an employee shall be regarded as payment in full for services provided to the Nation, and therefore, no employee may expect any other compensation for the same services.

To accomplish the basic intent of this policy, the Nation has established a compensation plan and standards contained in this manual. All Classified or Court employees, covered by this manual, will be paid utilizing a pay schedule approved by the Jicarilla Apache Nation President and Legislative Council. The JS Salary Schedule is a pay system that has pay grades and ranges within each grade.

The Nation will pay its employees on a bi-weekly pay schedule or pay periods, which begin each fiscal year. There are twenty-six pay periods during each fiscal year.

SECTION 2. COMPENSATION REVIEW

The Human Resource Office shall conduct a periodic comparative salary survey to determine whether salaries paid to Nation employees are fair and comparable to those doing similar work in local and surrounding areas and to assure that pay is commensurate to the work to be performed. The Human Resource Office, based on this survey, shall make recommendations regarding wage and salary structures to be applied throughout the Nation. Any recommendation for changes which are a result of the survey will be presented to the Jicarilla Apache Nation Legislative Council for approval.

In establishing compensation rates based on this review, the following factors shall be considered:

- A. Prevailing rates of pay for comparable work and conditions.
- B. Consideration of regional cost of living indexes.
- C. Consistency of pay for positions in a grade or class.
- D. The equitability of pay between positions having the same or substantially similar duties, responsibilities, requirements, and conditions of work.

E. Nation budget constraints or economic policy.

SECTION 3. PAY PLAN AND STRUCTURE

The Human Resource Office shall be responsible for the development and maintenance of a uniform and equitable pay plan which shall consist of a minimum and maximum rate of pay and such intermediate steps as deemed necessary and equitable.

The Nation operates under and pays employees through formally approved Salary Schedule.

Wage rates for employees paid on an hourly basis, including summer youth workers, are established by the Jicarilla Apache Nation Department of Labor and are administered by that office.

SECTION 4. PAY ADMINISTRATION

Executive Leadership, Court Administrator, Directors, Supervisors, and the Human Resource Office, as a part of their managerial responsibility, shall all be held responsible and accountable for assuring that all employees are appropriately paid for work performed.

SECTION 5. EMPLOYEE PAY STATUS

The Human Resource Office shall prepare a Personnel Action Form (PAF) for each new employee and each transferred or reassigned employee. The PAF contains date of hire, grade and salary, job classification, and whether the position is temporary or acting, and, if so, the duration. Such document will be made available to the Nation Finance Office and the receipt and acknowledgement of such document shall cause the employee to be placed on pay status.

Subsequently, the employee's supervisor shall complete a payroll report form for each employee indicating hours worked and leave hours taken for each payroll period. The signature of an employee and the signature of the employee's supervisor on such form attest to the accuracy of the information concerning the work and leave status for that payroll period.

SECTION 6. SALARY AT TIME OF HIRE

The starting salary for a Classified or Court employee hired under the JS Schedule shall be Step A of the salary schedule. The Nation President or Trial Judge, as appropriate, may approve starting pay at a higher step, however such deviation from the rules may be taken upon the written certification by the Human Resource Office that the action is justified because of reasons that include: specialized experience, prospective employee's exceptional

qualifications or when there are no appropriately qualified applicants available at the lower rate.

SECTION 7. WITHIN GRADE OR MERIT INCREASE

Salary step increases within a grade level may be allowed under the JS Salary Schedule. An employee may advance in pay from Step A to Step B or to the top of the salary scale (for each grade) called "Longevity". The Nation wishes to reward employees on a pay for performance system with merit increases. Merit increases within an established range are not automatic but require certification by an immediate supervisor and concurrence from an Executive Leadership, Court Administrator or Director that an employee's performance is exemplary. All such raises are dependent on budget availability and must be approved by the Nation President or Trial Judge, as appropriate.

SECTION 8. PAY CHANGE DUE TO PROMOTION

When a Classified or Court employee is promoted or selected to a position with a higher grade, class or status, the employee's new salary shall be set at the next highest step in the grade to which promoted but not lower than the minimum pay for the range. An employee promoted or selected to a position with higher grade, status or responsibility shall not be paid at a lower rate than the position from which promoted.

SECTION 9. PAY CHANGE DUE TO DEMOTION

When an employee is demoted to a position with a lower grade and pay range, the employee's new salary shall be set at Step A of the grade level to which demoted. The effective date of the new pay rate shall be the date on which the demotion is effective even though there may be an appeal of the action.

SECTION 10. VOLUNTARY DEMOTION

An employee may request a demotion from a position in one class or grade to a position having a lower grade, responsibility or status. The pay for such action shall be at the lower grade or status.

With the approval of the Nation President or Trial Judge, as appropriate, the employee may be voluntarily demoted if it is in the best interest of the employee and the Jicarilla Nation Government. Voluntary demotion shall not be considered disciplinary action or shall not disqualify the employee from consideration for later advancement.

SECTION 11. CHANGES IN PAY DUE TO CLASSIFICATION

When because of the position classification process, a position is re-classified to higher or lower grade level; the salary of the employee occupying the position shall become effective

the following pay period. Thereafter, the employee's salary shall be set at the new grade and step assigned.

SECTION 12. RISK PAY AND HAZARD PAY ALLOWANCE

Risk Pay

Risk pay is allowed for those employees serving in positions that are required to perform hazardous duties and classified as “hazardous positions”. This includes commissioned police officers, certified detention officers/dispatchers, conservation officers, certified emergency medical technicians and paid certified firefighters. Risk pay will be paid to a Classified or Court Employee for actual work hours doing potentially hazardous work. Risk pay will be paid at a rate greater than, and as additional compensation, to the employee’s regular pay. Risk pay will not be paid while on leave. The risk pay amount will be determined and approved through the budget process.

All risk pay must be documented, justified with proof of certification to Human Resource before being approved by Executive Leadership and the Nation President.

Hazard Pay

The Jicarilla Apache Nation shall pay certain classifications of personnel hazardous duty pay in accordance with the laws, regulations, and/or policies of the Nation.

Hazard pay is defined as a differential paid to employees who, while performing official duties, are exposed to qualifying hazards which include physical hardships or working conditions of an unusually severe nature that cannot be eliminated or significantly reduced by preventive measures, such as using safety equipment and protective clothing.

Classified or Court employees may receive hazard pay for the performance of duties if and when the President, or Trial Judge determines that an employee or classification of employees are exposed to a qualifying hazard through the performance of his or her assigned duties not already credited in the classification of the employee’s position. The President or Trial Judge, in consultation with safety and health experts and Executive Leadership, will determine whether employees are entitled to hazard pay on a case-by-case basis.

Hazard pay may be paid only to employees who are performing official duties for which a differential is authorized. It may not be paid to an employee who undertakes to perform a hazardous duty on his or her own, without proper authorization, either expressed or implied. When an employee performs a duty for which a hazard pay differential is authorized, the employee must receive the hazard pay differential for all of the hours in which the employee is in a pay status on the day on which the duty is performed. Hazard pay will not be paid when an employee is on any type of leave.

SECTION 13. COST OF LIVING INCREASE (COLA)

The Nation, through its President and Legislative Council, may from time to time declare an "across-the-board" pay increase for all employees. Such increases shall be in response to increases in the general cost of living due to inflation or other factors in the national economy. The percentage increase declared will be determined using various indicators which clearly demonstrate that the Nation Government is not in parity with the rest of the Nation with respect to salaries and/or income. The Human Resource Office may prepare such recommendation.

The approved COLA will be executed and reflected in the Salary Schedule.

