

**Osage Nation  
Human Resources Department**



**Universal Handbook**

**June 5, 2023**

## TABLE OF CONTENTS

<b>Chapter 1: Introduction</b>	Page
101 - Universal Rules / Mission Statement	1
102 - Sovereignty	1
103 - Modification	1 - 2
104 - Terms	2
105 - Sovereign Immunity	2
106 - Preference	2
107 - Fair Employment Relationship	3
<b>Chapter 2: Employment</b>	
201 - Hiring	3
202 - Criminal History	3
203 - Nepotism	4
204 - Employee Classifications	4 - 6
205 - Promotions & Transfers	6 - 7
<b>Chapter 3: Benefits</b>	
301 - Benefits Summary	7 - 8
<b>Chapter 4: Compensation</b>	
401 - Compensation and Base Pay Adjustments	8 - 9
402 - Education Increases	9 - 10
403 - Timekeeping	10 - 11
404 - Travel	11 - 12
<b>Chapter 5: Conduct</b>	
501 - Professional Standards	12 - 14
502 - Attendance	14 - 15
503 - Ethics	15 - 16
504 - Harassment	16 - 19
505 - Internet & Social Media	19 - 20
506 - Cell Phones	20 - 21
507 - Security and Proprietary Information	21 - 23
508 - Emergency Notification	23
509 - Drug & Alcohol	23 - 25
510 - Tobacco Policy	26
511 - Whistleblower	26 - 28
512 - Performance Recognition	28 - 29
513 - Speak What's On Your Mind	30 - 31
<b>Chapter 6: Leave</b>	
601 - Paid Time Off (PTO)	31 - 32
602 - Daposka Ahnkodapi Leave	32 - 33
603 - Leave Without Pay (LWOP)	34
604 - Administrative Leave	34
605 - Education Leave	34
606 - Bereavement Leave	35
607 - In-Lon-Schka Leave	35 - 36
608 - Family Medical Leave	36 - 40

609 - Employee Wellness	40
610 - Physical Fitness Leave	40
611 - Holiday Leave	40 - 41
612 - Maternity/Paternity Leave	41
613 - Military Leave	41 - 42
614 - Osage Nation Training	43
615 - Jury or Witness Duty Leave	43
616 - Worker's Compensation	43 - 45
617 - Service Dogs	45
<b>Chapter 7: Discipline</b>	
701 - Disciplinary Action	45 - 48
702 - Grievance	48 - 49
703 - Termination	49 - 53

## **Chapter 1 Introduction**

### **101 Universal Rules / Mission Statement**

This Handbook defines the rich opportunities for employment with the Osage Nation and more specifically the Nation's Executive Branch and the entities reporting to the Executive Branch. The Osage Nation may be referred to as the "Nation."

These Universal Rules are guided by the Human Resources Mission Statement that reads:

**To support the goals of the Osage Nation by providing services that promote a work environment characterized by fair treatment of staff, open communications, personal accountability, trust and mutual respect. We will seek and provide solutions to workplace issues, which supports and optimizes the operating principals of the Osage Nation.**

These are employment related rules, responsibilities, privileges and opportunities, which are a reflection of the Nation's values and shall be universal to the Nation. Even though this Handbook provides numerous universal policies, these universal policies are insufficient for specific departments. Therefore, the Nation anticipates departments will meet the expectations defined in this Handbook and supplement these rules with additional more specific policies and procedures.

Executive Branch departments, agencies and entities which promulgate policies and procedures which supplement this Handbook shall file the current version of the policies and procedures and any modifications with Human Resources. These supplemental policies and procedures are not effective unless and until the policies and procedures are on file in Human Resources and approved by the Nation's Attorney General.

Executive Branch departments, agencies and entities shall disclose the policies and procedures to all employees, subject to the supplemental policies and procedures and obtain the employees' written consent to the policies and procedures.

Executive Branch departments, agencies and entities can impose policies and procedures upon other Executive Branch departments, agencies and entities with the consent of the other department, agency or entity and the Principal Chief.

### **102 Sovereignty**

The Nation exercises its sovereignty, in part, by defining the terms and conditions of employment for the Nation. The Nation exercises its sovereignty by defining the rules in a manner which reflects the Nation's values, traditions and customs. There is a presumption that only the Nation's rules define the terms and conditions of employment. To the extent that state or United States rules arguably apply in specific circumstances, the Nation will address those argument or assertions on a case by case basis.

The Nation is a sovereign government which generates opportunity for its members and the community by and through its governmental and economic activities. The intent of this Handbook is to provide employees of the Executive Branch a consistent set of policies and procedures which reflect the values, traditions, customs and practices of the Nation. The Handbook also provides a basic outline of the standards the Nation expects of every employee and some of the programs, policies and benefits available to those who make the Nation's success possible.

### **103 Modification**

The standards, policies, rules and benefits set forth in this Handbook are subject to change. The Nation reserves the right to modify, rescind, delete or add to the provisions of this Handbook as well as any of its other personnel policies and practices from time to time as the Nation deems necessary or appropriate. The Nation may make such decisions in its sole and absolute discretion

with or without prior notice. Further, depending on an employee's position with the Nation, there will be supplemental policies and procedures.

#### **104 Terms**

This Handbook is not a contract and must not be construed as an employment contract either expressed or implied. Nothing in this material should be relied upon as a guarantee for certain privileges, working conditions or continued employment. The Nation employs fair and legal employment policies, which may or may not mirror State and Federal Laws. The Nation does not submit to outside laws nor waive its right as a sovereign nation in all matters including, but not limited to, the Nation's sovereign right to regulate its workforce. The Tribe reserves the right to make reasonable accommodations for employees at the Tribe's discretion.

#### **105 Sovereign Immunity**

Indian tribes are separate, sovereign nations existing within the borders of the United States. The Tribe's separate, sovereign status gives immunity to private law suits. Therefore, no private legal action can be taken against the Nation in state, federal or tribal courts unless the Nation agrees in writing to the suit, or Congress passes legislation modifying the Nation's sovereignty in regard to a specific legal issue. Nothing in this Handbook constitutes, or should be interpreted as constituting, a waiver of the Nation's sovereign immunity.

#### **106 Preference**

The people of the Osage Nation and the members of the Osage community are talented and dedicated workers. To best serve its citizens, the Nation first seeks workers from the Nation and surrounding community in the following order:

Disabled Veteran Osage Member

Veteran Osage Member

Osage Member

Persons of Osage descent who are not members of the Osage Nation

Dhegiha: Member of the Ponca Tribe of Indians of Oklahoma, Ponca Tribe of Nebraska, Quapaw Nation, Kaw Nation of Oklahoma, Omaha Tribe of Nebraska

Disabled Veteran Native American

Veteran Native American

Native American

Disabled Veteran

Veteran

Other applicants that meet the minimum qualifications

Osage preference shall be used to recruit, hire, train, recall, reassign, promote, transfer and lay off employees of the Nation. The HR Department is responsible for monitoring the preference policy. Disciplinary action will occur for supervisors who do not adhere to this policy.

If no candidate for an employment opportunity meets the minimum necessary qualifications, then preference shall be given to those persons who are capable of being trained to the minimum necessary qualifications for the position by applying the preference priority.

#### **107 Fair Employment Relationship**

Employment with the Nation is entered into voluntarily and accordingly employees are free to resign at any time, with or without cause or reason, with or without prior notice unless stated in an

employee contract. The Nation may discipline or terminate an employee when the employee is not meeting expectations, violates a policy or an accepted employer practice or protocol. Prior to discipline or termination, the Nation will review the facts and circumstances of the matter or matters which support the discipline or termination and make a reasonable decision based on the facts and circumstances.

## **Chapter 2 Employment**

### **201 Hiring**

The Nation is the largest employer on the Osage Reservation (Osage County), approaching 2,000 employees, including our gaming and Health Services employees. For this reason, the Nation has a responsibility to provide fair and transparent employment practices both through the hiring process and throughout the careers of our Nation employees. The Osage Nation recruits, selects, and promotes based on merit and Osage Preference.

The Nation defines employee expectations through workplace policies and procedures, job descriptions and other directives. If an employee does not understand workplace standard, the employee shall discuss the issue with their Supervisor/Director. A failure to meet workplace standards has consequences in the form of discipline and termination of employment.

New hires and rehired employees shall serve an introductory review period of sixty (60) calendar days. Introductory employees may be promoted, demoted, transferred, temporarily reassigned or terminated during an introductory probationary period. The introductory employee may not grieve an employment decision. Supervisors shall provide feedback to employees throughout the introductory period and conduct an evaluation of all new employee performance.

### **202 Criminal History**

The Nation makes informed decisions when hiring and reserves the right to make adverse employment decisions in the best interest of the Osage Nation. Those decisions seek to protect the Nation and give its members opportunities for gainful employment. An applicant for an open position may have made a mistake in their past which generated a criminal conviction. Depending on the position and the nature of the crime, the Nation may be able to provide the applicant with an employment opportunity while simultaneously protecting the Nation's interests. In those instances when an applicant has been convicted of a crime, the following factors will be considered for applicants with a criminal history:

- The nature of the crime and its relationship to the position;
- The time since the conviction;
- The number (if more than one) of convictions;
- Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the Nation or its People.

\*Some federal funding agency requirements may supersede this policy in regard to eligibility for employment.

### **203 Nepotism**

No Nation official or employee shall directly appoint or hire to any employment position within the Nation or directly supervise any person or persons related by consanguinity (blood relative) or

affinity (spouse/partner/co-habitant) within the second degree (spouse; any child by birth or legal adoption; any current spouse of a child; any parent; any parent's current spouse; any current or former stepchild; any stepparent; any grandchild or grandchild's spouse; any grandparent or grandparent's spouse; any sibling, whether full or half-blood, or a sibling's spouse; spouse's child or spouse's parent; spouse's grandchild or spouse's grandparent; and spouse's sibling) of said Nation official or public employee. Any employee or appointment found to be in violation of this policy shall be reported to the appropriate head of the branch to which the alleged violator is appointed or employed, and if not corrected shall be referred to the Osage Nation Attorney General for appropriate action.

Any violation of the nepotism provision, mandates that the supervisor and Director of Human Resources must cure the violation within three (3) work days or obtain the resignation of or terminate the person(s) violating the nepotism law.

#### **204 Employee Classifications**

The Nation employee classification policy outlines the different categories of employment within the Nation. The following is a list of classification for Nation employees:

**Exempt Employee:** Employees who are paid salary, earn an annual salary greater than or equal to; currently \$35,568, this amount is subject to change, AND meet one or more of the following criteria:

*Professional* – advance knowledge (higher education) in science, education or creative (art) field;

*Management* – can hire or fire and directly supervises 2 or more employees;

*Administrative* – office or non-manual work directly related to the management or general business of operations

*Computer Employee* – systems analyst, computer programmer, software engineer or skilled worker in the computer field.

**Non-Exempt Employee:** Employees who do not meet the above criteria.

The following employees do not qualify for exempt status regardless of their salary;

Workers who perform work involving repetitive operations with their hands, physical skill and energy such as carpenters, electricians, mechanics, plumbers, craftsmen, construction workers and laborers.

Police officers, investigators, inspectors, fire fighters, workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

**Regular full-time employees:** Employees who work at least thirty (30) hours per week and who maintain continuous regular employment status.

**Regular part-time employees:** Employees who work less than thirty (30) hours per week and maintain regular part-time status.

**Temporary full-time employees:** Employees whose service is intended to be of limited duration (seasonal, or emergency hire) but who work at least thirty (30) hours per week. Temporary full-time employees shall not be employed longer than six (6) months and are not eligible for benefits.

**Emergency Hire:** Employees whose service is intended to be of limited duration (seasonal or emergency hire) but work less than thirty (30) hours per week.

**Interim placement:** Current Nation employees who are asked to serve temporarily in another role. Interim employees shall be paid at the rate of pay for the position being filled and shall not serve in the interim for longer than six (6) months.

