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1.1 Tribal History and Goals

The Jena Band of Choctaw Indians is a Native American Indian Tribe officially recognized effective August 29, 1995. The Jena Band of Choctaw Indians is a sovereign Indian Nation and recognized as such by the United States of America.

The Jena Band of Choctaw Indians Tribal council is the duty elected governing body of The Jena Band of Choctaw Indians.

The primary goal of the Jena Band of Choctaw Indians is documented in The Jena Band of Choctaw Indians Tribal Council Vision Statement dated December 1996. In summary, the goal of The Jena Band of Choctaw Indians is to improve the physical, emotional, economical and spiritual well-being of all tribal members. The Jena Band of Choctaw Indians Tribal Council has assembled administrative and program staff in pursuit of fulfilling this goal. All tribal employees are expected to embrace the goals and objective established by the Tribal Council and comply with both the letter and the spirit of accompanying policies, procedures, and conditions of employment herein set forth.

1.2 Statement of Purpose

Herein is contained the policies and procedures governing employment with the Jena Band of Choctaw Indians. These personnel policies and procedures are intended to promote the best interests of all parties by ensuring that all employees have a clear understanding of the rights, privileges and responsibilities associated with employment with The Jena Band of Choctaw Indians. The objective is to provide a system for obtaining and maintaining a competent work force.

1.3 Authority and Responsibility

The Jena Band of Choctaw Indians Personnel Policies and Procedures contained herein have been approved and adopted by the Jena Band of Choctaw Indians Tribal Council. The Tribal Council Resolution effecting the adoption and authorization is included and made a part of this document. The Jena Band of Choctaw Indians Tribal Chief is charged with the responsibility of ensuring that these policies and procedures are carried out as intended. The authority and responsibility may be delegated as determined by the Tribal Council and Tribal Chief. Exceptions to the policies and procedures herein documented may be made only upon written authorization of The Jena Band of Choctaw Indians Tribal Council.

1.4 Amendments

The Jena Band of Choctaw Indians Tribal Council reserves the rights and retains the sole authority to issue supplements or amendments to the policies herein set forth. The Council may alter existing policy at any time in accordance with the perceptions of the best interest of the Jena Band of Choctaw Indians.

The Council shall give notice to the appropriate administrative managers in writing of any changes to existing policies. The Tribal Council also retains the right to issue directive in lieu of a formal policy amendment.
Administrative managers shall issue written memorandums detailing approved policy or procedural changes. Memorandums will be distributed to all Programs Directors and posted at facilities housing Tribal employees. A copy of the memorandum will be retained on file in the appropriate tribal office location.

1.5 Tribal Organization and Chain of Command

A chart depicting The Jena Band of Choctaw Indians Tribal organization is presented in Appendix A. This organizational structure has been developed for the purpose of providing a system of accountability, stewardship and leadership order. This system also establishes recognition of authority within the various units and divisions of the organization. All personnel issues requiring clarification or action will be brought to the attention of one’s immediate supervisor. Only when issues cannot be resolved as this level will they be taken to the next highest level of authority.

Each employee is responsible for adhering to the established chain of command. Violations may result in disciplinary action.

See addendum at end for Organizational – Administrative Chart.
1.6 Coverage

All employees of The Jena Band of Choctaw Indians are subjected to these policies except where they are specifically exempted. Elected officials who are also Tribal employees are covered under these policies.

1.7 Policy Definitions

**Appeal**- A written complaint filed, with the designated individual charged with the responsibilities customary to that of a Personnel Officer, by an employee regarding dismissal, suspension, demotion of alleged discrimination or other action associated with employment status.

**Applicant**- A person who has filed an application for employment.

**Appointing Authority**- A person who has authority to hire as herein described.

**Appointment**- The offer and acceptance of employment with The Jena Band of Choctaw Indians.

**Candidate**- An applicant.

**Class**- A position or group of positions sufficiently similar in duties and responsibilities that the same qualifications may be required of the incumbents (or applicants).

**Class Specifications**- A description of type and level of duties and responsibilities of positions assigned to a class and the necessary qualifications which a person must possess for performing these duties.

**Classification plan**- The orderly arrangement of positions under separate and distinct classes on the basic of current duties and responsibilities.

**Compensation**- Salary, Wages, Allowances and all other forms of valuable consideration earned by or paid to an employee except for reimbursement of expenses incurred.

**Council**- The Jena Band of Choctaw Indians Tribal Council.

**Demotion**- A change in the assignment of an employee from a position in one class to a position in another class having a lower rate of pay.

**Program**- A unit of Tribal government under the control of a director.

**Program director**- An employee responsible for directions and supervision of a specific program.

**Dismissal**- The involuntary separation of an employee as a result of unsatisfactory service. Used interchangeably with “Separation” occasionally.

**Disciplinary action**- Punitive action taken by a supervisor against an employee.

**Employee**- A person paid a salary or wages from Tribal/Program monies according to the Tribal payroll.
Examination - The evaluation process used to measure the qualifications and abilities of applicants.

Pay Plan - The Tribal pay schedule which assigns an appropriate salary range to each class of positions.

Policy - rules and procedures set in place to establish the conduct within an organization, outlining the responsibilities of both employees and employers.

Promotion - A change in the assignment of an employee from a position in one class to a position in another class having a higher range of pay.

Reasonable accommodations - The effect exerted by the organization to reasonably adjust the requirements of a position in order to accommodate the physical handicap of an employee or potential employee. In addition, the accommodation afforded a current employee who suffers from a personal problem which affects job performance or is creating a misconduct problem.

Reclassification - Changing a position from one class to another or creating another class.

Reduction in Force (RIF) - The separation of an employee because of a shortage of funds or work, abolition of the position or administrative reorganization.

Separation - Separation from employment.

Suspension - The temporary separation of an employee from employment for disciplinary purposes.

Trainee - Any person holding a position for which successful completion of a period of training is a condition for permanent employment. Trainee is also defined as a “trainee position” authorized under any Federally funded employment program.

Transfer - The transfer of an employee from a position in one department to a position in another department in the same class.

Tribe - The Jena Band of Choctaw Indians.

Year - For purposes of these policies, the year for accrual purposes shall be the calendar year, January 1 through December 31, unless the contract or grant an employee is paid from has a different year that takes precedent.

Throughout these policies “he” will be used in referenced to all employees regardless of sex (unless the section applies exclusively to females). No discrimination is intended. The masculine term is used only in order to eliminate using “he/she” continuously.
2.1 Application of Indian Preference

In accordance with provisions of the Indian Preference Act (Title 25 U.S. Code, Section 472-473), Public Law 88-353, Section 703 (7-2-71) and Public Law 93-638, Indian Self-Determination Act, Section 7B, it is the policy of the Jena Band of Choctaw Indians to extend preferential consideration to qualified Native American applicants to filling positions for employment. First preference for employment will be given to enrolled members of the Jena Band of Choctaw Tribe.

Application of this policy, shall not conflict with the broader goal of the Jena Band of Choctaw Indians to secure the most qualified available applicants for all position vacancies which serve the membership of the Tribe.

2.2 Waiver of Indian Preference

Indian Preference shall not apply in the case of any personnel action respecting a candidate for employment not entitled to Indian Preference if the Council grants, in writing, a necessity for efficient execution of the Tribal business. This shall in no way relieve the Jena Band of Choctaw Indians of its responsibility for posting timely announcements of all vacancies.

2.3 Non-discrimination

The Jena Band of Choctaw Indians shall not discriminate because of political or religious opinions or affiliations, or because of race, sex, age, mental/physical handicap or other non-merit factors, unless required by specific program guidelines or Indian Preference requirements under Part 2.1 and 2.2 of this chapter. Discrimination on the basis of age, sex, marital status, or physical disability will be prohibited except where specific age, sex, marital status or physical requirements constitute a bona fide occupational qualification. All allegations of alleged discrimination shall be filed with designated Tribal Chief.

This non-discrimination policy shall apply to all aspect of personnel administration including, but not limited to employee recruitment, hiring, compensation, promotion, separation and training.

Promotion, Transfer and RIF. Non-Indians, those not entitled to Indian preference ordinarily, will be afforded equal status as Indian employees regarding promotions, transfers, and layoffs once they have completed their probationary period and are categorized as permanent, full-time employees. Such status may be voided at the discretion of the Jena Band of Choctaw Indians Tribal Council.

2.4 Nepotism

Because of unique circumstances characterizing the Tribal community which include family relations between the majority of tribal members and tribal employees, a strict anti-nepotism policy is not practical. However, to discourage preferential treatment or favoritism in official transactions on the basis of family relationships, the following policy shall be utilized to eliminate the potential for nepotism among immediate family members.
Immediate family members are defined as: Father, mother, son, daughter, wife, husband, sister, brother, or any person living in the same household.

A. No person shall hold, be hired, promoted, demoted, or transferred, to a job which requires him to directly supervise or be supervised by an immediate member of his family or household.

B. No person will be prohibited from employment in a program because a member of his immediate family is a member of the board governing that program. However, a governing board member shall abstain from participating in the selection and voting in matters relating to any member of their immediate family.

C. Such employment may not jeopardize supervisory responsibility or compromise confidential records and information.

2.5 Outside Employment

A. Employees will be allowed to engage in outside and self-employment subject to the following conditions.

1. Such employment shall not interfere with the efficient performance of the employees’ official duties in Tribal employment.

2. Such employment shall not involve a conflict of interest with the employees official duties in Tribal employment.

3. Such employment shall not require an amount of time effort which will prevent the employment from rendering efficient service in his employment with the Jena Band of Choctaw Indians.

4. The employee is always willing to work additional hours when his position with the Jena Band of Choctaw Tribe dictates that the job be completed at his supervisor’s request.