SECTION 14. PERFORMANCE

It is the policy of the Nation to encourage and recognize work performance that exceeds the performance standards of each position. When an employee's performance clearly exceeds performance standards and is consistently performing at an exceptional level, that employee may be nominated to receive an outstanding performance award. The award may be in the form of a certificate, gift, pay increase or monetary award. When the award involves a monetary award, the amounts given shall be consistent throughout the organization.

Executive Leadership shall make recommendations for such an award through the Human Resource Office. The Human Resource Office shall then forward the recommendation, along with its own recommendation to the Nation's President or Trial Judge, as appropriate, for approval. The granting of an outstanding performance award may be subject to budgetary limitations and the award shall be granted only to permanent employees.

SECTION 15. EXPENSE REIMBURSEMENT

In extenuating circumstances an employee may incur or pay for something that is work related which requires reimbursement. An employee may be reimbursed for his out-of-pocket expenses incurred while performing assigned duties in accordance with established Nation reimbursement policies. Employees must submit receipts and documentation of expenses prior to reimbursement being paid or released.

SECTION 16. PAYROLL DEDUCTION

The Nation shall deduct or withhold all taxes as required by Tribal, State, and Federal law from each employee. The Nation Finance Office may also deduct for voluntary contributions under or for which an employee is participating. In addition, an employee may arrange, through a formal signature, for deductions that may include the following: direct bank deposit, Nation Credit Program loan payments, payroll savings plan, trust funds, and charitable contributions.

SECTION 17. EFFECTIVE DATE OF PAY

Employee's rate of pay or change in pay shall take effect on the date indicated on the Personnel Action Form.

Chapter 14 – BENEFITS

SECTION 1. POLICY

The Nation will provide all Classified or Court employees' benefits that are required by law and will pay mandated contributions as required of an employer. In addition, the Nation provides other benefits that are supplementary to an employee's salary. Eligibility for voluntary benefit programs generally start after a new employee has successfully completed the probationary period.

The Nation may redesign, modify, add, or eliminate any voluntary benefit program when it is deemed to be in the best interest of the Nation. Under these circumstances, employees will receive timely notice of changes in benefits.

For additional information on benefits, please contact the Human Resources Office.

SECTION 2. MANDATED BENEFITS

Benefits or Services that are required of an employer include the following:

Social Security (FICA)—all Classified or Court employees are required to participate in this Federal retirement program. Employee contribution is based on pay level and a matching contribution from the Nation is required. The amount of contributions is set by law and is deducted from employee pay. Coverage begins on date of hire and ends at termination. Benefits include retirement, disability, retirement and health, which can be accessed as defined by law.

Medicare—this is a federally mandated health care program under which an employee may participate based on income level.

Workers Compensation—all Classified or Court employees are covered by this insurance program, which insures work related injury or illness. The Nation pays the entire premium for insurance coverage under the program. The plan is secured from a private insurance carrier and is administered jointly by the Nation and the carrier. Coverage begins at the time of hire and ends at termination. Benefits include loss income, temporary and permanent disability and medical expenses.

Unemployment Insurance—the Nation is required to pay Federal and State unemployment insurance premiums as prescribed and required by applicable law. When an employee terminates employment with the Nation that employee may be eligible to apply for unemployment benefits. The program is generally administered by the State, which determines eligibility base on the appropriate applicable law.

SECTION 3. INSURANCE AND INVESTMENT BENEFITS

The Nation provides or offers its employees an opportunity to participate in benefit programs. Generally, the Nation will provide basic or minimum coverage for these programs and the employee may choose greater or additional coverage. Because benefit plans may change or be modified periodically, the benefits identified below do not show specifics or details.

The employee benefits offered by the Nation are subject to change. Policy changes may supersede, modify or eliminate the benefits being offered. Changes in the policies will be communicated by the Risk Management Department and/or through Official Memorandums.

Specific information regarding these benefits may be obtained from Human Resource Office and/or from the appropriate office administering the benefit program.

Health & Dental Insurance—coverage under this program is voluntary. An eligible person can apply for coverage (full-time permanent employee, full time equivalent employee, retirees, high education students, and their eligible dependents with required documentation).

The qualified participants have a 30-day waiting period. The first of the month following 30 days of employee, insurance will become effective. Participants will pay premiums on a bi-weekly basis according to the benefits selected. Participants are strictly held to the policy provisions of the participating provider.

The Nation will determine your effective date of coverage according to the provisions of the Administrative Services Agreements.

Group Life Insurance—the Nation offers and pays for basic life insurance coverage for employees at twice the employee's annual salary. The plan includes accidental death and dismemberment benefits as defined by the coverage. The employee may purchase greater coverage on a voluntary basis.

Supplemental - the Nation has contracted with other carriers to provide supplementary life and ADD insurance options for employees.

Retirement Plan— The Nation established a defined benefit pension plan in order to provide retirement benefits that will be payable over the lifetime of eligible employees and their beneficiaries. The plan is paid one hundred (100%) by the Nation. Eligibility for membership begins at eighteen (18) years of age and after completing one thousand (1000) hours of work in a year. Employees are one hundred (100%) percent vested after completing five (5) years of continuous service. If you were born before January 1, 1969, you may be eligible for Early Retirement benefits based on your age and eligibility service.

Disability Retirement – If you become disabled while employed by the Nation and have at least 10 years of Eligibility Service, you may be eligible for a disability retirement pension. Contact the Pension office for additional details.

401K Savings Plan—the Nation has adopted and established a 401(k) Savings Plan for its employees as a supplement to the Retirement Plan. The 401(k) Savings Plan allows eligible employees to save and invest a portion of their earnings for retirement on a tax-deferred basis.

Special Death Benefits- Under the Retirement Plan, if an employee dies (a) while actively employed, or (b) after terminating employment with eligibility for an early retirement pension but before payments commence, or (c) after retiring on a disability pension (or terminating due to disability) but prior to commencement of a disability pension, the Member’s beneficiary(ies) shall receive a \$10,000 special death benefit, payable in lump sum.

Service Award for Retirees- Upon retirement and recommendation from Director or Executive Leadership, retired employees may receive a special service award.

Chapter 15 – EMPLOYEE LEAVE OF ABSENCE

SECTION 1. POLICY

The Nation as a benefit of employment will grant its employees permission to be absent from work when such absence is granted by means of formally established procedures. The proper chain of command or authority must approve all leave. Leave may be authorized with or without pay and shall be granted in accordance with the rules and procedures presented in this Chapter.

Classified or Court employees of the Nation shall be allowed to earn credit or accumulate leave with pay as a benefit of employment. Probationary employees shall accumulate paid leave but may not take it until their probationary period is completed.

All requests for leave with pay must be requested and approved in writing prior to the leave being taken. If an employee is absent from duty before leave has been requested and approved, the employee shall notify the immediate supervisor or Director within a reasonable time period. Under such a circumstance leave with pay may or may not be approved. Regardless of the circumstance, formal leave forms or documents must be completed and approved.

Specific types of employee leave allowed, and the procedures therein are presented below.

SECTION 2. ANNUAL LEAVE

All Classified or Court employees from the date of hire earn annual leave. New employees serving a probationary period earn annual leave but may not take such leave until a probationary period is satisfactorily completed. A current employee, with an accumulated leave balance, who because of a change in employment status is serving a probationary period, is likewise not allowed to take paid leave. Annual leave may be taken as earned or accumulated after completion of the required probationary period.

Annual leave may be accrued up to a maximum of two hundred forty (240) hours per fiscal year. Any accrual in excess of 240 hours is forfeited or lost if not used. In no case shall an employee be allowed to carry a negative annual leave balance. Annual Leave credit shall be earned as follows:

- A. Less than three years of service—four (4) hours per pay period.
- B. Three years to nine years inclusive—six (6) hours per pay period.
- C. Ten or more years—eight (8) hours per pay period.

