



**LAC COURTE OREILLES BAND
OF
LAKE SUPERIOR CHIPPEWA INDIANS**

TRIBAL CODE OF LAW

**TITLE XIV
POLICIES AND PROCEDURES**

TITLE XIV – CHAPTER 7

**LCO OJIBWE SCHOOL - WAADOOKODAADING
PERSONNEL POLICIES AND PROCEDURES
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS**

Preamble

This personnel policy and procedural manual is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians in the implementation of Title XII, Chapter 3 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law (LCOTCL) – Employment Code and Title VII, Chapter 7 of the LCOTCL – Education Code. This personnel policy and procedural manual, outlines the general policies, rules and practices in effect for the LCO Ojibwe School – Waadookodaading and is intended to be a helpful reference during your employment with the School. The information contained herein is general information, and its contents do not create or constitute a contract between the LCO Ojibwe School – Waadookodaading and any employee. The Tribal Governing Board acting in its sovereign capacity may in its sole discretion amend this personnel policy and procedural manual from time to time. The Human Resource Director, or designee, will distribute approved revisions to all employees.

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SUBCHAPTER 7.1 - GENERAL PROVISIONS

§ 7.101 Title.

This personnel policies and procedures manual shall be known as the LCO Ojibwe School - Waadookodaading Personnel Policies and Procedures of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

§ 7.102 Authority.

This personnel policy and procedural manual is enacted pursuant to the inherent sovereign authority of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians in the implementation of Title XII, Chapter 3 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law (LCOTCL) – Employment Code and Title VII, Chapter 7 of the LCOTCL – Education Code.

§ 7.103 Purpose.

It is the purpose of this personnel policy and procedural manual to provide the general policies, rules and practices in effect at School. This personnel policy and procedural manual is intended to be a helpful reference during your employment with the School. The information contained herein is general information, and its contents do not create or constitute a contract between the School and any employee. The Tribal Governing Board acting in its sovereign capacity on behalf of the School may in its sole discretion amend this personnel policy and procedural manual from time to time. The Tribal Human Resource Director, or designee, will distribute approved revisions to all employees.

(1) The School shall endeavor to provide its youth a comprehensive, bilingual and bicultural community based educational environment. An environment designed to incorporate the wisdom and beauty of the Ojibwe heritage along with the knowledge and skills to succeed in our modern technological society. The *Midewiwin Code for Long Life and Wisdom* is the cornerstone on which our educational system is built and shall serve as the guiding light as we move toward the future.

§ 7.104 Mission Statement.

We the people of Odaawaa Zaaga'iganing, the Lac Courte Oreilles Band of Lake Superior Chippewa, will sustain our heritage, preserve our past, strengthen our present, and embrace our future. We will defend our inherent sovereignty and safeguard our Mother Earth and provide for the education, health, social welfare, and economic stability of the present and future generations. We will provide for the spiritual, cultural, intellectual, physical, emotional and social wellbeing of all employees and will assist employees to grow and develop as members of the School's workforce to share in the success and prosperity of the School.

(1) It is the mission of the School to provide the proper guidance to maintain the spiritual, cultural, intellectual, physical, emotional, and social wellbeing of each individual. This will ensure

As Approved and Adopted by Resolution No. 16-81, Amended by Resolution No. 16-89, and Resolution No. 17-11

that all who attend this school will become productive and contributing citizens of the Lac Courte Oreilles community, state, nation, and world in their own unique way.

§ 7.105 Effective Date.

Except as otherwise provided in specific sections, the provisions of this personnel policy and procedural manual shall be effective on the date adopted by the Tribal Governing Board.

§ 7.106 Interpretation.

The provisions of this personnel policy and procedural manual:

(1) Shall be interpreted and applied as minimum requirements applicable to the employment related activities of the School;

(2) Shall be liberally construed in favor of the School;

(3) Shall not be deemed a limitation or repeal of any other tribal power or authority.

§ 7.107 Severability and Non-Liability.

If any section, provision or portion of this personnel policy and procedural manual is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this personnel policy and procedural manual shall not be affected thereby. The Tribe, on behalf of the School further asserts immunity on its part and that of its agencies, employees, and/or agents from any action or damages that may occur as a result of reliance upon and conformance with this personnel policy and procedural manual.

§ 7.108 Repeal of Inconsistent Governmental Manual(s).

All previous personnel policy and procedural manual(s) of the School inconsistent with this manual are hereby repealed and the provisions of this manual shall govern the employment related activities of the School.

SUBCHAPTER 7.2 – DEFINITIONS

§ 7.201 General Definitions.

Any term not defined in this Section shall be given its ordinary meaning. The following terms, wherever used in this ordinance, shall be construed to apply as follows, except where the context indicates otherwise:

(1) **“Compensatory Time” and “Compensatory Time Off”** means paid time off, which is not counted as hours worked during the applicable workweek, or other work period for purposes of overtime compensation, and for which the non-exempt employee is compensated at the non-exempt employee’s regular rate.

(2) **“Contracted Employee”** means an employee who has entered into a written contract, which has been properly authorized and signed by a signatory of the School and the employee which defines the employment relationship. The contract will be for a specified period, and will outline benefits, pay and other conditions of employment. The terms and conditions of employment for Contracted employees may differ from the terms in this personnel policy and procedural manual, and this manual may be incorporated by reference in the Contracted Employee’s written contract.

(3) **“Employee”** means an employee of the School including: Exempt Employee, Non-exempt Employee, Full-time Employee, Part-time Employee, Seasonal Employee, or Temporary Employee.

(4) **“Exempt Employee”** means an employee who the Human Resources Director, or designee, categorizes as being exempt from accruing compensatory time, and includes executive, administrative, and professional employees who are compensated on a salary basis.

(5) **“Extreme Circumstance”** means an unscheduled or unplanned circumstance exceeding an ordinary, usual, or expected event.

(6) **“Full-time Employee”** means an employee regularly scheduled to work thirty-two to forty (32-40) hours per week who has completed the ninety (90) day probationary period. Full-time employees are eligible for employee benefits subject to the limitations of the applicable benefit plans. Additional contracts do not impact eligibility for available benefits.

(7) **“Fringe Benefit”** means an extra benefit supplementing an employee’s salary, such as: health insurance, Worker’s compensation, 401(k) benefits, short-term and long-term disability.

(8) **“Immediate family member”** means Husband, Wife, Son, Daughter, Mother, Father, Brother, Sister, Grandparent, Grandchild, Niece, Nephew, Aunt and Uncle (including great-grandparents, in-laws, and step-relationship etc.). Immediate family member may also include a partner who has been in a relationship for a period of time or in relationship under Ojibwe tradition and practices.

(9) “**Independent contractor**” means an individual who is not an employee of the School, but rather has entered into a contract with the School, which defines the scope of services. Independent contractors are not employees, do not receive benefits, are not subject to this personnel policy and procedural manual and are governed by a written or verbal contract.

(10) “**LCOCHC**” means the Community Health Center of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(11) “**Long-term Substitute**” means an individual that is substituting for more than ten (10) consecutive work days. Long-term substitutes, having completed a background investigation, and must be approved by the department head or director and the School Director. A Long-term substitute’s pay shall be according to established salary schedules.

(12) “**Management**” means the School Director, Department Director(s), and any employee who is assigned permanent or temporary supervisory or decision making authority.

(13) “**Midewiwin**” means the Grand Medicine Society, the traditional religion of the Anishinaabeg.

(14) “**Non-Exempt Employee**” means an employee who the Human Resource Director, or designee, categorizes as being non-exempt from accruing compensatory time.

(15) “**Part-time Employee**” means an employee regularly scheduled to work less than thirty-two (32) hours per week. Part-time employees are not eligible for employee benefits except as otherwise required by law or otherwise provided for in an employment contract with the School.

(16) “**Positive Test Result**” means a Blood Alcohol Concentration determined to be under the influence as established in § 7.201 (28) and 7.808 (3).

(17) “**Probationary Employee**” means an employee who has not successfully completed their required probationary period.

(18) “**School**” means the LCO Ojibwe School – Waadookodaading.

(19) “**School Board**” means the respective governing bodies of the LCO Ojibwe School – Waadookodaading (the LCO Ojibwe School Board and the Waadookodaading Ojibwe Language Institute Board of Directors) established as a subordinate entities of the Tribe pursuant to 7 LCOTCL Chapter 7 and exercising delegated educational sovereignty on behalf of Tribe.

(20) “**School Director**” means the individuals employed by the School Board to manage the affairs of the LCO Ojibwe School – Waadookodaading as provided for in this manual, the Employment Ordinance, the Education Ordinance, and other relevant documents.

(21) “**Seasonal Employee**” means an employee hired for an established period usually during peak workloads or seasonal demands. Seasonal workers may not be eligible for all employee benefits.

(22) **“Serious Health Condition”** means a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long term health condition which, if left untreated, would result in a period of incapacity of more than three (3) days would be considered a serious health condition.

(23) **“Short-term Substitute”** means an individual that is substituting for less than ten (10) consecutive work days. Individuals employed as substitutes (Subs) are selected from approved substitute lists generated by the Human Resource Director. Substitute lists are generated from job applications submitted prior to beginning any work and with a minimum background check completed. Substitutes must meet minimum qualifications. Each department head or director is free to choose from the approved list who they wish to have sub under their Department. Sub pay will be determined by the various Departments in accordance with budgetary considerations and approved by the School Director.

(24) **“Temporary Employee”** means an employee hired for a period of ninety (90) days or less. Temporary employees may work a full-time or part-time schedule and are not eligible for employee benefits and paid leave.

(25) **“Tribe”** means the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(26) **“Tribal Court”** means the Court of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(27) **“Tribal Governing Board”** means the Tribal Governing Board of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

(28) **“Under the Influence of Alcohol, Illegal Drugs or Controlled Substances”** means the following: a Blood Alcohol Concentration that indicates a positive test result as established in § 7.808 (3); or are results that confirm the presence of illegal substance; or are results that confirm the presence of a controlled substances that an employee does not have a valid prescription for or the levels exceed the prescribed dosage.

(29) **“Valid Prescription”** means a prescription that is current and issued for a medical purpose in the usual course of professional practice by a practitioner or a covering practitioner who has conducted at least 1 in-person medical evaluation of the patient.

SUBCHAPTER 7.3 – GOVERNANCE

§ 7.301 General.

The Tribal Governing Board is the governing body of the Tribe. Pursuant to the Amended Constitution and Bylaws of the Tribe, ultimate legal and fiscal responsibility of the School is with the Tribal Governing Board, as the elected representatives of the members of the Tribe. The Tribal Governing Board possesses the inherent sovereign authority to delegate oversight and management responsibilities to program directors for the planning and daily operations of Tribal programs and entities. The Tribal Court interprets and enforces, in accordance with and subject to applicable law, as well as these policies and procedures established by the Tribal Governing Board.

§ 7.302 Sovereignty.

The School is a public body established as a subordinate entity of the Tribe pursuant to 7 LCOTCL Chapter 7. The Tribe is a sovereign nation, with inherent reserved rights recognized through federal treaties, as such the tribe exists within the geographical boundaries of the United States. Immunity from suit means that no private lawsuit can be maintained against the Tribe or any of its subordinate entities such as the School, unless the Tribe consents to the action. Nothing in this manual, including without limitation the provisions of Subchapter 7.12, constitutes a waiver of the Tribe's inherent sovereign immunity.

§ 7.303 Employment Laws.

It is the general policy of the School to extend to its employees, where possible, the rights and benefits provided by employers regulated by the laws of the United States. However, the Tribe looks to federal employment laws as guidelines only, and nothing in this personnel policy and procedural manual shall be construed as the Tribe's consent to application of such laws. Another aspect of the Tribe's inherent sovereignty is that Wisconsin Statutes are not applicable on School operations without the express written permission of the Tribal Governing Board. The Tribe reserves the right to create and modify its employment laws and policies without regard to such laws or interpretations thereof.

SUBCHAPTER 7.4 – HIRING PROCESS

§ 7.401 Equal Employment Opportunity.

The School reaffirms its commitment to equal employment opportunity and advancement toward all applicants and employees regardless of race, color, creed, national origin, gender, sexual orientation, marital status, veteran status, religion, status with regard to public assistance, membership or activity in a local commission, disability, age or any other status protected by law.

§ 7.402 Indian Preference.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *et. seq.* prohibits various forms of discrimination, including racial, color, gender-based, religion or national origin within the employment context. However, similar to the United States government, Indian tribes are expressly exempted from the definition of a covered “employer.” Consistent with this exemption, the School grants Indian preference in employment, and will apply preference in the following order when there are two or more candidates that meet the job qualifications:

- (1) Members of the Lac Courte Oreilles Tribe,
- (2) Members of other Federally Recognized Tribes with a dependent or dependents who are members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians,
- (3) Members of other Federally Recognized Tribes,
- (4) Non-members with a dependent or dependents who are members of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians,
- (5) All Others.

§ 7.403 Hiring Preferences.

The School will utilize the following preference ranking when considering an applicant for employment. It is the responsibility of the applicant to provide the necessary documents listed below for the purpose of obtaining preferences:

- (1) Indian preference as described in § 7.402 of this manual (Applicant must provide a signed official document from a federally recognized Tribe acknowledging enrollment);
- (2) Veteran preference (Applicant must provide a Veterans Administration form DD214);
- (3) Former employees of the School whom left in “good standing” and whose separation was not as a result of disciplinary action or an agreement in lieu of disciplinary action which would have otherwise resulted in termination.

§ 7.404 Employment of Relatives.

The School encourages relatives of Lac Courte Oreilles Tribal members to seek employment with the School. However, the School also seeks to avoid potential problems arising from family members directly supervising one another. A waiver of this provision may be granted by the School Director when the services of the employee cannot be obtained from any other available person with the same or equivalent qualifications.

§ 7.405 Employment of Minors.

The School will utilize, solely as a guideline, federal laws pertaining to the employment of minors.

§ 7.406 Disclosure and Background Check.

(1) All applicants who are being considered for employment with the School must provide the information as described in Section § 7.409 of this manual. Incomplete applications and application which fail to provide consent for background checks will not be considered. For all applicants considering employment with the School, the School reserves the right to:

(a) conduct annual background checks on all employees.

(2) While employed with the School, every employee must notify his or her department head or director in writing of any pending criminal charge or conviction, which may result in disciplinary action pursuant to Subchapter 7.12 of this manual. The School reserves the right to:

(a) issue disciplinary action depending upon the severity of the charge or conviction.

(b) conduct a criminal background check or personnel background check of current School employees with reasonable suspicion of policy violations as detailed in this manual.

(3) Any person(s) donating time on school grounds, including but not limited to elders, volunteers, chaperones or persons who will be in the school or attending school events more than 10 hours per week, shall complete a Lac Courte Oreilles Ojibwe School Job Application Form and Background Check Release and Authorization form. No persons may participate in school business prior to the completion and determination of a background check. This is done to ensure the safety of our children pursuant to the *Child Protection and Family Violence Prevention Act*, P.L. 101-630. Job Application and Background Check Release and Authorization Forms are available in the Administration office. Forms can be mailed, faxed, or e-mailed upon request.

(4) Procedure.

(a) All Job Application and Background Check forms will be returned to the Human Resource Director for processing with picture identification and a second form of identification.

(b) The Human Resource Director is responsible for maintaining a continuing contract for background investigation services with a reputable external source.

(c) The Human Resource Director shall perform a background investigation that may include, but not limited to: a National Criminal Investigation, a State Criminal and Misdemeanor Investigation and a County Criminal and Misdemeanor Investigation. All background check results will be made available to the School Director to determine suitability under the *Child Protection and Family Violence Prevention Act*, P.L. 101-630.

(d) The Human Resource Director shall assist the School Director in identifying risk factor criteria under the *Child Protection and Family Violence Prevention Act*, P.L. 101-630 related to positions for which additional levels of investigations may be prudent, (Credit, Credentials, licenses, certifications, character references, etc.).

(e) The School Director has the responsibility for insuring that a background investigation is completed before participation in any school program activities and contractual arrangements.

(3) Failure to pass a background check to the satisfaction of the School or to disclose a criminal charge or conviction may result in revocation of a conditional offer of hire or disciplinary action, up to and including termination.

§ 7.407 Funding and Approval.

Prior to posting or filing a position, the School Director must ensure there are sufficient funds to pay for salary, fringe benefits and all other costs of the position. If the job is for a shorter period and only limited funds are available or if the position is contingent upon receiving funding, this constraint shall be explicitly specified at the time of advertisement. The Human Resource Director or designee shall ensure that all positions submitted for posting have all required approvals.