**Acting placement:** Current Nation employees who are asked to serve temporarily to fill in with signature authority until another employee returns from leave, PTO or other forms of absence. Acting employees shall be paid at their regular salary and shall not serve in the acting role for longer than twelve (12) weeks.

**Contract Employee:** The Nation may execute a written agreement or contract with an employee. A contract employee is not an independent contractor. A contract employee shall abide by the rules and expectations defined in this Handbook unless the contract specifically exempts the contract employee from the rule or expectation.

**Professional contractors:** Not considered employees of the Nation and must have compensation set forth in a written contract signed by the appropriate government official and filed with the HR Department.

**Independent Contractors:** Not considered employees of the Nation and must have compensation set forth in a written contract signed by the appropriate government official and filed with the HR Department.

**Elected Positions:** The Principal Chief, the Assistant Principal Chief, the Chief Justice of the Osage Nation Supreme Court, all Justices and Judges, and other elected positions subject to retention, and the Osage Nation Congress shall be classified as elected officials of the nation.

**Executive Staff Appointee:** Executive staff appointed by the Principal Chief to fulfill certain desired functions required to operate the Office of the Principal Chief, shall be classified as “Executive staff appointee”.

**Appointed Officers:** Persons appointed to boards, commissions, task forces, authorities and other Nation entities shall be classified as exempt appointed officers.

Any employee appointed under a confirmation process required by the Osage Constitution and/or law will upon confirmation be categorized by the HR Department, and afforded the rights of grievance and other entitlements and responsibilities set forth in the rules, regulations, and policies of employment. Executive, Congressional, and Judicial employees are to be categorized as

provided by Osage Nation law and by the rules and regulations of the Osage Nation HR Department, and afforded the rights of grievance and other entitlements and responsibilities.

## **205 Promotions & Transfers**

Employees are eligible for advancement on the basis of the employee's ability, performance record and Osage Preference. The Osage Nation will apply due diligence in evaluating a candidate for transfer and promotion. Promotions, transfers, and demotions must be effective the first day of the pay period unless specified otherwise. Promotions and transfers may not be retroactive.

### **Promotion**

Promotion refers to the advancement of an employee from one position to that of a higher pay scale and responsibilities. Employees may not promote and/or advance or advocate for any individual who does not meet the minimum requirements of the position.

To be considered for a promotion, the employee must meet the following criteria:

- Must meet qualifications outlined on the job description
- Employees are eligible for advancement on the basis of the employee's ability and performance record.
- Osage Preference does apply, but it does not remove the position requirements or employee's performance record.

### **Transfer**

A transfer is a non-temporary lateral movement of an employee from an existing position or department to another existing position within the organization. Employees may be transferred laterally for a variety of purposes, including but not limited to professional development, career advancement, and conflict resolution. To be considered for a transfer, the employee must meet the following criteria:

- Osage Preference does apply, but does not remove the position requirements.
- Candidate meets the minimum qualifications outlined on the job description.
- There are no barriers to transfer based on the employee's ability and performance record.

### **Administrative Transfer**

An administrative transfer will be considered when it is determined by the Department Secretary and/or Chief of Staff to be in the best interest of the Nation, or for better utilization of the employee's skills and abilities. The individual being transferred must:

- Meet the qualifications of the position
- Meet reasonable expectations to perform the duties of the position
- Osage Preference applies to all transfers

The administrative transfer of an employee into an existing position must be made without the position being advertised; and must have prior approval of the Department Secretary and/or the Chief of Staff. The effective date for the promotion will begin at the beginning of a new pay period.

### **Temporary Transfers without Advertisement**

The following temporary transfers may occur within the same department or outside of the department without advertisement:

- Temporary Transfer (Acting) a temporary transfer into a position for a brief period of time, not to exceed six (6) months. (i.e.: shortage in staff; location change, re-organization, etc.)
- Temporary Transfer (Interim): When an employee is placed in an interim status and is required to assume significant responsibilities for an extended period of time, he/she may be entitled to a temporary salary increase upon approval from the director; and/or the Department Secretary. Temporary Transfers (Interim) are not to exceed six (6) months. Osage Preference does apply, but it does not remove the position requirements or employee's performance record.

### **Demotion**

Demotion refers to a temporary or permanent reduction to a pay or position with decreased duties and responsibilities. An employee's demotion will be taken case by case depending on his/her circumstances. The effective date for the demotion will begin at the beginning of a new pay period; or immediately upon approval from the Department Secretary and the Human Resources Director. All demotions must be documented and approved in writing by the Department Secretary and/or Chief of Staff. As such, demotions may be proposed for a number of different reasons, including but not limited to:

- Documented poor employee performance
- Documented disciplinary actions
- Position elimination or organizational restructuring
- Employee-desired reduction in responsibility
- Demotion action taken as opposed to termination

## **Chapter 3 Benefits**

### **301 Benefits Summary**

All full-time employees are eligible for certain benefits which may include, but not limited to: health insurance, paid time off, dental insurance, group life insurance, 401k retirement plan and the EAP (employee assistance program). This is a summary of many of the benefits provided by the Nation to its employees. For many of the benefits provided by the Nation to employees, there are plan documents which provide details regarding benefit eligibility and the nature and limits of those benefits. The plan documents control and to the extent this summary is different from the plan document, the plan document controls.

The Employee Assistance Program will offer confidential, accessible service to Nation employees and their families experiencing personal problems, addictions or emotional difficulties. Employee participation in the EAP is voluntary at no cost to the employee.

All full-time employees are eligible for benefits effective the 1st day of the month following (60) days of full-time employment. Executives and Executive appointees are eligible for some benefits immediately upon hire.

All Executive Staff, Executive Staff appointments and elected officials are eligible to participate in the benefits package available to regular full-time employees at its actual cost or its monetary equivalent at the discretion of the Official or Executive staff appointee.

Employees and Executive Staff and Executive Staff appointments will be eligible to participate in the Nation 401k retirement plan based on the requirements outlined in the plan document and their original hire date. Osage Nation elected Congress members are eligible to participate in the 401k plan for the Congress members based on requirements outlined in the plan document.

Human Resources will administer all benefit programs for Nation employees and Executive Staff and Executive Staff appointees and will inform employees of their benefit eligibility and enrollment instructions.

Employees hired as part-time or temporary status and have converted to full-time will become eligible for benefits on the first day of the month after (60) days of full-time employment.

Employees who transfer from the Osage Casino or Osage Nation Health Services will become eligible for benefits based on their original hire date with the Osage Casino, Osage Nation Health Services, Osage Nation Legislative Branch, Osage Nation Judicial Branch or Osage Minerals Council. If there is a break in employment for over 30 days, the employee will be eligible for benefits the 1st day following (60) days of full-time employment. Transfers from the Osage Casino, Osage Nation Health Services, Osage Nation Legislative Branch, Osage Nation Judicial Branch or Osage Minerals Council will be able to transfer tenure for years served to count towards Paid-Time-Off (PTO) at the Nation.

Employees who lose health, dental and vision insurance coverage because of a change from full-time status will be offered the opportunity to continue coverage under COBRA rules. Human Resources will notify the employee of their continuation rights. The employee is responsible for payment of premiums (both the employee contribution and the Osage Nation contribution) if COBRA or continuation is elected. Employees that lose benefit eligibility and then regain it by a change to eligibility status will have the benefits reinstated in accordance with benefit plan documents.

## **Chapter 4 Compensation**

### **401 Compensation and Base Pay Adjustments**

It is the policy of the Executive Branch that no employee shall be paid less than the minimum wage set by the Osage Nation Congress.

The Human Resources Department is required to maintain a written position description for all positions that indicates the position duties, responsibilities and minimum qualifications for the position. Human Resources is required to establish a salary range that includes a minimum, midpoint, and maximum salary for all positions. Salary ranges may be revised periodically as a

result of internal or external inequities, or modification of the position duties. An employee's salary must fall within the established salary range. Pay adjustments may not increase a salary above the established salary range. In the event that a proposed increase will result in the salary exceeding salary range maximum, the employee's salary will be adjusted to the salary maximum. *For example, if an employee earns an associate's degree (3% education increase) and they are 2% away from the maximum of the position, the employee's base pay will be increased by only 2%.*

**All base rate of pay adjustments are subject to availability of funds.** It is the responsibility of the Director/Supervisor to include anticipated increases in their department's annual budget.

Base rate of pay adjustments are awarded by the Human Resources Department as follows:

#### **Base Pay Adjustments**

- **Special Adjustments** - Special adjustments are used to correct internal or external compensation inequities as determined by the Human Resources Department. Special adjustments are one-time adjustments and are subject to availability of funds.
- **Inflation Adjustments** - Inflation adjustments are a flat percentage adjustment to an employee's annual base pay rate as determined by the Osage Nation Treasurer and approved by the Osage Nation Congress to be in effect no more than once every twelve (12) months. Inflation adjustments are effective the first full pay period of the Osage Nation's fiscal year, unless otherwise determined by the Treasurer.
- **Temporary Base Pay Adjustments** - Temporary base pay adjustments may be authorized and allowed for an employee who is assigned additional or higher-level duties/responsibilities on a temporary basis. Temporary base pay adjustments are determined by the Human Resources Department. Supervisors/Directors may initiate temporary base pay adjustments with the Human Resource Department by alerting that an employee has temporarily taken on additional or higher-level duties, stating the nature of the duties, and the length of time the employee will be performing the duties. Temporary base pay adjustments are subject to availability of funds and shall last for a period of not less than thirty (30) days and no longer than six (6) months.

#### **402 Education Increases**

**Education/Certification/Licensure Adjustments** - The Osage Nation rewards employees who take the initiative to increase their worth by gaining advanced education and enhancing their professional development. Employees who earn a relevant degree from an accredited institution while employed with the Osage Nation may qualify for a three to five percent (3-5%) increase of their base pay rate. An employee may qualify for three percent (3%) increase for associate's degree, four percent (4%) increase for bachelor's degree, and five percent (5%) increase for post-graduate degrees.

An employee who obtains a competency based, education based or time bound certification or licensure that is relevant to their current field and meets the requirements of the Human Resources Department, may be qualified for a base pay adjustment up to a three percent (3%) increase. Examples: CLEET certification, SHRM-CP certification, Oklahoma State Inspector Certification or Licensed Social Worker or other state or national certification/licensure. Certifications must be

presented to Human Resources Department for approval **prior** to attending training and requesting an education base pay adjustment. The Human Resources Department shall consider the relevancy to the employee's current position, the requirements of the education program, and the value to the employee's position in awarding an education base pay adjustment.

Participation certificates for trainings, conferences and workshops do not automatically qualify for an education adjustment, but will factor into the employee's performance evaluation.

An employee may earn a maximum of 5% per fiscal year in education increases. It is the sole responsibility of the employee to provide the required documents to Human Resources Department within 30 days of earning a degree, certification, or licensure. Failure to supply documentation within 30 days may result in denial of an education pay adjustment. Education pay adjustments begin the first full pay period following Human Resources Department's receipt and approval of the degree, certification, or licensure. An employee may not be eligible for a retroactive education pay adjustment for an employee's failure to provide required documentation to the Human Resources Department, i.e. from the time the degree, certification, or licensure was earned but not provided to the Human Resources Department.

#### **403 Timekeeping**

For timekeeping purposes, the workweek starts at 12:01 a.m. Monday morning and ends Sunday at 12:00 p.m.

Exempt employees are not required to clock in and out, and shall not work less than 80 hours per pay period. Additionally, they are not eligible to receive compensatory time or overtime. Directors and managers shall work and be available when the Nation is open for business.

It is the responsibility of the employee's direct Supervisor/Director to ensure non-exempt employees are working no more than forty (40) hours in a workweek. Pre-approval by the Supervisor and Department Secretary and/or Chief of Staff is required for any non-exempt employee that works over forty (40) hours in any given week.