To promote efficiency of Nation operations and to cause the least disruption to government services, employees are encouraged to plan their annual leave in advance and take leave on a planned and scheduled basis.

An employee who terminates employment with ninety (90) calendar days of service or more is eligible to receive payment for unused accumulated or accrued annual leave, computed to the effective date of separation. An employee that is separated within the first ninety (90) calendar days is not entitled to payment for the unused or accrued annual leave.

Classified or Court employees are allowed to use annual leave in lieu of sick leave in cases where the employee has exhausted their sick leave balance.

SECTION 3. SICK LEAVE

All Classified or Court employees from the date of hire earn sick leave. New employees serving a probationary period earn sick leave but may not take such leave until a probationary period is satisfactorily completed.

Sick leave may be granted for absence from work because of personal illness, legal quarantine, injury, surgery, and medical or dental appointments, provided that the employee has sick leave accumulated. Sick leave shall not be used at the employee's discretion but shall be allowed only in cases of actual illness, medical disability, or for required medical related absence of an employee.

For sick leave in excess of three (3) days, Executive Leadership, Court Administrator, Director, as appropriate, may require either a certificate from the attending physician, medicine man or traditional healer stating the reason that the illness, injury, medical condition which prevented the employee from working.

Purposely abusing sick leave may subject an employee to disciplinary action.

There shall be no maximum or limit on sick leave accruals. In the event the employee is terminated for any reason, there shall be no payment for unused or accrued sick leave, except as allowed below. In no case shall an employee be allowed to carry a negative leave balance. Sick leave credit shall be earned as follows:

- A. Less than three (3) years of service—four (4) hours per pay period.
- B. Three (3) years to nine (9) years inclusive—six (6) hours per pay period.
- C. Ten (10) or more years—eight (8) hours per pay period.

Payment for accrued sick leave is allowed under the two circumstances described below:

- A. An employee who dies while in the Nation's employ shall be entitled, in addition to any other benefit that may be due such employee, to have payment made to such

employee's surviving spouse or designated beneficiary for all accrued or accumulated sick leave to be computed at the rate of one hundred (100%) percent of the last hourly rate of pay of such employee multiplied by the number of accrued or accumulated hours of sick leave.

- B. An employee who retires from the Nation's employ who is otherwise qualified to retire under the provisions of the Personnel Code shall be entitled, in addition to any other benefits that may be due such employee, to have payment made to such employee for all accrued or accumulated sick leave to be computed at the rate of fifty (50%) percent of the last hourly rate of pay of such employee multiplied by the number of accrued or accumulated hours of sick leave.

SECTION 4. MATERNITY / PATERNITY LEAVE

Classified or Court employees who are about to have a baby or has had a baby may request a maternity leave not to exceed sixty (60) calendar days. The employee must use sick leave first, then accumulated annual leave, and then leave without pay. Leave requests over sixty (60) calendar days requires department approval. A doctor's statement may be requested. Additional time off may be approved and annual leave may be used. All requests for maternity/paternity leave shall be requested in writing to the Human Resources Office and scheduled and granted upon written request and approval from Executive Leadership.

Maternity/Paternity Leave will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employee utilizes 8 weeks of maternity / paternity leave, the 8 weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement.

SECTION 5. BEREAVEMENT LEAVE

All employees may be granted time off, four (4) days, due to the death of an immediate family member. An employee who is requesting bereavement leave must provide notice and a written request for approval by an Executive Leadership or Court Administrator, as appropriate.

SECTION 6. AUTHORIZED LEAVE WITHOUT PAY

The Nation may allow a Classified or Court employee to be absent from work on authorized leave without pay or without benefit of compensation while continuing to maintain the status of an employee. Leave without pay must be authorized and approved by the Executive Leadership or Court Administrator, as appropriate. An employee shall not accumulate sick or annual leave while on leave without pay.

In cases where a Classified or Court employee does not have sufficient leave accumulated, that employee may be granted leave without pay. An employee who is not eligible for paid leave must request approval for leave without pay before being absent from work.

A Nation employee may be placed on leave without pay status by the President or the Trial Judge, respectively, during the period of investigation of alleged violation of employment rules. If, as a result of such investigation, the employee is disciplined, the wages and benefits will be lost as a part of a disciplinary action. If the employee is not disciplined or cleared of wrongdoing, the wages and benefits lost while on leave without pay shall be reimbursed to the employee, the following pay period.

SECTION 7. EMERGENCY LEAVE

Emergency leave may be granted for up to four days or thirty-two (32) hours in the event of a serious illness or death in the immediate family. Emergency leave shall be charged to accumulated sick leave, however, when an employee has no accumulated sick leave, annual leave shall be charged. In the event an employee has exhausted or used accumulated annual or sick leave, the employee shall be placed on leave without pay status.

All requests for emergency leave shall be approved by the Nation President or Trial Judge, as appropriate, upon recommendation from the Executive Leadership or Court Administrator, as appropriate.

SECTION 8. ADMINISTRATIVE LEAVE

The President or Trial Judge, as appropriate, may grant administrative leave with or without pay. The amount of time off authorized will be determined by the proclamation and notice issued. Administrative leave will not replace or to be charged to annual or sick leave.

Administrative leave may be authorized for the entire work force or for individual departments of the Nation. This type of leave generally involves extenuating circumstances or events that include the following: power outages, natural catastrophes, and traditional native ceremonies.

The Nation President or Trial Judge, as appropriate may grant other administrative leave to an employee, when it is recommended in writing by Executive Leadership or Court Administrator. Approved leave in this category may include activities mandated by law such as jury duty and active military duty.

SECTION 9. FAMILY AND MEDICAL LEAVE ACT POLICY (FMLA)

The Nation has adopted the general intent and spirit of this 1993 act and the Nation has committed to applying the general principles of the Act.

FMLA leave is unpaid. Under certain circumstances an eligible employee may substitute paid leave for FMLA leave. Substitution of paid accrued annual leave or sick leave may be made for all or part of any unpaid FMLA leave. Generally, the FMLA leave by an eligible employee is permitted for a combined total of twelve (12) weeks during any twelve (12) month period. FMLA leave can be taken all at once or in parts.

Eligible employees may be granted FMLA leave for a period of up to twelve (12) workweeks in any twelve (12) month period for the following reasons:

- Birth of a child and care of such child by the mother or father—entitlement may begin before birth and ends twelve (12) after birth.
- Adoption or foster care placement of a child by an employee—entitlement may begin before placement date and ends twelve (12) months after placement.
- The care of a spouse, son, daughter or parent of the employee, if such spouse, son, daughter or parent has a serious health condition.
- Serious health condition of an employee that makes the employee unable to perform one or more the essential functions of the employee's position.

The requirements for eligibility are determined by the following criteria:

- Employee has been employed by the Nation for not less than twelve (12) months.
- Employee has been employed for at least 1250 hours of service during the twelve (12) month period immediately preceding the commencement of leave.
- Employee is employed at a work site where fifty (50) or more employees are employed by the employer within seventy-five (75) miles of the work site.

The Human Resource Office is responsible for providing further information about FMLA.

SECTION 10. VOTING LEAVE

Employees who are formally registered to vote in national, state, local, and Nation elections shall be granted administrative leave with pay to vote. Administrative leave with pay for voting will require proof from employees that they are registered to vote in an election.

Voting leave requires approval by a supervisor and such leave shall not be used for any other purpose.