§ 7.408 Posting.

Only the Human Resources Director, or designee, is authorized to post a position, provided an existing position shall only be posted with the prior approval of the School Director and a new position shall only be posted with the prior approval of the School Board. All positions shall be posted for at least ten (10) working days, provided temporary positions may be exempt from this section that are of a 14 (fourteen) day duration or less. The Human Resource Director, or designee, will advertise all job postings locally at various locations and other places as appropriate including electronic posting.

§ 7.409 Job Application.

(1) Application Form. Applicants for employment are required to submit an application form, which will include without limitation if applicable:

- (a) Signature for permission to perform a background and reference check.
- (b) Driving record and insurance information (if applicable).
- (c) Pre-employment drug testing consent and authorization form.
- (d) Letter of interest
- (d) Resume
- (e) Proof of any stated qualifications
- (f) Three (3) letters of recommendation
- (g) Documentation of hiring preferences pursuant to § 7.403 of this manual.

(2) Background Investigations. The Human Resource Director, or designee, shall ensure that background investigations are performed prior to applicant screening pursuant to § 7.406 of this manual.

§ 7.410 Screening and Selection Process.

As an employer, the School seeks to employ individuals who possess the qualifications, skills, abilities and background to meet the employment needs of the School. It is also the intent of the School to treat all applicants with respect and fairness along with ensuring the provisions of § 7.401 of this manual, are adhered to. Pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, all applications shall be treated as privileged information and shall be made available only to those directly involved in the hiring process.

(1) Applicant Screening.

(a) Upon receipt, all applications will be date stamped and kept in the hiring file until the deadline date and time has expired. After the deadline, all applications received, within the required time lines, will be reviewed by the Human Resources Director for completeness and minimum qualifications. In addition, the Human Resources Director will conduct a background and reference check to determine any issues that might prohibit an individual from being employed by the School.

(b) Applicants that are deemed to meet these minimum qualifications will be notified in writing, emailed (if applicable) and/or telephonically of an offer to be interviewed. Any applications deemed to not be complete, not meet the minimum qualifications or have a background check that contains information that is detrimental to the School will be notified in writing that they were not selected to be interviewed.

(c) The decision to not offer an interview will not be subject to any grievance, complaint or appeal provisions of the School.

(d) In the event the School Director or Human Resources Director determines that there is no qualified or insufficient applicants the position may be reposted.

(e) Reference and background checks made by the Human Resources Director should be properly documented and retained for a period no longer than the probationary period of the position being considered.

(2) Applicant Interview.

(a) All eligible applicants will be interviewed by a committee which shall be facilitated by the Human Resources Director and composed of the following, unless the position being considered requires such other composition as determined by the School Director:

- (i) Human Resource Director,
- (ii) School Director,
- (iii) Department Head or Director,
- (iv) Immediate Supervisor for the position being interviewed,
- (v) Other as the department head or director deems appropriate.

(3) Interviewing Principles.

(a) The committee will interview each eligible applicant and shall make the selection based upon all relevant factors, including but not limited to:

- (i) Preferences defined in § 7.403 of this manual,
- (ii) Education/Training,
- (iii) Personal and professional references,
- (iv) Experience relevant to position,
- (v) Interview.

(b) The committee may utilize a ranking system that factors all of the areas established in subsection (3) (a) above, that will ensure a fair and equitable process for determining the best qualified candidate, and if applicable an alternate, to fill the position being interviewed. Such system may utilize points or other forms of ranking that is deemed relevant for the position in consideration. The Human Resources Director shall forward the committee's recommendation to the School Director for review and approval.

(c) The Human Resource Director or designee shall notify the successful and unsuccessful applicants in writing within five (5) working days. If the selected individual does not accept the position or an employee does not successfully complete the probationary period, the Human Resource Director shall offer the position to the alternate selection, if applicable. If there was no alternate selected then the Human Resource Director or designee may repost the position as approved by the School Director.

(d) All relevant documents related to a hiring will be retained by the Human Resources Director for a period not longer than the probationary period for the position being considered. Pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, all such information shall be treated as privileged information and shall be made available only to those directly involved in the hiring process.

(e) If an employee does not complete the probationary period, the Human Resource Director shall offer the position to the alternate selection. If there was no alternate selected then the Human Resource Director or designee may repost the position as approved by the School Director.

(f) The decision to not hire an interviewee will not be subject to any grievance, complaint or appeal provisions of the School.

§ 7.411 School Board Notification.

The School Director will notify the School Board who was hired for what position(s) and/or if a position(s) was reposted.

§ 7.412 Orientation.

(1) All new employees will be provided an orientation within the first day of employment, and will be provided this personnel policy and procedural manual, all required forms for employment, benefits, a copy of 12 LCOTCL Chapter 6 – Worker’s Compensation Code, and day-to-day procedures. The Human Resource Director, or designee, will also answer any questions which may arise throughout the course of employment. Supervisors will provide further direction relevant to the operation of their department.

(2) A cultural orientation will be provided for new staff members for the purpose of understanding and supporting the School’s mission statement.

(2) Orientation for department head or directors will include additional training with the Contracts Office, the Accounting Department and other required areas to familiarize the employee with grants management responsibilities, accounting codes and procedures, and other applicable functions.

§ 7.413 Position Description.

The Human Resource Director, or designee, will provide every employee with a copy of his or her current and or amended position description. The position description is intended to provide a general overview of the duties of the position. From time to time, however, employees will perform duties and handle duties and responsibilities that are not a part of the original position description. Position descriptions contain a general description of a position and do not create any employment rights or entitlements.

§ 7.414 Probationary Period.

(1) All employee's initial contract at the School shall involve a probationary period of ninety (90) calendar days, during which employees will get to know fellow employees, management and the duties involved for the position. The Human Resource Director will work closely with employees during the probationary period to assist in understanding the needs and processes of the job. The probationary period may be waived by the School Director for hourly or substitute employment.

(2) The probationary period is a trial time for both the employee and the School. During this probationary period, the School will evaluate the employee's suitability for employment. At any time during the probationary period, an employee may resign without any detriment to the employee's record. In addition, if during this period an employee's work habits, attitude, attendance, or performance do not measure up to the School's expectations, the School may extend the probationary period for up to ninety (90) calendar days or terminate the employee's employment without the ability of the employee to appeal the decision.

(3) Probationary employees are eligible for holiday leave and funeral leave. Probationary employees accrue Personal Time Off. Such employees cannot use Personal Time Off until the completion of their probationary period, unless authorized by their immediate supervisor with concurrence from the School Director and only for medical reasons or extreme circumstances. If an employee does not complete the probationary period for any reason, the employee forfeits all accrued but unused benefits.

(4) At the end of the probationary period, the School will prepare a written performance evaluation and discuss overall job performance with the employee. During the course of the discussion, the employee is encouraged to present his or her comments and ideas as well.

(5) The probationary period ends only when a written evaluation of the employee is filed by the supervisor indicating the employee has passed probation, with no exceptions.

§ 7.415 Classifications.

Upon hire, the School will inform every employee of his or her employment classification, whether exempt or non-exempt, full-time, part-time, short-term substitute, long-term substitute or temporary. This is important because employment classification has an effect on employee rights and benefits under this personnel policy and procedural manual (See Subchapter 1.2 – Definitions for the various classifications).

SUBCHAPTER 7.5 – EMPLOYMENT

§ 7.501 Work Site Accommodations.

The School is exempted from the federal and state offered definition of an employer as provided by the American's with Disabilities Act, 42 USC § 12111 (5) (B). However, as a matter of its own internal policies the Tribe discourages discrimination against persons with disabilities and when possible seeks to accommodate persons with disabilities on the job. When possible, the School will make reasonable efforts to provide reasonable accommodations to all employees and applicants, including work site accessibility. Employees must notify their department head or director or the Human Resource Director, or designee, in writing of any requested reasonable accommodation within a reasonable period of time after the employee learns of the need for such accommodation.

§ 7.502 Personnel Files.

(1) The School will create and maintain a personnel file for each employee beginning at the time of employment. These files are the sole property of the School and are deemed confidential. All employee files, past and present, will be secured in a locked location at all times. Access will be limited to the Human Resource Director, or designee, a department head or director, the School Director, an employee or his or her representative if designated in writing which states the purpose of the disclosure. An employee may inspect his or her personnel file in the Human Resources department by contacting the Human Resource Director, or designee, to make an appointment. Files will be reviewed in a secure location under the supervision of the Human Resource Director, or designee. A personnel file may contain the following types of information:

- (a) Original employment application,
- (b) Letters of reference,
- (c) Notice of hire,
- (d) New hire forms,
- (e) Entrance interview checklist,
- (f) Current position description,
- (g) Professional development plan,
- (h) Records of all disciplinary actions,
- (g) Performance evaluations,
- (h) Starting pay scale and subsequent increases,

- (i) Change of employment status,
- (j) Applicable skills test results,
- (k) Transcripts, training and career development records,
- (l) Copy of certification or licenses as required,
- (m) Copy of separation notice or letter of resignation,
- (n) Exit interview and inventory checklist,
- (o) Other documents relied upon by the School to make decisions concerning the employee's employment.

(2) The Accounting Department will maintain time, attendance, and payroll and leave records for each employee in a separate file.

§ 7.503 Medical Documentation.

Medical files are the property of the School. The School will maintain employee documentation as it relates to Doctor's excuse for longer than the allowable three day absence, return to work statements or any limitations on type of work to be performed by the employee. This information shall be maintained alongside an employee's personnel file, but shall be maintained in a separate file. Access will be limited to the Human Resource Director, or designee. All personal medical related information is subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, 110 Stat. 1936.

§ 7.504 Hours of Work.

(1) The standard work hours are from 8:00 a.m. to 4:00 p.m. Employee hours may be changed at the discretion of the department head or director based upon specific job duties, subject to the approval of the School Director. A written approval shall be maintained in an employee's personnel file.

(2) Each Employee must accurately record, sign and in addition have their respective Supervisor attest to the hours being paid by signing an approved timesheet or timecard. Each timesheet or timecard shall accurately reflect the actual hours being paid during the pay period and distributed by the correct payroll and account/department coding for each employee. The timesheet or timecard is a legal record of hours worked and may not be altered without consent of both the employee and his or her department head or director. Each employee and their Supervisor are responsible for the accuracy of their timesheet or timecard. The department head or director must initial all timecards recorded by the use of a time clock. Timecards are the property of the School and must remain in the timecard rack. No employee shall knowingly punch the timecard of another employee or allow another employee to punch his or her timecard.

§ 7.505 Pay Period.

The School's pay period is from Sunday through Saturday and all hours worked during this period are to be recorded as defined in § 7.504 of this manual.

§ 7.506 Reclassification.

The School may reclassify an employee (exempt, non-exempt, full-time, part-time, short-term substitute, long-term substitute or temporary, etc.) if the duties or need for the employee has changed. The reclassification of an employee may result in a change in the terms and conditions of employment including without limitation eligibility for benefits, and leave. Any supervisor who seeks to reclassify an employee shall obtain proper authorization in collaboration with the School Director.

§ 7.507 Evaluations.

(1) Each employee will receive an annual written performance evaluation from their supervisor. The evaluation will highlight the employee's strengths and weaknesses, and ways to improve or enhance job performance. The employee and the department head or director must sign the evaluation. The employee's signature does not necessarily indicate concurrence, but does record acknowledgement and delivery of the document. Employees should not expect that evaluations will automatically result in a change in pay. However, the School will rely on evaluations, in addition to all other relevant information, to make decisions about an employee's terms and conditions of employment.

(2) Failure of the department head or director to complete an evaluation for their employees may result in disciplinary action.

§ 7.508 Resignations.

(1) Employees under contract are expected to fulfill the terms of their contract. Only under extreme circumstances will a contracted employee be released from their contractual obligation. The School will honor the contractual agreement for its duration as well, and only end the contract for cause.

(2) Each employee must provide his/her supervisor with at least four (4) weeks prior written notice of resignation. Failures to provide notice will result in a negative recommendation for future employment and shall result in forfeiture of accrued unused leave.

§ 7.509 Transfers.

An employee may be granted an internal transfer upon agreement of the supervisors of both of the applicable departments or programs involved, subject to the prior approval of the School Director. The transferred employee must accept all provisions of the other position (i.e. benefits, rate of pay, duties, hours of work, etc.). The provisions of Subchapter 7.4 of this manual shall not apply to transfers with the exception of § 7.404, § 7.407, § 7.413, § 7.415, and § 7.416.

In addition, the provisions of § 7.414, may not apply upon approval of the new department head or director, with concurrence from the School Director.

§ 7.510 Promotions.

A department head or director may recommend an employee for a promotion based upon job performance and the needs of the School, subject to the prior approval of the School Director. The promoted employee must accept all provisions of the new position (i.e. benefits, rate of pay, duties, hours of work, etc.). The provisions of Subchapter 7.4 of this manual shall not apply to transfers with the exception of § 7.404, § 7.407, § 7.413, § 7.415, and § 7.416. In addition, the provisions of § 7.414, may not apply upon approval of the new department head or director, with concurrence from the School Director. The School Director shall provide the Tribal Governing Board with written notice of all promotions.

§ 7.511 Attendance.

Punctuality and regular attendance are essential to the effective operation of the School. Employees must report to work on time. Any employee who will be absent from work must notify the office manager in the administration office (for LCO School mainstream track employees) or the administrative assistant (for Waadookodaading immersion track employees), no later than sixty (60) minutes prior to their respective scheduled start time for instructional staff, and no later than thirty (30) minutes prior to their respective scheduled start time for non-instructional staff. If an employee cannot speak with the office manager in the administration office (for LCO School mainstream track employees) or the administrative assistant (for Waadookodaading immersion track employees), it is the employee's responsibility to speak with their department head or director. All employees must sign-in upon arrival if they arrive after their respective scheduled start time. Any employee who leaves campus for any reason must have prior approval from his or her department head or director, sign out and sign in upon return. Repeated instances of failure to report, regardless of the duration will be subject to disciplinary action up to and including termination. Failure to report to work, without notice, for three consecutive working days will be considered job abandonment and the employee will be considered to have resigned from the School. Job abandonment will not be subject to any appeal provisions and shall be subject to the provisions of § 7.508 of this manual.

§ 7.512 Lunch.

Employees are allowed one (1) hour leave for lunch. Employees must take their lunch at the usual time, between 12:00 – 1:00, unless mutually changed by the employee and supervisor.

(1) Ten month employees are allowed lunch during the time the students take lunch unless assigned a duty. Those assigned a duty may leave campus for the day after student dismissal provided there are no meetings, trainings, or conferences scheduled. Such time shall be reflected on their timecard and employee's shall sign-out pursuant to § 7.511 of this manual.

(12) Twelve month employees wishing to take an off campus lunch up to one hour, must work an additional 30 minutes that day and sign out and back in pursuant to § 7.511 of this manual. Such time shall be reflected on their timecard.

§ 7.513 Break Periods.

(1) Non-instructional staff are allowed one fifteen (15) minute break between the hours of 8:00 a.m. and noon and another fifteen (15) minute break between 1:00 p.m. and 4:00 p.m.

(2) Teachers and Paraprofessionals are allowed one fifteen (15) minute break between the hours of 8:00 a.m. and noon and another fifteen (15) minute break between 1:00 p.m. and 4:00 p.m. when time allows.

(3) Employees leaving campus must sign out and back in upon return pursuant to § 7.511 of this manual.

(4) Employees should be mindful and courteous of workload requirements and the need to make certain that break periods should not be abused.

§ 7.514 Inclement Weather.

(1) In the event of inclement weather conditions, the Tribal Governing Board and Administrative staff will gather information on existing and anticipated weather and road conditions from the Transportation Directors and local TV broadcasts.

(2) Administrative Staff will contact Tribal Governing Board members to determine if Tribal Government offices will open as usual, will be closed, or will have a later opening time.

(3) By 6:30 am, Administrative Staff will contact local radio stations (WOJB, WRLS, WHSM) if the Tribal Government offices will be closed or opening later than normal. If there are no announcements on the local radio stations, then the Tribal Government offices will be open as usual.

(4) When Tribal Government offices are open, employees that would prefer to not drive during inclement weather conditions must contact their supervisor to obtain the approval to utilize accrued PTO. However, employees are to make every reasonable effort to come to work, especially employees with meetings or appointments scheduled.

§ 7.515 Contractual Acceptance.