In special circumstances, overtime may be approved. Departments that are not eligible for overtime will earn compensatory time at a rate of one and a half (1.5) hours for each hour worked in excess of 40 hours per week. Compensatory time will not be earned for non-worked hours (any form of leave or PTO). All compensatory time must be tracked through Paycom.

Earned compensatory time must be used prior to PTO. It is the responsibility of the employee and direct Supervisor to ensure that the timecard is accurate. In the event an employee has taken compensatory time, PTO, or other forms of paid leave during a pay period subtract hours over forty (40) hours in the following order;

- Compensatory time
- PTO
- Other forms of non-worked leave such as education leave, bereavement leave, etc.

If the employee has actual worked hours in excess of forty (40) hours per week and prior approval has been obtained, the hours in excess of forty (40) would be subject to compensatory time. Refer to the leave policy for further information.

The employee and the employee's immediate supervisor will monitor Paycom and attempt to make schedule modifications to avoid time worked over forty (40) hours each week. Compensatory time is to be used in the pay period immediately following that in which it was earned. When an extenuating circumstance does not allow an employee to use compensatory time in the pay period earned, the compensatory time shall be used within the following two (2) pay periods. Directors and Supervisors may compel employees to timely utilize compensatory time. In the event that the schedule cannot be modified within the pay period, or the employee does not utilize the compensatory time within the following two (2) pay periods, the Director must notify Payroll and indicate how the compensatory time will be utilized. Unused compensatory time will be paid out upon termination.

Employees are responsible for contacting Payroll immediately in the unlikely case that there is a discrepancy in pay. Payroll will investigate the discrepancy and make corrections, if needed.

All non-exempt employees are required to have an accurate and complete timesheet each pay period showing the number of hours worked, including approved leave requests.

All exempt employees are required to enter and obtain approval of their leave requests, as appropriate.

Both Exempt and Non-Exempt employees are required to approve their timesheet each pay period. Supervisors/Directors are required to approve their employees' timesheets, regardless of exempt status.

- Non-exempt employees are required to clock in and out.
- Non-exempt employees may not clock in more than seven (7) minutes before scheduled work time or seven (7) minutes after the end of their work time.
- Time recorded will be the work-time paid for employees. Any adjustments to the recorded time must be submitted by the employee and reviewed and approved by the Supervisor/Director.
- Approved timesheets with corrections are due by noon the Monday of pay week. Approved timesheets not received and corrections made, if any, by this deadline will not be processed until the following regular pay period.

#### **404 Travel**

Travel time in connection with approved travel will be considered compensable hours worked for employees. Employees will be compensated for actual hours worked, less usual meals and commute time. One day travel out of town or as part of the day's work activities will be counted as hours worked, excluding the employee's usual meal period and normal travel time to and from the employee's residence and work location where the day's travel starts and/or ends at the employee's residence. For overnight travel out of town, a non-exempt employee will be paid a minimum of eight (8) hours for each normally scheduled workday. Any work, including travel,

that an employee is required to perform while traveling, other than on a normally scheduled workday, will be counted as hours worked.

## **Chapter 5     Conduct**

### **501     Professional Standards**

Nation employees shall comply with all applicable laws, directives and policies of the Nation with respect to their conduct, in the performance of the duties. Employees who engage in, or are associated with illegal or unethical conduct, the nature of which adversely affects the Nation, or their ability to carry out their employment responsibilities, will be subject to disciplinary action, including termination. Information about the Nation, its customers, clients, suppliers, or employees shall not be disclosed or divulged to anyone other than persons who have a right to know, or are authorized to receive such information.

The Nation reserves the right to deny services and entry onto the Nation's property to members of the public, visitors, and employees who are physically and/or verbally abusive or disruptive of services and operations. The Nation additionally reserves the right to deny entry onto Nation properties or access to services to all employees and/or members of the public who may be under the influence of alcohol, controlled substances, and/or illegal drugs.

The following employee behavior, acts or activities are considered unacceptable conduct and are subject to disciplinary action, up to and including termination:

#### **Insubordination**

Insubordination is a refusal to accept reasonable and proper assignments or failure to carry out a direct order from a Director/Supervisor, except where the order is illegal or the employee's safety may reasonably be jeopardized by the order. Insubordination is also a refusal or inability to improve job performance in accordance with written or verbal direction within the stated timeframe.

#### **Unacceptable Conduct**

- Physical altercations or creating a disturbance among fellow employees that would result in an adverse effect on morale, productivity, and/or the maintenance of proper discipline (wrestling, rough housing, and horse play).
- Driving under the influence of alcohol or drugs while on duty or the suspension of driver's license where job duties require driving.
- Participating in, planning, or assisting in any illegal or unlawful activity, which affects the day-to-day operations of the Nation.
- Using rude, abusive or obscene language with or around constituents, employees, or other third parties who are conducting business with the Nation.
- Work interference-sabotage- which prevents work from being done.
- Making slanderous, false, malicious or libelous statements about an employee, constituent or official of the Nation, which tend to damage the reputation or undermine the authority of the Nation.
- Being absent without authorized leave or repeated unauthorized late arrival or early departure from work.

- Willful or negligent violation of Osage law, policies & procedures, or related directives.
- Knowingly falsifying, removing, or the destruction of information related to employment, payroll, or work-related records or reports.
- Violation of or neglecting safety rules, or contributing to hazardous conditions.
- Soliciting outside work for personal gain during business hours; engaging in off-duty employment for any business under contract with the Nation; participating in any off-duty employment that adversely affects the employee's performance of work for the Nation; and engaging in unauthorized off-duty employment.
- Unauthorized removal, negligent, or improper use of any Nation property, equipment, or funds or that of its clients, customers, or agents. This includes private use, use that creates an unreasonable risk of damage to property, and embezzlement or conversion for personal use of the Nation's funds or property.
- Participating in a strike, work stoppage, slow down, sickout, or other job action.
- Conducting personal business during work time.
- Employees may not engage in coercion, nor be subject to coercive tactics that constitute a deprivation of legally protected rights.
- Bringing infants or other dependents to work for the purpose of providing them care and supervision.
- Use of office telephones for personal purposes. Personal calls should be kept to a minimum and long distance calls may be subject to reimbursement.
- Unauthorized release of confidential information or official records.
- Any other actions considered inappropriate, or detrimental to employee work environment.
- Taking employee personnel matters to any public forum.
- Failure to follow the Nation's conduct rules while on travel for the Nation.
- Inefficiency, incompetency, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
- Disrespecting a fellow employee in any way.
- Interfering with the work of other employees.
- Conduct that interferes with the management of Nation Operations.

The Nation will exercise its discretion in evaluating employee conduct whether an employee is on the clock or off and whether the employee's conduct occurs on or outside Nation lands.

### **Appearance Standards**

The Nation encourages and supports work attire that is appropriate for the work environment and conveys an image of friendly proficient customer service. The attire should foster confidence from peers and customers in our employee's abilities and professionalism. Attire that is messy, unclean, suggestive or unprofessional is unacceptable and can negatively affect health, safety and work performance as well as the perception of others towards the Nation, our services, employees and programs. Each employee is expected to maintain good personal hygiene. Employees shall report to work neat, clean and well groomed. Employees must be free from excessive odor, to include body odor, cologne or perfume.

## **Respect in the Workplace**

The Nation promotes a respectful work environment where relationship building and strengthening are the foundation of quality work. Effective communication practices allow employees to perform their respective jobs with greater satisfaction and productivity. When knowledge is shared and exchanged mutual respect can grow. All employees of the Nation are required to show respect to fellow employees and clients while fulfilling their daily job duties.

Respect provides the following benefits in the workplace:

- Increased employee engagement
- Contributes to job satisfaction
- Creates a fair work environment
- Improves knowledge sharing
- Is a good stress reducer

All employees should:

- Communicate in a polite manner
- Effectively manage their emotions
- Encourage and assist fellow employees
- Avoid judging others
- Actively listen to understand
- Not use profanity in the workplace

Respect is fundamental and requires all employees to be in control of their words and actions. Being disrespectful in the workplace can lead to disciplinary action up to and including termination.

## **502 Attendance**

To ensure adequate staffing, positive morale, and meet objectives of the Nation, employees are expected, as a condition of employment, to adhere to their work schedule. Failure to comply with this policy may result in disciplinary action, up to and including termination of employment.

Due to the varying nature of Nation business and service needs, no single work schedule can be established for all employees. General work hours for the Executive Branch are Monday-Friday 8:00 AM to 4:30 PM, unless altered by Executive Order. Employees should attempt to schedule any appointments at times not to interfere with the work schedule.

Employees should give a minimum of one (1) week notice for any scheduled appointments. Unscheduled appointments should be made at times to cause the least interruption to the workday (during lunch, at the beginning or end of shift).

Employees must use available compensatory time, PTO, or other forms of leave to cover absences.

An absence is defined as an employee not being present to work his/her regularly scheduled shift assignment.

**Approved Absence** is any absence with prior consent of direct supervisor.

**Unapproved Absence** is any absence(s) that are not approved by their immediate supervisor.

Employees must contact their immediate supervisor if unable to work their scheduled shift at least one (1) hour prior to the start of the scheduled shift.

The Nation reserves the right to require a medical release from a licensed medical doctor before returning to work for any absence lasting three (3) days or more.

**No Call/No Show** is any absence taken without knowledge of the Employee's Director/Supervisor (Employee does not contact supervisor prior to scheduled shift). A single occurrence of a no-call/no-show may be considered a voluntary resignation. The Nation may consider extenuating circumstances when determining discipline for a no-call/no-show and has the right to exercise discretion in this case. If an employee calls to report a tardy and the employee's schedule is modified by the employee's supervisor, an employee failing to report to work at the newly modified time will be treated as committing an unexcused absence.

**Tardy**-Reporting to your workstation after the beginning of your scheduled shift, or returning from a break after scheduled time for any reason without proper authorization. Any tardy more than 30 minutes will be counted as an absence, although the employee will be compensated for time worked.

**Early Leave**-Leaving property or work area prior to the end of your scheduled shift without proper authorization from their immediate supervisor. Any early leave more than 30 minutes will be counted as an absence, although employee will be compensated for time worked.

**Flex Schedules**-Approved schedule modification. All flex schedules require approval by the Department Director. Flex schedules lasting more than (2) weeks must be on file in Human Resources. The supervisor reserves the right to change an employee's flex schedule to meet Departmental objectives with a (2) week notification to employee.

### **503 Ethics**

The purpose of this policy is to establish clear parameters of acceptable standards of conduct by employees of the Nation and to require accountable employees. In the performance of their duties, employees of the Osage Nation shall comply with all laws and regulations.

The following acts are considered unacceptable:

1. Misuse of authority or position for personal gain.
2. Soliciting or accepting gifts or compensation in exchange for influence or contracts.
3. Conduct that discredits the employee or the Nation, or willful misrepresentation of the Nation. An employee may not present himself/herself as a representative of the Nation, or communicate with the news media on behalf of the Nation unless authorized or directed in writing by the Principal Chief or his/her delegated representative(s).
4. Offering or accepting political rewards as consideration for the political support of any candidate for public or Nation office. Upon proof of such reward, disciplinary action will be taken, which may result in termination.

No employee or official shall file an ethics report when he/she has no good faith belief that a violation has occurred and/or when the primary motivation is harassment.

**Conflict of Interest.** A conflict of interest is defined as a situation, decision or action in which an individual has competing interests or loyalties with potential to undermine the impartiality of a situation. If an employee becomes aware of an actual or potential conflict of interest during a meeting or while exercising his/her duties, including when the employee is to participate in or make a decision in which he/she or an immediate family member has an interest, he/she should immediately disclose the existence and nature of the conflict in the manner stated below. An employee may participate in or make a decision regarding a benefit or program offered by the Nation to all tribal employees, members or a substantial subset of either group.