2.6 Conflict of Interest  (See Policy 16)

A. Employees of the Jena Band of Choctaw Indians shall not use their positions for a purpose that is, or gives the appearance of being motivated by a desire for private gain for themselves or others.

B. Employees are prohibited from accepting gifts, money, and favors from persons receiving benefits or services under contract or who are otherwise in a position to benefit from an employee action.

2.7 Political Activity

A. Employees are encouraged to participate in political activities at any level of government (Tribal, local, state, etc.) which are not otherwise prohibited by law and conform to the following conditions and restrictions:
1. Tribal employees shall have the right to campaign for political election or appointive office; however, employees, during scheduled work hours or any other time when on official duty, shall not:

   a. Campaign for political office on behalf of himself or anyone else;
   b. Solicit or handle political contributions;
   c. Distribute campaign literature.

2. Employees who serve on community/business committees, boards and/or who accept consultant commitments that involve receipt of honoraria or fee for services shall not provide those services during scheduled work hours. The employee may request leave during that period time. (Employees shall not receive consultant fees while drawing regular salary unless it is leave without pay.) Acceptance of travel and/or per diem expenses shall be allowable.

3. Employees who serve on community/business committee, boards and/or who accept consultant commitments that does not involve receipt of honoraria or fees, may be allowed time for performance during scheduled work hours subject to supervisor approval.

2.8 Seatbelt Policy & Texting Policy (See also Policy 19)

   A. An employee must submit notification within seven (7) days if you receive a ticket while driving a tribal vehicle. Habitual offense with three (3) or more tickets within one (1) year period will result in being taken off employee insurance. At such time an employee must use personal vehicle without reimbursement.

   **Texting while driving (R.S. 32:300.5)** - No person shall operate any motor vehicle upon any public road or highway of this state while using a wireless telecommunications device to write, send, or read a text-based communication. It is a moving violation and a primary offense. The first violation is punishable by a $175 fine. Each subsequent violation is punishable by a $500 fine. Navigation with a global positioning system and use during emergencies are allowed. (Louisiana Highway Traffic Safety Laws)

   **Primary seatbelt (R.S. 32:295.1)** - Vehicle 10,000 lbs. or less, all occupants must have seat belt when vehicle is in motion. (Louisiana Traffic Safety Laws)

2.9 Confidentiality of Information and Records

   A. An employee should exercise the utmost discretion in regard to all matters of official business records. Any information which has been received by any employee on a confidential basis must be maintained in confidence. Such information may be shared only with other persons who have an official need for the information.

   B. Disclosure of confidential aspects of the program or other confidential matter (either to another employee not entitled to the information or to a person outside the department) without specific approval of the employee’s supervisor, shall be considered grounds for appropriate disciplinary action.
C. Employees files (and related records) shall be considered confidential and are available only to persons authorized by the Human Resources Director for purposes of hiring, transfer, promotion, evaluation, security or other legitimate purpose.

D. Employees having access to a system of records covered by the Privacy Act of 1974 shall comply with such act.

3.0 Misdemeanor or Felony Arrest

Policy Statement

Any staff member who is arrested for a misdemeanor or felony must notify his or her supervisor of such arrest no later than seven (7) calendars days after arrest. If a staff member is convicted of a misdemeanor or felony while employed at Jena Band of Choctaw Indians, he must inform a supervisor of such conviction (including pleas of guilty and nolo contendere) no later than seven (7) calendar days after the conviction.

Policy Details

- Corrective Action
- Notification of Supervisor

Corrective Action

The arrest of a staff member may result in corrective action. Corrective action depends upon a review of all factors involved—whether the staff member’s action was work-related, the nature and severity of the act, or any resultant circumstances that adversely affect the staff member’s attendance. Such corrective actions may include termination. Any corrective action taken must be in consultation with an entity or Tribal Council.

If a staff member is convicted of a criminal offense while employed at Jena Band of Choctaw Indians, he may be terminated and, if terminated, may be ineligible for rehire. The ultimate disposition of the issue will depend upon the nature of the offense and the staff member’s work duties. Any corrective action taken must be supported by available information coming from witnesses, police, or court records. All action taken under this policy should be in consultation with the entity or Tribal Council.

Notification of Director

Any staff member who is arrested for a misdemeanor or felony shall notify his or her director of such arrest no later than seven (7) calendar days after the arrest. Any staff member on a leave of absence (where there is a job guarantee) must report any arrest (for a misdemeanor or felony) and any subsequent disposition(s) – including convictions(s) – to his/her supervisor prior to returning to work. In the case of a leave in which there is no job guarantee, the staff member must inform the hiring supervisor prior to accepting the hiring offer.

If a staff member is convicted of a misdemeanor or felony while employed at Jena Band of Choctaw Indians, he must inform a supervisor of such conviction (including pleas of guilty or nolo contendere) no later than
seven (7) calendar days after the conviction. Failure to inform the supervisor within the designated time period subjects the staff member to corrective actions up to and including termination.

A staff member’s failure to report an arrest or a conviction (for a misdemeanor or felony) within the specified time period may result in immediate termination.

**PART 3 - CLASSIFICATION OF EMPLOYEES**

3.1 **Types of Employment**

There are two (2) general classes of employees: Exempt and Non-Exempt (classified in accordance with the Federal Fair Labor Standards Act) and (4) types of employment with the Jena Band of Choctaw Indians: Permanent full-time, permanent part-time, intermittent, and temporary.

3.2 **Definitions**

A. **Permanent Full-Time Employee:**
   Employees in this category shall normally work a forty (40) hour work week and shall occupy positions with no pre-determined ending date other than the possible termination of the supporting grant or contract.

B. **Permanent Part-Time Employee:**
   Employees in this category shall work at least twenty (20) hours per week and have no predetermined ending date other than the possible termination of the supporting grant or contract.

C. **Intermittent Employee:**
   Employee in this category are those working full-time or part-time on an intermittent (or irregular) basis. Any employee who works for thirty (30) or more consecutive days will not be considered to be an intermittent employee. Intermittent employees are not eligible for the following benefits except if required by regulations governing the contract or grant they are funded under:
   1. Medical and Dental Benefits
   2. Life Insurance Benefits
   3. Annual Leave
   4. Sick Leave

D. **Temporary:**
   Employees in this category are those full-time or part-time with a pre-determined date on which employment will end. A temporary position shall be no longer than six (6) months in length; but may be extended another three (3) months if approved by the Council. Temporary employees are not eligible for insurance benefits, leave with pay or sick leave.
PART 4 - HIRING AND PROMOTION

4.1 Authority

A. The Tribal Chief shall be responsible for final selection of individuals to fill all positions.

B. The Human Resources Director, Program Directors, and the Tribal Administrator shall be responsible for interviewing and recommending to the Tribal Chief candidates for vacant positions within their respective departments.

4.2 General Provisions

A. Appointments to vacant positions shall be based on merits determined by competitive selections. Minimum qualifications for each classification shall be recommended by the Program Director and approval by the official designated by the Tribal Chief.

B. Priority consideration may be given to filling vacancies by intra-departmental promotion of current Jena Band of Choctaw Tribal employees who meet all qualifications for the particular vacancy and by reinstatement of qualified employees who were laid off due to lack of funds or a reduction in force.

Whenever possible, trainee appointments will be made in entry level positions. The probationary period for a trainee shall be six (6) months. Supervisors progress reports shall be filed with the Human Resources Director at the end of three (3) months probationary period. Trainees who work full-time shall be eligible for all Tribal employment benefits.

4.3 Recruitment Procedures

A. Position Announcement. All positions being filled externally shall be advertised. Applicants will be informed in the announcement of the deadline date for receipt of resumes. Position announcements shall be posted at the Tribal Office. From time to time it may be advisable to publish job position announcements in local newspaper, Indian newspapers or periodical and other media.

B. Applicants Requirements. All applicants for any position must submit a resume to the designated official. A list of all applicants will be provided to the Tribal Council.

4.4 Selection Procedures

A. Interviews. Qualified applicants shall be interviewed by the appropriate Program Director and Supervisor.

B. Program Directors. Interviews for Program Directors shall be conducted by the designated official.
C. Review of Records. As appropriate, information supplied including employment records and references of applicants and previous employers as well as documenting an applicant’s previous salary history insofar as possible.

D. All applicants shall be screened by the appropriate official. After a review of applications the appropriate official shall make the final selection that shall be presented to the Tribal Council for concurrence.

E. Selection of Program Directors. The designated official shall recommend all persons to major administrative positions. The Tribal Council is responsible for making the final selection.

F. Selection of other Staff. Subordinate staff positions shall be filled with qualified persons recommended by Program Directors. The designated official in concurrence with the Tribal Council is responsible for making the final selection.

G. Examination. Applicants for clerical and fiscal position may be subject to examination before selection. Qualifying examinations may be written, oral, manual or a combination of examination methods.

H. Retention of Applications. All applications may be retained in the Tribal Office and are filed by the last name of the applicant.

I. Written Notice and Employment Decision. Upon selection, successful applicants will receive a “Notice of Employment” from the Tribe and a copy of the Notice of Employment will be placed in the employee’s permanent personnel record. Applicants not selected for employment will receive a non-selected letter from the Tribe.

J. Orientation. On their first day of employment, the designated official shall orient new employees to Tribal programs, policies and procedures and submit to a mandatory drug screening. Every new employee shall be given a copy of the Jena Band of Choctaw Personnel Manual. At this time new employees shall fill out any other employment forms required by the Tribe.

**PART 5 - PROBATION**

5.1 Policies and Procedures

A. All newly appointed employees shall be subject to a 90 day period of probation. Progress reports at three (3) months intervals are to be filed with the Designated official by the employee’s immediate supervisor though the Program Director for 90 days.

B. Upon successful completion of the probationary period, an employee shall be granted permanent status in the position in which the probationary period is served.
C. If at any time during the probationary period the hiring authority determines that the services of the employee have been unsatisfactory, the employee may be separated. There will be no right of appeal for probationary employees except in the case of alleged discrimination.