SECTION 11. JURY DUTY

Employees are required to notify their supervisor promptly upon receipt of a jury summons and subsequent notice to serve as a juror. Employees summoned for jury duty, including military jury duty, will receive their regular rate of pay for normal work hours, provided the employee submits evidence of the summons and selection notice. Fees received as compensation for jury duty shall be paid to Jicarilla Apache Nation. Employees will be allowed to retain any reimbursements for transportation, lodging, meals etc. paid by the respective court jurisdiction.

SECTION 12. CEREMONIAL/CULTURAL LEAVE

An employee who is a Nation member or a spouse of a Nation member may be granted administrative leave with pay from work to participate in a Nation recognized or sanctioned

Nation ceremony or event. Such leave shall not exceed five (5) working days or forty (40) hours per calendar year.

The Nation President or Trial Judge, as appropriate, must approve ceremonial leave. An employee granted ceremonial leave, which has used up all administrative leave (40 hours) shall use annual leave or be on leave without pay.

Nation employees who are not Jicarilla Apache Nation members, but who are Indian may also qualify for ceremonial/cultural leave and will be reviewed on a case-by-case basis with final approval by the Nation President or Trial Judge, as appropriate.

SECTION 13. MILITARY LEAVE

Classified or Court employees who are required or called to serve in the military services of the United States are entitled to military leave and reemployment rights. Sick and annual leave will continue to accrue as if the employee had not been absent for military service.

While on military leave health care insurance coverage will continue to be provided. Life and Accidental/Disability insurance may have conditions on benefits due to war (declared or not). All pensions, which are a reward for length of service, are protected. If enrolled in the contribution retirement plan, both the employee and Jicarilla Apache Nation contributions will be made to the Nation compensation plan that the employee earns while on leave. Optional benefit coverage will continue while on paid military leave. The employee may pay the premiums and continue other insurance coverage while on military leave.

Upon release from military service with honorable discharge, certificate or other evidence showing satisfactory completion of service, the employee is entitled to be reinstated to position held or one of similar in responsibility, status, and pay.

The Human Resource Office will handle military leave request on a case by case basis and make appropriate recommendation based on the facts of the situation.

SECTION 14. EDUCATIONAL LEAVE

Classified or Court Employees who desire to take an Educational Leave must follow the policies and guidelines for Career Development.

Chapter 16 – POSITION MANAGEMENT & CLASSIFICATION

SECTION 1. POLICY

It is the policy of the Nation to pay its employees equal pay for equal work and responsibility. To accomplish this end, the Nation through its Human Resource Office shall adopt and implement a formal position or job classification process or system. The classification process adopted will be formatted or based on generally accepted personnel management principles and methods. The classification process allows pay rate for all Nation employees to be based on, or commensurate with, the work to be performed, duties and responsibilities, skills required, and quality of performance required within the class assigned.

SECTION 2. FUNDAMENTAL PRINCIPLES

The position classification adopted by the Nation, as a minimum, is based on these fundamental principles:

- There should be equal pay for equal work.
- Differences in pay should be based on substantial differences in difficulty, responsibility and qualifications required.

Under the Nation classification system, individual positions are to be classified to an occupational group. The group is assigned an appropriate grade which has a salary range approved under the JS pay system, approved by the Jicarilla Apache Nation Legislative Council.

The classification of all positions shall consist of the position title, grade, and pay plan. Classification decisions, made by the Human Resource Office, will be based on the following (classification factors):

- Nature and variety of the work
- Difficulty of the work
- Authority and responsibility exercised
- Extent of supervisory controls of the work
- Qualifications required to do the work

SECTION 3. CLASSIFICATION PLAN

The Human Resource Office shall have the responsibility to develop, implement and maintain a position classification plan which assures that appropriate job-related qualifications are required and that the same equitable pay range is assigned to positions of significant similarity. The required classification plan is developed through a formal process of grouping individual positions into classes having similar duties and

responsibilities, standard minimum qualification requirements and performance requirements.

The classification plan shall include all positions in the Nation and shall be updated each year in preparation for the new budget year. The primary purpose of the classification plan is to assure that employees receive equitable compensation and to assure that each employee has a formal written description of the work to be performed.

In addition, the classification plan shall be used to provide information for recruitment; establishing selection and employment criteria; designing and implementing employee training programs; provide a framework for organizational analysis, planning, budgeting, and for controlling costs; and assure fair treatment of all employees.

SECTION 4. CLASSIFICATION PROCESS

To assure consistency in pay, job titles, job requirements and performance standards, it is necessary to classify all positions in the Nation. Classification involves the systematic arrangement of jobs or positions in the Nation into categories according to established criteria. Utilizing classification factors and a formal process of evaluation and rating, each position in the Nation is assigned to a group or category with similar requirements. Within each category there may be subcategories.

The classification process starts with the Human Resource Office conducting an inventory and/or cataloging of all positions in the Nation. When this task is completed, all positions are assigned to predetermined grade and pay levels. Classification assures employees having similar duties and responsibilities are paid and treated comparably. The classification process determines the most important aspects of a job and provides a basis for evaluating the worth of the job to the overall organization.

The classification process sets up or defines jobs that require the most responsibility, are of greatest value to the organization, and therefore have the highest pay levels. Once this is determined all other jobs fall into place relative to responsibility, value, and pay. The means of doing this reliably, so that it can be demonstrated that every job is treated fairly, is through the position classification system.

The Human Resource Office shall assure that every job is treated the same when it comes to the position classification process. Each job requires a carefully written position description, objectively evaluated according to the same set of standards, and each must have pay set by taking into consideration how much other employers pay for that type of work, as well as, how valuable the position is to the Jicarilla Nation Government.

Principles to be applied to test for fair treatment of positions shall include the following:

- Jobs that involve very similar work should be paid the same and grouped together for personnel management purposes.
- Differences in pay should be based on significant differences in the job duties, responsibilities and qualifications required.

- The process used to group jobs for common treatment and the decision to distinguish among jobs for different treatment should be objective and based on factual information.

SECTION 5. CLASSIFICATION FACTORS

The Nation classification plan groups' positions on the basis of factors that show how distinctive positions are in their duties and responsibilities, and the qualifications an employee would need to perform the work adequately.

The term "factor" is a term commonly used in the position classification process. Factors are applied as measuring devices. As used here, factors are used to determine how valuable a position is to the Nation. Using predetermined factors, the level of a position can be found by matching up a position description to that scale.

Regardless of the method or process used, the specifications for categorizing of positions shall as a minimum include evaluating factors common to most Nation positions. Factors that shall constitute the central elements of the classification process will include the following:

- Factor 1-- Type and nature of work.
- Factor 2-- Specific duties and work responsibilities.
- Factor 3-- Skills, knowledge and abilities required.
- Factor 4-- Supervision exercised/received.
- Factor 5-- Education, experience and training required.

Factor 1 above is a key component in position classification in the Nation. It defines positions by type of work. All positions within a grade level are grouped by similar levels of responsibilities and similar levels of difficulty in job duties. Nation classification plan shall as a minimum use job titles that further defines jobs by categories that include management, professional, technician, maintenance, laborer, aide, and clerical.

These factors viewed in totality shall allow for a rational basis for determining pay levels that are commensurate with the responsibilities, work requirements, and duties of each Tribal position.

SECTION 6. JOB EVALUATION

In order to have accurate, complete and current information to use in grouping positions for the classification plan, the Human Resource Office shall periodically conduct a comprehensive review of the duties, responsibilities, and other work requirements of positions in Nation. This process is an evaluation of the position, not of the employee who holds the position. The process of job evaluation not only develops information to assure that each position in the Nation is properly classified but provides a basis for changing the classification of a position if the position is not properly classified. This process also allows for corrections to be made as the work assigned to a position changes over time.