#### **504 Harassment**

Harassment whether overt and/or subtle is a form of employee misconduct that both demeans another person and undermines the integrity of the employment relationship by creating an unreasonably intimidating, hostile, and objectively offensive work environment.

Some examples of harassment include but are not limited to:

- Threatening, humiliating, or intimidating actions or language.
- Sexual Harassment
- Malicious gossip

All employees shall perform their duties in a secure workplace environment free from any form of harassment for the ultimate benefit of the Osage People. All employees of the Nation are valuable team members who are entitled to respect, dignity and security in the workplace, thus allowing the Nation to carry out the work of the Osage People. For this reason, harassment of any kind will not be tolerated and will be treated as misconduct for disciplinary purposes.

All forms of harassment must be reported directly to the Human Resources office immediately. All reports, including both formal and informal, of sexual and other harassment will be promptly reviewed and investigated by the Human Resources office. Providing false information in the course of a harassment investigation is prohibited and will result in disciplinary action up to and including termination of employment. In the event an investigation concludes that an employee has committed an act of harassment, said employee shall face disciplinary action up to and including termination. If a supervisor/director becomes aware of an alleged harassment matter of any kind, he/she must immediately report the issue to the Human Resource Department. Failure to do so will result in disciplinary action up to and including termination. No employee shall be subject to retaliation or retribution for reporting any form of harassment.

#### **Sexual Harassment**

No employee shall be subjected to unsolicited and/or unwelcome sexual overtures or conduct, either verbal or physical. An employee who believes that he/she has been subjected to unwelcome sexual conduct or that there exists an objectively hostile work environment has a duty to report the situation to the Human Resources Department.

The authoring, forwarding, viewing or sending of graphic nudity, obscene, or pornographic material and the use of obscenity or profanity is strictly prohibited. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes prohibited sexual harassment when at least one of the following criteria is met:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's right to receive services.
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision.
- Submission to or rejection of such conduct by an individual is used as the basis for decision regarding provision of services.

Examples of prohibited conduct include, but are not limited to:

- Unwelcome sexually suggestive comments or sounds.
- Unwelcome sexual flirtation.
- Unwelcome touching.
- Unwelcome advances or propositions.
- Unwelcome jokes of a sexual nature.
- Unwelcome slurs and other verbal, graphic, or physical conduct relating to an individual's gender.
- Any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, or cartoons

In April of 2022 ONCA 22-41 was signed into law to further prohibit sexual harassment and discrimination. This law also includes a waiver of sovereign immunity to allow individuals to sue the Nation, with restrictions, for sexual discrimination or sexual harassment. The Osage Nation does not condone sexual discrimination or harassment and our compliance with ONCA 22-41 is paramount.

### **Malicious Gossip/Rumors**

The Nation has zero tolerance regarding malicious gossip or spreading rumors. All employees are expected to adhere to this policy. Failure to do so may be grounds for immediate termination. Malicious gossip and rumors are defined as idle talk about personal or private affairs and/or sharing such information, whether true or untrue. All employees are strictly prohibited from involvement in gossip and rumors. Any employee involved in gossiping or spreading rumors may be subject to immediate termination. Gossiping and rumors are hurtful and cause an unpleasant working environment.

Never discuss confidential information with employees or guests (this includes any information regarding an individual's wages).

Separate your personal issues and those of others from your job and do not discuss such matters while performing your assigned duties.

Use of sexual, profane, and abusive language or gestures while at work is prohibited.

Discussing matters related to an employee counseling session or disciplinary action is strictly prohibited at any time.

### **Non-Triangulation**

Work and co-worker issues must be addressed through chain of command and will not be discussed with other employees. Engaging in triangulation or splitting techniques by going outside the normal chain of command is strictly prohibited. Examples of triangulation include attempting to gather support from uninvolved parties or anyone outside the normal chain of command including other employees, elected officials, board members, or citizens of the community.

### **Sexual & Other Harassment**

The Nation is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive. Actions, words, jokes and/or comments based on an individual's race, color, religion, sex, sexual orientation, age, disability or national origin will not be tolerated.

Employees, who experience or witness sexual harassment and/or other unlawful harassment in the workplace, should report the act immediately to a supervisor. If the supervisor is unavailable or it would be inappropriate to contact that person, employees should contact the Human Resources Department.

Any supervisor or director aware of possible sexual or other unlawful harassment must immediately advise the Department Secretary and the Human Resources Department. Anyone engaging in sexual or other unlawful harassment may be subject to disciplinary action including termination of employment.

### **Dignity & Respect**

The Osage Nation is committed to the promotion of an environment for work which upholds the dignity and respect of the individual and which supports every individual's right to work in an environment which is free of any form of intimidation or bullying.

Intimidation and bullying is defined as behavior of a physical, verbal or a psychological nature which is unwanted and unwelcome and which could reasonably be regarded as offensive. The bully, intentionally or unintentionally, misuses the power of position, knowledge or personality to domineer, intimidate or humiliate others.

The following are common but not exclusive examples of bullying behavior:

- Open aggression, threats, shouting abuse or the use of obscenities
- Constant humiliation, sneering or ridicule
- Unreasonable scrutiny or unreasonable demands
- Undermining a person's authority
- Spreading malicious rumors
- Targeting an employee

## **Employee Privacy**

The Nation reserves the right to enter and inspect all Nation buildings, offices, spaces, lockers and vehicles. The Nation reserves the right to open cabinets, desk drawers, vehicle spaces and any and all Nation real or personal property. The Nation reserves the right to monitor the content of any record, non-record, document, instant message, or email message created, stored, transmitted or received using the Nation's computers, phones, tablets or the electronic equipment or device.

### **505 Internet & Social Media**

Computer, internet services and cell phones or tablets are an employee privilege provided to enhance workplace productivity. These services must be used judiciously and professionally to ensure they support achievement of the desired goals and objectives of the Nation.

Internet and related systems, including but not limited to computer equipment, software, operating systems, storage media, and network accounts providing electronic mail, are the property of the Nation. These systems are to be used for business purposes in servicing the interest of the Nation, its members, clients and customers in the course of normal operations.

Effective security is a team effort involving the participation and support of every Nation employee who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly. All employees using computers will adhere to this policy and each supervisor will enforce this policy.

Employees should be aware that the data they create while on the Nation's systems are the property of the Nation. Network administrators have access to manage any information on any network device. Internet, intranet and extranet systems are the property of the Nation.

Employees are responsible for exercising good judgment regarding the reasonableness of personal use.

For security, network maintenance and compliance purposes, authorized individuals within the Nation may monitor equipment, systems and network traffic at any time.

Misuse of the computer systems and services will be considered employee misconduct for the purposes of disciplinary action.

Posting by employees from a Nation email address or Nation owned equipment to newsgroups or other social media is strictly prohibited, unless the posting is in the course of official duties.

Instant messages, email, and other electronic records created, stored, transmitted, or received using Nation resources (including but not limited to IM software, email servers, computers) are primarily for business purposes consistent with the interests of the Nation, its members, clients, and customers in the course of normal operations.

The Nation reserves the right to monitor the content of any record, non-record, document, instant message, or email message created, stored, transmitted or received using the Nation's computers.

Employees should not expect any right to privacy when it comes to instant messages, email messages, records or non-records. The Nation reserves the right to monitor the content of any

record, non-record, document, instant message, or email message created, stored, transmitted or received using Nation's computers.

### **Personal Computers and Devices**

Nation employees are prohibited from using personally owned computing equipment, laptops, software, tablets, and similar devices in the workplace or for work assignments without express written consent of the Department Secretary or the Office of the Chiefs. This includes laptops, cameras, flash drives (USB drives), external hard drives, IPODS, IPADS/tablet, and all other mass storage devices.

### **506 Cell Phones**

The Nation is not liable for the loss of personal cell phones, tablets or other electronic devices or other personal electronic equipment brought into the workplace.

The following Nation guidelines address employee cell phone, tablet and recording device usage during work hours. In general, cell phones, tablets, and recording devices shall not be used when they could pose a security or safety risk or when they distract from work tasks:

- Never use a cell phone, tablet or other electronic device while driving a Nation vehicle. Stop your vehicle in a safe location so you can use your device safely.
- Never use your cell phone, tablet or other electronic device while operating equipment.
- Do not use your cell phone, tablet or other electronic device for surfing the internet or gaming during work hours.
- Place your cell phone, tablet or other electronic device on vibrate mode when entering a meeting.
- Do not use your cell phone, tablet or other electronic device to record confidential information.
- Refrain from excessive personal use of cell phones, tablet or other electronic device while at work, except as authorized.
- Make personal calls and/or text messages or other social media posts/comments during non-work hours and ensure friends and family members are aware of this policy.
- Employees should refrain from sending text messages to employees in an explicit or inappropriate manner, in accordance with the Conduct and Professional Standards Policy.

### **Approved Stipend for Cell Phones**

The Nation does not provide cell phones to employees. The Nation does, however, provide a monthly stipend to those employees required to use personal cell phones for business purposes. Assignment of stipends must be approved through the chain of command.

### **507 Security and Proprietary Information**

Examples of proprietary information includes, but is not limited to, the Nation's financial data, enrollment information, child and family information, medical records and related information,

business strategies, competitive sensitive information, research data, and such other information that may be from time to time deemed proprietary. Proprietary information will be considered confidential and privileged pursuant to the Open Records Act.

Unless a supervisor states otherwise, all material containing proprietary information will be clearly marked "Confidential". Material marked "Confidential" will only be distributed to other employees or outside agencies on a need-to-know basis. Users providing unauthorized access to proprietary information may be subject to employee discipline.

Passwords will be kept secure and accounts will not be shared. Authorized users are responsible for the security of their passwords and accounts and should have their own individual password.

All Nation owned unattended PCs, laptops, and workstations should be logged off or secured with a password when not in use.

### **Unacceptable Use**

The list below is by no means exhaustive but attempts to provide a framework for activities which fall into the category of unacceptable use. Employees may be exempt from these restrictions during the course of the legitimate job responsibilities (systems administration staff may have a need to disable the network access of a host if that host is disrupting services). Violations of any of the below restrictions or prohibitions may subject the employee to disciplinary action up to and including termination. In addition, if warranted by the actions, violations of these policies may subject the employee to legal prosecution.

- Misuse of internet or related systems that is averse to the interests of the Nation is prohibited.
- The authoring, forwarding, viewing or sending of graphic nudity, obscene, or pornographic material and the use of obscenity or profanity is strictly prohibited.
- Internet gambling is strictly prohibited.
- The use of the Nation's system for financial gain or anything of substantial value for private benefit is strictly prohibited.
- The unapproved or unlawful release of confidential or proprietary information belonging to the Nation using internet, intranet or extranet systems is strictly prohibited.
- Under no circumstances is an employee of the Nation authorized to engage in any activity that is illegal under Tribal, State, or Federal Law while using Nation computer equipment and systems.
- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property or similar laws or regulations, including but not limited to the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Nation.
- Introduction of malicious programs into the network or server.

Revealing one's account password to others or allowing use of one's account by others. An individual to whom an employee may not reveal one's account password to or allow to use one's account password includes but is not limited to:

- Supervisors, Co-workers, Friends, Family members, relatives and other household members.
- Using a Nation’s computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace policies or laws.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data for which the employee is not an intended recipient or logging in to a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties.
- Executing any form of network monitoring which will intercept data not intended for the employee’s host, unless this activity is a part of the employee’s normal job.
- Circumventing user authentication or security of any host, network or account.
- Unless authorized in writing by the Principal Chief, providing information about or lists of Nation employees to parties outside the Nation.
- Sending, forwarding, or responding to unsolicited, non-job-related email or communications for, or in support of, outside organizations that are non-charitable, commercial in nature, or otherwise unsupported by the Nation
- Any form of harassment via email, telephone or messaging, whether through language, frequency or size of messages.
- Unauthorized use, or forging, of email header information.
- Solicitation of email for any other email address, other than that of the poster’s account, with the intent to harass or to collect replies.
- Creating or forwarding “chain letters”, “Ponzi” or other “pyramid” schemes of any type.