D. When an employee has been promoted but fails to complete the probationary period successfully, he may be returned to a position of his former class or an equivalent class. If such a position is not available the employee may be terminated. If the position vacated by the promoted employee remains unfilled, the hiring authority may choose to return the employee to the original position.

E. Newly hired employees separated during probation shall not be paid for accrued annual leave.

PART 6 - HOURS OF WORK AND PAY PERIODS

A.1 Normal Work Week

A. Generally, employees shall work Monday through Friday (8) hours per day.

When different work schedules are necessary to meet tribal needs, the Program Director or the Human Resources Director may authorize a deviation from the standard work schedule on a temporary or permanent basis.

B. Lunch breaks shall be scheduled at the convenience of the Administration. Alternate work shifts may be established as necessary to meet the needs of certain tribal programs of the Jena Band of Choctaw Indians.

C. A biweekly time and attendance report showing all hours worked, and level of absence where appropriate, shall be completed by each program.

D. All time reports must be approved by the employees Program director or Supervisor before action will be taken to process them for payment.

E. A record of cumulative annual, sick, or any other type of leave shall be kept on each employee by the payroll department. The record will show hours used and balances at the end of each pay period.

The cumulative leave record shall be submitted to the Program Director or designated official at the time an employee separates employment. In addition, copies of the record shall be forwarded to the Program Director or designated official at the end of each quarter.

A.2 Pay Period

A. The work week for all employees begins on Saturday morning at 12:01 AM and ends the following Friday at midnight. Pay periods shall be biweekly.
B. If pay day falls on holiday, payday shall be on the working day before. Paycheck shall be by direct deposit into the employee’s bank account.

A.3 Payroll Deductions

Employees on a voluntary basis may make arrangements for other than mandatory tax deductions to be withheld from their pay.

A. Some examples (though not limited to these) of such deductions are as follow:

1. Special Insurance Coverage
2. Outstanding Travel Advances

6.4 Wage Garnishment

The Jena Band of Choctaw Tribal Council will honor garnishments levied by a court that has recognized jurisdiction over the affected employee. No disciplinary action will be initiated against an employee based on any garnishment action.

6.5 Release of Payroll Information

The Jena Band of Choctaw Tribal Council will release payroll information on employees under the following guidelines.

A. The employee authorizes in writing to whom and the exact information to be release.

B. Receipt of a valid order from the Tribal Court.

PART 7 - COMPENSATION

7.1 Overtime Compensation

A. Prior authorization is required for all overtime worked by Non-Exempt employees.

1. While on authorized travel status, employees will earn worktime in accordance with the Federal Fair Labor Standards Act.

7.2 Part-Time Employment

An employee who regularly works only part of the established work period (e.g. ½ or ¼ time) or has an irregular work schedule shall be paid at the established hour rate for that position.

7.3 Application of Rates

A. Pay adjustments, merit increases, promotions and any other personnel actions regarding pay/classification shall become effective as stated in the notification documents.
B. No increase in pay shall be initiated except upon the recommendation of the Tribal Chief and/or the Tribal Administrator. All pay increases are subject to the availability of budgeted funds.

C. After each year of service an employee will be eligible for a merit increase in January, and each year thereafter as determined to be appropriate.

D. All merit increases are based on job performance and the availability of budgeted funds. All merit increases will be recommended by the Program Director or designated official.

E. When an employee reaches the top step in his range, further advancement on the pay scale is not provided for except as determined by the designated official.

F. The Chief may authorize cost of living increases as warranted by economic conditions and if allowed by availability of funds.

7.4 Anniversary Date and Hire Date

A. An employee’s hire date is the date he becomes officially employed. The anniversary date for all employees is one year from an employee’s hire date.

B. Employee’s seniority with the Jena Band of Choctaw Indians shall be counted from the date of hire and continue through all continuous employment. RIF employees who are rehired shall retain the seniority they accrued at time of reduction in force provided they are rehired within two years from date of separation. Seniority shall not accrue for RIF employees for the period in which they were laid off.

7.5 Fringe Benefits

The Jena Band of Choctaw Indians provide the following benefits:

- FICA (Social Security)
- FUTA & SUTA Unemployment Insurance
- Workman’s Compensation Insurance
- Individual (Hospitalization, Major Medical and Dental)
- Annual Leave (as described in this manual)
- Sick Leave (as described in this manual)
- Holiday Leave (as described in this manual)
- Tribal Contributions for Retirement in the amount of 5% of gross wages.

Temporary employees and part-time permanent employees who work less than 30 hours per week, are not eligible for Insurance benefits, holiday pay or any other holiday/time off as approved by the Tribal Chief. Specific details about the types of benefits provided and the required employee contributions are available from the Payroll Department.
PART 8 - LEAVES OF ABSENCE

8.1 Holidays

A. The following shall be holidays for all offices and employees of the Jena Band of Choctaw Indians:

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<td>New Year’s Eve</td>
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<td>Memorial Day</td>
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<td>New Year’s Day</td>
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<td>Martin Luther King Day</td>
<td>July 4th</td>
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<td>President’s Day</td>
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<td>Juneteenth (6/19)</td>
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<td>Good Friday</td>
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<td>Labor Day</td>
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<td>Employee’s Birthday</td>
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And any day appointed by the Tribal Chief, the President of the United States, or to be observed as a holiday will be observed as such by the employees of the Jena Band of Choctaw Indians.

B. When any holiday falls on Saturday, the preceding Friday will be observed as a holiday. A holiday which falls on Sunday will be observed on the following Monday.

C. Full-time employees working other than the standard work week (Monday through Friday) are entitled to the same number of holidays as employees working the standard work week. The equivalent holiday will be allowed within ten working days of the officially designated holiday.

8.2 Annual Leave

A. Full-time employees shall accumulate leave according to the following schedule:

<table>
<thead>
<tr>
<th>YEAR OF EMPLOYMENT</th>
<th>HOURS ACCRUED PER PAY PERIOD</th>
<th>HOURS PER YEAR</th>
<th>DAYS OFF PER YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-4</td>
<td>4.32</td>
<td>112</td>
<td>14</td>
</tr>
<tr>
<td>5-9</td>
<td>5.86</td>
<td>152</td>
<td>19</td>
</tr>
<tr>
<td>10+</td>
<td>7.40</td>
<td>192</td>
<td>24</td>
</tr>
</tbody>
</table>

Employees who were previously employed and become employees again within 24 months or less shall accrue annual leave on the basis as though there had been no break in employment.

B. Annual leave starts accruing after the probationary period of 90 days. After three (3) consecutive months of employment an employee is eligible to take annual leave with pay after they have accrued 20 annual leave hours.

C. Annual leave must be approved by his/her supervisor.

1. Forms for this purpose are available in the accounting department.

2. The time when annual leave is taken shall be approved by the employee’s supervisor after considering the needs of the program in conjunction with the wishes of the employee.
D. The supervisor shall report the leave to the Accounting Department by way of the employee’s time sheet. The original copy of the approved leave request shall be placed in the employee’s employment file.

E. A maximum of 30 days of annual leave may be carried over from one calendar year to the next. Employees separated during probation shall not be paid annual or other leave.

F. Upon separation, an employee will be paid for unused annual leave not to exceed 30 days. Upon death, the employee’s annual unpaid leave will be issued to beneficiary.

G. No annual leave benefits will be earned during a pay period in which leave without pay is taken.

H. Upon the death of a person employed by the Jena Band of Choctaw Indians a lump sum payment for accrued annual leave will be made to the employee’s beneficiary or estate up to the maximum allowable as stated in “F” above.

I. The minimum annual leave which may be taken at any one time by an employee shall be one ½ hour.

J. Payments in lieu of taking time off for annual leave shall be an option available to all employees that have accrued annual leave.

8.3 Sick Leave

A. Sick leave is intended solely to protect employees from loss of income due to illness or injury. It shall not be used for any other purpose. An employee is eligible to take sick leave after 90 days of employment.

B. In order to receive paid sick leave the following conditions must be met.

1. Illness or injury of employee
2. Medical or dental care of employee or immediate family.
3. Illness of a member of employee’s immediate family* which requires employee’s presence for care or assistance.

*Immediate family members are defined as those living within your household.

C. Permanent full-time employees shall accumulate sick leave at a rate of 4.32 hours per pay period. (4.32 hours bi-weekly)

D. All employees must notify the tribal receptionist or the designated official at the beginning of the workday that sick leave is being requested. The Tribal Administrator and/or the Human Resources Director has the authority to question or approve sick leave, only after determining that the absence was for a legitimate reason. Supervisor approval of sick leave shall not be unreasonably withheld.
E. For sick leave in excess of two consecutive days, or in case of apparent or suspected abuse, the director shall require the employee to submit proof of their illness. In most cases, proof of illness will consist of a physician’s note, doctor records, emergency room or hospital treatment records.

F. The maximum hour of sick leave that can be accrued by an employee shall be two hundred and forty (240) hours. The maximum number of sick leave that may be carried over from one year to the next will be 240 hours.

G. Sick leave will not continue to accrue if an employee is on leave without pay status.

H. The minimum sick leave that may be taken shall be ½ hour.

8.4 Maternity Leave

A. A female employee shall be granted maternity leave if she has completed six (6) months of continuous service. The employee shall not be required to start the leave at any particular time. The time at which maternity leave commences is up to the employee and her physician.

B. Sick and annual leave will be granted for the purpose of maternity leave in that order. After all accumulated leave is exhausted, leave without pay may be granted by the Designated official upon recommendation of the Program Director up to ten (10) working days.

C. An employee on authorized maternity leave shall retain rights to the position, or its equivalent, which she held prior to taking maternity leave.