To assure that a position is properly classified, it is necessary to evaluate and rate each job against established criteria in the classification plan. A job evaluation process is a comprehensive review of the duties, responsibilities, and other work requirements of a position. It determines the qualifications and work effort that can be appropriately required of a person appointed to that position. The pay levels are most appropriately determined through the job evaluation process.

The Human Resource Office shall routinely conduct job evaluations as part of its responsibility to complete its classification plan; however, it may also perform such efforts for any of the following reasons:

- As part of a special study of all positions in a grade or pay range.
- Upon request by an employee, a supervisor, or a Director; when a new position is budgeted and requested to be filled.
- To provide information in relation to other positions or classes.

When results of a job evaluation determine that an adjustment of duties or responsibilities is necessary, that the position is inappropriately classified, or pay levels are inconsistent with similar positions, then it is necessary to act immediately to correct such matters. Corrective action may involve a promotion or demotion in which case the procedures described in appropriate parts of manual must be followed.

SECTION 7. REQUEST FOR JOB CLASSIFICATION

An employee, Executive Leadership or Court Administrator, as appropriate, may request a job evaluation or reclassification for an existing or a new position. An employee's request for classification action must be routed through the Executive Leadership or Court Administrator. The Human Resource Office shall conduct an evaluation to determine whether the position requires or warrants reclassification. When a job evaluation is determined to be warranted these specific procedures and steps shall be followed in carrying out this task:

- A. A current and accurate position description must be prepared utilizing the format and procedures described in this manual, or by obtaining samples from the Human Resource Office.
- B. Executive Leadership or Court Administrator shall formally transmit the new position description to the Human Resource Office. If the request involves the reclassification of an existing position, the formally classified position description must also be attached.
- C. The Human Resource Office will classify the position and share the preliminary results with Executive Leadership or Court Administrator to assure that there will be no adverse effects on the Department's budget allocation and other personnel.

- D. The Human Resource Office then advises the President or Trial Judge, as appropriate, of the results of the job evaluation and classification as well as budget effects.
- E. The President or Trial Judge approves or disapproves the recommendations of the Human Resource Office.
- F. The Human Resource Office formally notifies Executive Leadership or Court Administrator of the President's or Trial Judge's decision.
- G. The Human Resource Office will take appropriate action to reflect changes on employment documents for Executive Leadership, Court Administrator and obtain employee signature.

SECTION 8. POSITION DESCRIPTION

The final outcome of position classification system is an accurate and realistic description of duties, responsibilities and performance requirements. Position description is a written document that describes duties, responsibilities, authority, work environment, and the qualification requirements that can most appropriately be required of persons appointed to the position.

All positions in the Nation shall have a current position description. To assure that position description is accurate, complete and current, each employee is encouraged to regularly refer to their position description while working and to report any changes or situations which may lead to or require a formal change. The Human Resource Office, with the assistance of Executive Leadership and Court Administrator shall record changes and maintain a file of all officially approved position descriptions.

Each position description in the Nation shall, as a minimum, include the following:

- A. Job title
- B. Location of Position (Department/Office)
- C. Pay/salary
- D. Title of supervisor
- E. General duties
- F. Specific duties
- G. Responsibilities of position
- H. Education and training required
- I. Minimum qualifications
- J. Specialized qualifications
- K. Performance standards (optional)

SECTION 9. CLASSIFICATION AND GOVERNMENT EFFICIENCY

The classification plan in place will contribute to efficiency of the Nation by providing information that is useful in the areas that includes the following:

- Recruitment, selection, hiring, promotion and transfer
- Training and employee development
- Employee performance evaluation
- Organizational analysis
- Planning, budgeting and controlling cost
- Assuring fair treatment for Nation

Chapter 17 –SEPARATION FROM EMPLOYMENT

SECTION 1. GENERAL

Employment with the Nation may end in the various ways described in the Sections that follow. With respect to pension and insurance plans, certain provisions may be changed or be revised from time to time, and for that reason employees are advised to consult supplemental and/or detailed program information available through the Jicarilla Apache Nation Human Resource Office and Finance Office.

SECTION 2. RETIREMENT

As a benefit of employment with the Nation, all employees covered by this Code are eligible to participate in the retirement plan offered by the Nation. The amount of retirement benefit is generally determined by the amount accumulated from the date of hire or the effective date of the plan to the effective date of retirement.

Basic components of the Nation retirement plan, which has remained constant and is in force includes the following:

- The plan is paid for by the Nation (100%)
- Eligibility for membership is after completing 1,000 hours and 18 years of age.
- Members are 100% vested after completing 5 years of continuous service.
- Minimum requirements to retire:
 - Early retirement—age 50 and 10 years of service; benefits may be reduced or in full and are determined by birthdates prior to/or after January 1, 1969.
 - Rule of 75—minimum age of 50 plus service must equal 75 years.
 - Rule of 80 – minimum age of 55 plus service must equal 80 years.
 - Normal retirement—age 65 and 10 years of service, full benefits.
 - Disability retirement- minimum 10 years of service, qualify for Social Security Disability Benefits.
- Monthly benefits are determined by 2% of final average pay, years of service and age.

SECTION 3. RESIGNATION

A resignation results when an employee voluntarily requests to be terminated. Employees of the Nation wishing to resign in good standing are encouraged to notify in writing their immediate supervisor, at least two (2) weeks before leaving.

The supervisor shall forward the resignation notice to the Human Resource Office through Executive Leadership. The Human Resource Office shall notify the Nation President or the

Trial Judge, as appropriate. The written notice to resign should state the reason and effective date. Failure to comply may be cause for denying future employment with the Nation. Copies of the employee's letter of resignation shall be made a part of the resigning employee's personnel file.

SECTION 4. LAYOFF

As a result of formal reduction in force, an employee will be laid off without fault if the position held is abolished due to lack of funds or work. The order of layoffs in each job classification shall first be determined in order of appointment status—probationary, permanent and length of service. In no case shall such layoff be construed as a dismissal for unsatisfactory performance.

The former employee may apply for other vacancies in the Nation and shall receive prior consideration for reemployment or reinstatement for up to one year. The Human Resource Office will maintain a list of persons eligible for reemployment and who shall receive prior consideration for position for which qualified.

SECTION 5. DISMISSAL FOR CAUSE

The Nation President or Trial Judge, as appropriate, has the authority to dismiss or terminate an employee's employment for any justifiable cause or reason. Dismissal action may be taken only after consultation with or upon receiving recommendation for dismissal from appropriate Executive Leadership. Disciplinary action procedures described under Chapter 11 of this manual.

SECTION 6. ABANDONMENT OF POSITION

Unauthorized absence from work for a period of three (3) consecutive regularly scheduled work shifts shall be considered abandonment of position and is grounds for termination. An employee terminated, as a result of abandoning a position shall have such abandonment reflected in their personnel file.

SECTION 7. DISABILITY

An employee who is totally and permanently disabled because of job related injury or illness, before their Normal Retirement Date, but has completed ten years of qualified service is eligible to receive a Disability Retirement Pension. To qualify for Disability Retirement Benefits with the Nation, you must qualify and have received a letter of approval for disability insurance benefits under Social Security. Disability benefits under Social Security will be verified on an annual basis by the Pension Office of the Nation.

SECTION 8. DISABILITY NOT RELATED TO EMPLOYMENT

A Classified or Court employee who suffered a disability not related to job performance and responsibilities and who cannot perform the duties of his present position shall be considered for transfer to another permanent position in the Nation for which the employee is physically and otherwise qualified. Such action shall be taken whenever practicable and when a vacancy to which such a transfer can be made exists. If no remedy can be achieved such persons shall be terminated.