### **Employee Recording Policy**

Unauthorized electronic, photographic, or video surveillance by employees is disruptive to employee morale and inconsistent with the respectful treatment required of our employees. For this reason, employees may not video, photograph, or record conversations in the workplace without the full knowledge and consent of all parties being photographed or recorded. Employees are prohibited from video and audio recording a conversation with another employee unless all of the following criteria are met:

- A legitimate purpose for recording
- A recording device in plain view
- Written authorization from the supervisor of the employee who wishes to record the conversation
- Written consent from Human Resources

Secret recordings are strictly prohibited unless authorized in writing by the Director of Human Resources and the Osage Nation Attorney General. A violation of this policy may result in disciplinary action, including termination.

### **508 Emergency Notification**

All Nation employees are required to register a means of contact with the Osage Nation Emergency Management Program (ONEM). ONEM works within the Osage Nation Police Department (ONPD) who patrols the entire Osage Reservation and is aware of road conditions earlier than most Nation employees. Once registered, employees of the Nation will receive notifications from ONEM regarding:

- Road Closings
- Nation Closing
- Weather Advisories
- Emergency Evacuations

If an employee is unable to receive a notification via cell phone, home computer, or landline, the Executive team will have a recording on 918-287-5555 stating our offices are closed. For information on registering with ONEM please contact Osage Nation HR.

The Nation cannot protect employees from the hazards addressed in this policy and therefore the Nation is not promising to protect employees from these hazards.

### **509 Drug & Alcohol**

The Nation has established this Drug and Alcohol Policy to assist in providing a safe and healthy working environment for Nation employees; to protect Nation property and the property of Employees; and to cooperate with Employees in their efforts to provide safe and efficient operations.

This Policy will apply to all Employees, and to applicants for employment. Compliance with this Policy is required as a condition of original or continued employment.

#### **Definitions**

**Drug Test** — Drug and alcohol screen, including blood, urine, hair, saliva or breath tests for drugs and/or alcohol by a qualified drug and alcohol recognition expert so educated and authorized in testing.

**Employee** — Individual who works in the service of the Nation under an express or implied contract of hire, under which the Nation has the right to control the details of work performance. This includes full-time, part-time, probationary, seasonal, temporary, and interns.

**Illegal Drugs** — Non-prescribed controlled substances as defined by the Controlled Substance Act at 21 U.S.C.A. § 812, Schedules I, II, III, IV and V, which include, but are not limited to, drugs such as opioids, narcotics, marijuana, hashish, heroin, methamphetamine, cocaine, and other controlled substances.

**Osage Nation's Premises** — Includes all locations at which work is performed by the Nation, and locations which are assigned to the Nation for its use by a client or another contractor, including parking lots and storage areas. This includes when on travel status on behalf of the Nation. It also includes aircraft, automobiles, trucks and all other vehicles and equipment whether Nation-owned or leased by the Nation.

**Prescription Drugs** — Medicinal substances regulated United States Food and Drug Administration only to be sold when prescribed by a licensed medical practitioner to the person in possession thereof, and all substances and preparations intended for use in the cure, diagnosis, mitigation, treatment or prevention of disease, and all substances and preparations intended to affect the structure or any function of a body of a human or animal.

**Under the Influence** — When a person has consumed alcohol or one or more drugs or the combination of alcohol and one or more drugs, that affects the person so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in their activities.

The use, possession, concealment, transportation, promotion, or sale of the following items or substances by any Employee of the Osage Nation, is prohibited on all Osage Nation Premises:

- Illegal drugs
- Alcoholic beverages (except where required by employment position)
- Drug paraphernalia
- Unauthorized Prescription Drugs

Employees may not be at work, or report to work, Under the Influence of alcohol, narcotics, Illegal drugs, or unauthorized Prescription Drugs. Employees are permitted to take legally prescribed and/or over-the-counter medications consistent with appropriate medical treatment plans while working for the Nation. When such medications negatively affect an employee's job performance, safety, or the efficient operation of the Nation, the employee's supervisor or the Nation will determine if the employee is capable of performing his/her job.

No Prescription Drug shall be brought onto the Nation's premises by any person other than the person for whom the drug is prescribed by a licensed medical practitioner, and shall be used only in the manner, combination and quantity prescribed.

Employees may not possess, use (smoke or vape), transfer, offer, attempt to purchase, or be Under the Influence of medical marijuana, even if recommended by a doctor and in accordance with a valid card issued by a State agency, on Nation premises. This includes the use of medical marijuana prior to reporting to work, during breaks, or lunch periods.

Employees shall provide written notification to the Human Resources Department and the immediate supervisor within five (5) calendar days of any arrest for a drug-related offense occurring. If required under federal contract, the Nation will provide written notice to the appropriate person or office in the contract within ten (10) calendar days of learning of an Employee's conviction for a drug-related offense as the Nation deems appropriate. The notice shall include the convicted employee's position, title, and contract identification number.

### **Testing**

A Drug Test will be administered at the discretion of the Nation in accordance with the following conditions:

- Pre-employment.
- Re-hire or return to duty.
- At the discretion of the Nation in all cases involving a person associated with on-the-job injury, accidents, or in the case of a citation or DUI.
- In any circumstances where representatives of the Nation reasonably believe that an employee may be Under the Influence of alcohol, over the counter substances, Illegal Drugs, or Prescription Drugs.
- With respect to all employees who complete a drug/alcohol rehabilitation program before returning to work.
- Random testing of affected employees as may from time to time be required at the discretion of the Nation.
- Follow-up testing for employees with a previous violation.
- Scheduled and/or random testing of individuals who work in direct contact with children or elderly.
- Post driving accident tests shall be conducted for any Nation employee when:
  - The accident took place while driving a Nation vehicle; or
  - If the accident involved the loss of human life; or
  - The employee receives a citation under state or local law for a moving violation arising from the accident.

### **Drug & Alcohol Treatment**

The Nation strongly encourages all employees to seek counseling or help for whatever problems, including drugs and alcohol that might affect their ability to perform their jobs as required. Affected employees are encouraged to seek assistance for themselves and (where appropriate) their family and dependents living at home. It is the responsibility of each employee to seek assistance before alcohol and drug problems lead to disciplinary action, which can include termination for a first offense. Once a violation of this policy occurs, subsequently seeking drug or alcohol treatment on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

The use by an employee of self-referred assistance does not guarantee any continued employment or create a contract of employment either express or implied.

### **510 Tobacco Policy**

The Nation recognizes its responsibility to promote the health and well-being of Nation employees and to provide a healthy environment in and around the Nation's properties. For this reason, the Nation's facilities will be considered a smoke free area extending to all owned and leased properties of the Nation that are used by the Nation's government, including vehicles and other equipment. This policy applies to all of the Nation's employees, contractors, visitors, clients, and any others. Violation of this policy may result in disciplinary action or increased restrictions on the use of tobacco at the discretion of the Principal Chief. The following information provides specifics on how the Nation will regulate the use of tobacco in, on, or around Nation facilities.

**Tobacco products:** are defined as any product made or derived from tobacco that is intended for human consumption, and includes the use of smoking (e.g., cigarettes, electronic cigarettes, cigars, pipes) and smokeless tobacco (e.g., nicotine oils, spit, plug, leaf, snug, dip, chew).

**Guidelines for providing smoking areas are as follows:**

- a. Smoking is not permitted in any common spaces or any space within a building common to all occupants and visitors, such as corridors, elevators, lobbies, lounges, stairways, rest rooms, etc.
- b. Outdoor areas for smoking will not be in areas commonly used by nonsmokers and will not be in the immediate vicinity of air supply intakes or building entry ways/ exits. Secretaries will designate outdoor smoking areas, when possible, which are reasonably accessible to employees and provide a measure of protection from the elements.
- c. Smoking areas will be identified by clearly displayed signs.
- d. Smokers will be required to keep designated smoking areas clean and hazard free.

**Use of Smokeless Tobacco:**

- a. Smokeless tobacco while not banned inside of Nation facilities is subject to the following restrictions:
- b. The use of smokeless tobacco is prohibited in the performance of all official duties such as: during briefings, meetings, classes, or interactions with members of the public.

**511 Whistleblower**

The objective of the Osage Nation Whistleblower Hotline is to allow officials, employees, and constituents of the Osage Nation to report instances of suspected noncompliance outside the normal chain of command. The hotline also allows for anonymous reporting, helps promote confidentiality, and provides safeguards against retaliation. Employees should use the hotline when they are not satisfied with their supervisors' response to a compliance issue, or if they fear retaliation by a supervisor or official. However, under normal circumstances, employees should address compliance issues through normal managerial and administrative channels.

Employees are encouraged to become familiar with the Osage Nation Whistleblower Act (15 ONC §9 *et seq.*) and the Osage Nation Whistleblower Hotline Procedures.

**Policy**

Employees or officials to report any instance of noncompliance with an Osage Nation, federal, state, or local law; other legal obligation; or any Osage Nation policy or procedure may use the Whistleblower Hotline.

The Whistleblower Hotline is designed and administered to help protect the anonymity of reporters and the confidentiality of the information submitted. "Anonymity" relates to protecting the identity of the individual who reports an issue of noncompliance. "Confidentiality" relates to protecting the information reported. Nonetheless, depending on the facts and circumstances, the Osage Nation cannot guarantee absolute anonymity and confidentiality in every situation.

All Whistleblower Hotline compliance issues will be resolved as quickly as reasonably possible. The Hotline Administrator will regularly review the status of any pending hotline report to determine what efforts can be made to resolve and close out the report. At all times, the status of

a hotline report should be updated and tracked in My Eccho. Upon final resolution of a hotline report, the Hotline Administrator, or their designee, will (1) record in My Eccho any investigation findings, ultimate resolution, and referral to another official or outside entity; (2) if appropriate, communicate such findings, resolution, and referral to the reporter and any accused individual(s); and (3) close out the report in My Eccho. If the hotline report is resolved informally or through another policy or procedure, the resolution should be reported to the Hotline Administrator for proper tracking and recording of the resolution in the My Eccho system.

### **Procedure for Filing a Complaint**

Employees, constituents, vendors, contractors, or anyone working with the Osage Nation, on any level, may report a legal or ethical violation of any kind against an employee, department, program or elected/appointed official of the Osage Nation using the Whistle Blower Hotline.

The Whistle Blower Hotline may be contacted by:

1. Calling **1-855-OUR-OSAGE**
2. Emailing **osage@myeccho.org**
3. Mailing **Osage  
2250 E. Devon Ave., Ste. 341  
De Plaines, IL 60018**

My Eccho is a third-party administrator located near Chicago, IL that receives all calls, transcribes the calls, and sends an automatic alert to the Hotline Administrator that a claim has been filed.

### **Non-interference and Non-retaliation**

The Osage Nation does not tolerate any form of triangulation, improper interference or retaliation against those who use or desire to use the Whistleblower Hotline in good faith. Accordingly, employer, supervisor, or official shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

1. The employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal, state or Osage Nation law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;
2. The employee is requested by a public body or office to participate in an investigation, hearing, inquiry;
3. The employee refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any Osage Nation, state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;
4. The employee, in good faith, reports a situation in which the quality of health care services provided by a health care facility, organization, or health care provider violates a standard established by federal or state law or a professionally recognized national clinical or ethical standard and potentially places the public at risk of harm; or

5. A public employee communicates the findings of a scientific or technical study that the employee, in good faith, believes to be truthful and accurate, including reports to a governmental body or law enforcement official.

The disclosures protected pursuant to this section do not authorize the disclosure of data otherwise protected by law.