D. If an employee on maternity leave does not return to work after her authorized leave is exhausted it shall be considered unauthorized absence and her employment will be terminated.

8.5 Education Leave

A. Upon approval of the designate official and recommendation of the Program Director, permanent full-time employees may be granted leave with pay not to exceed six (6) hours per week to attend classes. The following conditions must be met:

1. Employee must have completed his or her probationary period of employment
2. Class must be directly related to the employee’s job
3. Class must be at an approved educational institution
4. Request must be submitted in writing with copy to the Human Resources Director.
5. Final results of the training (in narrative form) including grades earned shall be forwarded to the designated official to ensure that an updated skills/qualifications inventory record notation is made.
6. An employee may obtain CEU credits upon receiving prior approval by the Human Resources Director.

8.6 Military Leave
A. A permanent full-time or part-time employee who is a member of any reserve component of the United States Armed Services will be allowed leave of absence with pay required training or duty or mandatory emergency military service for a period not to exceed fifteen (15) working days during any one calendar year.

B. Payment will be the difference between military pay and regular pay (provided that proof of payment is supplied to the Accounting Department). If proof is not supplied by the employee, no payment will be made for the period of absence.

C. Upon return from military leave the employee shall submit to his Department Director a certificate of attendance issued by his Commanding Officer or a copy of orders showing the days on which the employee was on active duty. Failure to do so will be sufficient cause to withhold employee’s pay for the military absence.

D. In the event that the military training is optional, the employee must use accrued annual leave, or leave without pay. The leave will be subject to approval of the Program Director and recommendation of the supervisor.

8.7 Jury or Witness Duty

A. Permanent employees may be granted leave of absence with pay if absence is in obedience to a subpoena or direction by proper authority to appear as a witness or serve on a jury for the Federal Government, State Government or political division thereof, Tribal Court or in the official capacity as an employee.

1. Employee shall receive regular pay

2. Employee shall assign all compensation received from the court (less mileage allowance) to The Jena Band of Choctaw Indians in order to receive regular compensation.

8.8 Administrative Leave

A. Under certain conditions employees may be excused from duty without charge to their leave time. This will be considered administrative leave.

1. A death in the immediate family*. Up to two (2) days of administrative leave will be granted and with verification of travel additional days may be granted.

2. Extreme weather conditions and disasters such as fire, flood, blizzards or other natural uncontrollable occurrence which prevent employees from working or reporting to work.

*Note: Immediate family is Son, Daughter, Spouse, Parent, Grandparent, Brother or Sister.

B. Administrative leave must be authorized by the Tribal Chief or designated official.
8.9 **Professional Leave**

Leave with pay shall be granted to attend trade, professional or training meetings which are directly related of the employee’s job duties. Prior approval of the Program Director is required. In the case of a Program Director the Designated official approval is required.

8.10 **Personal Leave Without Pay**

A. At the discretion of the Program Director and approval of the designated official, permanent full-time employees may be granted up to six (6) months leave without pay. The following conditions are to be met:

1. Reason for leave must be stated in writing by the employee
2. Employee’s work and attendance record must be satisfactory.
3. Leave will not place a hardship on the department.
4. Employee will not be entitled to use or accrue any sick or annual leave while taking leave without pay.

B. An employee’s right to return to the same or another similar tribal position shall be dependent upon the availability of a position. Employee shall be reinstated with his full amount of accrued paid leave at the time of return to full-time tribal employment. Full seniority achieved at the time leave commenced will be retained by the employee.

C. If, at the end of the authorized leave of absence, and employee does not return to the tribal employment, he will then be terminated and be paid any annual leave that is due him.

8.11 **Absence Without Official Leave**

All unauthorized and unreported absence shall be considered as absence without official leave (AWOL) and no payment of wages shall be made for any such absence.

8.12 **Transfer of Leave Time**

In cases where employees transfer from one program or department to another within the Tribal organization all accrued sick leave time will be transferred with the employee.

**PART 9 - PERFORMANCE APPRAISAL**

9.1 **Policy**

It is the responsibility of the Tribal Chief or the chief’s designee to evaluate employee performance at set intervals and to advise the employee on the progress he is making according to the requirements within his position description.

9.2 **Goals**
A. To ensure that each employee has specific knowledge of job responsibilities and of expected performance.

B. Provide feedback for employee on how he is meeting the requirements for his position and to encourage employee development.

C. Aid in selecting suitable employees for promotion, transfer and training and to provide a basis for wage and salary administration.

D. To help ensure objectivity and fairness in all personnel actions.

9.3 Procedures

A. All newly appointed permanent employees shall be given a formal written appraisal no less ten (10) days prior to the end of the probationary period. Thereafter, an annual evaluation will be completed one month prior to the employee’s anniversary date.

B. The appraisal will be based on work performance of the employee according to established work standards. The job description shall be used as a guide in making the appraisal.

C. The immediate supervisor will discuss with the employee his performance as it relates to assigned duties and responsibilities. In addition, the supervisor will discuss the development and training needs of the employee, including the expanding or adjusting of specific duties and responsibilities according to the employee’s capabilities.

D. The completed performance appraisal form shall be signed by the employee and Tribal Chief and Human Resources Director.

E. The performance appraisal form will be instrumental in determining training needs, salary adjustments, transfers, promotions, on re-employment, demotions, separations and order of layoffs.

F. The performance appraisal form is confidential. Copies may be reviewed.

G. Upon termination, all employees will receive a final exit interview and performance appraisal which will be place in their permanent personnel record.

PART 10 - CAREER DEVELOPMENT

10.1 Training

A. The Designated official shall assist Program Directors in determining staff needs, identifying training resources and developing and presenting training programs.

B. The Designated official will be responsible for coordinating training activities, especially for training which is applicable to several units. Training may be held during official working hours with the approval of the Program Director.
10.2 **Career Development Program**

A. The designated official will develop, with the assistance of Program Directors and Designated official, a career development program to provide the Tribe with qualified personnel meet anticipated needs and utilize the abilities of tribal employees.

B. The Designated official may approve the temporary assignment of employees or interchange of employees with other agencies or interchange of employees with other agencies for career development or training purposes and authorize the contribution of regular compensation during such assignment.

**PART 11 - SEPARATION FORM EMPLOYMENT**

11.1 **Voluntary Separation (Resignation)**

A. An employee planning to resign is required to notify his immediate supervisor in writing at least two (2) weeks (ten working days) before the effective date. Failure to do so may be cause for denial of future employment.

B. A waiver of the two (2) week notice—may be granted by the Designated official upon request by the Program Director.

C. An employee who has submitted a resignation will be required to maintain normal standards of job performance until the resignation becomes effective. The hiring authority may separate an employee prior to the resignation date. Action of this nature shall be determined and thoroughly documented.

D. The following procedure shall be followed in the case of separation from employment.

1. Notice of Separation from Employment form shall be completed, signed by the supervisor and Program Director and forwarded to the Finance Department along with the employee’s leave accrual form.

2. The Finance Department will initiate Personnel Action or processing the employee’s final payment of wages.

11.2 **Involuntary Separation (Dismissal)**

A. A program Director shall resort to dismissal only for just and sufficient cause. Employees who suffer from problems such as chemical dependence or personal problems shall be afforded reasonable accommodation. Reasonable accommodation shall consist of referral to appropriate counseling services and such other accommodation as the designated official or Director deems appropriate. Tribal managers or directors will not obligate the tribe financially for any treatment program regarding an employee without receiving prior
approval from the Tribal Council. Employees in need of time off to treat a personal problem which is affecting job performance shall use leave in the following order of priority:

- Sick Leave
- Annual Leave
- Leave Without Pay

B. The decision to dismiss an employee cannot be made solely by his Program Director. It must be approved by the Designated official, no matter at what level the action occurs (except at Council level). The Designated official must be consulted before any official action is initiated.

C. All actions of this type shall be thoroughly documented.

D. If the welfare of the Tribe and/or other employees indicates dismissal is necessary, separation may be made immediately by the Program Director, however such action must be ratified by the designated official.

E. Separation may be appealed according to the procedures outlined in Section 14 of this manual. Any employee who is involuntarily separated shall be notified of his appeal rights by the designated official.

11.3 Reduction In-Force (RIF) or Layoffs

A. A Tribal employee may be laid off whenever there is a shortage of funds or work, an administrative reorganization, or if there is no longer a need for the position.

B. When a RIF is necessary, the Program Director, will notify the designated Official. Every effort will be made to place the employees in other position in the Tribal government.

C. When more than one employee is affected by the RIF and the Program Director shall provide the designated official with a list showing the order in which employees are to be laid off on the basis of past performance.

D. In the event that an employee is affected by a RIF and the Program Director and designated official feel that the employee is qualified to fill another position at the same pay level within the Tribe, the Program Director may initiate a transfer action.

E. Employees who are laid off shall be given priority consideration for position vacancies as outlined in Section 4.2 B of this manual.

11.4 Disability

A. An employee may be separated for disability when he cannot perform the required duties because of mental or physical impairment.
B. Prior to separating an employee because of physical or mental handicap all attempts of reasonable accommodations shall be made.

11.5 Death

A. Separation will be effective as of the date of death. Employee must designate a beneficiary for payment of leave.

B. All compensation and accrued leave will be paid to the estate or beneficiary of the employee.

PART 12 - DISCIPLINARY ACTION

12.1 Policy

It is the Tribe’s policy to demand that all employees conduct themselves in a manner that is consistent with the policies and procedures set forth in this guide and, in a broader sense, reflects favorably on the Jena Band of Choctaw Indians. Further, it is the Tribe’s intent to discipline unacceptable behavior in a manner suitable to the infraction. This chapter sets forth the general causes for and the specific types of disciplinary action which the Tribe is prepared to administer. Every effort will be made to administer disciplinary action both equitably and intended to be all-inclusive. The Tribe reserves the right to pursue whatever action deemed appropriate, however, a standard set of procedures will generally be applied to preclude confusion or arbitrary action. Employees who disagree with any disciplinary action taken against them may address this through grievance procedures set forth in this manual.