(1) All employment contracts must be signed and returned within the period specified on the contract. Failure to turn in a contract within the specified time allotted can indicate non-acceptance by the employee. All positions of non-returned or unsigned contracts will be posted. A fine may be imposed if the employee fails to fulfill the contract obligation. Contractual agreements can be deemed invalid unless returned signed within ten (10) workdays from the date

of issuance unless otherwise specified. The school reserves the right to pursue legal action against any violation of the employment agreement.

(2) Release from Contract Agreement. The Employee shall not be released from the employment agreement except for unusual circumstances that will be reviewed by the School Board. Violation of the employment agreement shall result in the following penalties incurred by the Employee:

- (a) After June 30th\$500.
- (b) After July 31st\$1,000.
- (c) After August 31st or during the school year.....\$1,500.

(3) Contract Renewal/Intent to Renew. All employees currently under contract will be notified by May 1 of the school's intent to renew or of non-renewal of their contract for the coming school year. Contract renewal is contingent upon available funding of specific programs, evaluations and job performance as otherwise provided in this manual.

SUBCHAPTER 7.6 – WAGES

§ 7.601 Wage Classifications.

(1) The School Board shall establish wage and salary classifications for each position based on many factors, including, but not limited to position category, education, certification and relevant experience, knowledge, ability and level of responsibility.

(2) Wage Rate Authorization and Procedure. It is the responsibility of the School Director to produce an annual budget for the subsequent school year by April 1st. The budget must include all expenses, wages, fringe benefit costs and other anticipated costs. The budget must be submitted to the School Board for approval no later than May 1st of the current school year.

(a) Pay rates are determined annually by approving wage classifications submitted to the School Board by the School Director. Wage classifications will be maintained in the Human Resource Department.

(b) Pay rate addition, change and adjustment procedures are as follows:

(i) The Human Resource Director will initiate all payroll additions, changes and adjustments.

(ii) Once complete, the original Payroll Addition/Payroll Change form will be submitted to the Payroll Clerk. A copy will be retained with the Human Resource Director for the employees personnel file.

§ 7.602 Wage Increases.

The School Board shall consider cost of living, merit and wage increases on an annual basis return pursuant to § 7.601 of this manual.. All such increases are contingent upon many factors, including funding availability and performance evaluation. Any increase is at the discretion of the School Board.

§ 7.603 Additional Work Duties.

Employees that are designated to be available to work additional duties will be provided an additional contract pursuant to § 7.605 of this manual, to compensate them for their services. In no way shall an additional contract impede the performance of an employee's primary duties.

§ 7.604 Compensatory Time.

(1) Employees are compensated on a salary basis and will not accrue compensatory time for hours worked in excess of forty (40) hours in a workweek.

§ 7.605 Additional Contract.

A department head or director who obtains prior authorization of the School Director may provide an employee with an additional contract. In no way shall an additional contract impede the performance of an employee's primary duties. The pay rate for the additional contract shall cease upon the completion of the additional duties.

§ 7.606 Employer Payroll Deductions.

Various payroll deductions are made each payday to comply with applicable laws, including but not limited to health, dental, retirement, payroll processing fees, federal and state income tax withholding, and social security. At the end of each calendar year, the School will provide each employee with a Wage and Tax Statement (W-2) form. This statement summarizes employee income and deductions for the year.

§ 7.607 Bank Deposits or Payroll Deductions.

The School may automatically deposit Employees' paychecks at financial institutions and may provide for payroll deductions, subject to applicable, charges, procedures and limitations. In addition, the School may make deductions from Employees' paychecks in accordance with orders issued by a court of competent jurisdiction. Employees should contact the Accounting Department with any questions.

§ 7.608 Workers' Compensation.

The School carries insurance to cover the cost of work-incurred injury or illness. Benefits help pay for employees' medical treatment and a portion of any income lost while recovering. An employee must report any work-related injury or illness to his or her department head or director by completing the "First Report of Injury or Illness Form," which must be completed within the timelines as stated in the 12 LCOTCL Chapter 6 – Worker's Compensation Code. Refer to the 12 LCOTCL Chapter 6 – Worker's Compensation Code for additional guidelines.

§ 7.609 Salary Disbursement.

(1) Ten-month employees shall have the option to be compensated over a forty-two (42) or fifty-two (52) week basis. For employees that choose to be paid over a forty-two (42) week basis, the costs of an employee's contribution of fringe benefits shall be deducted on a prorated basis to cover the fifty-two (52) week period.

SUBCHAPTER 7.7 – AVAILABLE BENEFITS

§ 7.701 Available Benefits.

(1) The following is a brief list of benefits available to eligible employees;

- (a) Group Health Insurance/COBRA
- (b) Holiday
- (c) Personal Time Off (PTO)
- (d) Sharing of PTO
- (e) Additional Paid Leave
- (e) Unpaid Leave
- (f) Family and Medical Leave
- (g) Life Insurance, Disability Insurance and Retirement Plan
- (h) Employee Assistance Program
- (i) Employee Recognition – Years of Service

(2) The School reserves the right, at its sole and absolute discretion, to rescind or amend benefits, to change insurance carriers, or to require employees to contribute towards premium costs. The School may make these changes at any time, except as provided by law. The Human Resource Director or Benefits Administrator, or their designee, will notify employees of changes. While the School intends to continue offering sponsored benefits, there is no guarantee that such benefits will always be available.

§ 7.702 Eligibility.

The following employee classifications and eligibility for Fringe Benefits are as follows;

(1) Full Time Employee. Full time Employees, as defined in § 7.201 (6) of this manual, are eligible for all Fringe Benefits after satisfactorily completing their probationary period, unless otherwise provided for in an Employment Contract with the School or mandated by law.

(2) Part Time Employee. Part Time Employees, as defined in § 7.201 (16) of this manual, are not eligible for any fringe benefits offered by the School, unless provided for in an Employment Contract with the School or mandated by law.

§ 7.703 Group Health Insurance / Cobra.

(1) Group Health Insurance is through the Federal Employee Health Benefits; FEHB. An eligible employee may select an insurance provider that best meets their individual needs through FEHB. FEHB is offered for both single, single plus one, and family coverage. Employees considered to be full time status will be required to pay 21% or as amended from time to time by official action of the Tribal Governing Board, of the premium for the plan selected, unless otherwise provided for in an employment contract. Employee's portion of payment will be made through payroll deductions done weekly.

(2) Employees who are covered by the group health plan may have the right to choose continuation of health coverage if coverage is lost due to a reduction in hours of employment or termination of employment. Continuation coverage is provided pursuant to the Consolidated Omnibus Budget Reconciliation Act of 1985, and later amendments, otherwise known as "COBRA". Employees should contact the Human Resource Director for additional information regarding qualifying events or other requirements of COBRA.

§ 7.704 Holiday Leave.

The School grants employees paid holiday leave / breaks in each calendar year. The School Board will approve the holiday schedule at least one (1) month prior to the beginning of a new calendar year. Eligible employees will receive the following paid holidays:

(1) Ten-Month Employees.

- (a) Labor Day
- (b) Veterans Day (observed)
- (c) Thanksgiving Break
- (d) Christmas / New Year's Break
- (e) Winter Break
- (f) Easter Break
- (g) American Indian Day
- (h) Memorial Day

(2) Twelve-Month Employees.

- (a) Independence Day
- (b) Honor the Earth Powwow (Friday prior to or the Monday after)

- (c) Labor Day
- (d) Veterans Day (observed)
- (e) Thanksgiving Break
- (f) Christmas / New Year's Break
- (g) Winter Break
- (h) Easter Break
- (i) American Indian Day
- (j) Memorial Day

§ 7.705 Personal Time Off.

(1) Employees shall be provided on July 1 or at the beginning of their contract year thereafter, paid Personal Time Off (PTO) at the following rates:

- (a) Ten-month employees, ten (10) days for a total of 80 hours per year.
- (b) Twelve-month employees, twenty-four (24) days for a total of 288 hours per year.
- (c) Part-time employees, prorated leave commensurate with appointment. For example, a ten-month employee scheduled to work twenty hours a week shall receive 50% of the PTO rate or five (5) days for a total of 40 hours per year.

(2) In no circumstance will employees accrue any amounts over the maximum designated accumulations stated above. If an employee is on any leave without pay the employee will not accrue any PTO until the employee returns to a full time status. An employee who quits his or her employment without providing at least a four (4) week notice will forfeit any accrued PTO unless otherwise approved by his or her department head or director in collaboration with the School Director.

(3) For purposes of calculating length of service it will be the responsibility of the employee to provide the Human Resources Director with a statement from other Lac Courte Oreilles Tribally controlled entities stating the start and end dates.

(4) Prior to the utilization of accrued PTO, Employees must schedule and have the use of accrued PTO time approved so it will not interfere with job responsibilities, except as otherwise provided by law. If an employee is on PTO and there is early release or closure of the employee's worksite, the employee shall be credited any such leave during the period of early release or closure. If requesting PTO time, employees shall obtain prior authorization at least two weeks or

ten (10) working days in advance of the leave date. The department head or director may or may not approve such request depending on a variety of factors, including availability of substitutes, special events, and schedules. In extreme emergency situations the School Director, in consultation with the employee's department head or director, may waive the ten (10) day notification provision, if requested by the employee in writing citing the reason.

(5) To utilize PTO for unscheduled absences, employees must notify the School pursuant to § 7.511 of this manual. If an Employee is absent from work for 3 days or longer, which is related to an illness or other medical related issues, a Physicians excuse must be provided that substantiates their absence.

(6) Probationary employees will not be able to use PTO during their 90 day probationary period unless it is for extreme circumstances with approval of their department head or director and concurrence of the School Director.

§ 7.706 Sharing of Personal Time Off Prohibited.

Employees are not permitted to share PTO under any circumstances.

§ 7.707 Additional Paid Leave.

The School grants employees additional paid leave in certain situations, including the following:

(1) Civil Leave. The School grants eligible employees paid civil leave during the required absence when any employee appears as a witness for the federal, state or Tribal Government, in obedience to a subpoena. An employee must promptly notify his or her department head or director upon receipt of any subpoena. If an employee receives any stipend for such civil leave, he or she must use PTO during any work absence for such service. No employee shall take both compensated time and stipend pay during the required absence for civil leave.

(2) Jury Duty Leave. The School grants eligible employees paid leave during the required absence for jury service. An employee must promptly notify his or her department head or director upon receipt of any notice to appear. If an employee receives any stipend for such jury duty leave, he or she must use PTO during any work absence for such service. No employee shall take both compensated time and stipend pay during the required absence for jury service.

(3) Funeral Leave.

(a) All full-time employees will be given upto five (5) day leave without loss of pay for funeral services for immediate family. Immediate family includes the following:

(i) Husband, Wife, Son, Daughter, Mother, Father, Brother, Sister, Grandparent, Grandchild, Niece, Nephew, Aunt and Uncle (including great-grandparents, in-laws, and step-relationship, etc.), including a partner who has been

in a relationship for a period of time or in relationship under Ojibwe tradition and practices.

(b) Up to three (3) day leave for other persons will be given only if the full-time employee is assisting the family during their immediate time of loss, subject to prior approval of employee's supervisor.

(c) All other funeral leave will be limited to no more than one (1) day with pay to attend the funeral services, subject to the notification and approval of employee's immediate supervisor.

(4) Committee or Board Leave. The School grants eligible full-time employees paid leave to serve on committees or boards of the Tribal Governing Board and may approve leave to participate in other outside boards or committees. An employee must receive prior approval from his or her department head or director prior to accepting an appointment or volunteering to sit on any committee or board. If an employee receives any stipend for such committee or board service, he or she must use PTO during any work absence for such service. No employee shall take both compensated time and stipend pay when attending a committee or board meeting. Attendance at any meetings related to such appointment must be preapproved by the employees immediate Supervisor and such appointment/meetings shall not interfere with an employees work performance and duties.

(5) Maternity Leave. The School grants eligible full-time female employees up to eight (8) weeks, a maximum of three hundred and twenty (320) hours paid leave, for time to deliver and care for a newborn child. If an employee has medical problems prior to delivery, she may utilize paid maternity leave, subject to the maximum limit, with written verification from her doctor. An employee must request and obtain the prior approval of his or her department head or director to utilize this leave. The paid leave under this section is included in the maximum leave provided for in § 7.806 of this manual.

(6) Paternity Leave. The School grants eligible full-time employees up to two (2) weeks, maximum of eighty (80) hours, paid leave to care for a newborn child. An employee must request and obtain the prior approval of their department head or director to utilize this leave. The paid leave under this section is included in the maximum leave provided for in § 7.806 of this manual.

(7) Parental Leave. The School grants eligible full-time employees up to two (2) weeks, maximum of eighty (80) hours, paid leave for adoption, customary adoption or guardianship of a pre-school (0-5 years of age) child. Leave will be granted only after the legal proceeding has been completed. An employee must request and obtain the prior approval of his or her department head or director to utilize this leave. The paid leave under this section is included in the maximum leave provided for in § 7.806 of this manual.

(8) Military Leave. The School grants eligible full-time employees up to ten (10) days, maximum of eighty (80) hours, paid leave upon presentment of official orders requiring attendance for training or to perform other duties as a member of the United States Armed Forces. An employee serving on military leave with pay will be paid only the difference between

compensation fees received for such duties and his or her normal salary. An employee must notify his or her department head or director prior to such leave. The School will look to the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA) 38 U.S.C. § 4301 *et. seq.* solely as a guideline in determining reemployment of employees who take extended military leave.

(9) Voting Leave. The School will grant eligible employees the ability to leave campus once students depart, to exercise the right to vote.

(10) Birthday Leave. The School will grant eligible employees eight (8) hours of paid leave for the employee's birthday, provided the employee must take such leave during the calendar year.

(11) In-House Medical Appointments. The School may grant employees paid release time to attend medical appointments at the Lac Courte Oreilles Community Health Center.

(12) Ceremonial Leave. The School shall grant full-time employees up to five (5) days paid leave during the calendar year to attend Midewiwin or other traditional ceremonies. An employee must request and obtain the prior approval of his/her department head or director to utilize this leave.

(13) Education Leave. The School may grant employees paid release time to attend job-related or degree seeking courses. An employee must consult with his or her department head or director prior to registering to ensure the course is acceptable and must request and obtain the prior written approval of his or her department head or director with concurrence from the School Director to utilize this benefit. An employee must also have an approved Professional Development Plan on file with the Human Resource office. An employee must promptly provide his or her Department head or Director and the Human Resource Director, or designee, with written proof of course completion. A failure to successfully complete a course may jeopardize an employee's ability to obtain approval of subsequent paid release time hereunder. The School may pay the tuition, books and associated fees of an employee attending an accredited institution of higher learning. The employee must be attending for the purpose of obtaining a degree or enrolling in courses in a field of study that is related to their position of employment with the School. An employee desiring to have the School pay these expenses must have an approved Professional Development Plan on file which is approved by their immediate Supervisor and agree to the terms and conditions of an Educational Expense Reimbursement Agreement and is subject to program availability of funding pursuant to § 7.407 of this manual.

(13) Conferences and Meetings. The School may grant employees time to attend job-related conferences and professional meetings. An employee must consult with his or her department head or director prior to registering to ensure the conference or professional meeting is acceptable. An employee must request and obtain the prior written approval of his or her department head or director to utilize this benefit.

§ 7.708 Unpaid Leave.

(1) Disciplinary Leave. The School may take disciplinary action, up to and including termination or suspension without pay, against employees who violate the provisions of this personnel policy and procedural manual.

(2) 30-Day Leave of Absence. The School may grant eligible employees up to thirty (30) days unpaid leave, without loss of employment status. The School may grant such leave only when the resulting leave will not adversely affect the operations of the School. An employee must request and obtain the prior written approval of his or her department head or director with written concurrence from the School Director to utilize this leave.

(3) Religious Leave. The School may grant eligible employees up to an additional fifteen (15) days of unpaid religious leave. An employee must request and obtain the prior approval of his or her department head or director to utilize this leave.

§ 7.709 Family and Medical Leave.

Employees may be eligible for up to twelve (12) weeks of family and medical leave during any twelve (12) month period. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances. This policy sets forth the School's policies and procedures for requesting family and medical leave.

(1) Eligibility for Leave. To be eligible for family and medical leave under this policy all of the following conditions must be met:

(a) An employee must have been employed by the School for at least twelve (12) months or fifty-two (52) weeks.

(b) An employee must have worked at least one thousand two hundred fifty (1250) hours during the twelve (12) months immediately preceding the request for leave.