The protections afforded to employees or those acting on behalf of employees shall extend to members of the employee’s immediate family who are also employees of the Osage Nation or its instrumentalities.

The identity of any employee making a report to a governmental body or law enforcement official shall remain confidential if:

1. The employee would not have provided the information without an assurance that the employee’s identity would remain private, because of a concern that the employer would commit an action prohibited this Act or that the employee would be subject to some other form of retaliation; or
2. The federal agency or Osage Nation instrumentality reasonably believes that the employee would not have provided the data because of that concern.

If the disclosure is necessary for prosecution, the identity of the employee may be disclosed but the employee shall be informed prior to the disclosure.

This section does not permit an employee to make statements or disclosures knowing that they are false or that they are in reckless disregard of the truth. Protections of this Act shall not extend to false statements or accusations if they are deemed to be false.

**512 Performance Recognition**

Annual performance evaluations are an important part of the Osage Nation. Employees of the Osage Nation shall be retained on the basis of adequacy of performance. Inadequate performance by an employee must be corrected by the employee, and where an employee cannot or will not improve their performance, the employee will be terminated from the Nation. Performance evaluations allow the Nation to continually improve the quality of services provided to the Osage constituents and the work environment of the Osage Nation employees.

Employees of the Osage Nation must be managed efficiently and effectively. Supervisors shall be responsible for the completion of an annual evaluation for all merited employees. Annual reviews will be conducted between September 1<sup>st</sup> -15<sup>th</sup> of each year, regardless of the employee’s hire date. Employees hired after September 1 will not receive an annual evaluation until the next year.

Performance will be evaluated based on the below standards:

<b>Performance Level</b>	<b>Definition</b>	<b>Evaluation Score</b>
Level 5	Consistently exceeds expectations	5
Level 4	Meets and sometimes exceeds expectations	4.0 - 4.9

Level 3	Fully meets expectations	3.0 – 3.9
Level 2	Meets minimum expectations	2 – 2.9
Level 1	Below expectations (requires a performance improvement plan)	1 – 1.9

Performance recognition awards shall be comprised of two types: financial and non-financial:  
 Financial Recognition shall:

- Consist of monetary award to include bonuses, gift cards/certificates or other forms of financial payment, including additional paid leave;
- Be included in the annual budget of the Nation;

Be subject to available funds;

- Consist of separate payment(s) to the recipient which will not become a part of the recipient’s base wage, but may be taxable income to the recipient;
- Be requested by the director as a result of outstanding performance and approved by the director’s direct supervisor.
- Be the responsibility of the director to include anticipated financial recognition in their department’s annual budget.
- Non-financial recognition shall:
  - Consist of any form of employee recognition which is primarily a non-cash award such as, but not limited to, public or private recognition or ceremonies, or other similar awards; and
  - Be determined by written nomination of an employee by their Supervisor/Director and approved by the Human Resources Director.

**Compliance**

An employee who has not received an annual performance evaluation within thirty (30) days after his/her scheduled annual performance evaluation date should contact Human Resources to report policy non-compliance.

For the first violation, without good cause, the non-elected/non-appointed supervisor failing to complete a performance evaluation shall be required to take corrective action within ten (10) calendar days of the violation. If the violation has not been corrected within ten (10) calendar days or if there is a subsequent violation, without good cause, within thirty (30) calendar days, the supervisor shall receive a formal written reprimand. If a second violation occurs after the 30 calendar days have lapsed, the supervisor may be demoted or, alternatively, be subject to disciplinary action up to and including termination of employment.

**513 Speak What’s On Your Mind**

On April 17, 2009, the Osage Congress passed 15 ONC §10 et seq., titled the Speak What’s on Your Mind Act. This law and corresponding portions of this Handbook do not apply to Minerals Council, Gaming Commission, or Gaming Enterprise Board employees.

The Osage Nation government shall not make or enforce any law prohibiting the free exercise of religion, abridging the freedom of speech or the press, or the right of the people peaceably to assemble and to petition to redress grievances.

All official delegates of the Osage Nation shall accurately represent the official policies and positions of the Osage Nation government to the best of their abilities. When called upon to provide their own individual opinions or positions, all such delegates shall state explicitly that such information is not representative of the position of any administrative body within the Osage Nation government and shall not allow such interference to occur.

Notwithstanding the provisions of any Osage Nation ethics code requiring Osage Nation employees to refrain from abusive conduct, personal charges, or verbal affronts upon the character, motives, or intents of other officials and Osage citizens, no policy or practice of the Osage Nation government shall:

- Abridge or impair the right of employees of the Osage Nation to express their personal opinions, provided that when called upon to do so, an employee shall state explicitly that such information is not representative of the position of any administrative body;
- Abridge or impair the right of an employee to express a political opinion freely, provided that expression is made when not acting in their official capacity;
- Limit in any way the right of free association with any group or individual;
- Limit the free expression of ideas and thoughts when not acting in their official capacity;

No policy or practice of the Osage Nation government shall allow for the punishment, demotion, reprimand, or any other retaliation against an employee for exercising the rights guaranteed by the Osage Nation Constitution and affirmed by this Act.

The prohibitions contained in this Act shall not be interpreted to absolve an employee of their duty to fulfill the responsibilities of their position and to do so in a manner consistent with the goals and objectives set forth by their superiors.

The prohibitions contained in this Act shall not be interpreted to absolve an employee of their duty to protect confidential information and documents of the Osage Nation when entrusted with them in their capacity as an employee.

Due process in the Osage Nation courts shall be provided to any employee of the Osage Nation whose rights of free speech or association are abridged in violation of this Act. After administrative remedies are exhausted, the Osage Nation courts are granted jurisdiction over employment actions involving freedom of speech and freedom of association.

The Osage Nation Executive Branch encourages Osage citizens and the employees of the Nation to participate in the governmental processes of the Nation fully. The rights of freedom of speech and association will be protected within the Nation as long as they do not impede the rights of another or occur during business hours.

All media requests/inquiries should be directed to Wahzhazhe Communications.

Employees may only represent the Nation or give the impression that they represent the Nation with the express permission of the Office of the Chiefs via Wahzhazhe Communications.

Interviews on the Osage Nation campus are only allowable after full clearance from the Office of the Chiefs and Wahzhazhe Communications.

Official Osage Nation statements or positions will only be released by Wahzhazhe Communications with approval from the Executive Office.

Procedure for Reporting a Violation

A written report must be submitted to HR within ten (10) days of the violation. HR will investigate within three (3) business days of the allegation.

The investigation will be dropped if the allegation is found to have no merit. If the allegation is found to have merit, HR may issue a disciplinary action, up to and including termination.

Cases may be referred to the AG for prosecution.

**Chapter 6 Leave**

**601 Paid Time Off**

The purpose of this policy is to define Paid Time-Off (PTO) for regular full-time employees of the Nation. Part-time, emergency hire, and temporary employees are not eligible for PTO. Employees of Daposka Ahnkodapi are not eligible for the PTO policy, and should refer to the Daposka Ahnkodapi Employee Leave Policy.

Paid Time-off (PTO) can be used for vacation, illness, or personal business. Regular full-time employees begin accruing PTO immediately upon hire and have access to their PTO Bank after the first pay period. Transfers from the Osage Casino or Osage Nation Health Services will be able to transfer tenor for years served to count towards Paid Time-Off (PTO) at the Nation. Transfers to or from Osage Nation Heath Services will keep PTO balances.

Based on months of service, all full-time employees will earn PTO based on the following schedule:	<b>PTO Hrs. Earned/Pay Period</b>	<b>Max allowed in Leave Bank</b>
<b>Years of Employment</b> < 3 years	8 hours	260 hours
3-9 years	10 hours	260 hours
10> years	12 hours	260 hours

After reaching 260 hours in a leave bank, accruals will cease until leave bank drops below max allowed. It is the employee’s responsibility to monitor leave bank. Upon separation of employment, employees will be paid for hours held in their Leave Banks.

All payments for PTO are treated as taxable income. PTO is paid at the employee's normal rate of pay, excluding overtime. PTO must be taken in at least quarter hour (.25 hour) increments.

Whenever possible, employees should schedule absences with their supervisor at least five days in advance. Requests for PTO may be denied by supervisors due to insufficient notice or a PTO conflict with other office staff.

PTO may also be used for scheduled or unscheduled absences from work due to unforeseen issues including personal business, illness, and injury.

Unless on Workers Compensation, employees do not accumulate PTO during unpaid leaves of absence including FML Leave.

Full-time employees that subsequently change to part-time status shall have the ability to utilize PTO accrued during full time status and shall cease accruing PTO on the date of status change.

Employees who have exhausted all PTO and are not in a protected status due to FMLA, or Workers Compensation may be dismissed from employment for any unapproved absence.

PTO will be granted on a first-come, first-served basis. PTO requests from more than one employee in the same program or department will be granted to the senior most employees first. Exceptions may be made in emergency situations.

### **Bonus PTO**

From time to time employees may be awarded Bonus PTO. This is a separate, extra classification of PTO that does not count towards the standard PTO leave bank of 260 hours. Bonus PTO can also be carried over from one fiscal year to another. Since this leave is often used as recognition and thanks, the use of Bonus PTO is unrestricted so the employee can use as they see fit.

### **602 Daposka Ahnkodapi Leave**

The purpose of this policy is to define the leave policy for regular full time Daposka Ahnkodapi employees. This policy does not apply to the WELA Program. Part-time, substitute, emergency hire, and temporary employees are not eligible for paid leave but will be granted other forms of leave according to the established Human Resources Leave Policy.

### **Elementary Calendar**

Regular full time Daposka Ahnkodapi employees will work according to the published school elementary calendar. The elementary calendar will be available for employees at least ten (10) days prior to the beginning of the school year. The elementary calendar may be changed to accommodate the needs of Daposka Ahnkodapi. The Department Secretary must approve the elementary calendar before it is effective.

Daposka Ahnkodapi employees will be compensated at their normal rate for days Daposka Ahnkodapi is not in session on an elementary calendar day due to planned or unplanned school closure.

### **Paid Time Off**

Daposka Ahnkodapi employees are not eligible to accrue Paid Time Off (PTO).

Employees who transfer from other areas of the Nation will be paid for any unused PTO, it cannot be transferred to the Daposka Ahnkodapi position. All payments for PTO are treated as taxable income.

### **Personal Hours**

Daposka Ahnkodapi employees will receive personal hours in the amount of eighty (80) hours or (10) days, annually on the first day of the school year. Personal hours can be utilized for illness, vacation, personal appointments, etc. Personal hours off must be used in hourly increments. Please see the Osage Nation employee policy for Timekeeping. Employees must request personal hours in accordance with the Human Resource Attendance Policy. Unused personal hours will roll over into the new school year with a maximum balance of 160 hours. Personal hours do not have a cash value, do not transfer to positions outside of the school, and will not be paid out upon termination or separation from the school.

Daposka Ahnkodapi employees, who are hired or transferred at any time after the beginning of the scheduled school year, will have their personal hours awarded on a prorated basis. The distribution schedule is as follows:

- 1<sup>st</sup> quarter: full 80 hours
- 2<sup>nd</sup> quarter: 60 hours
- 3<sup>rd</sup> quarter: 40 hours
- 4<sup>th</sup> quarter: 20 hours

### **Other Forms of Leave**

Regular full time Daposka Ahnkodapi employees are eligible for the following leave in accordance with the Human Resources Leave Policy:

- Administrative Leave
- Education Leave
- In-Lon-Schka Leave
- Bereavement Leave
- Family Medical Leave (FML)
- Holiday Leave
- Maternity/Paternity Leave
- Osage Nation Training
- Jury or Witness Duty Leave
- Wellness (Fitness) Leave
- Leave Without Pay

Please refer to the Osage Nation Human Resources Leave Policy for more information and eligibility guidelines.