12.2 Types of Disciplinary Action

The following is a list of the disciplinary options available to the Tribe and the procedures that will generally be applied in administering any disciplinary action.

A. Verbal Reprimand / Warning

For all but the most serious offenses, it is the policy of the Tribe to issue verbal reprimands as the first official response to behavioral infractions. The intent is to advise the employee that a given action is unacceptable and, if repeated, will result in more serious action.

Verbal reprimands will be issued by the immediate supervisor who will inform the designated official. The designated official will make an informal note of the reprimand, citing the cause and date, and will file the note in the employee’s personnel file. Verbal reprimands will become part of an employee’s permanent file.

B. Written Reprimands

1. Any employee guilty of behavior for which a verbal reprimand was issued within the previous six (6) month period will automatically be issued a written reprimand. Reprimands will be signed by the employee’s supervisor and become part of the employee’s personnel file.
2. In any event, verbal and written reprimands will be acknowledged by the employee.

C. Suspension Without Pay

The accumulation of two (2) written reprimands by an employee within a one (1) year period will serve as just cause of immediate suspension without pay for a period of up to five (5) days. The decision to suspend an employee without pay will be made by the designated official. It is not necessary that an employee accumulate two written reprimands to be subject to suspension without pay. Upon receiving a third (3) written reprimand may result in immediate dismissal.

12.3 Cause of Disciplinary Action

To promote a clear understanding of the Tribe’s position, a list of infractions invoking reprimands, suspension, or dismissal is set forth below. The lists should not be considered all-inclusive but illustrative of the kinds of action that are unacceptable to the Tribe and the types of responses that employees can generally expect.

A. Infractions Warranting Reprimands

Disorderly conduct of any kind.

Failure to report occupational injury promptly to one’s immediate supervisor.

Un-excused absence or excessive tardiness.

Unauthorized departure from work during normal working hours.

Negligence that jeopardizes tribal interest or property or comprises the safety and well-being of any person. Inefficiency, poor performance, or attitudinal problems.

Unauthorized possession or use of tribal property, equipment materials.

Verbal abuse or harassment of fellow employees.

B. Infractions Warranting Suspension or Dismissal

Theft / Misuse of funds.

Sexual Harassment.

Insubordination.

Physical Assault.

Reporting to work under the influence of alcohol and/or illegal drugs.
Possession of alcohol and/or illegal drugs on tribal property.

Refusal to terminate outside employment deemed to conflict with tribal responsibilities.

Falsification of employment documents or work records (e.g., time sheets, travel vouchers, etc.).

Willful destruction of property belonging to the Tribe, fellow employees, or other persons.

Possession of firearms or other dangerous weapons on tribal property.

Felony conviction.

Absence for two (2) consecutive days without notifying one’s immediate supervisor.

Acceptance of bribes, kickbacks, etc...

12.4 Alcohol and/or Drug Abuse Policy

The Jena Band of Choctaw Indians of Louisiana provides a drug-free workplace. The Tribe ascribes to the belief that addition to alcohol and/or drugs is an illness. In support of this belief, the Tribe’s approach to this problem, set forth below, is intended to strike a balance between the short-term interests of the organization and the long-term health and well-being of tribal employees.

The Tribe recognizes that, whenever possible, the problem is best handled through treatment rather than punishment.

The Tribe will grant leaves of absence for periods up to thirty (30) days for any employee who wishes to seek professional treatment for alcohol and/or drug related problems.

Confidential counseling may be provided to any employee desiring help in dealing with substance-abuse problems. Voluntary submission to a professional treatment program will not be documented in the employee’s permanent file, provided no disciplinary action is involved.

Employees found to be under the influence of drugs or alcohol on the job will be immediately dismissed. If said employee submits to a treatment plan prescribed by the Tribe in consultation with appropriate mental health and substance abuse treatment entities, the designated official may choose to waive dismissal or put into abeyance pending documentation of successful completion of a prescribed treatment program.

Annually, during staff meetings, a program shall be conducted for all employees relating the dangers of drug abuse in the workplace, review of this policy, discussion of available counseling, rehabilitation programs and employee assistance programs and the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
The employee is required to read this policy, acknowledge the receipt of this policy by signature that the employee will abide by the terms of this policy. The employee shall notify the employer in writing of his or her conviction for violation of a criminal drug statute occurring in the workplace no later than seven (7) calendar days after such conviction.

The Tribe will then take one of the following actions within thirty (30) days of having received notice; appropriate disciplinary action against the employee, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes.

Drug Policy

12.4.1 Drug-Free Workplace Policy

The Jena of Choctaw Indians provides a drug-free workplace. The Tribe subscribes to the belief that addiction to drugs is an illness. In support of this belief, the Tribe’s approach to this problem, set forth below, is intended to strike a balance between the short-term interests of the organization and the long-term health and well-being of Tribal employees.

A. Employees are prohibited from:

1. possessing, selling, trading, or offering for sale illegal drugs or otherwise engaging in the illegal use of drugs on the job;

2. reporting to work under the influence of illegal drugs;

3. using prescription drugs illegally (However, nothing in this policy precludes the appropriate use of legally prescribe medications).

B. Individuals must comply with this policy as a condition of employment.

C. Employees must notify the Tribal Chief in writing of any arrest or conviction of a violation of a criminal drug statute no later than seven (7) calendar days after such arrest or conviction.

D. The Tribe will provide written notice of an employee’s conviction under Subsection C of this section, to the funding agency, if any, in writing, within ten (10) calendar days after receiving notice from an employee or otherwise receiving actual notice of such conviction.

E. Any employee convicted of a drug-related offense occurring in or out of the workplace or found in violation of this policy involving the use of illegal drugs shall be subject to the disciplinary action set forth in section 12.3 (E)

F. The Tribe shall provide all employees with a copy of the Drug-Free Workplace Policy Statement.
12.4.2 Substance Abuse Awareness Program

A. Policy Statement: The Jena Band of Choctaw Indians recognize that addiction to drugs is an illness and that, whenever possible, a substance abuse problem is best handled through treatment rather than punishment.

B. Substance Abuse Awareness Program: In conjunction with the Drug-Free Workplace Policy (Sec. 12.1) the Jena Band of Choctaw Indians establishes this Substance Abuse Awareness Program which provides as follows:

1. On a semi-annual basis and under the direction of the Tribal Health Department, staff meetings will be utilized to present a program that informs employees about the dangers of drug use in the workplace, the Tribe’s Drug-Free Workplace Policy (Sec. 12.1), the Tribe’s Employee Drug Testing Program (Sec. 12.3), the availability of counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug use in the workplace.

2. Any employee may, with the Tribal Chief’s permission, take leave without pay to seek professional treatment for drug-related problems, provided the employee has not tested positive as a result of a drug test.

   a. An employee’s decision to seek professional treatment pursuant to this Subsection means that the employee’s decision is not compelled under the Tribe’s Drug-Free Workplace Policy (Sec. 12.1) or Employee Drug Testing Program (Sec. 12.3).

   b. Voluntary participation in a professional treatment program will be documented in accordance with Section 12.2 (B)(5)-(7).

   c. Any employee taking leave pursuant to this policy for a drug-related problem shall, upon returning to work, be subject to follow-up testing in accordance with Section 12.3 (J).

12.4.3 Drug Testing Program

A. The Jena Band of Choctaw Indians is committed to maintaining a high level of public confidence in our ability to deliver services safely, efficiently, and competently. The use of illegal substance by the Tribal employees is inconsistent with these goals and will not be tolerated. The Tribe strongly believes that instituting a drug testing program will serve its goal of maintaining a workplace free of illegal drugs. The Jena Band of Choctaw Indians Drug Testing Program shall be conducted in accordance with the policy and procedures set forth below:

B. General Procedures

1. The procedures set forth in this Subsection shall apply to all Tribal employees and applicants.
2. The Tribe shall conduct random drug testing of all Tribal employees. All employees, including those individuals selected for drug testing in the previous round, will be eligible for section each time random testing takes place.

3. Each employee shall sign and acknowledge in writing that the employee has received and read the Tribal requirement of random drug testing, and that refusal to submit to testing constitutes grounds for immediate termination of his or her employment. An employee’s failure to sign the notice shall not preclude the Tribe from testing an employee under this section.

4. The Tribal Administrator shall be responsible to see that the selection process is random and shall employ whatever measures required to ensure that it is.

5. Compliance with the notice to report for drug testing under this Section shall take precedence over any other work duties to be performed at the time designated for testing.

6. An employee receiving notice to report for random testing may obtain a deferral from testing if the Tribal Chief finds a compelling reason that necessitates a deferral on the grounds that the employee is:

   a. On leave status (sick, annual, administrative, leave without pay); or

   b. Traveling or about to embark on travel schedule prior to testing notification in connection with official Tribal business; or

7. The Tribe shall maintain, for at least 5 years, records of employee drug test results and rehabilitation for each employee. Documents to be maintained include:

   a. Notices of verified positive test results

   b. Written materials justifying reasonable suspicion testing or evidence that an individual may have altered or tampered with a specimen; and

   c. Other documents the Tribal Chief deems relevant.

8. The Tribe shall maintain the records required under this subsection separate from other employee records.

9. Any employee tested pursuant to this Section has the right to obtain copies of any record relating to his or her drug test. The employee must submit a written request for these records to the Tribal Chief.

10. The Tribal Council shall select the collection site for drug tests performed under this Section.
11. The Tribal Council shall select the laboratory that will perform the drug testing and interpret the results.

C. **Confidentiality of Test Results**

1. All test results will be held in the utmost confidence.

2. The laboratory shall report drug test results only to the person designated by the Tribal Council.

3. The person designated by the Tribal Council to review the drug test results shall notify only those who have a need to know, or the results.