(2) Reasons for Requesting and Types of Leave. Employees who are eligible for leave under this policy may request up to twelve (12) workweeks of unpaid leave during any twelve (12) month period for the following reasons:

(a) To care for a child following the child's birth or placement for adoption or foster care (this may be taken only within twelve (12) months of the birth or placement).

(b) To care for an immediate family member who has a serious health condition as defined in § 1.201 (18) of this manual.

(c) Because the employee has a serious health condition as defined in § 1.201 (18) of this manual, which prevents the employee from performing the functions of the position.

(3) If an employee takes PTO for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the School may designate

all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

(4) If both parents work for the School, and each wishes to take leave for the birth of a child, adoption or acceptance of a child in foster care, or to care for an immediate family member with a serious health condition, the employees may only take a combined total of twelve (12) weeks of unpaid leave.

(5) Employees can take up to twelve (12) weeks of leave under this policy during any twelve (12) month period. The School will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes a leave, the School will compute the amount of leave you have taken under this policy and subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount an employee is entitled to take at that time. An employee's family or medical leave taken may run concurrently with other types of leave including workers' compensation and other leaves, such as short-term or long-term disability, etc.

(6) Intermittent or Reduced Work Schedule Leave. Leaves may be taken all at once or on an intermittent or reduced work schedule basis. Intermittent or reduced work schedules may be used only in the following circumstances:

(a) In situations where leave is requested due to the birth, adoption or acceptance of a child in foster care, intermittent or reduced work schedules will be granted at the School's sole discretion and if granted must be taken within one (1) year of the birth or placement of the child.

(b) In situations where leave is requested in order to care for an immediate family member who suffers from a serious health condition or because of an employee's own serious health condition, intermittent or reduced work schedules will be granted only when an employee can prove the leave is medically necessary.

(c) In situations where an intermittent or reduced work schedule is permitted, the School may require an employee to transfer to an alternative position with equivalent pay and benefits in order to accommodate the recurring periods of absence.

(7) Use of Paid and Unpaid Leave. Employees who have accrued PTO must use paid leave first and take the remainder of the twelve (12) weeks as unpaid leave.

(a) Employees who take a leave because of their own serious health condition or the serious health condition of a family member must use all accumulated PTO prior to being eligible for unpaid leave.

(b) Employees who take leave for the birth of a child must use paid PTO for physical recovery following childbirth, except where such leave is compensated as paid maternity leave under this personnel policy and procedural manual or as paid short-term or long-term disability leave. These employees must then use all paid vacation, and then will

be eligible for unpaid leave for the remainder of the twelve (12) weeks. Employees who take leave for the adoption or acceptance of a child in foster care must use all paid PTO prior to being eligible for unpaid leave.

(8) Procedure for Requesting Leave. In situations where leave is foreseeable, employees must provide written notice to the department head or director at least thirty (30) days prior to the date on which the leave is scheduled to begin. If the leave is foreseeable due to a planned medical treatment, employees must make reasonable efforts to schedule the treatment(s) to minimize disruptions to the Housing Authority's operations. If circumstances occur, in which it is not practicable to provide thirty (30) days' notice, employees must provide written notice as far in advance as is practicable. If an employee fails to provide thirty (30) days advance written notice of a requested leave and have no reasonable excuse, the leave may at the School Director's discretion be delayed for up to thirty (30) days from the date of written notice.

(9) Medical Certification Requirement. When leave is requested because of a serious health condition affecting an employee or his or her immediate family member, the School requires the employee to obtain certification of the health condition from the pertinent doctor or health care provider. This certification must be provided to the department head or director within fifteen (15) days after the leave is requested or, when the need for leave was unforeseeable, within fifteen (15) days after the leave has commenced unless it is not practicable to do because of the nature of the health condition.

(a) If an employee seeking leave due to a serious health condition fails to provide the required medical certification, the leave will be denied until the certification is provided. If the leave request was not foreseeable, such as in a medical emergency, the failure to provide the required medical certification within a reasonable time may result in the denial of continuation of leave. Medical certification provided in justification of a request for leave must include the following information:

(i) The date on which the serious health condition started and its expected duration,

(ii) The diagnosis concerning the condition,

(iii) A brief description of the treatment prescribed for the condition,

(iv) A statement of whether in-patient hospitalization is required, or

(v) A statement that the employee is needed to care for his or her immediate family member afflicted with a serious health condition or, if the employee has the serious health condition, a statement that he or she is unable due to the health condition to perform the essential functions of the position or work of any kind.

(b) The School, if it doubts the certification, at its expense, may require an employee seeking leave due to a serious medical condition to obtain a second opinion from a doctor or other health care professional designated by the School. If the second opinion

conflicts with the certification provided by the employee, the School may, at its sole discretion and at its expense, require a third opinion from a doctor or other health care professional designated jointly by the School and the employee. Such a third opinion will be final and binding.

(c) If an employee plans to take intermittent leave or work a reduced schedule, the certification must also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. During a leave taken under this Section, employees may be required to provide, periodically, written notice to the School Director concerning his or her status and intention to return to work.

(10) Return from Leave. Upon completion of leave due to an employee's own serious health condition, the employee must provide the School with medical certification from his or her doctor or other health care professional that the employee is now able to return to work. If an employee fails to provide this certification, he or she will not be permitted to return to work until such certification is provided. An employee who takes leave under this policy will be able to return to the same job or a job with equivalent status, pay, benefits and other employment terms. The School may choose to exempt certain highly compensated employees from this requirement and not return them to the same or similar position.

(11) Health Benefits during Leave.

(a) During a leave taken pursuant to this policy, an employee's health benefits under any existing Tribal sponsored health plan will be continued as if the employee had continued in employment continuously for the duration of the leave. If, however, an employee fails to return at the end of a leave taken under this policy, except if this is due to the continuation, recurrence or onset of a serious health condition or something else beyond the employee's control, then the School may recover from the employee all of the health care premiums paid to maintain health coverage during the leave.

(b) If under the School's current policy, an employee pays a portion of the health care premium, while on paid leave, the School will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the first day of each month. If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped for the duration of the leave.

§ 7.710 Life Insurance, Disability Insurance and Retirement Plan.

If requested by the Employee, the School provides eligible employees Life and Disability insurances along with a Retirement Plan. An Employee wanting these types of benefits should consult with the School's Benefit's Administrator for further information.

§ 7.711 Employee Assistance Program.

The Tribe recognizes that individual employees may develop personal problems which could have negative effects on job performance. The Tribe offers an Employee Assistance Program (EAP) for all employees, the purpose of which is to encourage the early diagnosis and treatment of personal, psychological, and medical problems. Employees are encouraged to contact the Human Resource Director, or designee, for information regarding the EAP. Employees are responsible for submission of all documents and paperwork to pay the costs incurred for services rendered in connection with the EAP. Employees may utilize their health insurance plan as coverage is available; otherwise the service will be self-pay. Employees may attend a scheduled EAP appointment with the LCO-CHC during work hours. If the EAP appointment is at another facility the employee may use permitted paid or unpaid leave for EAP absences. EAP appointments (that the employee is required to attend by the Employer) will be coordinated with the employee's supervisor so customer service does not get interrupted.

(1) Self-Referral. An employee may request assistance from their supervisor for personal, psychological, or medical reasons at any time during their employment. Strict confidentiality will be maintained throughout this process.

(a) Procedure: A department head or director shall provide the employee and the Human Resource Director, or designee, with written notice using the LCOCHC – Behavior Health Clinic intake form and a signed consent form to release and or share information between departments of any referral. The Human Resource Director will set up the EAP Process with the LCOCHC – Behavioral Health Director. The Behavioral Health Director will report to the Human Resource Director on the status of the referral within five (5) working days after receipt of the referral. Regardless of any EAP referral, employees must maintain an acceptable level of job performance. Documentation of completion or non-completion of the EAP will be on file in the employee's personnel file located in the Human Resource Department.

(i) A leave of absence to attend inpatient treatment shall be granted to employees requesting assistance through self-disclosure. The leave of absence may not exceed 12 weeks pursuant to § 7.709 of this manual.

(ii) Employees placed on a leave of absence from self-disclosure shall:

1) Be allowed to return to the position, shift, and level of seniority that was held by the employee prior to the leave being granted.

2) Be allowed to maintain tribally sponsored Health; Life and short-term disability Insurance Benefits during the leave. The employee will be responsible for their portion of insurance premiums.

3) Be allowed to utilize any accrued Paid Time Off hours earned prior to the leave.

4) Any accrual of Paid Time Off hours shall be in accordance with the Tribe's policies on family and medical leave pursuant to § 7.709 of this manual.

(iii) An employee returning to duty following a leave of absence from self-disclosure will be required to undergo testing for illegal drugs and prescribed medication for which they do not have a valid prescription as a condition of returning to work. If the applicant is suspected to be under the influence of alcohol at the time of return to drug screen, a PBT may be requested. Employees who refuse to take a test is thereby insubordinate will be considered to have produced a positive test result and shall be terminated. Upon receipt of a positive test result as defined in § 7.201 (16), the employee shall be subject to disciplinary action, up to and including termination pursuant to § 7. 808 (6) of this manual and the positive test sample will be sent for a confirmation test result pursuant to § 7.808 (1) of this manual.

(iv) Utilization of this self-disclosure provision does not negate any disciplinary action for which an employee is subject to pursuant to § 7.808 (6) of this manual, or any other tribal law or policy.

(2) Employer Referral. An employee's department head or director shall refer an employee to the Human Resource Director, or designee, when an employee's conduct mandates as such.

(a) Procedure: A department head or director shall provide the employee and the Human Resource Director, or designee, with written notice using the LCOCHC – Behavior Health Clinic intake form and a signed consent form to release and or share information between departments of any referral. The Human Resource Director will set up the EAP Process with the LCOCHC – Behavioral Health Director. The Behavioral Health Director will report to the Human Resource Director on the status of the referral within five (5) working days after receipt of the referral. Employees shall comply with the referral to the EAP and follow subsequent recommendations for referral and treatment. Failure to show-up for required scheduled EAP appointment will result in further disciplinary action up to and including termination of employment. Regardless of any EAP referral, employees must maintain an acceptable level of job performance. Documentation of completion or non-completion of the EAP will be on file in the employee's personnel file located in the Human Resource Department.

(i) A leave of absence to attend inpatient treatment shall be granted to employees when required by an approved LCOCHC- Behavioral Health EAP treatment plan. The leave of absence may not exceed 12 weeks pursuant to § 7.709 of this manual.

(ii) Employees placed on a leave of absence when required by an approved LCOCHC- Behavioral Health EAP treatment plan shall:

1) Be allowed to return to the position, shift, and level of seniority that was held by the employee prior to the leave being granted.

2) Be allowed to maintain tribally sponsored Health; Life and short-term disability Insurance Benefits during the leave. The employee will be responsible for their portion of insurance premiums.

3) Be allowed to utilize any accrued Paid Time Off hours earned prior to the leave.

4) Any accrual of Paid Time Off hours shall be in accordance with the Tribe's policies on family and medical leave pursuant to § 7.709 of this manual.

(iii) An employee returning to duty following a leave of absence from a referral of the employer will be required to undergo testing for illegal drugs and prescribed medication for which they do not have a valid prescription as a condition of returning to work. If the applicant is suspected to be under the influence of alcohol at the time of return to drug screen, a PBT may be requested. Employees who refuse to take a test is thereby insubordinate will be considered to have produced a positive test result and shall be terminated. Upon receipt of a positive test result as defined in § 7.201 (16), the employee shall be subject to disciplinary action, up to and including termination pursuant to § 7.808 (6) of this manual and the positive test sample will be sent for a confirmation test result pursuant to § 7.808 (1) of this manual.

(iv) Participation in an approved LCOCHC- Behavioral Health EAP treatment plan does not negate any disciplinary action for which an employee is subject to pursuant to § 7.808 (6) of this manual, or any other tribal law or policy.

§ 7.712 Christmas Bonus.

Christmas bonuses may be paid to employees as determined by the School Board, which will be subject to any funding or other limitations.

SUBCHAPTER 7.8 – CONDUCT

§ 7.801 General Statement of Conduct.

All Employees must conduct themselves in a manner, which is kind, courteous, ethical and respectful to all members of the public, including fellow employees. In all instances, employees must exercise good judgment and conduct themselves with the highest degree of professionalism. A failure to follow any conduct policies or other provisions of this personnel policy and procedure manual may result in disciplinary action, up to and including termination.

§ 7.802 Conflict of Interest.

Employees are not permitted to engage in nepotism, favoritism, and any outside business transactions, or other activities, which are detrimental to the best interests of the School. This includes activities that, directly or indirectly, divert business opportunities from the School or confer an unfair advantage upon or benefit to a family member. It also includes activities that negatively reflect upon the School's image or are contrary to the mission of the School, except for activities specifically protected by law. The School respects the right of employees to engage in activities outside their employment that are of a private nature and unrelated to their job or the School. However, employees must fully disclose to their department head or director or the Human Resource Director, or designee, all business and personal activities that represent such a conflict of interest with the School. If an employee is unsure whether a conflict of interest exists, the employee is encouraged to seek the advice of the Human Resource Director, or designee.

§ 7.803 Outside Employment.

Employees may not accept simultaneous employment with another tribal agency or another employer without the express permission of the School Director. Permission may be denied if the other employer is a competitor or supplier of the School. The request may be denied with employment of another tribal agency if the total hours worked in a given week violates tribal policy or interferes with the work expectations of the School. The School considers all full time employees' work with the School to be their primary employment responsibility. As such, outside employment will not be considered an excuse for poor performance, absenteeism, tardiness or refusal/inability to work overtime.

§ 7.804 Political Activity.

Employees shall not directly or indirectly use their authority, influence or political aspirations to compel individuals to participate or not participate in Tribal political activity and/or election processes. Campaign buttons, posters, or apparel related to tribal political activity is prohibited at the workplace, and distributing literature, emailing, and circulating petitions related thereto during work time or in work areas is strictly prohibited. In addition, employees shall not use Tribal property and services to influence individuals to participate or not participate in the Tribal election process.

§ 7.805 Harassment.

(1) The School has a “zero-tolerance” policy with respect to employee harassment. Any form of unlawful employee harassment based on race, color, religion, sex, national (including Tribal) origin, age, disability or status in any protected group is prohibited. The School will not tolerate interference with the ability of employees to perform their expected job duties. Harassment of employees, tenants or members of the public by employees will result in disciplinary action, up to and including termination.

(a) Sexual Harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature. No supervisor, manager or any other employee shall threaten or insinuate, either explicitly or implicitly that another employee's refusal to submit to sexual advances will adversely affect that person's employment, wages, advancement, assigned duties, or any other condition of employment or career development. Similarly, no supervisor, manager or employee shall promise, imply or grant any preferential treatment in connection with another employee engaging in sexual conduct.

(i) Sexual harassment also includes unwelcome sexual flirtations, advances or propositions, verbal abuse of a sexual nature, subtle pressure or requests for sexual activities, unnecessary touching of an individual, graphic or verbal commentaries about an individual's body, sexually degrading words used to describe an individual, a display in the workplace of sexually suggestive objects or pictures, sexually explicit or offensive jokes, or physical assault.

(b) Racial and National (including Tribal) Origin Harassment. Racial and national origin harassment is verbal or physical conduct that denigrates, belittles or shows hostility or aversion towards an individual because of his or her race or national (including tribal) origin and has the purpose or effect of creating an intimidating, hostile, or offensive working environment, or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities. This includes, but is not limited to, epithets, slurs, intimidating or hostile acts that relate to race, or national (including tribal) origin, written or graphic material that denigrates, belittles or shows hostility or aversion toward an individual because of his or her race, or national (including tribal) origin and that is placed on walls, bulletin boards or elsewhere on our premises or circulated in facilities.

(c) General. Harassment under this policy may also include words or conduct committed by customers or suppliers of the School. In the event that any harassing or offensive language or conduct occurs, employees must report it to the Human Resource Director, or designee, immediately so the matter can be addressed promptly.

(d) Enforcement. Each member of Management is responsible for creating an atmosphere free of harassment, sexual, racial or otherwise. Further, employees are responsible for respecting the rights of their coworkers.

(2) If an employee experiences any job-related harassment based on sex, race, national (including tribal) origin, disability, or another factor, or believes that he or she has been treated in an unlawful, discriminatory manner, the employee must promptly report the incident to his or her department head or director or Human Resource Director, or designee, who will investigate the matter and take appropriate action. All employee complaints will be kept confidential to the maximum extent possible.

(3) The School prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the School determines that the complaint is not bona fide and was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint.