SECTION 9. DEATH OF AN EMPLOYEE

When employee dies prior to retirement, designated beneficiaries will be entitled to the vested amount in the employee's retirement account on the day of death. The amount paid from the retirement account is in addition to the group life insurance benefits incorporated as part of the overall benefit plan.

The Nation pension plan for employees includes group life insurance coverage. In the event of an employee's death, beneficiaries will be entitled to the proceeds from the plan. The basic face amount of coverage is generally determined by plan to which the deceased employee belonged.

SECTION 10. PAPERWORK REQUIRED UPON SEPARATION OF EMPLOYMENT

It is imperative the following departments receive notification of an employee's separation of employment: Human Resources, Payroll, Pension, and Risk Management. The following forms and notifications shall be returned upon separation: Exit Interview Forms, Personnel Action Form (PAF), payout approvals, and resignation and acceptance letters (if applicable).

Upon separation of employment, Exit Interview Forms and appropriate documentation must be completed and returned to Human Resources in order for an employee to receive payment for any accrued leaves. Payment for accrued leave will be forfeited if documentation is not received by Human Resources within (60) calendar days of separation of employment.

Failure on behalf of the employee or employee's supervisor to complete and return the appropriate paperwork may result in a delay of benefits or leave payouts or be grounds for disciplinary action.

Chapter 18 – GENERAL RULES OF SAFETY

SECTION 1. POLICY

The health, safety and general well-being of Nation employees shall be a top priority concern of the Nation. Furthermore, it is the Nation's position that employee efficiency, productivity, and morale is enhanced when its employee is safe and protected from harm. Protection of Nation employees from injury or illness on the job cannot be achieved unless all employees follow safety rules at all times. Supervisors are responsible for instructing employees about safety rules and in techniques necessary to perform work safely. Employees who violate safety rules defined and/or outlined in this Chapter or any other safety rules established, approved, and published by a department or office to which an employee is assigned shall be subject to disciplinary action.

Executive Leadership, Directors and Supervisors are responsible for instituting, educating, implementing and enforcing written safety policies, procedures, and standards of safety for their respective departments and offices.

SECTION 2. GENERAL SAFETY RULES

General rules of safety that apply to all Nation departments and offices are presented below:

A. Safe Work Areas

Work areas must be free of obstructions considered unsafe, clean and orderly at all times.

B. Horseplay Prohibited

Pranks and horseplay are prohibited while an employee is on duty.

C. Appropriate Work Attire

Employees are required to wear clothing considered appropriate for the work to be performed. Employees who operate power tools or machinery should not wear loose or torn clothing, long neckties, and rings on fingers or wristwatches while operating equipment.

D. Drugs Prohibited

The use or possession of intoxicants, narcotics or controlled substances by employees while on duty is prohibited. The use or possession of drugs to keep alert (other than those prescribed by a physician) by employees on duty is prohibited. Any employee

who operates a vehicle or other Nation owned equipment while intoxicated is subject to immediate dismissal.

E. Equipment Authorization

Employees must not operate equipment with which they are unfamiliar or for which they are not authorized to use.

F. Defective Equipment

Defective equipment shall not be used. Employees must maintain their equipment and tools in proper condition. Defective or otherwise unsafe equipment and tools must be repaired or reported to the supervisor, who shall replace or schedule repairs.

G. Safety Equipment

Employees must use proper safety equipment as directed by their supervisor or Director.

H. Emergency Equipment

Employees shall be instructed and expected to know how to use fire extinguishers, location and use of first aid kits, emergency telephone procedures, and the use of any other safety equipment in the event of an emergency. Employees may be requested at any time to demonstrate their ability to use such equipment.

I. Lifting Procedures

Employees should lift and move material in a safe manner to avoid back injuries. It is suggested that employee bend at the knees and keeping the back straight when lifting.

J. Vehicle Operation

Only employees who have a current valid state driver's license will operate Nation vehicles and other equipment. All Nation employees must submit to a motor vehicle background check prior to operating Nation owned vehicles and equipment. Employees must have been instructed in the use of the vehicle or equipment prior to operation. Employees may be denied Nation vehicle operation if they have a history of reported major traffic violations, accidents, arrests or convictions for driving under the influence of intoxicants. The driver assumes full responsibility for the safe operation of the vehicle as well as for the safety and wellbeing of passengers. Drivers and passengers are required to use seat belts. Drivers will inspect their vehicles prior to use. They will assure that all safety equipment is operational and that windshields, turn signals, headlights, and reflectors are clean. Any unsafe condition will be reported to a supervisor for correction. Before leaving a parked vehicle, the driver will see that it is properly secured.

K. Reporting Vehicle Accidents

Any driver of a Nation vehicle involved in an accident must contact the closes police agency available, immediately to the scene of the accident. The Driver shall not leave the scene before the police have completed its investigation. The driver must notify his or her supervisor, and they must prepare a vehicle accident report jointly. The report must be forwarded to the Insurance Claims Office, in the Nation Finance Office, within twenty-four (24) hours from the time the accident took place, if on the Reservation, or within forty-eight (48) hours, if the accident occurred elsewhere.

L. Reporting Injuries

All job-related injuries, no matter how minor, must be reported promptly to the immediate supervisor. The supervisor will see that the injured employee obtains first aid or medical attention. Supervisors must investigate all reported injuries. The supervisor and injured employee must complete required forms and forward such forms to the Insurance Claims Office within forty-eight (48) hours of the injury.

M. Job related Injury or Illness

An employee who is injured or suffers from an illness, as a direct result of performing his/her assigned duties shall be eligible for compensation under existing policies established for this purpose by the Nation, State or Federal Government.

N. Physical Fitness to Perform Work

Supervisors are responsible for determining whether an employee is physically capable of performing the duties of his position. A supervisor may request that a complete medical examination be scheduled for an employee when there is reason to believe an employee is not fully capable of performing the duties assigned. Supervisors are responsible for preparing injury and accident reports and forwarding such to the Insurance Claims Office.

O. Employee Limitations

A physician may limit the duties to which an employee may be assigned. The Human Resource Office shall take action to reasonably accommodate an employee whose duties have been limited or place the employee on leave until such accommodation can be arranged.

SECTION 3. DRUG/ALCOHOL POLICY AND TESTING PROCEDURES

In accordance with the Drug Free Workplace Act of 1988, it is unlawful and against Nation policy to manufacture, distribute, dispense, possess or usage any intoxicants, narcotics or controlled substances, except when prescribed by a Physician, within the workplace. This policy applies to all Nation's employees. It is the policy for all Classified or Court employees to submit to random drug testing procedures.

Whenever an employee is suspected of violations of the Drug/Alcohol Policy, such conduct should be reported to the investigative officer of the Jicarilla Apache Nation Police for a confidential investigation.

Drug Testing Procedure

If there is sufficient evidence to lead to a reasonable suspicion of violations of the Drug/Alcohol Policy, the following will occur:

The investigative officer will notify the Human Resource Office in writing of the need to have the employee submit to a drug test.

The Human Resource Office will notify the employee in writing and arrange for mandatory testing at the Dulce Public Health Clinic/Laboratory. An employee may choose to forego drug testing and submit to an approved Rehabilitation Program (see program guidelines below).

Results of the testing will be provided to the Human Resource Office (or investigating officer).

In the event of a positive result, the Human Resource Office will notify the employee of the rehabilitation options and disciplinary action required for policy violations. In the event of the negative result, all records of the report and investigation shall be destroyed, and the employee may return to work.