4. The Tribal Chief shall provide the employee or applicant with written notice of the test results.

5. No one shall disclose test results to any source except as provided in this Section without the employee’s or applicant’s written consent.

D. **Verifying a Positive Test Result**

1. The person designated by the Tribal Council to receive notice of a positive test result shall notify the Designated Individual to consider alternate medical explanations for any positive test results. This includes providing proof of prescriptions by a licensed medical provider.

2. The employee or applicant will be provided with an opportunity to explain the test result in writing. The designated official shall determine whether the employee’s explanation is acceptable. If acceptable the results shall be reported as negative.

E. **Consequences of a Positive Test Result**

1. The Tribal Chief has the discretion to impose the penalties identified in Subparts (2)-(4) of this Subsection against any employee found in violation of the Drug-Free Workplace policy set forth in Section 12.1 of this Part or who tests positive for illegal drugs under this Section.

2. The Tribal Chief may take any of the actions consistent with this policy against any employee described in Subpart (1) of this Subsection, or may separate any such employee from employment.

3. In order to return to work, an employee who tests positive for illegal drugs must:
   a. successfully complete a rehabilitation program;
   b. enroll in an aftercare program approved by an appropriate rehabilitation facility in consultation with the Tribal Chief; and
c. refrain from drug use;

d. an employee must provide written certification to the Tribal Chief or their designee of his or her successful rehabilitation signed by an appropriate representative of the rehabilitation program. All records relating to an employee’s rehabilitation will be held in the utmost confidence and in accordance with Section 12.3 (B) (5)-(7) and (C)(5).

4. The Tribal Chief shall have good cause to terminate an employee described in Subpart (1) of this Subsection if the employee:

   a. fails to report or refuses to undergo a drug test upon receiving notice from the Tribal Chief in accordance with the Part;

   b. test positive for illegal drugs under this Section.

5. An employee terminated pursuant to this Section may reapply for Tribal employment within six months of termination, and shall be subject to testing pursuant to Section 12.3 (F). If rehired, the individual shall be subject to follow-up testing pursuant to Section 12.3 (J).

F. Applicant Testing

1. All individuals who are considered for employment with the Tribe must submit to a pre-employment drug test in accordance with this Subsection. The Tribal Chief or his/her designee shall inform applicants they are subject to testing under this Subsection and that an offer of employment is contingent upon testing negative for illegal drugs.

2. The Tribe shall provide the applicant with a notice of the time and place of the drug test. The notice shall be in writing and inform the applicant of the employment is contingent upon drug tests pursuant to this Section.

3. The Tribal Chief or Tribal Administrator shall notify any applicant who refuses to a drug test or test positive for illegal drugs that he or she will no longer be considered for employment, but may reapply for employment within six months from the date of refusal or the date of the positive test result.

G. Post-Accident Testing

1. Any employee who apparently causes an on-the-job accident as defined below shall be required to submit to a drug test.

2. This Section applies to an accident which results in:

   a. a fatality;
   b. a serious personal injury; or
   c. property damage in excess of $5,000.
3. A serious personal injury included a condition requiring hospitalization or immediate medical attention away from the scene of the accident.

4. The Tribal Chief shall provide employees required to submit to a drug test under this Subsection with written notice of the time and place to report for testing.

H. Follow-up Testing

1. An employee who tests positive for drugs under this Part and returns to work after satisfying the requirements set forth in Section 12.3(E)(3) will be subject to unannounced testing for a period of one year from the date he or she returns to work.

2. All employees tested pursuant to the Subsection shall be tested each time random drug tests take place under Section 12.3 (H) and shall be tested in addition to individuals subject to random drug testing at that time.

3. Testing under this Subsection does not prevent the Tribe requiring an employee to be tested pursuant to other Subsections of this Section.

4. Positive test results under this Section shall constitute good cause for termination under Section 12.3 (E)(4)(d).

I. Definitions

1. **Collection Site**: a place designated by the Tribal Council where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

2. **Drug Test**: medical analysis of a urine sample for the presence of illegal drugs.

3. **Illegal Drugs**: means the following substance: THC (marijuana), Opiates (heroin, morphine), Amphetamines, Cocaine, PCP, Barbiturates, Benzodiazepines, TCA (tri-cyclic anti-depressants), Methadone, but does not include any chemical substance prescribed by a licensed physician and used by the individual in whose name the prescription is written and in accordance with the prescription.

4. **Negative Test Result**: a test result that indicates an employee’s urine sample does not contain illegal drugs.

5. **Positive Test Result**: a test results that indicates an employee’s urine sample contains illegal drugs.

6. **Random Testing**: a system of testing of employees imposed without individual suspicion of illegal drug use whereby each employee has the same chance of being selected for a drug test as all the other employees.
7. **Reasonable suspicion**: a belief that an employee may be using illegal drugs, drawn from specific and particularize facts and reasonable inferences from those facts.

J. **Reasonable Suspicion Testing of Employees**

1. Any Tribal employee may be required to submit to a drug test based on reasonable suspicion that the employee’s work performance is impaired by drugs. The facts giving rise to reasonable suspicion shall be those from conduct or activities that occur while the employee is on-duty.

2. Reasonable suspicion of drug use may be supported by:
   
   a. evidence of specific, personal observations concerning job performance, appearance, behavior, or speech.
   
   b. direct observation of drug use, physical symptoms of being under the influence of a drug, admission, or any combination of the foregoing; or
   
   c. newly discovered evidence that the employee has tampered with a previous drug test.

3. Reasonable suspicion cannot be based on unsupported rumors or hunches.

4. The Tribal Administrator must compile a written record of all facts and circumstances giving rise to reasonable suspicion of an employee’s drug use prior to ordering a test under this Subsection. This record shall include the appropriate dates and times of reported observations of suspect behavior, reliable/credible sources of information, the rationale leading to the testing, and the action taken.

5. If the Tribal Administrator determines the record established pursuant to Subpart (4) gives rise to reasonable suspicion of drug use, he or she shall provide written notice to the employee indicating the time and place to report for testing.

**PART 13 - GRIEVANCE PROCEDURE**

13.1 **Purpose**

It is the policy to the Tribe to provide free and open access to grievance procedures for any employee who feels that he or she has been treated wrongfully, inequitably, or excessively harsh.

The Grievance process is established to resolve problems that cannot be successfully resolved with the employee’s immediate supervisor. Grievances must be pursued through established channels, which have been created to ensure that employee complaints are addressed, promptly and equitably.

The grievance process has been established to ensure that wrongful, inequitable, or excessively harsh actions committed, are corrected and that employee rights are adequately protected.
No employee may be subjected to discrimination or reprisal for filing a grievance regardless of its disposition.

13.2 Grievance Procedures

The Tribe strongly encourages employees and immediate supervisors to resolve problems informally. When a formal grievance becomes necessary, established procedures set forth below must be followed. Employees who attempt to circumvent the process may forfeit their right to the full range of administrative remedies. The procedures employed by the Tribe for formal grievances are:

A. Grievance must first be presented, in writing, to the employee’s immediate supervisor, who will be given three (3) business days to provide the employee with a written reply.

B. If the supervisor’s response is unsatisfactory the employee will prepare a written statement outlining the details of the grievance. The statement, along with the supervisor’s initial written response, will be presented to the designated official. An informal hearing date will be set where the three parties will attempt to arrive at a mutually agreeable solution. If the problem cannot be resolved, the designated official will issue a written decision within three (3) business days.

C. If the employee remains dissatisfied, all written documentation of the grievance will be submitted to the Tribal Chief, who will arrange an informal hearing and attempt to negotiate a settlement. If efforts at mediation fail, the Tribal Chief will issue a written decision within three (3) business days.

D. If the employee remains dissatisfied, all documentation of the grievance will be presented to the Tribal Council, which will issue a final decision on the matter within thirty (30) calendar days. The Tribal Council will exercise its discretion in deciding the approach to take relative to whether a hearing is to be scheduled or not and if so, what type and method of hearing to be held. The decision of the Tribal council is final.

PART 14 - APPEAL PROCEDURE

14.1 Application

This procedure shall be used for complaints regarding dismissal, suspension, demotion and alleged discrimination.

14.2 Procedure

A. Appeals in regard to dismissal, suspension, demotion or alleged discrimination shall be filed in writing directly with the designated official.

B. The designated official shall within ten (10) working days prepare a recommended decision based on oral or written information provided at the time of the appeal and submit the
appeal to the Tribal Council through the Tribal Chief. The Tribal Council shall render a decision within thirty (30) calendar days.

14.3 Authority

A. All findings and decisions of the Council shall be final. Probationary employees do not have rights to this appeal procedure except in the case of alleged discrimination.

B. Appeals and grievance will not be accepted for matters involving the pay plan, classification of positions or methods of work.

PART 15 - SOCIAL MEDIA USE
(ON OR OFF JENA BAND OF CHOCTAW PROPERTY)

At the Jena Band of Choctaw, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of the social media also presents certain risks and carries certain responsibilities. To assist employees in making responsible decisions about use of social media, Jena Band of Choctaw has established guidelines for appropriate use of social media. This policy applies to all employees who work for Jena Band of Choctaw Indians.

For the purposes of this policy, social media includes any websites or forum that allows for the open communication on the internet, including but not limited to: Social Networking Sites (LinkedIn, Facebook), Micro-blogging Sites (Twitter), Blogs (including company and personal blogs), Online Encyclopedias (Wikipedia), and Video and photo-sharing Websites (YouTube, Flickr).