§ 7.806 Alcohol and Drugs.

(1) All employees of the Tribe are subject to the drug testing procedures as provided in § 7.808 of this manual.

(2) Employees are expected to come to work with a clear mind, unimpaired by drugs or alcohol. No employee under the influence of alcohol, illegal drugs or controlled substances as established in § 7.201 (23) shall be permitted to come to or remain at work.

(3) Employees, while on the Tribe's property or on duty, shall not be under the influence of alcohol or illegal drugs; possess or consume alcoholic beverages; possess or consume prescription drugs in the absence of a valid prescription; or use, sell, possess, transfer or purchase illegal drugs or controlled substances. Prescription drugs shall be used only in the manner, combination, and quantity prescribed by a licensed medical practitioner while on the Tribe's property or while on duty. As a condition of continued employment with the Tribe, all employees must notify the Tribe of any criminal drug statute conviction or charges against them no later than five (5) days after receiving such conviction or charges.

(4) Drug means any substance other than alcohol capable of altering an individual's mood, perception, pain level or judgment. A prescribed drug is any substance prescribed for individual consumption by a licensed medical practitioner. An illegal drug is any drug or controlled substance, the sale or consumption of which is illegal.

(5) The legal use of controlled substances prescribed by a licensed medical provider is not prohibited, but all employees are required to make such use known to the appropriate supervisor within five (5) days they are prescribed the controlled substance. Failure to make the legal use of a controlled substance as prescribed by a licensed medical provider to the appropriate supervisor shall result in disciplinary action up to and including termination.

§ 7.807 Drug Free Workplace Act Compliance.

(1) The Tribe hereby establishes a policy providing for a drug-free workplace as required by the Drug Free Workplace Act of 1988, 41 U.S.C. 701 *et. seq.* As such, as required by the Act, the Tribe hereby publishes a statement notifying employees that the Tribe prohibits the unlawful manufacture, illegal distribution, dispensation, possession or use of a controlled substance in the workplace. All employees who violate this policy shall be subject to disciplinary action, up to and including termination. As a condition of continued employment with the Tribe, all employees must notify the Tribe of any criminal drug statute conviction or charges no later than five (5) days after receiving such conviction or charges.

(2) General Provisions.

(a) Consent. No alcohol test may be administered, urine sample obtained, or any drug test conducted without the consent of the person being tested. An employee gives consent to participate in any and all forms of testing as a condition of continued employment with the Tribe.

(b) Record Keeping. It is essential that all necessary documentation from each form of testing is maintained in the Human Resources Department in applicable employee files for no less than 5 years. Employee violations will never expire.

(c) Notice of Conviction or Charges.

(i) An employee will be responsible for notifying his/her immediate supervisors in writing within five (5) day of any criminal drug statute conviction or charges for violation. The employee's department head or director shall notify the Human Resource Director who will notify the legal department.

(ii) As required by law, the Legal Department will be responsible for notifying the applicable funding agency of the employee's department within ten days after receiving notice from the human resource director, or designee of an employee's criminal drug statute conviction or charges occurring in the workplace or while on duty.

(d) Illegal Distribution or Illegal Dispensing of Controlled Substance on Tribal property. Any employee who manufactures, illegally distributes, or illegally dispenses a controlled substance on Tribal property or while on duty will be terminated. Such termination shall not be subject to appeal.

(3) Rehabilitation and Rehiring. Any employee who has been dismissed for violation of the Tribe's Drug-Free Workplace Policy may be eligible for re-employment after 90-days with the Tribe upon proof of rehabilitation provided by an accredited treatment facility that the person has been to treatment or has successfully completed appropriate treatment and is in recovery.

§ 7.808 Drug and Alcohol Testing Procedures.

All employees and applicants for employment are subject to drug and alcohol testing, including reasonable suspicion, pre-employment, return-to-duty, and random drug testing. Drug tests require laboratory testing as provided by the Mandatory guidelines for Federal Workplace Drug Testing Programs pursuant to 94 FR 28101, May 15, 2015 as amended, as minimum standards for the following five classes of drug and correlative cutoff concentrations: Marijuana; Cocaine; Opiates including opium and codeine derivatives such as Oxycodone, Oxymorphone, Hydrocodone, Hydromorphone; Amphetamines and Methamphetamines including Methylenedioxyamphetamine (MDA) and Methylenedioxyethylamphetamine (MDEA); Phencyclidine (PCP). Employees are encouraged to contact the Human Resource Director, or designee, with any questions regarding drug and alcohol testing. Failure or refusal to participate in an employer-directed drug test is considered insubordination and the employee will be terminated for insubordination.

(1) General Drug and Alcohol Testing Procedures. In cases where an employee is required to undergo testing for the presence of alcohol or drugs including reasonable suspicion, pre-employment, return-to-duty, and random drug testing, the following procedures shall apply:

(a) LCO-CHC using a licensed laboratory of the LCO-CHC choice that conducts substance abuse testing that is deemed appropriate by the Tribal Governing Board for business purposes; i.e., screening and confirmatory testing, will take a sufficient sample to assure that confirmation testing can occur in the event of an initial positive test result. The initial cost for this testing will be incurred by the Tribe.

(b) The laboratory evaluation of the samples will be carried out by a laboratory that is contracted with the LCO-CHC and is certified by either the College of American Pathologists or the National Institute on Drug Abuse.

(c) In the event of a positive test result, a confirmation test will be performed by a laboratory specified in subs. (b) above, using the original sample (not a new sample). The confirmation test will be based on a different analytical method of higher analytical certainty.

(d) The employee within two (2) working days of the results must request any further confirmation testing (using the original sample) by a laboratory specified in subs. 1(a) above, in writing. Costs of confirmation testing incurred will be paid by the employee.

(e) The results of any drug or alcohol tests shall be kept confidential, except information shall be shared between departments as deemed necessary. All policies regarding employee personnel records shall be strictly adhered to and followed in accordance with the provisions of this Manual.

(f) A portable breath test (PBT) conducted by a Class 1 PBT Certified person of the LCO-CHC choice that is deemed appropriate by the Tribal Governing Board for business purposes shall be utilized for alcohol testing.

(2) Pre-Employment Testing Procedures.

(a) An applicant for employment will be required to undergo testing for illegal drugs and prescribed medication for which they do not have a valid prescription as a condition of employment. If the applicant is suspected to be under the influence of alcohol at the time of their pre-employment drug screen, a PBT may be requested.

(b) Applicants who test positive for alcohol, illegal drugs, and/or prescribed medication for which they do not have a valid prescription, shall be denied employment.

(c) An applicant who initially declines a drug test will be denied employment and not eligible for employment for 90 days.

(3) Probable Cause Testing Procedures.

(a) Upon a finding by an employee's department head or director that there is probable cause that the employee is either under the influence of alcohol (under the influence shall mean a blood alcohol concentration of 0.02 grams of alcohol per 100 milliliters of a person's blood or while the person has 0.02 grams of alcohol per 210 liters of a person's breath) or drug abuse that is impairing the employee's ability to carry out job-related activities, the employee shall be required to be tested for the presence of drugs or alcohol pursuant to subs. (c), below. A finding of probable cause and directive requiring the employee to submit to testing for drugs or alcohol must be in writing signed by the employee's department head or director. The probable cause finding must be supported by evidence of specific, personal observations concerning job performance, appearance, behavior, speech, or bodily odors of the employee. If hearsay information is received, such information must be corroborated by personal observations, or observations and evaluation by the Executive Director, or designee.

(b) Once an employee's department head or director has determined that probable cause pursuant to subs. (a), above exists, the employee's department head or director shall immediately contact the Human Resource Director, or designee and convey that one of his or her employees is under the influence of alcohol or a controlled substance and that such influence is impairing that employee's ability to carry out his or her job related duties.

(c) Upon receiving contact from an employee's department head or director, the Human Resource Director, or designee shall have the employee drug tested and if alcohol related have the employee submit to a portable breath test (PBT) conducted by a Class 1 PBT Certified person as specified in subs. (1)(f), above. If the employee refuses to take a test (including but not limited to a drug test, drug urine test, or PBT test) after being required to do so, the employee is thereby insubordinate and considered to be in violation of the Drug Testing Policy and shall be terminated.

(d) Upon receipt of a positive test result, the employee shall be immediately relieved of their duty station and will be subject to disciplinary action, subs. (6) below, and the positive test sample will be sent for a confirmation test result pursuant to subs. (1) above. In all cases, an employee may face legal consequences for his/her actions. Upon

receipt of a positive confirmation test result pursuant to subs. (1) above, the employee shall be referred by the Human Resource Director, or designee to participate in the Employee Assistance Program pursuant to § 7.711 (1) of this manual. Failure to comply and successfully complete an approved LCOCHC- Behavioral Health EAP treatment plan within the timeframe established in the treatment plan will result in termination.

(4) Preventive Testing Program (Random Testing) Procedures.

(a) All employees are included in the Tribe's Preventive Testing Program (Random Testing). Employee Preventive Testing will be conducted at unscheduled and unannounced times. If an employee is participating in the EAP they may be exempt from subs. (6), below of this manual if a subsequent violation is a result of their initial EAP referral.

(b) Method of Conducting Preventive Testing.

(i) A non-biased selection procedure will be used to assure equitable distribution in the selection process.

(ii) The randomly generated list of employees to be tested will be kept on file for 2-years.

(c) Employees who are selected for preventative testing and refuse to take a test will be considered insubordinate and will be terminated. An employee has up to 3 hours to provide a sample and may not leave the property. Consideration for extending the timeframe will be afforded the employee if the employee is cooperating, i.e. drinking water or other fluids. An employee who fails to provide a sample within the allotted or extended timeframe is insubordinate and will be terminated.

(d) If an employee that is selected for preventative testing is on travel, PTO, or other leave, the employee shall be notified upon their return to work to comply with the preventative testing procedure pursuant to subs. (c), above.

(e) Upon receipt of a positive test result, the employee shall be immediately relieved of their duty station and will be subject to disciplinary action, up to and including termination pursuant to subs. (6), below and the positive test sample will be sent for a confirmation test result pursuant to subs. (1), above. In all cases, an employee may face legal consequences for his/her actions.

(5) Return to Duty Procedures. An employee returning to duty following a chemical dependency related leave of absence must receive a release by a licensed physician stating that the reasons for the employee being placed on leave have been resolved.

(6) Discipline for Drug Testing Violation. In all cases, an employee may face legal consequences for his/her actions.

(a) Any employee who uses (or is under the influence of) alcohol and/or drugs, possesses alcohol and/or drugs or intoxicants on Tribal property or while on duty will be subject to disciplinary action, up to and including termination as follows:

(i) First Offense: The employee will be informed of a first offense in writing and will be suspended three (3) days without pay.

(ii) Second Offense: If a second offense occurs, the employee will be suspended five (5) days without pay. During the suspension, the employee must have a conference with the LCO-CHC's alcohol and drug counselor and undergo an assessment. If it is determined that the violation reflects a drug or alcohol abuse problem that is affecting the employee's job performance, then a plan of action will be developed by a licensed counselor and the employee. The licensed counselor will put the plan in writing and the plan will be approved for employment purposes by the employee's department head or director with final approval by the executive director. Failure to comply and successfully complete any approved LCO-CHC Behavioral Health EAP treatment plan will result in termination. Such termination shall not be subject to appeal.

(iii) Third Offense: If a third offense occurs, the employee shall be terminated. Such termination shall not be subject to appeal.

(b) Any employee who refuses to take a test as established in § 7.808 (1) will be considered insubordinate and will be terminated for insubordination. Such termination shall not be subject to appeal.

(c) Rehabilitation and Rehiring. Any employee who has been dismissed for violation of the Tribe's Drug Testing Policy may be eligible for re-employment after 90-days with the Tribe upon proof of rehabilitation provided by an accredited treatment facility that the person has been to treatment or has successfully completed appropriate treatment and is in recovery.

§ 7.809 Inspection and Search.

(1) The Tribe has the authority to inspect or search the entire work-place, including, but not limited to any office or desk when there are reasonable grounds for suspecting that the search will turn-up evidence that an employee violated any provision of this manual or otherwise engaged in work-related misconduct.

(2) The Tribe has the authority to inspect or search, when the inspection or search is necessary for non-investigatory work-related purpose, including locating and retrieving any information from a location within the work place.

(3) The Tribe has the authority to inspect or search any employee's personal possessions located within the work place when there are reasonable grounds for suspecting that the search

will turn-up evidence that the employee violated any provision of this manual or otherwise engaged in work-related misconduct.

(4) If an employee is found to be in possession of any item or substance prohibited by this manual or fail to comply with any inspection or search conducted in accordance with this manual, the employee will be subject to appropriate disciplinary action, up to and including termination. Any illegal substances that are found, in the course of an inspection or search, will be turned over to law enforcement.

§ 7.810 Confidentiality.

(1) In the course of performing duties for the School, employees may obtain or become aware of confidential information, such as personnel, financial and legal information of the School, its programs, operations, enterprises and employees, including but not limited to information encompassed in any reports, investigations, research or development work, mailing lists, bid lists, directories, listings, plans, specifications, proposals, marketing plans, financial projections, cost sheets, bid estimates, bid spreadsheets, vendor or subcontractor quotes, financial data and any and all concepts or ideas, materials or information related to the business, products, or services of the School or its customers and vendors (“Confidential Information”).

(2) Employees must hold all Confidential Information in strict confidence and shall not directly or indirectly disclose Confidential Information or permit the release thereof to any outside person or entity except as necessary to perform employment duties or as otherwise required by law. If any question arises about whether information must be treated as confidential, employees must treat such information as confidential until confirmed otherwise by their department head or director, in consultation with the legal department.

(3) Employees also must not use or release, directly or indirectly, any proprietary information or trade secrets of the School without prior authorization from their department head or director, in consultation with the legal department. Trade secrets include any formula, pattern or devise of compilation of information which is used in the School’s business or operations.

(4) Violations of confidentiality, including the disclosure of confidential information (verbal, written or documents) as defined under this section shall be subject to discipline, up to and including termination. The School reserves the right to prosecute any violations to fullest extent allowed under tribal, state or federal law.

§ 7.811 Media Inquiries.

The School generates public interest and persons often seek newsworthy information. Therefore, it is our policy to allow only authorized representatives to make contact with or provide information or comments to reporters and news agencies regarding the School. Any employee who is contacted by a reporter regarding the School must inform his or her department head or director of the request for information. Prior written authorization by the School Board Chairman or his/her designee is required prior to any media release of information.

§ 7.812 Security Measures / Limited Access Control Areas.

Maintaining security and limiting access to certain areas of the School's facilities is important to the continued success and is required by law in some instances. Employees shall not permit unauthorized persons, which may include Tribal employees, to enter secure and limited access controlled areas or to access confidential or protected information.

§ 7.813 Dress and Appearance.

(1) Employees must dress and groom themselves in accordance with appropriate social and business standards. An employee's department head or director or the School Director retain the right to request any employee to change his or her mode of dress or grooming if deemed provocative or otherwise inappropriate. In addition, employees must maintain good personal hygiene.

(2) The School strives to ensure the comfort and safety of our employees and visitors by encouraging an environment to be free from smoke, fragrances, or unpleasant smells, notwithstanding subd. (6) below. These odors are distracting and may trigger allergic reactions or create health problems for sensitive individuals. This policy is meant to cover noticeable odors from any source, including foods, personal items, perfumes, and grooming. All employees must observe good habits of grooming and personal hygiene. Body odor, from any cause, should not create distractions. To accommodate sensitive individuals, employees are discouraged from:

(a) Wearing or applying excessive amounts of perfume, cologne, scented lotions, or body washes in the workplace;

(b) Using hairsprays, air freshener, or other scented products in the workplace; and eating or keeping fragrant foods or items at your desk.

(3) Given that sensitive individuals have widely varying degrees of reaction, it's difficult to guarantee a consistently comfortable and accommodating workplace. Still, the School desires to minimize the barriers and difficulties experienced in the workplace by employees and clients with chemical or fragrance sensitivities, notwithstanding subd. (6) below.

(4) Notwithstanding subd. (6) below, school scheduled meetings will be conducted in "fragrance-free" meeting rooms. Employees should be given advance notice of meetings so they can take appropriate steps to minimize fragrances.

(5) Department heads or directors shall provide feedback to employees to ensure compliance with this policy. If an employee is responsible for an unpleasant or distracting odor, a supervisor may ask the employee to leave the workplace until the problem is alleviated. If a problem arises due to a disability, the School will not discriminate against the individual because of their disability and will accommodate the individual unless it causes an undue hardship.