Rehabilitative Option

Any employee who chooses not to submit to drug testing shall notify the Human Resource Office within seven (7) calendar dates of the receipt for their drug testing date. Employees must submit themselves to rehabilitation through programs designated acceptable by the Employee Assistance Program. Upon completion of the rehabilitation program, the employee must report to the Human Resource Office before returning to work or the employee shall not be entitled to receive pay for work done.

Disciplinary Action

Nation Employees 1st Offense = suspension without pay for 1 week

Nation Employees 2nd Offense = suspension without pay for 2 weeks

Nation Employees 3rd Offense = termination

Law Enforcement Employees 1st Offense = suspension without pay for 2 weeks

Law Enforcement Employees 2nd Offense = suspension without pay for 4 weeks plus mandatory rehabilitation. Refusal or failure to submit rehabilitation shall result in termination.

Law Enforcement Employees 3rd Offense = termination with permanent disability to be employed in any law enforcement position.

Mandatory Reporting

Any employee convicted in any court for the sales, possession, transfer, distribution, manufacture or use of any controlled substance is required to report it to the Human Resource Office within five (5) calendar days of the conviction. Failure to report a conviction will result in suspension for one (1) week without pay.

Employee Appeal

An employee who has been affected by the Drug/Alcohol Testing Policy may file an action in the Court of the Jicarilla Apache Nation to challenge the random selection for drug testing or the determination that reasonable suspicion of the violation exists. The Notice must be filed before the date of the drug test. The employee is still required to submit to the drug test however, results of the test shall not be released until all appeals are exhausted.

Chapter 19 – PERSONNEL RECORDS

SECTION 1. POLICY

The Nation Human Resource Office shall be responsible for the maintenance of personnel records for all Classified or Court Nation employees. Personnel records shall be maintained and stored in a manner that insures strict confidentiality. Personnel records of Nation employees are privileged documents, and their use is restricted in the interest of the individual employee's rights to privacy, as well as, for the efficient conduct of the Nation's business.

SECTION 2. RETENTION OF RECORDS

The Human Resource Office shall establish and maintain an Official Personnel File for each employee covered by this manual. Records shall be kept current and reflect accurately the employee's current employment status.

Official personnel records of terminated or separated employees shall be retained for a period of three (3) years from the date of separation.

SECTION 3. ACCESS TO FILE

Nation personnel records may be reviewed only under the supervision and presence of an authorized employee of the Human Resource Office. Nation personnel records may not be removed from the Human Resource Office without the express written approval of the Human Resource Director. Access to Nation official personnel records is restricted to the following persons:

- A. An individual employee has the right to view their personnel file upon request.
- B. An employee's immediate supervisor and Executive Leadership may review that specific employee's file in the Human Resource Office.
- C. Authorized employees of the Human Resource Office as required in the performance of their duties, may have access to personnel files and documents.
- D. An employee's representative in a grievance process is allowed to review that employee's official personnel file when authorized in writing by that employee, who is involved in the grievance.
- E. Individuals specifically and formally authorized in writing by the Nation. Secretary in accordance with Title 19, Chapter 3 of the Jicarilla Apache Nation Code.

SECTION 4. CONTENT AND DOCUMENT REMOVAL

Only the Nation President and the Trial Judge may authorize the permanent removal of material from the Nation's personnel records of Classified and Court employees. Disciplinary action documentation will be purged from the personnel file after twelve (12) months from the date of the incident. Content of Nation's employment and personnel records will consist of the following documents:

1. Employee's application for employment.
2. Job Description.
3. Employment references.
4. Training Records.
5. Personnel action forms.
6. Leave request and records.
7. Disciplinary documentation.
8. Commendations and complaints.
9. Records relating to disciplinary action.
10. Travel records and reports.
11. Pay and benefit information.
12. Employee's verification that this manual has been provided and explained.

SECTION 5. OTHER PERSONNEL RECORDS

Records concerning individual employees maintained by Nation departments and by the Nation Finance Office do not constitute official personnel records. However, such records shall be safeguarded and kept confidential.

SECTION 6. DOCUMENTATION OF PERSONNEL ACTION

All personnel actions involving an employee's employment, leave or status changes shall be kept current and/or documented to insure accurate maintenance of Nation personnel records. Responsibility for documenting employee status changes shall be accomplished in the following manner:

A. Official Personnel Action

All personnel actions shall be initiated by Executive Leadership and officially approved utilizing the Human Resource Office. An officially approved personnel action becomes a part of an employee's personnel file. Official action may include classification, pay increases, appointment, promotion, demotion, and completion of probationary period, suspension and termination.

B. Timely Notice of Employee Information change

Notices requiring personnel action such as resignation, or changes in name, address, telephone number, status, and dependents, shall be initiated by the employee and

submitted to the supervisor two (2) weeks prior to the effective date of such action or as soon as possible. Executive Leadership shall forward the notice to the Human Resource Office. Executive Leadership shall also advise employees to report any other changes in the employee's status, such as for increased education or skills, to assure that the employee's file most accurately presents his or her status.

C. Status Change

The Human Resource Office shall formally document all personnel actions relating to status change and all such documentation shall become part of an employee's official personnel record.

Chapter 20 – ADMINISTRATIVE STEPS

SECTION 1. PROCEDURES AND FORMS

Human resource management procedures, forms and documents developed for the specific purpose of instituting requirements of this manual shall be considered to be a part of the manual when approved by the Nation President and Trial Judge. When necessary for administrative efficiency such procedures, forms and documents may be changed by the approval of the Nation President and Trial Judge.

No procedures, forms or documents relating to personnel management shall in any way state or suggest any additional requirements other than as required by the Jicarilla Apache Nation Personnel Code and this manual.

SECTION 2. COORDINATION

The Human Resource Office is a staff function of the Office of the Nation's President and is responsible to conduct the personnel management activities for all Nation departments and offices. For purposes of efficiency, the Human Resource Office serves the same function for the Jicarilla Apache Nation Court.

The Human Resource Office and other departments shall coordinate their activities to ensure the maximum opportunity for Jicarilla Apache Nation members to secure employment, develop their careers, and improve their qualifications, capabilities, and responsibility.

SECTION 3. IMPLEMENTATIONS

This revised Human Resource Manual is hereby declared to be in force on the day of approval of Legislative Council. The Human Resource Office and the Nation Finance Office are hereby directed to complete the work necessary to implement requirements of this manual effective this date and to report through the President and the Trial Judge to the Legislative Council the progress of its implementation.

SECTION 4. AMENDMENT

The Human Resource Office shall institute and implement requirements of this manual and shall routinely develop, solicit, and evaluate recommendations for changes, which updates and improves the manual. The Human Resource Office shall at its discretion, transmit any recommendations for changes in or amendments to this manual through the President or Trial Judge to the Legislative Council.

SECTION 5. SEVERABILITY

If any of the chapters, sections, subsections, sentences, clauses, phrases or words of this manual are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of the manual shall not be affected. It is the express intention of the Jicarilla Apache Nation Legislative Council, the governing body of the Nation, to pass each chapter, section, subsection, sentence, clause, and phrase. It is further understood that any revision or modification of this manual may be recommended by Nation's President or Trial Judge, as appropriate and must be approved by Legislative Council.

Chapter 21 – TERMS & DEFINITIONS

The words and phrases listed and enumerated below shall have the meaning ascribed when used in the text of this manual.