Employees are to maintain the confidentiality of Jena Band of Choctaw trade secrets and private, confidential, or proprietary information. Trade secrets are information that is non-public that gives Jena Band of Choctaw a business advantage and may include information regarding the development of trademarks, systems, processes, know-how and technology. Confidential and proprietary information may include information regarding the tribe, tribal business, tribal member information, and the Tribe’s financials information. Do not post internal reports, policies, procedures, or other business related confidential communications. Employees should make sure that online posting does not violate any non-disclosure or confidentiality obligations nor disclose Jena Band of Choctaw trade secrets, or confidential and proprietary information. Employees should also be careful to comply with all copyright, trademark, and intellectual property laws. Jena Band of Choctaw logo and trademarks may not be used without written permission from the Tribal Chief or Tribal Council. Employees may not post anything on social media in the name of Jena Band of Choctaw or in a matter that could reasonably be attributed to Jena Band of Choctaw without prior written authorization from the Tribal Chief or Tribal Council.

When posting anything online, employees should always be fair, courteous, and respectful to co-workers, and other individuals who may work on behalf of or associated with Jena Band of Choctaw Indians. Employees should demonstrate proper respect for the privacy of others. Employees should avoid using any statements, photographs, video, or audio in posts that might be viewed as malicious, obscene, threatening or intimidating, that disparage co-workers, tribal members and other individuals who may work on behalf of or are associated with Jena Band of Choctaw, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that contribute to a hostile...
work environment on the basis of race, sex, religion, or any other protected class. Inappropriate postings that may include discriminatory remarks, harassment, threat of violence, illegal substance use, or similar inappropriate or unlawful conduct will not be tolerated and may subject an employee to disciplinary action up to and including termination.

Employees should express only their personal opinions and never represent as a spokesperson for Jena Band of Choctaw Indians. Employees should be accurate and honest in posting any news or information to social media and quickly correct any mistakes or errors. If Jena Band of Choctaw Indians is the subject of the content or Blog you are creating, be clear and open about the fact that you are an employee of Jena Band of Choctaw and make it clear that your views do not represent those of Jena Band of Choctaw Indians, fellow employees, management, or people working on behalf of or associated with Jena Band of Choctaw Indians. If you do publish a blog or post online related to work you do or related to subjects associated with Jena Band of Choctaw, make it clear that you are not speaking on behalf of Jena Band of Choctaw. It is best to include a disclaimer such as: “The posting on this site are my own and do not necessarily reflect the views of Jena Band of Choctaw Indians.

Jena Band of Choctaw prohibits taking any action against any employee for reporting a possible violation of this social media policy or cooperating in any investigation with respect to a potential social media policy violation. Any employee who retaliates against any employee for reporting a possible deviation from this policy or for cooperating in any investigation will be subject to disciplinary action, up to and including termination. Nothing in this policy is intended to limit employees’ rights under the National Labor Relations Act or any other applicable labor laws.

PART 16 - Conflict of Interest Policy

I. Purpose.

The purpose of this policy is to protect the interests of the Jena Band of Choctaw Indians. In the regular course of business, employees of Jena Band of Choctaw Indians may have the opportunity to advance their own personal interests with or against the interests of Jena Band of Choctaw Indians. Acting in such a manner is unacceptable and any party who acts outside of the Jena Band of Choctaw Indians best interest may be subject to disciplinary action. By signing this policy, you acknowledge that you are aware that any conflict of interest will not be allowed. If there is a conflict of interest, employees must remove his/herself from the situation. Conflict of interest can be defined multiple ways but not limited to abuse of power, nepotism, self-dealing, preferential outside vendors/customers, etc.

II. Definitions.

a. Employee – any person who is employed by the Jena Band of Choctaw Indians in a part or full-time capacity and in accordance with the labor laws.

b. Financial Interest – The interest that any individual may have in the monetary transactions of the Jena Band of Choctaw Indians. Any interest that could have a direct bearing on the financial gain/loss of the said individual.

III. Procedure.

a. Duty to Disclose
Every employee is obligated to disclose any known or potential conflicts of interest as soon as they arise. Failure to do so could result in termination of employment.

b. Investigating Potential Conflicts

When a possible conflict of interest arises, Human Resources will collect all the pertinent information and may question any concerned parties. If it is determined that a conflict exists, steps will be taken to address the conflict. If no conflict exists, the inquiry may be documented but no further action will be taken.

c. Addressing Conflicts of Interest

When an actual conflict of interest is found, any transactions that may have been affected will be reviewed retroactively. Affected parties both within and outside of the business will be notified. An investigation will also be conducted to determine the extent of the conflict and the intentions of the parties involved.

If the conflict in question involves a member or members of the Council, such member will be excused from the deliberations.

d. Disciplinary action

As all conflicts of interest will be reviewed on a case-by-case basis, a review may result in disciplinary action. The Tribal Chief and Human Resources Director have full discretion to deem what disciplinary action is both fitting and necessary, including suspension and/or termination of employment.

IV. Acknowledgment.

The employee named below understands the procedure for conflicts of interest with the Jena Band of Choctaw Indians, including their duty to disclose any known or potential conflicts.

Furthermore, the employee agrees to abide by the procedures outlined in this policy for the duration of their professional relationship with the Jena Band of Choctaw Indians.

PART 17 - Credit Card Use Policy

Policy Regarding Use of Company-Issued Credit Cards

Issuance and Use of Company Credit Cards

The Jena Band of Choctaw Indians may issue company credit cards to certain employees for business use as necessary in connection with the employee’s job duties. Use of company-issued credit cards is a privilege, which The Jena Band of Choctaw Indians may withdraw at any time.

Any credit card issued to an employee by The Jena Band of Choctaw Indians must be used for business purposes only. Personal purchases of any type are not allowed and will not be reimbursed. Expenses for lodging and meals while on company-approved business trips are considered business purchases, as long as
such expenses are consistent with The Jena Band of Choctaw Indian’s travel and expense reimbursement policy.

Employees are expected to exercise discretion and good judgment when incurring business expenses and to report expenses on a timely basis with appropriate documentation as required below. If there is any question as to whether a particular purchase qualifies as a business expense, the employee should consult his or her manager before incurring the expense. Employees are responsible for any unauthorized purchases deemed by The Jena Band of Choctaw Indians to be for personal use. The employee may face disciplinary action.

Employees must pay company credit card balances when due. Expenses will not be reimbursed unless the employee submits a written expense report in a timely manner as detailed below.

**Expense Reports**
All expenses for which an employee seeks reimbursement must be itemized on an expense report. Expense reports must be submitted within one week of incurring the expense, or upon returning to the office following trip completion (if reimbursement for travel expenses is requested).

The following information must be included in each expense report submitted:

- Employee’s name
- Itemized list of all expenses for which reimbursement is requested, including the amount and the business-related purpose for each
- For travel related expenses, the date, location and purpose of the trip and a description of the business expenses incurred (transportation, lodging, meals)

Receipts are required for all expenses and must be attached to the expense report.

**PART 18 - SEXUAL HARASSMENT POLICY**

**Policy Brief & Purpose**
The Jena Band of Choctaw Indian’s sexual harassment policy aims to protect men and women in our organization from unwanted sexual advances and give them guidelines to report incidents. We will also explain how we handle claims, punish sexual harassment, and help victims recover.

The Jena Band of Choctaw Indians will not tolerate sexual harassment in the workplace in any shape or form. Our culture is based on mutual respect and collaboration. Sexual harassment is a serious violation of those principles.

**Scope**
This policy applies to every person in our company regardless of gender, sexual orientation, level, function, seniority, status or other protected characteristics. We are all obliged to comply with this policy.
Also, The Jena Band of Choctaw Indians won’t tolerate sexual harassment from inside or outside of the company. Employees, contractors, customers and everyone interacting with our company are covered by the present policy.

What Is Sexual Harassment?
Sexual harassment has many forms of variable seriousness. A person sexually harasses someone when they:

- Insinuate, propose, or demand sexual favors of any kind.
- Invade another person’s personal space (e.g., inappropriate touching.)
- Stalk, intimidate, coerce or threaten another person to get them to engage in sexual acts.
- Send or display sexually explicit objects or messages.
- Comment on someone’s looks, dress, sexuality or gender in a derogatory or objectifying manner or a manner that makes them uncomfortable.
- Make obscene comments, jokes or gestures that humiliate or offend someone.
- Pursue or flirt with another person persistently without the other person’s willing participation. Also, flirting with someone at an inappropriate time (e.g., in a team meeting) is considered sexual harassment, even when these advances would have been welcome in a different setting. This is because such actions can harm a person’s professional reputation and expose them to further harassment.

The most extreme form of sexual harassment is sexual assault. This is a serious crime, and The Jena Band of Choctaw Indians will support employees who want to press charges against offenders.

Our Company’s Rules on Sexual Harassment

- **No one has the right to sexually harass our employees.** Any person in The Jena Band of Choctaw Indians who is found guilty of serious harassment will be terminated, whether they are VPs or assistants. Also, if representatives of our contractors or vendors sexually harass our employees, we will demand that the company they work for takes disciplinary action and/or refuse to work with this person in the future.
- **Sexual harassment is never too minor to be dealt with.** Any kind of harassment can wear down employees and create a hostile workplace. We will hear every claim and punish offenders appropriately.
- **Sexual harassment is about how we make others feel.** Many do not consider behaviors like flirting or sexual comments to be sexual harassment, thinking they are too innocent to be labeled that way. But, if something you do makes your colleagues uncomfortable, or makes them feel unsafe, you must stop.
- **We assume every sexual harassment claim is legitimate unless proven otherwise.** We listen to victims of sexual harassment and always conduct our investigations properly. Occasional false reports do not undermine this principle.
- **We will not allow further victimization of harassed employees.** We will fully support employees who were sexually harassed and will not take any adverse action against them. For example, we will not move them to positions with worse pay or benefits or allow others to retaliate against them.
- **Those who support or overlook sexual harassment are as much at fault as offenders.** Managers and HR especially are obliged to prevent sexual harassment and act when they have suspicions or receive reports. Letting this behavior go on or encouraging it will bring about disciplinary action. Anyone who witnesses an incident of sexual harassment or has other kinds of proof should report to HR.
How To Report Sexual Harassment?
If you are being sexually harassed (or suspect another person is being harassed), please report it to the Human Resources Director, Tribal Administrator, or your Department Director. In serious cases like sexual assault, please call the police and inform Tribal Administration that you plan to press charges. We acknowledge it’s often hard to come forward about these issues, but we need your help to build a fair and safe workplace for you and your colleagues.