(6) Nothing in this policy shall be deemed to limit or interfere with the burning or other use of traditional medicines at traditional ceremonies and cultural functions.

§ 7.814 Smoking.

(1) The school campus is a smoke-free zone. When going on a smoke break, employees must sign out, leave the school campus and sign back in upon return pursuant to § 7.511 of this manual.

(2) Smoking is prohibited in the following areas, notwithstanding subd. (3) below:

(a) In any Tribal owned or leased vehicle;

(b) In any Governmental building designated as a workplace.

Violators of this section are subject to disciplinary action, up to and including termination.

(3) Nothing in this policy shall be deemed to limit or interfere with the use of tobacco at traditional ceremonies and cultural functions.

§ 7.815 Internet and Telephones.

(1) All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the School and as such are to be used solely for job-related purposes. The use of any software and business equipment, including, but not limited to, e-mail, internet access, facsimile machines, computers, telephones (land lines and cellular phones) and copy machines for private purposes is prohibited.

(2) No employee may not use a pass code or voice-mail access code that has not been issued to that employee or that is unknown to the School. Moreover, improper use of the e-mail system (*e.g.*, distributing offensive jokes or remarks) will not be tolerated.

(3) Employees shall not use the School's internet, voice mail and e-mail resources, phones and other systems in a prohibited manner, including:

(a) To transmit, view, retrieve, or store any communications of a discriminatory or harassing nature or materials that are considered obscene or pornographic;

(b) To access pornographic internet sites, display or print any associated materials, pictures and cartoons;

(c) To harass or transmit messages with derogatory or inflammatory remarks about an individual's race, sex (including pregnancy), age, disability, religion, national origin or physical attributes or transmit abusive, profane or offensive language;

(d) For non-business, personal or private use, including but not limited to game playing and personal communication not associated with business;

(e) To disclose any confidential or proprietary information except where such disclosure is authorized or permitted in this personnel policy and procedural manual.

(4) Employees shall not use the School's internet, voice mail and e-mail resources and other systems and equipment, including but not limited to computer hardware, software, copier, fax machine and postage machine in a manner that is contrary to the provisions of any purchase or lease contract, such as unlawful copying of computer software.

(5) Notwithstanding the School's right to retrieve and read any voice or electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any voice or e-mail messages that are not sent to them. Any exception to this policy must receive prior written approval by Management.

(6) The School may monitor, record and listen to all internet, e-mail and voice mail usage, to assure compliance with its policies, for cost analysis and for legitimate business purposes. Thus, the School may listen to, access and disclose any information in the electronic communication and telephone systems, even such information or communication protected by an employee's personal password, at any time, with or without notice to the employee. Employees have no expectation of privacy in connection with the use of these systems, or the transmission, receipt or storage of information in such systems.

§ 7.816 Solicitation and Distribution.

(1) In the interest of good housekeeping and safety, employees shall not distribute non-work literature such as leaflets, pamphlets, etc., at all times in working areas. It is the responsibility of each employee of the School to keep all facilities clean and orderly.

(2) Non-employees, other than customers and vendors, are not permitted on Tribal property for the purpose of solicitations or any other reason without the express authorization of the Tribal Governing Board.

§ 7.817 Workplace Violence.

(1) The School is concerned about the increased violence in society, which has also filtered into many workplaces, and has taken steps to help prevent incidents of violence from occurring at its facilities. It is our policy to expressly prohibit any acts or threats of violence against any employee, student, or visitor in or about our facilities or elsewhere at any time. We will not condone any acts or threats of violence against our employees, student, former employees or students, or visitors on the School's property at any time or while they are engaged in business with or on behalf of the School, on or off our premises.

(2) In keeping with the spirit and intent of this policy, and to ensure the objectives in this regard are attained, the School is committed to the following:

(a) To provide a safe and healthful work and educational environment;

(b) To take prompt remedial action, up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures;

(c) To take appropriate action when dealing with customers, former employees, or visitors to our property who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law;

(d) To establish viable security measures to ensure that the School's facilities are safe and secure for all inhabitants of this facility to the maximum extent possible and to properly handle access to the School's facilities by the public, students; either former or current, off-duty employees, and former employees.

(3) Employees, former employees, customers and visitors shall not bring or possess unauthorized firearms or other weapons onto the School's premises. Any employee who displays a tendency to engage in violent, abusive, or threatening behavior or who otherwise engages in behavior that the School, in its sole discretion, deems offensive or inappropriate, or who possesses a firearm or weapon in violation of this policy will be subject to disciplinary action, up to and including termination or in the case of students, disciplinary action up to and including expulsion.

(4) Employees have a "duty to warn" their department head or director of any suspicious workplace activity or situations or incidents that they observe or that they are aware of that involve other employees, former employees, customers, or visitors and that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks, and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The School will not condone any form of retaliation against any employee for making a report under this policy.

§ 7.818 Off-Duty Misconduct.

Employees shall not engage in off-duty misconduct which is deemed detrimental to the Tribe, School or children. While it is impossible to predict every detrimental situation, the School may determine that off-duty misconduct is adverse to the Tribe, School, or children because it is serious in nature; is at odds with an employee's job duties; how the conduct is perceived to children and families; or is notorious and has the potential to discredit the Tribe and/or School.

§ 7.819 Children in the Workplace.

The presence of children in the workplace is discouraged because it can be disruptive to other employees. However, the School recognizes that there may be circumstances when it is necessary for an employee to have a child at the workplace for a short period. A supervisor has the authority to prohibit an employee from having a child at the workplace if the supervisor determines that the employee is abusing this policy or the workplace is being disturbed.

§ 7.820 Policy Regarding Use of Social Media by Employees.

(1) While the School encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of employees may become a concern if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the office; or harming the goodwill and reputation of the School. In the area of social media (print, broadcast, digital, and online services such as Facebook, LinkedIn, MySpace, Plaxo, and Twitter, among others), employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above. For this reason, the following provisions apply regarding an employee's use of social media, both on and off duty:

(a) An employee shall be subject to disciplinary action, up to and including termination of employment, depending upon the severity and repeat nature of the offense, if an employee publishes any personal information about the employee, another employee of the School, the School and its officials, the Tribe and its officials, or a tribal member in any public medium (print, broadcast, digital, or online) that:

(i) has the potential or effect of involving the employee, their coworkers, tribal members or the School in any kind of dispute or conflict with other employees or third parties;

(ii) interferes with the work of any employee;

(iii) creates a harassing, demeaning, or hostile working environment for any employee;

(iv) disrupts the smooth and orderly flow of work within the office, or the delivery of services to tribal members;

(v) harms the goodwill and reputation of the School in the community at large; or

(vi) tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information.

(b) No employee may use the School's equipment or facilities for furtherance of non-work-related social media related activities or relationships without the express advance permission of their program Director.

(c) Employees who conduct themselves in such a way that their social media related actions toward and relationships with each other interfere with or damage work relationships, disrupt the flow of work or tribal member relations, or cause unfavorable publicity in the community, should be concerned that their conduct may be inconsistent

with one or more of the provisions of this policy. In such a situation, the employees involved should request guidance from their program Director or the School Director to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

(d) Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.

(e) Social media access and use involving Tribal equipment and resources are subject to the School computer and internet policy at all times.

(f) The provisions in this policy are not intended to restrict communications regarding the terms and conditions of the workplace.

(2) How an employee uses social media is not a matter of concern as long as it is consistent with the aforementioned provisions on this policy. Employees may address any questions on this policy to the Lac Courte Oreilles Legal Department.

SUBCHAPTER 7.9 – SAFETY

§ 7.901 General Rules.

(1) The safety of employees is important to the School. Fire extinguishers, exits and first-aid kits are available in marked locations around the School. Employees must strictly adhere to all applicable safety regulations and comply with the following general rules:

(a) Employees must report immediately all accidents or injuries to a supervisor without exception;

(b) Employees may smoke only in designated areas;

(c) Employees must be careful and take necessary precautions when operating, cleaning or repairing any machinery;

(d) Employees must be present prior to starting any operation or task which calls for more than one employee;

(e) Employee must not attempt to operate equipment without authorization or proper training or certification;

(f) The School will not tolerate horseplay or practical jokes. Accidents or injuries resulting from such horseplay or conduct shall not be considered work related.

§ 7.902 Accidents or Injuries.

(1) If an accident or injury occurs, until medical help arrives employees should try to provide aid and comfort to the injured person. Employees should try to keep the circumstances of any accident or injury fresh in their minds so that the incident can be reported accurately and to provide information that may prevent a repeated incident.

(2) Within 24 hours, the injured employee is required to see the school nurse when possible and fill out a “Report of first Injury” form. The “Report of First Injury” form is available from the school nurse or the Human Resource Director. This form is an important first step in case a Workers Compensation benefit is to be filed.

(3) Reporting of Conflicts with Staff and Students. In the event of any type of conflict, confrontation, verbal or physical altercation, the employee and/or student are to contact the building Principal and fill-out a “Report of First Injury” form. The “Report of First Injury” form is available from the school nurse or the Human Resource Director. This form is an important first step in case a Workers Compensation benefit is to be filed. After an altercation of any kind, all parties involved are to submit a written explanation of what occurred to their immediate supervisor and the Human Resource Director.

§ 7.903 Protective Equipment.

The School will furnish required safety equipment to employees, if the work requires such equipment. Safety equipment includes safety glasses, gloves, safety shoes, noise protection devices, special protective devices for handling hazardous chemicals and waste, etc. Employees must follow all rules concerning the wearing of safety equipment at all times and must not remove safety equipment from any machinery, such as machine guards.

§ 7.904 Hazardous Materials.

The School complies with all applicable “Right to Know” laws, which means employees will be made aware of any chemical hazards at the workplace. Employees will also receive special training concerning the labeling, handling and disposal of hazardous substances, and what steps should be taken in the event of a spill or release.

§ 7.905 Personal Responsibility.

All employees shall take personal responsibility in the performance of all workplace related activities. If at any time an employee reasonably determines that a workplace related activity is unsafe or warrants protective equipment, the employee shall make all reasonable efforts to remedy the situation.

SUBCHAPTER 7.10 – VEHICLE DRIVER CERTIFICATION

§ 7.1001 Purpose.

The purpose of this subchapter is to certify employees who may operate a vehicle or travel on tribal business and to minimize School exposure to liability claims resulting from vehicle accidents.

§ 7.1002 Scope.

Any person driving on School business including all employees and volunteers shall comply with this subchapter. School business does not include an employee's regular commute to and from the work place.

§ 7.1003 Policy.

Drivers of School, Tribal, personal, or rental vehicles may be authorized to drive on School business if they are 18 years of age and certification criteria contained in this subchapter are satisfied.

§ 7.1004 Procedures.

Drivers must achieve certification to drive on tribal business by meeting the requirements listed in § 7.1005 of this manual.

§ 7.1005 Minimum Certification Requirements.

(1) Tribal Vehicle Certification.

- (a) Current Wisconsin Driver's License
- (b) Commercial Driver's License if required by Federal law or other contractual obligations
- (c) License requirements listed in the employee's current job description.
- (d) Completed Driving Record Authorization Form in employee's personnel file.
- (e) None of the following driving violation convictions within the last year:
 - (i) Operating without valid driver's license
 - (ii) Obstruction in regard to driver violation
 - (iii) Reckless driving

- (iv) Violation of Occupational License
- (v) Causing great bodily harm with vehicle
- (vi) Negligent homicide by use of motor vehicle
- (vii) Operating while license suspended
- (viii) Vehicle usage resulting in felony conviction
- (ix) Operating a school bus without a school bus license

(2) Personal Vehicle Certification.

(a) Current Wisconsin Driver's License

(b) Evidence of current minimum insurance coverage as follows, verified by an insurance policy with copy supplied to the Human Resource Director at every policy renewal:

- (i) \$100,000 per Person
- (ii) \$300,000 per Accident for Bodily Injury
- (iii) \$25,000 Property Damage

§ 7.1006 Recordkeeping.

(1) The Human Resource Department will maintain a current list of all certified drivers.

(a) Lists will be supplied to the Travel Clerk.

(2) Tribal Vehicle Drivers must notify the Human Resource Department within five (5) working days of any conviction affecting their certification eligibility. Failure to do so may be considered "employee misconduct" and subject to disciplinary action.

§ 7.1007 Supervisors Responsibility.

(1) Supervisors shall ensure that no uncertified employees drive on Tribal business.

(a) Departments, where appropriate, shall create Standard Operating Procedures which minimize drivers risk exposure.

(2) Supervisors shall take action when employees or the Human Resource Department report violations. Actions may be, but are not limited to:

(a) Reassigning the uncertified employee to a position which does not require driving.

(b) Removing the driving requirement from the employee's job description.

(c) Place the employee on unpaid leave until they become recertified.

(d) Termination of employment because of a valid driver's license is a required qualification on the job description.

(3) If all fines, suspensions, revocations, and any other penalties or conditions imposed on the driver due to the driving violation conviction(s) are satisfied, the Supervisor may decide to recertify the driver if all other certification requirements are satisfied.

(4) If a supervisor has reason to question an employee's mental or physical health as it relates to the employee's ability to drive on Tribal business, the supervisor shall refer the employee to the Employee Assistance Program (EAP) for an assessment.

§ 7.1008 School Owned and Supplied Devices or Vehicles.

(1) An employee or anyone else, who uses a school-supplied device or a school-supplied vehicle, is prohibited from using a cell phone, radio or similar device while driving, whether the business conducted is personal or school-related. This prohibition includes receiving or placing calls, text messaging, surfing the Internet, receiving or responding to email, checking for phone messages, or any other purpose related to your employment; the school; our students; or any other school or personally related activities not named here while driving.

(2) If and when a situation arises where a call is received or must be placed because of an emergency or from the school office, an employee or anyone using a school vehicle must pull-over and stop the vehicle in a safe location and then make the necessary exchange on the radio, cellular phone or other device.

(3) Anyone charged with traffic infractions as a result of the use of a personal or school cell phone, or other mobile device, while in the school vehicle, will be responsible for paying any fines or other associated costs and subject to disciplinary action up to and including termination.

SUBCHAPTER 7.11 – PROBLEM SOLVING

§ 7.1101 Scope.

(1) Problem Solving Process. When people work closely together it is only natural that problems, questions or conflict may sometimes arise. It is in the best interest of the School and all employees that these issues be resolved as quickly and fairly as possible; therefore, the School supports an “open-communication policy” to encourage addressing these issues. The following “Problem Solving Process” has been designed to provide guidelines for resolution of questions, problems or conflicts:

(a) If you have a work related or personal problem that you think the School can help you resolve, you are encouraged to discuss it with your supervisor. Your supervisor is usually in the best position to help you.

(b) If you do not get an answer, or you are not satisfied with the answer, the issue should be written down and presented to the Human Resources Director. The Human Resources Director will facilitate a meeting to assist with mutually resolving the issue.

(c) In the unlikely situation that these steps have not resolved the issue, you may take your problem to the School Director.

(2) Chain of Command. All employees are required to follow the chain of command, with no exceptions. The chain of command consists of and is limited to the following:

(a) Your Supervisor

(b) Human Resources Director

(c) School Director

(3) Open Communication Policy. The School supports open lines of communication between employees, which assures all employees concerns will be heard and considered. It is the belief and commitment of the School to maintain direct lines of communication and good working relationships with all employees. Problems arise in all work places and this process is designated to identify and correct those problems and issues in a fair, equitable and timely manner. It should be noted that not all problems or issues will have an outcome that all parties agree with but in no circumstances will insubordinate behavior or communications be tolerated.

SUBCHAPTER 7.12 – DISCIPLINARY ACTION AND APPEAL

§ 7.1201 Consent.

Each employee shall agree to, by signing, a Consent to Appeal Procedure as a condition of continued employment. The Appeals Procedure constitutes a contract between the School and the employee and establishes the framework under which employees may appeal disciplinary action imposed under this subchapter or employment claims, provided no employee can appeal any disciplinary action based on activity that results in an arrest and conviction. In addition, regarding employment claims, it is important to note that nothing in this personnel policy and procedural manual shall be construed as the School consenting to application of any law or waiving applicable defenses, including the defense that the subject law does not apply to the School.

§ 7.1202 Grounds for Disciplinary Action.

(1) Employees must perform assigned duties at or above satisfactory levels; they must follow standards of workplace behavior contained in this manual and comply strictly with all applicable laws, rules and regulations. A system of progressive discipline will be utilized, when appropriate, to afford employees an opportunity to correct behavior. Therefore, verbal and written warnings are utilized as a corrective action tool and will not be subject to the appeal procedures identified in § 7.1204.