### **603 Leave Without Pay (LWOP)**

The Nation is committed to balancing the needs of the workforce with those of the Nation. The Nation recognizes that on rare occasions employees may have the need to take Leave without pay (LWOP). For the purpose of this policy, LWOP is defined as an approved non-paid absence(s),

not to exceed four (4) weeks (160 hours) in a twelve (12) month period. LWOP will only be considered by the Nation when an employee's circumstances are exceptional. Employees must exhaust all available compensatory time and all other forms of leave before LWOP will be considered. Employees must complete a Leave without Pay Request and submit to their immediate supervisor, Department Secretary, and the Human Resources Director for approval prior to taking LWOP. Employees on LWOP status do not qualify for paid forms of leave, and are responsible for payments of their healthcare benefits. Job performance, absenteeism and departmental requirements will all be taken into consideration before a request will be approved. Requests for LWOP may be denied or granted by the Nation for any reason, at the sole discretion of the Nation. LWOP is not Family Medical Leave, and the Nation reserves the right to terminate employment for any reason during the leave of absence. In the event the employee is unable to obtain pre-approval, the employee is required to provide a doctor's note or appropriate documentation to cover unpaid leave. Employees are required to return from the LWOP on the scheduled return date. If the employee is unable to return, they must obtain an extension of the leave by utilizing the Leave without Pay Request form. If the Nation declines to extend the leave, the employee must return to work on the original scheduled date or be considered to have voluntarily resigned from employment. Extensions of leave will be considered on a case-by-case basis.

#### **604 Administrative Leave**

Administrative leave status or normal work curtailment may be granted to all employees by the Principal Chief of the Nation or his designee. If employee has taken PTO and Administrative Leave is granted, PTO time may be adjusted to reflect Administrative Leave. Administrative Leave may not be "banked" or utilized at a future time unless specified upon notification of Administrative Leave.

#### **605 Education Leave**

Regular Full-Time Nation employees are eligible to receive six hours, each week, of education leave to pursue continued education. Employees seeking education leave must:

- Submit proper forms and documents (i.e. transcripts, enrollment verification) to supervisor for prior approval of Education leave through Paycom.
- Have a course of study that will benefit the Nation's programs, departments, or special projects.
- Submit an Education Leave Form and a class schedule on school letterhead.
- Submit a copy of previous semester's grades to the immediate supervisor, (if applicable).
- Employees seeking education leave must maintain a Grade Point Average (GPA) of no less than 2.5 in order to be approved for education leave.
- Within five (5) business days, the immediate supervisor will approve or deny the request for leave.
- Once the request has been approved or denied, the immediate supervisor will forward the paperwork to Human Resources for verification.

Human Resources, after verification will send notification back to the Supervisor. The Supervisor will meet with the employee and let them know the request has been approved or denied and will cite the reason.

### **606 Bereavement Leave**

All employees are eligible for paid bereavement leave upon date of hire. Bereavement leave will be granted to employees for leave with pay for a maximum not to exceed four (4) calendar days (32 hours) following the death in the immediate family: spouse, (biological, legally adopted, foster and step) parents, grandparents, children, grandchildren, and siblings (including in-laws).

Bereavement leave will be granted to employees for leave with pay for a maximum, not to exceed, two (2) days (16 hours) following the death of an extended family member including aunts, uncles, nieces, nephews and first cousins (including in-laws)

A half (1/2) day of unpaid leave will be allowed for attendance at funerals of friends or community members. An employee may use other earned or accrued leave if requested and approved by the employee's immediate supervisor.

The Osage People honor their veterans. Paid funeral leave will be granted to American Legion and Auxiliary members who are asked to honor Osage veterans with military rites. To preserve the Nation's culture, as mandated in the Osage Constitution, funeral leave for Osage Nation Member employees with traditional responsibilities may occasionally require leave from their place of employment when obligated to be a "worker" at the funeral of another member of the Nation. Funeral leave will be granted to employees for leave with pay for a maximum, not to exceed, four (4) calendar days (32 hours) when requested by the family of the deceased to serve in a traditional capacity at the funeral of another Osage Nation member. Non-Osage spouses/parents are also eligible for this leave when requested by the Osage family of the deceased to participate in a traditional capacity at the funeral.

### **607 In-Lon-Schka Leave**

In-Lon-Schka leave will be granted for full-time, part-time, and temporary employees who are members of the In-Lon-Schka committee as Drum keepers, Committee Men, Advisors, Whipmen, Tail Dancers, Drum warmers, Cooks, Singers, and parents or caretakers of Waterboys. The employee must request leave from their supervisor and Human Resources at least fourteen (14) days in advance. The employee must be participating in their traditional capacity.

Administrative Leave will be granted as follows:

- Drum keepers, Whipmen, Head Cooks: Wednesday through Monday of all districts
- Committee Cooks: Wednesday afternoon (4 hours maximum), Thursday (8 hours maximum) and Friday (8 hours maximum) of all districts
- Committeemen, Advisors, Tail Dancers and Singers: Thursday and Friday at all districts (8 hours each day maximum)
- Drum warmers and Waterboys: Thursday and Friday of their respective district (8 hours each day maximum)
- Parents, legal guardians, or caretakers of the Waterboys will be granted leave for Thursday and Friday of their district.
- Committee member employees who assist the Drum keeper in moving their camp will be granted four (4) hours of In-Lon-Schka leave on Monday morning following the In-Lon-Schka at each district.

Desired days off other than listed above will need to be approved PTO. Part-time employees will be granted In-Lon-Schka leave only for the time missed from their regularly scheduled work hours. You must coordinate leave with your supervisor to maintain adequate coverage in your department.

**Supervisors shall comply with this policy to accommodate requests for time off. Any Violation of this policy will result in disciplinary action.**

*Note\* Any personnel listed above that are participating in their traditional capacity and scheduled to work on Saturday and/or Sunday of In-Lon-Schka will be granted administrative leave.*

## **608 Family Medical Leave**

It is the policy of the Nation to provide leaves of absence to employees for compelling family and medical reasons.

### ***Eligible Employees***

An employee is eligible for FML leave if they have worked for the Nation for at least one year and at least 1,250 hours during the previous twelve (12) months.

### ***Situations Qualifying for Family Medical Leave***

- Birth of a child of the employee, and or to care for such child.
- Placement of a child into the employee's family by adoption or by foster care arrangement.
- In order to care for the employee's spouse, child, parent, grandparent or grandchild who has a serious health condition.
- A serious health condition, which renders the employee unable to perform the functions of his or her position.
- Military preparation.
- Returning service member.

### **Employee's Responsibilities**

An employee seeking FML should contact Human Resources. FML leave request forms will be provided by HR upon request. If an employee notifies their supervisor of the need for FML leave, the supervisor shall immediately contact HR concerning the employee's need.

Certification by a healthcare provider is required for approval of FML leave and original documents must be submitted to HR office.

If the leave is foreseeable, the employee must submit a request for leave to the Human Resources Office at least thirty (30) calendar days in advance before the FML leave commences. If the thirty (30) days advance request is not practicable, the employee must notify Human Resources as soon as possible.

The medical certification may be required to be submitted within fifteen (15) calendar days after Human Resources request.

The employee may be required to provide Human Resources with subsequent recertification of medical conditions every thirty (30) days, if family and medical leave is taken for serious health conditions. The employee will be responsible for expenses incurred for certification.

Failure of an employee to properly request FML leave, or submit recertification may result in a loss or delay of protection and/or benefits under the Act.

Employees are prohibited from working for any other employer while on FML leave. Should it be determined by Human Resources that an employee is working for another employer while on FML, such employee shall be deemed to have voluntarily resigned.

Employees who are on “continuous” FML may not work from home.

Employees who fraudulently obtain or use a family or medical leave will be subject to disciplinary action as stated in the Osage Nation Conduct and Professional Standards.

### **Supervisor’s Responsibility**

If the Employee does not expressly request FML leave, the supervisor must inquire regarding the possibility of FML leave qualifications. Supervisor must direct the employee to the HR office for further instruction on FML leave. All Nation property must be turned into the Human Resources office until the employee returns to work.

### **Human Resources’ Responsibilities**

Human Resources must review and approve all requests for FML leave, and provide each employee with a notice that details the employee’s rights and obligations under FML.

Medical documentation submitted with requests for Family Medical Leave forms must be strictly maintained in Human Resources.

### **FML Provisions**

The method for determining the twelve- month period is a “rolling” (12 month) period measured backward from the date an employee uses FML leave. This method shall apply in all cases of family and medical leave.

Entitlement for FML leave for birth or placement for adoption or foster care expires at the end of the twelve-week (12) period beginning on the date of birth or placement. The balance of any FML leave available but not taken for this purpose will be forfeited, however, each employee may use the remainder of his/her FML leave for other allowable reasons.

Spouses who both work for the Nation may only take a combined total of twelve (12) weeks of FML leave during any twelve-month (12) period when leave is for the birth of a child or to care for a newborn, for the placement of a child with the employee for adoption or foster care, to care for the employee’s parent with a serious health condition.

The Nation may require, at our expense, a second opinion by a health care provider designated or approved by Human Resources who is not employed by the Nation on a regular basis.

Retroactive designation must be made within two (2) business days of the employee's return to work. Unless an employee timely requests the designation, the employee may not assert FML protection for the absence. FML leave may be designated by the Human Resources office if there is sufficient information to designate the leave a FML leave. Notice of the FML designation must be provided at that time.

### **Intermittent or Reduced Leave Schedule**

An eligible employee may take FML leave on an intermittent or reduced leave schedule basis due to a serious health condition. In the case of FML leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless the Director of Human Resources grants approval.

If planned intermittent FML is approved, it is the employee's responsibility to work with his/her supervisor in order coordinate such planned leaves in advance. The Nation reserves the right to temporarily transfer an employee who takes FML leave on an intermittent or reduced leave schedule to an alternative position (with equivalent pay and benefits) in order to better accommodate the employee's schedule.

Employees who are approved for intermittent leave must continue to comply with the Nation's regular attendance policy to report their absences. Employees must notify their supervisor when they are using their intermittent FML leave before the start of their shift or that absence may not be counted as FML leave.

### **Pay Status**

FML leave is generally considered unpaid leave. However, an employee will be required to use available accrued PTO while on FML leave; such leaves must run concurrently, and no exceptions shall be made to this policy. Any period during the FML leave, after which available PTO is exhausted, will continue as unpaid periods and will apply toward the twelve-week (12) provision of the Family and Medical Leave Act. While on unpaid FML leave, the employee shall not accrue PTO.

### **Health Benefits**

During FML leave, an employee may continue dependent health benefits under the same conditions as though the employee was not on leave. If the employee uses accrued PTO while on FML leave, the employee's contributions for dependent health benefits will be automatically deducted from the employee's paycheck. If the employee is on unpaid leave the employee must contact Human Resources to arrange to pay for benefits.

Under the current policy, the employee pays a portion of the health care premium. While on paid leave, the employer 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 in the Accounting Department by the 1st day of each month. If the payment is more than 30 days late, the employee's coverage may be dropped for the duration of the leave. The employer will provide fifteen (15) days' notification prior the employee's loss of coverage.

### **Integration with Other Leave**

FML leave runs concurrently with other types of paid leave. When an employee incurs a work-related illness or injury, which qualifies as a serious medical condition, the work-related leave of absence will be applied toward the employee's family and medical leave entitlement. Because Workers' Compensation absence is paid leave, the provision for substitution of the employee's accrued PTO for unpaid family medical leave is not applicable.

### **When Leave Ends**

Employees must bring a work release form from their doctor to the Human Resources office before they can return to work.

An eligible employee returning to work from FML leave has the right to return to the same or equivalent job on the same shift and at the same or geographically proximate work site.

If the employee cannot perform an essential function of his or her job because of a physical or mental condition (including the continuation of a serious health condition), the employee is deemed inactive and entitlement to job restoration and continued leave ceases.