1. **Absent Without Leave (AWOL).** Absence from work without approved leave.
2. **Administrative Leave.** Leave with pay granted by the Legislative Council, President and/or Trial Judge for extenuating circumstances that include, without limitation, tribal ceremonies, natural catastrophes, and power outages.
3. **Appeal.** A formal request by an applicant or employee requesting reconsideration of a personnel action.
4. **Applicant.** Individual who has applied for employment with the Jicarilla Apache Nation.
5. **Appointment.** Formal designation and date on which an applicant is hired to a position.
6. **Classified Employee.** Employees of the Executive Branch of the Nation covered by the Nation Personnel Code and this manual.
7. **Classification Plan.** A formal process of grouping individual positions into classes having similar duties and responsibilities, standards, minimum qualification requirements and provisions for equitable pay.
8. **Code.** Title 19, Chapter 1, the Jicarilla Apache Nation Personnel Code, a law of the Jicarilla Apache Nation.
9. **Compensation.** Wages and benefits paid to employees of the Jicarilla Apache Nation.
10. **Compensatory Time.** Compensation paid in time-off for hours over forty (40) per week.
11. **Court Administrator.** Official of the Judicial Branch of the Nation who is equivalent to a Department Director.
12. **Court Employee.** Classified employee who works in the Judicial Branch of the Nation.
13. **Demotion.** Personnel action whereby an employee moves into a position which is a lower grade level.

- 14. Department Director.** The head of a department or office in the Nation who is delegated and has final supervisory authority and budgetary responsibility for that unit.
- 15. Director.** General term used to refer to a Department Director or Director of a staff office in the Office of the Nation President.
- 16. Disciplinary Action.** Formal personnel action to correct a violation of employment policy and procedures and/or to address inadequate performance.
- 17. Due Process.** Fair and equal treatment of employees.
- 18. Effective Date.** Official start date of personnel action shown on a Personnel Action Form (PAF).
- 19. Educational Leave.** Leave granted to an employee while on formally approved job-related education and/or training.
- 20. Emergency Leave.** Leave with or without pay granted by the Nation President or Trial Judge for a critical illness or death of a member of an employee's immediate family.
- 21. Employee.** Person employed by the Jicarilla Apache Nation.
- 22. Employee Benefits.** Contributions in addition to wages provided to employees of the Jicarilla Apache Nation.
- 23. Employee Career Plan.** A document that charts an employee's desire and plan for skill development and advancement in the Jicarilla Apache Nation employment.
- 24. Employee Training.** Education or formal job-related training provided to Classified or Court employees.
- 25. Examination.** Test for proficiency and to systematically assess the knowledge, skills, and qualifications, and/or physical fitness of applicants.
- 26. Evaluation Period.** An employment condition for a thirty (30) day period following the promotion of a current, during which an employee's performance is evaluated.
- 27. Executive Leadership** – Employees that are responsible for managing broad functional areas or divisions of the Jicarilla Apache Nation Government who report directly to the President.
- 28. Family Medical Leave Act (FMLA).** Policy and general principles of the Federal Act adopted for general application in the Jicarilla Apache Nation.

- 29. Full Time.** An employee who works a regularly scheduled forty (40) hour work week or the equivalent.
- 30. Grievance.** A formal complaint or request for relief of an action taken against an employee by management or the Jicarilla Apache Nation.
- 31. Harassment.** Restricted intimidating or illegal behavior toward an employee by a supervisor, management or another employee.
- 32. Immediate Family.** Means spouse, father, mother, son, daughter, brother, or sister of an employee.
- 33. Internal Recruitment.** Announcing and filling a vacancy from within a limited department or office of the Jicarilla Apache Nation.
- 34. Initial Hire.** A person hired to a position in the Jicarilla Apache Nation who is not currently a Classified or Court employee.
- 35. Interview Board.** Individuals appointed by the Nation President or Trial Judge, as appropriate, to screen applicants and recommend a selection.
- 36. Jicarilla Preference.** The right of Jicarilla Apache Nation members to be given preference in hiring.
- 37. Job Evaluation.** A comprehensive review of duties and responsibilities of a position and of the qualifications required of persons appointed to the position.
- 38. Job Announcement.** Formal document used to officially announce a vacancy in the Jicarilla Apache Nation.
- 39. Layoff.** Involuntary termination of an employee from the Jicarilla Apache Nation due to abolishment of a position because of lack of funds or work.
- 40. Leave With Pay.** Authorized absence from work with pay.
- 41. Leave Without Pay.** Authorized absence from work without pay.
- 42. Manual.** Refers to this manual, The Jicarilla Apache Human Resource Manual.
- 43. Maternity Leave.** Leave granted for and due to pregnancy and childbirth.
- 44. Mediation.** Intervention between conflicting parties to promote reconciliation, settlement, or compromise.
- 45. Nepotism.** Prohibition or restrictions placed on immediate family members working in the same department, office, or unit and/or under the same immediate supervisor.

- 46. Non-pay Status.** The status of an employee who is on leave without pay or who is under suspension.
- 47. Normal Working Day.** The period of time each day, typically 8:00 a.m. - 5:00 p.m. weekdays, when an employee is to be working at a specified workstation.
- 48. External Recruitment.** When applications for employment are accepted regardless of whether the applicant is currently employed by the Nation.
- 49. Overtime Pay.** Earned when an eligible employee works more than 40 hours in any given workweek. Overtime pay is paid at time and a half to eligible employees.
- 50. Maternity/Parental Leave.** Authorized leave with or without pay granted to an employee and/or employee's spouse to attend to the expected birth or birth of a child.
- 51. Pay Period.** Official fourteen (14) day pay schedule beginning and ending at midnight.
- 52. Pay Plan.** A schedule of pay rates by which employees of the Nation are paid.
- 53. Performance Evaluation.** A formal written assessment of employee's overall work performance.
- 54. Permanent Employee.** A Classified or Court employee of the Nation.
- 55. Personnel Action Form (PAF).** Official form that shows the official status and pay for an employee of the Nation.
- 56. Position.** An officially authorized job or position in the Jicarilla Apache Nation .
- 57. Position Description.** Official document which states duties and responsibilities of each position in the Jicarilla Apache Nation.
- 58. Probationary Period.** An employment condition for a ninety (90) day period following the hiring of a newly hired employee, during which an employee may be terminated for lack of performance.
- 59. Promotion.** A formal advancement to a position at a higher grade level.
- 60. Reassignment.** When an employee is unable to perform the duties of their position for a specific period of time or due to extending circumstances. Reassignments require Director or Executive Leadership approval.
- 61. Reclassification.** Changes in duties, responsibilities and qualifications of a position as a result of a job evaluation.

- 62. Reinstatement.** Rehiring an employee after being terminated due to layoff or long-term approved leave.
- 63. Resignation.** Voluntary request to be terminated from employment with the Nation.
- 64. Safety Rules.** Requirements and policies set to protect the safety and wellbeing of Nation employees.
- 65. Selection.** An official and formal step to pick an applicant for appointment as a Jicarilla Apache Nation employee.
- 66. Sick Leave.** Leave with or without pay, granted due to personal illness, physician appointment, or legal quarantine.
- 67. Status Change.** Official change in employment status reflected or documented in the Personnel Action Form.
- 68. Supervisor.** An employee who is authorized to exercise control over and provide direction to subordinate employees in the performance of their duties.
- 69. Suspension.** Disciplinary action placing an employee in a non-pay, non-duty status.
- 70. Transfer -** Personnel action in which an employee moves to a position of an equal pay grade.
- 71. Termination.** A formal dismissal or removal of an employee from employment with the Jicarilla Apache Nation.
- 72. Jicarilla Nation Government.** The Jicarilla Apache Nation.
- 73. Vacancy.** A position which is not occupied by an employee.
- 74. Voluntary Demotion.** Request to be assigned from a position to a position with lower pay, less responsibility, and status.