(2) An employee may be suspended for any conduct which results in an arrest, pending the determination of the School Director of the seriousness of the offense. Conduct by an employee which results in a felony arrest and/or felony conviction as defined under state and federal law will result in termination.

(3) The School reserves the right to impose discipline for any of the actions listed in this section; such action may include suspension and /or termination:

- (a) Incompetence;
- (b) Neglect of duty;
- (c) Insubordination;
- (d) Refusal to work;
- (e) Willful misconduct;
- (f) Political activity as defined in § 7.804 of this manual;
- (g) False representation in conjunction with job performance;
- (h) Intoxication or use of intoxicants during working hours;

- (i) Conviction of any felony either in performance of job duties, or in private affairs;
- (j) Negligence or willful damage to tribal property;
- (k) Discourteous treatment of the public or fellow employees during working hours;
- (l) Loss of driver's license if required for the job;
- (m) Job performance which results in serious harm to the employee's program;
- (n) Failure to properly report to work on time;
- (o) Unauthorized disclosure of confidential information;
- (p) Conflict of interest;
- (q) Theft;
- (r) Falsification of timecards;
- (s) Willful violation of any Tribal law, rule, regulations or any deliberate action that is detrimental to the School or Tribe;
- (t) Willful violation of security or safety rules;
- (u) Negligence or any careless action which endangers the life or safety of another person;
- (v) Unauthorized possession of dangerous or illegal firearms, weapons, or explosives on the School's property or while on duty;
- (w) Engaging in criminal conduct or acts of violence, or making threats of violence toward anyone on the School's premises or when representing the School;
- (x) Provoking a fight on School or Tribal property;
- (y) Refusing to obey instructions properly issued by Management;
- (a) Refusing to help out on a special assignment;
- (aa) Threatening, intimidating, or coercing fellow employees on or off the premises – at any time, for any purpose;
- (bb) Dishonesty; willful falsification or misrepresentation on the application for employment or other work records; falsifying other data requested by the School;

(cc) Giving confidential or proprietary Tribal information to competitors, other organizations, the general public, or to unauthorized employees; working for a competing business while still employed by the School, breach of confidentiality of personnel information;

(dd) Malicious gossip and/or spreading rumors; engaging in behavior designed to create discord and lack of harmony; interfering with another employee on the job;

(ee) Poor work performance;

(ff) Leaving work before the end of a workday or not being ready to work at the start of a workday without approval of Management; stopping work before time specified for such purposes, unless authorized by law.

§ 7.1203 Types of Disciplinary Actions.

(1) Employees must perform assigned duties at or above satisfactory levels, follow standards of workplace behavior contained in this personnel policy and procedural manual and comply strictly with all applicable laws, rules and regulations. A system of progressive discipline will be utilized, when appropriate, to afford employees an opportunity to correct behavior, however some personnel infractions are severe enough to impose any of the below-mentioned disciplinary actions, up to and including termination. Disciplinary actions may be handled in any manner deemed appropriate by the School. This may include, but is not limited to, the following:

(a) Employee Warning.

(i) An employee may receive a verbal or written warning from their supervisor to rectify behavior which requires disciplinary action. Neither a verbal or written warning is appealable pursuant to § 7.1204 of this manual.

(ii) The department head or director will discuss with the employee the seriousness of the problem and the possible consequences of a failure to correct the problem. The department head or director will review applicable policies and will document the meeting through signature of both the department head or director and the employee.

(iii) The Human Resource Director, or designee, will maintain all employee warnings in an employee's personnel file in the event that further progressive discipline is necessary.

(b) Suspension.

(i) An employee may be recommended for suspension by their supervisor when the employee's behavior warrants such disciplinary action. The recommendation must be written in a manner that clearly states the justifiable reason and forwarded to the Human Resources Director. The Human Resources

Director will consult with the Supervisor to ensure the reason is justified and clearly stated. If the Human Resources Director is satisfied that all the information is contained in the documentation and there is clear substantiated reason for the suspension, the same will be forwarded to the School Director for final approval or denial. All suspensions are without pay. Suspensions are appealable pursuant to § 7.1204 of this manual.

(ii) Upon return from suspension, the department head or director will meet with an employee regarding the nature of the problem. A corrective action plan will be developed with the employee including specific timelines for completion.

(iii) The Human Resource Director, or designee, shall document all suspensions and maintain all corrective action plans in the employee's personnel file in the event that further progressive discipline is necessary.

(c) Probationary Period in lieu of Termination.

(i) In lieu of termination an employee may be placed on a probationary period for a serious violation of this personnel policy and procedural manual, as recommended by a Supervisor and agreed to and evidenced by the signature of the employee on a "Waiver of Appeal Process" form. The Supervisor must follow the same procedures as outlined in § 7.1203 (1) (b). During this probationary period, the School will evaluate the employee's continued suitability for employment. If during this period an employee has not shown improvement or adequately addressed the issues surrounding the probationary period in lieu of termination the Supervisor may recommend the termination of the employee's employment, without the ability of the employee to appeal the decision, subject to the approval of the School Director.

(ii) Employees placed on a probationary period pursuant to this section are eligible for holiday leave and funeral leave. Probationary employees pursuant to this section shall accrue Personal Time Off. Such employees cannot use Personal Time Off until the completion of their probationary period, unless authorized by their immediate supervisor with concurrence from the School Director and only for medical reasons or extreme circumstances.

(iii) At the end of the probationary period pursuant to this section, the School will prepare a written performance evaluation and discuss with the employee the curative conduct of the employee pertaining to the problem causing the probationary period as well as the employee's overall job performance.

(iv) The Human Resource Director, or designee, shall document all probationary periods pursuant to this section and maintain all written performance evaluations pertaining to this section in the employee's personnel file in the event that further progressive discipline is necessary.

(d) Termination.

(i) An employee may be recommended for termination from employment by their supervisor at any time, depending upon the severity of the offense. The recommendation must be written in a manner that clearly states the justifiable reason and forwarded to the Human Resources Director. The Human Resources Director will consult with the Supervisor to ensure the reason is justified and clearly stated. If the Human Resources Director is satisfied that all the information is contained in the documentation and there is clear substantiated reason for the termination, the same will be forwarded to the School Director for final approval or denial. All terminations are appealable pursuant to § 7.1204 of this manual.

(ii) The department head or director shall document all terminations and provide a copy of all documentation to the Human Resource Director, or designee.

(2) The School retains the sole discretion to determine what behavior warrants disciplinary action and what type of disciplinary action will be imposed. The School reserves the right to terminate employees at any time for any reason that does not violate applicable law with or without notice and with or without prior resort to other means of discipline.

§ 7.1204 Disciplinary Action Appeal Procedure.

(1) Appeal Policy.

(a) It is the policy of the School to ensure fair and equitable treatment for all employees. Therefore, all employees have the right to appeal any suspension or termination received by an employee pursuant to § 7.1202 of this manual. Verbal and written warnings are corrective action tools and thus are not subject to appeal.

(b) An employee who presents an appeal under the provisions of this manual will not be discriminated against or otherwise penalized for such action. If an employee is threatened or harassed at any time during the appeal process, he or she may notify the Human Resources Director in writing. The Human Resource Director will investigate, with the assistance of the Legal Department, such complaints and recommend proper action to the School Director. An appeal and any materials submitted in connection shall be considered confidential until the appeal process has been completed under the provisions of this section.

(2) Appeal Procedures. A formal appeal will be filed and processed in the manner described below, except that time limits may be waived or extended by written mutual consent of the parties involved.

(a) Appeal. The Employee will submit a written statement detailing the issue being appealed within three (3) working days of receiving a suspension or termination pursuant to § 7.1202 of this manual. An Employee's failure to file an appeal within the

specified time period will be considered a waiver of the formal appeal procedure and the disciplinary action will be final. The Human Resources Office will make four (4) written copies of the appeal; one copy will be given to his or her supervisor, one copy will be given to the School Director, one copy shall be retained by the Human Resource Director, and one copy shall be placed in the Employee's file. The original copy of the appeal will always remain with the Human Resources Office.

(b) If at any time during the process the Employee and the Employee's Supervisor are able to agree on a solution to the appeal filed, they may submit a joint statement outlining the acceptable terms to the School Director. If the terms are approved by the School Director, then the matter is settled with copies provided to the Employee and the Supervisor with a copy retained by the Human Resource Director. The School Director decision will be final.

(c) Once the Employee, the Supervisor, the School Director, and the Human Resource Department have copies of the appeal, the process shall continue pursuant to subsection (3) below.

(3) Tribal Court Appeals Hearings.

(a) Schedule Employment Appeal Hearing.

(i) Upon timely receipt of all appeal documentation, the Human Resource Director, or designee, will schedule an employment appeal hearing with the Tribal Court.

(ii) The Human Resource Director, or designee, will notify the employee of the employment appeal hearing date by personal delivery or certified mail at least five (5) days prior to the scheduled hearing date.

(iii) The Lac Courte Oreilles Legal Department shall be notified of all appeals and shall be provided with the entire record of the grievance and the all information submitted in connection to the appeal.

(iv) The employee is limited to one (1) advocate, at his or her cost, and no more than five (5) witnesses.

(v) All employees requested to testify at an employment appeal hearing, must attend the hearing when directed by the Human Resource Director, or designee. Failure to appear may result in a monetary fine or disciplinary action or both.

(b) Hearing before the Lac Courte Oreilles Tribal Court. The Tribal Court will conduct an employment appeal hearing.

(i) All hearings shall be electronically recorded. The order of appearance for the Appeals hearing shall be as follows:

- 1) Opening remarks by supervisor;
- 2) Opening remarks by employee;
- 3) Supervisor examination of witnesses with cross-examination by employee;
- 4) Employee examination of witnesses with cross-examination by supervisor;
- 5) Supervisor and employee may redirect witnesses after examination of witnesses;
- 6) Closing remarks by supervisor;
- 7) Closing remarks by employee.

(ii) The Tribal Court shall determine whether the employee committed the policy violation(s) upon which the discipline is based and whether the employer followed the appropriate procedural steps established in § 7.1202 of this manual. The employer has the burden of proving by a preponderance of the evidence whether each violation occurred and whether the appropriate procedural steps established in § 7.1202 of this manual were followed.

(iv) If the Tribal Court determines that the employer failed to meet the burden of proof regarding all violations and procedural steps established in § 7.1202 of this manual, it shall overturn the decision of the employer and order that the employee's personnel file reflect such decision; that the employee be restored to his or her previous position and that all the benefits which may have been withheld shall be credited to the employee as if no disciplinary action had ever occurred. Upon return to work, the Human Resource Director will meet with the employee and the department head or director and development a work reinstatement plan including specific timelines and tasks for reintroduction into the workforce.

(v) If the Tribal Court determines that the employer met the burden of proof regarding only a portion, but not all of the violations, it shall overturn the decision of the employer only regarding such violations and may, but is not required to, order such adjustments as it deems proper, including that the employee's personnel file reflect such decision; that the employee shall be restored to his or her previous position and - that all or a portion of the benefits which may have been withheld shall be credited to the employee as if no disciplinary action had ever occurred. Upon return to work, the Human Resource

Director will meet with the employee and the department head or director and develop a work reinstatement plan including specific timelines and tasks for reintroduction into the workforce.

(vi) If the Tribal Court determines that the employer met the burden of proof regarding all violations and the appropriate procedural steps established in § 7.1202 of this manual were followed, it shall uphold the decision of the employer; and shall uphold all disciplinary measures taken without substituting its judgment for that of the employer.

(vii) The Tribal Court shall issue a written decision which includes for each alleged claim or violation, both findings of fact and a conclusion regarding each claim or work rule violation. The decision shall be provided to each party.

(viii) If either party disagrees with the Tribal Court's decision, the party may appeal the decision to the Court of Appeals by filing notice of appeal within three (3) working days of the decision, with a copy to the Human Resource Director. The filing of an appeal by the employer shall stay any action under subsection (3) (b) (iv) or (v) above, pending resolution of the appeal by the Court of Appeals. The Tribal Court Clerk shall submit to the Court of Appeals the record of the employment appeal hearing within five (5) working days of receiving a copy of the notice of appeal. The Lac Courte Oreilles Legal Department shall be notified of all appeals of a Tribal Court decision.

(c) Hearing before the Lac Courte Oreilles Court of Appeals. Either party may request a review of the Tribal Court's decision by the Lac Courte Oreilles Court of Appeals. The Court of Appeals review will be limited to the information presented to the Tribal Court and the limited review is to ensure that the Due Process rights of the Employee and the School were protected and followed. If the Court finds any deficiencies in the Tribal Court's decision, it shall remand the matter back the Tribal Court for further review consistent with the Court of Appeals findings. Each party shall have five (5) working days to submit their request for Court of Appeals review of the Tribal Court's decision; failure to abide by the timeline stated in this section shall be deemed a waiver of the disciplinary appeal and the appeal shall be terminated; the Tribal Court's decision shall be deemed as final.

(i) The Court of Appeals shall have the discretion to decide whether to schedule a hearing in any employment appeal.

(ii) The Court of Appeals may issue a decision without a hearing after reviewing the decision of the Tribal Court and the evidence submitted during the grievance and appeal processes.

(iii) In all cases, the Court of Appeals shall review the findings of fact and conclusions of law solely to determine whether the appeals committee committed

clear error. "Clear error" means that the decision is not reasonably supported by the facts or law.

(iv) If the Court of Appeals determines that clear error occurred regarding all violations and procedural steps established in § 7.1202 of this manual were not followed, it shall uphold/overturn the decision of the Tribal Court and order that the employee's personnel file reflect such decision; that the employee be restored to his or her previous position and that all the benefits which may have been withheld shall be credited to the employee as if no disciplinary action had ever occurred. Upon return to work, the Human Resource Director will meet with the employee and the department head or director and develop a work reinstatement plan including specific timelines and tasks for reintroduction into the workforce.

(v) If the Court of Appeals determines that clear error occurred regarding only a portion, but not all of the violations, it shall uphold/overturn the decision of the Tribal Court only regarding such violations and may, but is not required to, order such adjustments as it deems proper, including that the employee's personnel file reflect such decision; that the employee shall be restored to his or her previous position and that all or a portion of the benefits which may have been withheld shall be credited to the employee as if no disciplinary action had ever occurred. Upon return to work, the Human Resource Director will meet with the employee and the department head or director and development a work reinstatement plan including specific timelines and tasks for reintroduction into the workforce.

(vi) If the Court of Appeals determines that clear error did not occur regarding any violation and the procedural steps established in § 7.1202 of this manual were followed, it shall uphold/overturn the decision of the Tribal Court; and shall uphold all disciplinary measures taken by Management without substituting its judgment for that of Management.

SUBCHAPTER 7.13 – MISCELLANEOUS EMPLOYEE PROCEDURES

§ 7.1301 Mandated Reporting.

A mandated reporter, having reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or having reason to believe that a child seen in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur, shall report those reasons to law enforcement or Lac Courte Oreilles Indian Child Welfare.

(1) Mandated Reporters. All School Employees

(2) Reporting Law Provisions.

(a) A mandated reporter must make a report when:

(i) The reporter has reasonable cause to suspect that abuse or neglect has occurred; or

(ii) The reporter has a reason to believe that abuse or neglect has been threatened and will occur.

(b) The reporter's suspicion or belief comes from information obtained from having seen the child in the course of doing professional duties.

(c) Anyone may make a report at any time.

(d) No one making a report may be fired from his or her job for making the report.

(e) A mandated reporter's intentional failure to report shall result in disciplinary action.

(f) No information that would identify the reporter may be released to the subject of the report, the child's parent, the child's foster parent, researchers, parents involved in custody proceedings, or an attorney representing the subject of the report.

(g) Good faith reporters have immunity from civil and criminal liability that results from the report.

(3) Definitions of Abuse.

(a) Physical Abuse. Physical injury inflicted on a child by other than accidental means reasonable punishment of a child by a parent is not physical abuse even if it includes corporal punishment. However, punishment whose reasonable foreseeable outcome is or could be the child's serious physical injury is not reasonable and should be reported.

(b) Sexual Abuse. Sexual intercourse or sexual contact with a child under 18, sexual assault or sexual exploitation of a child, allowing the prostitution of a child, or a child's forced viewing of sexual activity.

(c) Emotional Abuse. Emotional abuse is not defined, but criteria for inferring its presence are given. This is called emotional damage. Emotional damage must be harm to a child's psychological or intellectual functioning.