If you want to report sexual harassment within our company, there are two options:

- **Ask for an urgent meeting with your Human Resources Director, Tribal Administrator, or your Department Director.** Once in the meeting, explain the situation in as much detail as possible. If you have any hard evidence (e.g., emails, texts, screenshots), forward it or bring it with you to the meeting. Please include the names of witnesses that can corroborate your claim.

- **Send your complaint via email.** If you address it to your director, please cc Human Resources, and the Tribal Administrator to the email and attach any evidence or information that can be used in the investigation. HR and your director will discuss the issue and contact you as soon as possible.

- In all occurrences of sexual harassment allegations, the Tribal Chief, Tribal, Administrator, and Human Resources Director must be notified immediately.

- If you report assault to the police, The Jena Band of Choctaw Indians will provide any possible support until the matter is resolved. In any case, we will ensure you are not victimized and that you have access to relevant evidence admissible in court, like security video footage or emails (without revealing confidential information about other employees).

**Inadvertent Harassment**
Sometimes, people who harass others do not realize that their behavior is wrong. We understand this is possible, but that doesn’t make the perpetrator any less responsible for their actions.

If you suspect that someone doesn’t realize their behavior is sexual harassment under the definition of this policy, let them know and ask them to stop. Do so preferably via email so you can have records. Please do not use this approach when:

- Your Director, an upper Administration member, tribal member, or customer is the perpetrator.
- Sexual harassment goes beyond the boundaries of off-hand comments, flirting or jokes.

In the above cases, report to HR as soon as possible.
Disciplinary Action and Repeat Offenders
Employees who are found guilty of sexual assault will be terminated after the first complaint and investigation. While the investigation is in being conducted, the accused perpetrator may be placed on paid or unpaid leave at the discretion of Tribal Administration.

Employees who are found guilty of sexual harassment (but not assault) may:

- Be reprimanded.
- Be placed on company probationary period.
- Employee suspension without pay.
- Company procedures limiting contact and access between involved parties.
- Internal departmental transfer (if position(s) are available).
- Get a “below expectations” performance review.
- Expected promotions and/or salary increases frozen for 1 year.
- Immediate termination based on the severity of the sexual harassment.
- Immediate termination for multiple occurrences.

We apply these disciplinary actions uniformly. Employees of any sexual orientation or other protected characteristics will be penalized the same way for the same offenses.

JBCI Administration Responsibilities
First and foremost, JBCI administration should try to prevent sexual harassment by building a culture of respect and trust. But, when sexual harassment occurs and an employee makes a complaint, both HR, directors, and administration must act immediately.

Directors should talk to administration and explain Jena Band of Choctaw Indian’s procedures to their team member who made the complaint.

When a complaint is received by administration that an employee harasses another employee, they will:

- Ask for as many details and information as possible from the person or people making the complaint.
- Keep copies of the report with dates, times and details of incidents and any possible evidence in a confidential file (separate from the personnel file.) HR should update this file with all future actions and conversations regarding this complaint.
- The Tribal Chief or Human Resources Director will launch an investigation.
- Check if there have been similar reports on the same person. If there are, administration should contact the perpetrator’s Director to let them know that their team member may get fired when the investigation is over.
- Inform the harassed employees of Jena Band of Choctaw Indian’s procedures and their options to take legal action if appropriate.
- Take into account the wishes of the harassed employee. Some might want the matter to be resolved informally and discreetly, while others might expect more radical actions (e.g. transferring the perpetrator or termination.) Administration should consider the facts, evidence, and circumstances, and decide on appropriate action.
• Contact the harasser and set up a meeting to explain the complaint and explicitly ask for this behavior to stop, or,
• Arrange for mediation sessions with the two employees (harasser and perpetrator) to resolve the issue, if the harassed employee agrees or,
• Launch a disciplinary process depending on the severity of the harassment. In cases of sexual assault or coercing someone to sexual favors under threats, we will terminate the harasser immediately. We will terminate employees who are found guilty in a court of law of sexually assaulting another employee, even if HR has not conducted its own investigation.
• In all occurrences, Tribal Chief, Tribal Administration and Human Resources Director should be notified immediately.

**Administration must not, under any circumstances, blame the victim, conceal a report, or discourage employees from reporting sexual harassment.**

We welcome any feedback or complaints about our procedures and how our employees handled each case.

**Helping Harassment Victims**
Apart from investigating claims and punishing perpetrators, we want to support the victims of sexual harassment. If you experience trauma, stress or other symptoms because of harassment, consider:

• [Taking a few days of sick leave to restore your mental health.]
• [Asking your insurance provider whether they cover mental health services.]
• [Speaking to internal or external counselors.]
• Provided time to talk with the VAC.

Your job and benefits will not be jeopardized or altered if you choose any of those options or other means to recovery.

**Speak Up, We Listen**
Sexual harassment can exhaust those who endure it. Speaking up about this issue is often tough for fear of not being heard, upsetting directors, and challenging organization culture.

Please don’t let these fears deter you. The Jena Band of Choctaw Indians will do everything possible to stop sexual harassment and any other kind of harassment from happening, while supporting harassed employees. We need to know what’s going on so we can act on it. And by raising your voice on this issue, you help our company create a happy workplace and thrive.
PART 19 - VEHICLE USE POLICY

The company provides vehicles for business use to allow employees to drive on company-designated business and to reimburse employees for business use of personal vehicles according to the guidelines below. The company retains the right to amend or terminate this policy at any time. (The term "vehicle," as used in these guidelines, includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders and any motorized watercraft.)

1. Employees may not drive any business vehicles without prior approval of their supervisor. Prior to approving a driver and periodically thereafter, Directors must check the employee's driving record. Employees approved to drive on company business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.

2. Employees holding jobs requiring regular driving for business as an essential job function must, as a condition of employment, be able to meet the driver approval standards of this policy at all times.

3. Employees needing transportation for company business may use vehicles assigned to their department or those drawn from the motor pool. As a last alternative, when no company vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor. When this occurs, the employee shall be reimbursed the predetermined mileage rate.

4. Employees who drive a vehicle on company business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Use of handheld cell phones (including texting) while behind the wheel of a moving vehicle being used on company business is strictly prohibited. Employees are responsible for any driving infractions or fines as a result of their driving.

5. Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation and insurance. Employees who operate personal vehicles for company business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for business use, when necessary as determined by their personal insurance agent.

6. Employees must report any accident, theft or malicious damage involving a company vehicle to their supervisor and the Personnel Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 48 hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

7. Employees who are on call on a 24-hour basis may be allowed to take a company vehicle home so they can respond as soon as possible. Such employees need to provide a written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.

8. Employees are not permitted, under any circumstances, to operate a company vehicle or a personal vehicle for company business when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any company vehicle at any time or
operate any personal vehicle while on company business while using or consuming alcohol, illegal
drugs or prescription medications that may affect their ability to drive. These prohibitions include
circumstances in which the employee is temporarily unable to operate a vehicle safely or legally
because of impairment, illness, medication or intoxication.

9. **Seatbelt Policy & Texting Policy**
   A. An employee must submit notification within seven (7) days if you receive a ticket while
driving a tribal vehicle. Habitual offense with three (3) or more tickets within one (1) year
period will result in being taken off employee insurance. At such time an employee must use
personal vehicle without reimbursement.

10. **Texting while driving (R.S. 32:300.5)** - No person shall operate any motor vehicle upon any public road
or highway of this state while using a wireless telecommunications device to write, send, or read a
text–based communication. It is a moving violation and a primary offense. The first violation is
punishable by a $175 fine. Each subsequent violation is punishable by a $500 fine. Navigation with a
global positioning system and use during emergencies are allowed. (Louisiana Highway Traffic Safety
Laws)

11. **Primary seatbelt (R.S. 32:295.1)** - Vehicle 10,000 lbs. or less, all occupants must have seat belt when
vehicle is in motion. (Louisiana Traffic Safety Laws)

**PART 20 - Dress Code Policy**

A. It is important for Jena Band of Choctaw Indian Employees portray a professional image at all times
while serving in an official capacity or while representing the Jena Band of Choctaw Indians at such
functions as meetings, workshops, seminars, luncheons, receptions, conferences, etc.

B. Grooming and appearance are an important part of a professional image.

C. All JBCI employees are expected to dress during working hours and/or while serving in an official
capacity or while representing the tribe in attire that is appropriate to the job position and the nature
of work to be performed as outlined in these policies or by an immediate supervisor.

D. An employee having personal contact with Tribal members, clients, vendors, and/or the public in
general, shall be particularly conscious of and maintain their appearance.

E. Dresses and/or skirts shall be no higher than the length of a dollar bill from the top of the kneecap
when standing.

F. Hair should be clean and well kept.

G. Bare mid-drifts, offensive and/or excessive tattoos (3 or more) or body piercing jewelry with the
exception of pierced ears (2 rings per ear) are not acceptable.
H. Any deviation from the established dress code must have prior approval through the employee’s supervisor, chain of command, up to and including the Tribal administrator or chief.

I. An employee who is in doubt or has questions about the specific personal appearance standards in their departments, shall consult with their immediate Supervisor or Department Director. An employee who reports in a manner that does not confirm to the Tribal standards may be required to return home to correct the situation and the period of absence shall be rated as unpaid leave.