(d) Neglect. Failure, refusal, or inability on the part of the caretaker to provide necessary care, food, clothing, medical or dental care, or shelter. The neglect must be caused by a reason other than poverty and seriously endanger the physical health of the child.

(4) For details and additional information on mandated reporting consult the Human Resource Director, or School Director.

§ 7.1302 Purchase Order Procedure.

All employees of the School shall comply with procurement law and policy of the Tribe as established in Title XIV, Chapter 2 of the LCOTCL – Property and Procurement Policies and Procedures. The proper procedure for purchase orders are as follows:

(1) Acquire the Purchase Order Form from the Accounts Payable/Payroll Clerk in the Accounting Department Office.

(2) See your department head or director and discuss the purchase and acquire his/her approval.

(3) The department head or director, if other than School Director, will take the request to your School Director for his/her final approval or disapproval.

(4) Failure to follow the proper procedure may result in not receiving the items or having to pay for them out-of-pocket.

§ 7.1303 Cultural Involvement and Responsibilities.

All employees must be supportive of the mission, philosophy, concept, policies and procedures of the School.

(1) Assemblies. On the first morning of the week there is a school-wide assembly. All teachers, paraprofessionals and support staff will be in attendance and on time to participate and supervise when their schedules permit.

(2) Powwows. During the course of the year there are many powwows that staff, unless pre-excused, is required to attend.

As Approved and Adopted by Resolution No. 16-81, Amended by Resolution No. 16-89, and Resolution No. 17-11

(a) Student powwows. All teaching, paraprofessional and support staff is required to attend and supervise all student pow wows during the school year.

(b) Veteran's Powwow. Staff is required to sign up and work predetermined hours on Veteran's Day for the Veteran's Powwow.

(3) Graduation Celebration. Staff is required to sign up and work predetermined hours during the end-of-the-year graduation celebration.

(4) Staff, unless pre-excused, are required to attend Ojibwe Language classes when offered at the School.

(5) Staff is required to participate in on-going cultural awareness activities.

§ 7.1304 School Safety and Supervision.

Staff is responsible for maintaining a safe orderly school through an on-going supervisory role. We are responsible for all students regardless of grade level and location. Please be professional when redirecting student or visitor activities. Specific assignments may be as follows:

(1) Assigned supervision (i.e. noon duty, recess, breakfast duty, etc.) as noted on the morning report and yearly schedule as issued. These are subject to change throughout the year. You are responsible for finding a substitute supervisor if you are not able to fulfill this particular assigned duty.

(2) Staff is responsible to verify that students outside of the classroom have passes.

(3) Staff is responsible to escort all visitors without appropriate identification to the nearest office to sign-in.

(4) Staff is required to report any suspicious activities to the principal, or designee, immediately.

(5) The school is a secure building. All entrances that are secured throughout the day must remain so and not be propped open or disabled.

(6) Building codes and passwords must NOT be shared with students or STAFF. Your codes/passwords are specific to you. You are liable for anything that happens when your codes/passwords are used.

(7) In the event that school is closed or late start, you will be notified by phone (if the office has current information). Closures will also be announced on local radio stations (88.9 WOJB, 92.3 WRLS, 101.1 WHSM).

(8) Please use only the school designated parking areas. Do not block fire lanes, bus loading areas or other business parking areas. Cars will be towed at the owner's expense.

§ 7.1305 School Safety and Threats.

In the event of natural or manmade occurrences there will be times when specific procedures should be followed. These procedures will be followed accurately and immediately. These may include: tornadoes, armed or unarmed intruders, bomb threats, fires, riots, etc.

(1) You are responsible to attend specific training during the pre-service at the start of each school year. If, for any reason, you cannot attend this training, you are responsible to acquire the necessary information.

(3) You are responsible to maintain confidentiality regarding codes, protocols and procedures obtained at this training. Drills are scheduled throughout the year to practice appropriate responses.

(4) During drills and crisis situations you are to remain off all communication devices as communication must be left open during these situations.

§ 7.1306 General Staff Responsibilities.

Procedures must be followed and proper documents must be submitted to assure compliance with all governing bodies.

(1) Computers/Computer Awareness Training. Every year the staff is required to take the BIE computer usage training to access the system.

(2) Laptops. If you are assigned a lap top, you are responsible for the control, security, and use of this tool.

(3) Staff Meetings and In-service. Attendance at these activities is required by all staff unless prior arrangements are made.

(4) Transportation of Students. All staff who transport students are required to have a copy of their driver's license on file in the business office. Procedures to use school vehicles must be followed and requests submitted to the transportation department.

(5) Trip Requests. Any time a staff member must go on a trip (be it field trip or conference), that staff member must fill out the proper documentation and submit it in advance for approval.

(6) School Property. All school property under your control (i.e. computers, cameras, printers, palm pilots, etc.) is your responsibility. If stolen, broken or lost, report immediately to the proper authorities or immediate supervisor. You may be liable for the replacement of such items.

(7) Parent Conferences and Open Houses. Staff is expected to participate fully in parent conferences and open houses.

§ 7.1307 Travel Policy.

All employees of the School shall comply with Travel law and policy of the Tribe as established in Title XIV, Chapter 3 of the LCOTCL – Travel Policies and Procedures. This Travel Policy establishes the rules governing travel by all employees of the Tribe, including all employees of the School in the performance of their official job duties on behalf of the School (“Business Travel”) and the purchase or use of modes of transportation, such as Personal Automobiles, School or Tribal vehicles, rental vehicles, tolls, parking, accommodations, air fare, etc (collectively “Travel Services”).

§ 7.1308 Conference Approval.

(1) Employees shall obtain prior written approval to attend a conference, training, seminar, etc. (“Conference”).

(2) Employees who seek such approval shall complete the Workshop/Seminar Request Form with documentation, at least thirty (30) calendar days before the Conference and submit the same for approval.

§ 7.1309 Conference Attendance.

(1) Employees shall attend the entire Conference and obtain all materials. Employees who fail to attend the entire Conference may not be reimbursed or receive full credit during reconciliation for amounts received through travel advance.

(2) All hours spent attending Conferences shall be counted as work time for purposes of compensation, or accrual of compensatory time, as applicable, unless ALL of the following four criteria are met: (1) attendance is outside of the employee's regular working hours; (2) attendance is in fact voluntary; (3) the Conference is not directly related to the employee's job; and (4) the employee does not perform any productive work during such attendance. For example, if a payroll clerk attends a one-day Conference to learn accounting software, and the Conference lasts ten (9) hours, and has a one (1) hour lunch, the employee has nine (9) hours work time.

(a) Attendance is not voluntary, of course, if the employer requires it. It is not voluntary in fact if the employee is given to understand or led to believe that his present working conditions or the continuance of his employment would be adversely affected by nonattendance.

(b) The training is directly related to the employee's job if it is designed to make the employee handle his job more effectively as distinguished from training him for another job, or to a new or additional skill. For example, a stenographer who is given a course in stenography is engaged in an activity to make her a better stenographer. Time spent in such a course given by the employer or under his auspices is hours worked. However, if the

stenographer takes a course in bookkeeping, it may not be directly related to her job. Thus, the time she spends voluntarily in taking such a bookkeeping course, outside of regular working hours, need not be counted as working time. Where a training course is instituted for the bona fide purpose of preparing for advancement through upgrading the employee to a higher skill, and is not intended to make the employee more efficient in his present job, the training is not considered directly related to the employee's job even though the course incidentally improves his skill in doing his regular work.

(c) If an employee on his own initiative attends an independent school, college or independent trade school after hours, the time is not hours worked for his employer even if the courses are related to his job.

(d) There are some special situations where the time spent in attending lectures, training sessions and courses of instruction is not regarded as hours worked. For example, an employer may establish for the benefit of his employees a program of instruction that corresponds to courses offered by independent bona fide institutions of learning. Voluntary attendance by an employee at such courses outside of working hours would not be hours worked even if they are directly related to his job, or paid for by the employer.

As Approved and Adopted by Resolution No. 16-81, Amended by Resolution No. 16-89, and Resolution No. 17-11

**PERSONNEL POLICIES AND PROCEDURES MANUAL
RECEIPT AND ACKNOWLEDGEMENT**

I hereby acknowledge receipt of a copy of the Governmental Personnel Policies and Procedures of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. This personnel policy and procedural manual contains the policies and rules that apply to me. I agree to read the manual and follow it during my employment with the School. I further understand the School may amend this personnel policy and procedural manual at any time and that such changes will be communicated to me in writing.

Employee Signature

Date

Employee Name (Printed)

Please keep a copy of this acknowledgement for your records.

CONSENT TO APPEAL PROCESS

I hereby consent, as a condition of my employment, to the exclusive jurisdiction of the School's Disciplinary Action and Appeal procedures as set forth in Subchapter 7.12 of this manual, and the jurisdiction of the Tribal Court for all disputes in connection with my employment with the School. I acknowledge that my failure to comply with time limitations for resolving a complaint or filing an appeal will preclude further consideration of any matter. I hereby waive any right I may have to litigate in another court of law, any and all claims arising out of my employment, and hereby waive any right I may have to a jury trial, and agree instead to submit any and all disciplinary action claims to the Disciplinary Action and Appeal procedures as set forth in Subchapter 7.12 of this manual. I hereby consent to the application of Tribal law, both substantive and procedural, regarding all proceedings, matters and things relating to my employment relationship with the School.

Employee Signature

Date

Employee Name (Printed)

Please keep a copy of this consent for your records.

WAIVER OF APPEAL PROCESS

I hereby consent, as a condition of my employment, to participate in a Probationary Period in lieu of Termination pursuant to § 7.1203 (1) (c) of this manual. I hereby waive any right I may have to the Appeal procedures as set forth in § 7.1204 of this manual through my participation in this Probationary Period in lieu of Termination. I hereby acknowledge that as a condition of my employment that I have consented to the application of Tribal law, both substantive and procedural, regarding all proceedings, matters and things relating to my employment relationship with the School.

Employee Signature

Date

Employee Name (Printed)

Please keep a copy of this consent for your records.



13394 W Trepania Road . Hayward . Wisconsin . 54843
Phone 715-634-8934 . Fax 715-634-4797

RESOLUTION NO. 16-81

**ESTABLISHMENT OF TITLE XIV, CHAPTER 7
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
TRIBAL CODE OF LAW
LCO OJIBWE SCHOOL - WAADOOKODAAING
PERSONNEL POLICIES AND PROCEDURES**

WHEREAS, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (“Tribe”) is a federally recognized Indian tribe organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. § 461, *et seq.*; and

WHEREAS, the Tribal Governing Board serves as the governing body of Lac Courte Oreilles Band of Lake Superior Chippewa Indians pursuant to Article III, Section 1 of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians; and

WHEREAS, pursuant to Article V, Section 1(n) of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, empowers the Tribal Governing Board to: “regulate, by enactment of ordinances, the conduct of business within the territory of the band, including the power to impose taxes or license fees upon members and non-members doing business within the reservation.”

WHEREAS, the Tribal Governing Board duly enacted the Lac Courte Oreilles Ojibwe School - Waadookodaading policies and procedures manual as amended.

WHEREAS, the Tribal Governing Board determines that it is in the best interests of the Tribe to establish the Lac Courte Oreilles Ojibwe School - Waadookodaading Personnel Policies and Procedures.


NOW THEREFORE BE IT RESOLVED that the attached Title XIV, Chapter 7 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law “Lac Courte Oreilles Ojibwe School - Waadookodaading Personnel Policies and Procedures” shall be, and hereby is, enacted as an ordinance of the Tribe, pursuant to Article V, Section 1(n) of the Amended Constitution and By-laws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

NOW THEREFORE BE IT RESOLVED that the “Lac Courte Oreilles Ojibwe School - Waadookodaading Policies and Procedures Manual” as it exists at this time are hereby repealed in their entirety.

NOW THEREFORE BE IT FINALLY RESOLVED, that any conflicting language that may exist between the amended Title XIV, Chapter 7 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law “Lac Courte Oreilles Ojibwe School - Waadookodaading Personnel Policies and Procedures” and any policy, by-laws or other preexisting operational documents shall be guided by the language contained in the hereby amended Code.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Tribal Governing Board is composed of seven (7) members, of whom 4 being present, constituted a quorum at a meeting thereof, duly called, convened, and held on this **15th day of August, 2016**; that the foregoing Resolution was duly adopted at said meeting by an affirmative vote of 3 members, 0 against, 0 abstaining, and that said Resolution has not been rescinded or amended in any way.



Norma Ross, Secretary/Treasurer
Lac Courte Oreilles Tribal Governing Board



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RESOLUTION NO. 16-89

**AMENDMENT OF TITLE XIV, CHAPTER 7
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
TRIBAL CODE OF LAW
LCO OJIBWE SCHOOL - WAADOOKODAADING
PERSONNEL POLICIES AND PROCEDURES**

WHEREAS, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians (“Tribe”) is a federally recognized Indian tribe organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. § 461, *et seq.*; and

WHEREAS, the Tribal Governing Board serves as the governing body of Lac Courte Oreilles Band of Lake Superior Chippewa Indians pursuant to Article III, Section 1 of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians; and

WHEREAS, pursuant to Article V, Section 1(n) of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, empowers the Tribal Governing Board to: “regulate, by enactment of ordinances, the conduct of business within the territory of the band, including the power to impose taxes or license fees upon members and non-members doing business within the reservation.”

WHEREAS, the Tribal Governing Board duly enacted the Lac Courte Oreilles Ojibwe School - Waadookodaading policies and procedures manual as amended.

WHEREAS, the Tribal Governing Board determines that it is in the best interests of the Tribe to amend the Lac Courte Oreilles Ojibwe School - Waadookodaading Personnel Policies and Procedures.

NOW THEREFORE BE IT RESOLVED that the attached amendments to Title XIV, Chapter 7 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law “Lac Courte Oreilles Ojibwe School - Waadookodaading Personnel Policies and Procedures” shall be, and hereby are, enacted pursuant to Article V, Section 1(n) of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians.

CERTIFICATION

I, the undersigned, as Secretary Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Tribal Governing Board is composed of seven (7) members, of whom 7 being present, constituted a quorum at a meeting thereof, duly called, convened, and held on this **12th day of September, 2016**; that the foregoing Resolution was duly adopted at said meeting by an affirmative vote of 6 members, 0 against, 0 abstaining, and that said Resolution has not been rescinded or amended in any way.



Norma Ross, Secretary/Treasurer
Lac Courte Oreilles Tribal Governing Board



Pride of the Ojibwe

13394 W Trepania Road . Hayward . Wisconsin . 54843
Phone 715-634-8934 . Fax 715-634-4797

RESOLUTION NO. 17-11

**AMENDMENT OF TITLE XIV, CHAPTER 7
OF THE
LAC COURTE OREILLES BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
TRIBAL CODE OF LAW
LCO OJIBWE SCHOOL - WAADOOKODAADING
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WHEREAS, the Tribal Governing Board serves as the governing body of Lac Courte Oreilles Band of Lake Superior Chippewa Indians pursuant to Article III, Section 1 of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians; and

WHEREAS, pursuant to Article V, Section 1(n) of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians, empowers the Tribal Governing Board to: “regulate, by enactment of ordinances, the conduct of business within the territory of the band, including the power to impose taxes or license fees upon members and non-members doing business within the reservation.”

WHEREAS, the Tribal Governing Board duly enacted the Lac Courte Oreilles Ojibwe School - Waadookodaading policies and procedures manual as amended.

WHEREAS, the Tribal Governing Board determines that it is in the best interests of the Tribe to amend the Lac Courte Oreilles Ojibwe School - Waadookodaading Personnel Policies and Procedures.

NOW THEREFORE BE IT RESOLVED that the attached amendments to Title XIV, Chapter 7 of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians Tribal Code of Law “Lac Courte Oreilles Ojibwe School - Waadookodaading Personnel Policies and Procedures” shall be, and hereby are, enacted pursuant to Article V, Section 1(n) of the Amended Constitution and Bylaws of the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and these sections as they exist at this time are hereby repealed in their entirety.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Tribal Governing Board is composed of seven (7) members, of whom 4 being present, constituted a quorum at a meeting thereof, duly called, convened, and held on this 24th day of January, 2017; that the foregoing Resolution was duly adopted at said meeting by an affirmative vote of 3 members, 0 against, 0 abstaining, and that said Resolution has not been rescinded or amended in any way.



Norma Ross, Secretary/Treasurer
Lac Courte Oreilles Tribal Governing Board