If the employee on FML leave is subject to layoff or a reduction in force, the employee's right to reinstatement shall be subject to the Human Resources Policies and Procedures.

If an employee is under any type of disciplinary track upon taking leave, the length of that employee's disciplinary track time will be tolled during the leave, and the time will begin to run upon the employee's return to work after the leave.

### **Failure to Return to Work**

If the employee advised the Human Resources Department that he or she does not intend to return to work, the employment relationship is deemed terminated, and the employee's entitlement to restoration, continued leave, and benefits cease. If an employee fails to return to work after the twelve (12) weeks of family medical leave is exhausted, the employee is deemed to have voluntarily resigned.

### **Employee Entitlement to Service Member Leave**

Service member FML provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and /or

To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member unfit to perform duties of the member's office, grade, rank, or rating, or who is undergoing medical treatment, recuperation, or therapy for serious injury or illness that occurred while on active duty any time during the five (5) years preceding the date of treatment.

### **Duration of Service member FML**

When Leave is due to a Qualifying Exigency, an eligible employee may take up to 12 work weeks of leave during any 12-month period. When Leave is to care for an injured or ill service member

an eligible employee may take up 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FML-qualifying leave, may not exceed 26 weeks in a single twelve (12) month period. Service member FML runs concurrently with other leave entitlements provided under tribal or other applicable law.

### **609 Employee Wellness**

To improve the well-being of Nation employees, leading to enhanced productivity, lower absenteeism and a happier, healthier workforce, employees may participate in various health initiatives offered throughout the Nation, including but not limited to; health assessments and screenings, incentives for exercise, smoking cessation classes and education regarding healthy lifestyles and choices. Employees are required to utilize PTO to participate in wellness programs.

### **610 Physical Fitness Leave**

Physical Fitness leave consists of no more than forty-Five (45) minutes, per day, five (5) times per week for individual physical fitness. Physical Fitness leave may be used to walk/jog/run on campus (or designated area) or to workout at an Osage Nation Fitness Center. Employees must receive pre-approval from their supervisor prior to taking physical fitness leave. Physical fitness leave must be requested and approved in Paycom. Directors and supervisors are encouraged to allow employees to utilize physical fitness leave. Approval for physical fitness leave will be based on the needs of the department. Physical fitness leave does not have a cash value and cannot be banked or used with another form of leave.

### **611 Holiday Leave**

Holiday pay will be granted based on an 8-hour workday for all regular full-time Osage Nation employees. In a case where the employee works on the approved holiday the employee shall be permitted to take a paid holiday within the same pay period. If an employee is not scheduled to work on the approved holiday he/she will not receive holiday pay for that holiday. The following days are recognized as Holidays:

1. New Year's Eve- at noon if the day falls on a Monday-Friday
2. New Year's Day- (preceding Friday if New Year's Day falls on a Saturday or following Monday if the day falls on a Sunday)
3. Martin Luther King Day- Third Monday in January
4. Presidents Day – Third Monday in February
5. Osage Nation Sovereignty Day –
6. Good Friday- Two Days before Easter
7. Memorial Day- Last Monday in May
8. Juneteenth – if the day falls on Monday-Friday
9. Independence Day if the day falls on Monday-Friday
10. Labor Day- First Monday in September
11. Osage Day – Second Monday in October
12. Veteran's Day- November 11th
13. Thanksgiving Day- Fourth Thursday in November
14. The day after Thanksgiving
15. Christmas Eve at noon if the day falls on a Monday – Friday
16. Christmas Day – (preceding Friday if Christmas Day falls on a Saturday or following Monday

if the day falls on a Sunday).

### **612 Maternity/Paternity Leave**

One Hundred Sixty (160) hours of paid Maternity Leave shall be provided to the maternal birthing parent. Employee(s) must meet eligibility requirements for FML (must be employed by the Nation for 12 months). The maternal birthing parent who has worked for the Nation for less than one year or 12 months, or does not meet FML requirements due to employment status will receive 2 weeks of paid maternity leave and 4 weeks of unpaid leave. Maternity leave for employees who do not meet eligibility requirements for FML will be paid at the average hours worked 90 days prior to leave.

### **Paternity**

Eighty (80) hours of paid Paternity Leave for the paternal parent shall be provided. Employee(s) must meet eligibility requirements for FML.

### **Breastfeeding Mothers**

The Osage Nation strives to support and accommodate breastfeeding mothers after the birth of their child. For up to one year after the child's birth, an employee who is breastfeeding their child will be provided reasonable break times. The times should not exceed normal time allowed for lunch and breaks. If the employee needs additional break times, the employee shall request and utilize PTO or request LWOP if no PTO is available. Employees storing milk in a refrigerator assume all responsibility for safety, risk of harm, improper storage and tampering. Employees who work offsite or in other locations shall be accommodated, as appropriate.

### **613 Military Leave**

An employee who enters active duty in a branch of the U.S. Armed Forces or is a member of the Reserve components of the U.S. Armed Forces who attends annual training, active duty for training, or is called to active duty will be granted military leave. To be entitled to military leave an employee must present official orders requiring attendance for a period of training or other active duty as a member of the Armed Forces. An employee may opt not to use military leave and instead use accrued personal time off. Military leave is further classified as paid supplemental military leave, unpaid military leave, or unpaid military leave of absence. Employees on any type of Military leave will not accrue PTO during leave.

### **Paid supplemental military leave is defined as:**

The amount of pay necessary, when added to the military pay received for that day, to bring the employee to his/her full wage/salary for that day. Fifteen (15) days of paid supplemental military leave will be granted annually to an employee who is a member of a Reserve component or who enlists for active service. For Reserve component members this leave may be used for Annual Training, Active Duty for Training and other active duty (called to active duty or mobilized) verified by published military orders.

Inactive Duty Training (weekend training) as a member of the National Guard or Reserve does not qualify for paid supplemental military leave. A day of paid supplemental military leave may only be used for a regular scheduled work day.

The use of the fifteen (15) days is not limited to a single period, but may be used incrementally as long as the employee presents official military orders. Paid supplemental military leave will be paid once the employee has presented documentation of military pay to the payroll department. Employee will not accrue PTO during Paid supplemental military leave.

### **Unpaid military leave**

Applies only to those employees who are eligible for paid supplemental military leave and decline to take either personal time off or paid supplemental military leave. It may only be used for 15 days or less. This leave would apply to an employee whose military pay exceeds his/her wage/salary. Employee will not accrue PTO during Unpaid military leave.

### **Unpaid military leave of absence**

Will be granted to an employee for extended periods (beyond 15 days) of active duty supported by published official military orders. The following periods of active duty qualify for unpaid military leave of absence:

- An employee who is inducted into or enlists in an Active component of the Armed Forces of the United States.
- An employee who is a member of the Reserve components attending any of the following duty:
  - Initial entry training
  - Active Duty for Training
  - Called to federal active duty by the President of the United States during a national emergency
  - Called to active duty by the Governor during a state emergency

Employee will not accrue PTO during Unpaid military leave of absence. Employees returning to work are entitled to the same seniority, status, and pay they would have received had they not entered military service. Employees returning from military service may not be terminated from re-employment except for cause during their first year of re-employment.

### **614 Osage Nation Training**

The Nation offers various opportunities for ongoing training to employees. Any internal training opportunities that benefit both employee and the Nation will be entered as Osage Nation Training leave.

- Employee must be granted approval to attend the training from Supervisor/Director.
- Employee must attend all sessions of the course to receive credit and approved leave.

### **615 Jury or Witness Duty Leave**

All Employees, regardless of classification who are called to Jury or Witness Duty are eligible for Jury or Witness Duty Leave. Employees are to notify their supervisors promptly upon receipt of a jury summons and subsequent notice of selection to serve as a juror. An employee selected to provide this community service will receive his/her regular rate of pay for normal hours worked, up to a maximum of 10 workdays, provided the employee submits evidence of the summons and selection notice. Employees will be allowed to retain any mileage and other compensation paid by

the court. Employees will receive paid leave for the time required to provide testimony in work related litigation or court proceedings. Employees are to notify their supervisor immediately upon receipt of a job related subpoena.

### **616 Worker's Compensation**

Work-related injuries are those that arise out of and in the course of employment and such diseases or infections as that naturally results therefrom. Occupational illnesses are those that are due to causes and conditions characteristic of or peculiar to the particular trade, occupation, process or employment in which the employee is exposed to such disease as a result from employment at the Nation.

Whenever an employee is injured while at work he/she must **immediately notify his/her supervisor**. Employees are required to notify their immediate supervisor prior to the end of the shift. The supervisor will notify Human Resources and the Emergency Management within one hour of incident.

The wishes of the injured employee should be followed unless the injured employee declines medical and the Emergency Management Director feels that treatment is necessary to protect both the employee and the Nation.

All injured employees will receive a drug and alcohol test. Refusal to submit to this test may result in termination.

The supervisor, with the assistance of the injured employee if able, will complete an "Incident Report" by the end of the shift or workday. The injury report should be as detailed and explicit as possible. If appropriate, pictures of the incident site should be taken. The report should be forwarded to Human Resources and the Emergency Management Department no later than the next business day.

Human Resources will provide the employee with a copy of this policy to serve as notification to the employee of the policy and procedures, including the employee's responsibilities. Human Resources will report, and maintain the related records, concerning the injury or illness to the third-party administrator or insurance company to determine compensability.

If medical treatment was sought and a request for compensation filed, Human Resources will complete the process identified in the Nation's insurance coverage policy. If medical treatment was not sought, Human Resources will keep all worker injury reports on file for a period of three (3) years.

If an employee is disabled due to work-related injury or occupational illness he/she must submit written proof of said disability from the approved treating physician. The written proof must be submitted to the supervisor and a copy must be submitted to Human Resources.

The employee may use available Personal Time-Off ONLY for the first (3) days of disability. Days number four (4) and beyond are considered for compensability under workers compensation.

The employee may be subject to the Family Medical Leave (“FML”) should the injury qualify as a serious health condition and the employee be otherwise eligible for FML. Human Resources shall notify the employee that he/she has been placed on FML leave.

The employee may be offered a temporary modified duty position on a case-by-case basis for up to twelve (12) weeks. If the department is unable to accommodate the temporary restrictions, the supervisor will refer the employee to Human Resources. Human Resources will attempt to temporarily place the employee in another department. If unable to do so, the employee will receive any applicable temporary total disability benefits. If the employee refuses the modified duty assignment, then temporary total disability benefits cease.

When, and if, the employee is able to return to work, as determined by the approved treating physician(s), he/she must submit a written release to Human Resources and a copy to Emergency Management within twenty-four (24) hours of receipt of the documentation. The written release from the treating physician should indicate a full release (no restrictions, or limitations) or a partial or restricted release. A partial or restricted release must specify any restrictions and/or limitations and their duration, placed on the employee’s work activities. No employee will be allowed to return to work without first submitting a written release to his/her supervisor and a copy to Emergency Management.

Worker’s Compensation benefits shall cease the following business day after written release by the employee’s treating physician. Should the employee fail to report on the next business day as stated in the release, the employee shall be deemed to have voluntarily resigned.

If the injured employee is given alternate duty restrictions by his/her physician, he/she will bring the written restrictions to his/her supervisor and the Nation may place the employee in a light duty position within the Nation. Human Resources will forward a copy of the physician’s slip to Emergency Management and notify the supervisor.

While on workers’ compensation leave, the employee must continue to pay their portion of the health insurance premiums. The Benefits Department will instruct the employee on how to submit payment for health insurance premiums.

If an employee is unable to return to full duty employment due to permanent work restrictions and the Nation is unable to place the employee on a permanent light duty position, the employee will be terminated for inability to perform job functions and will receive any applicable rehabilitation benefits.

If any employee accepts rehabilitation benefits at any time, he/she will be deemed to have admitted the inability to perform job functions and will be deemed to have voluntarily resigned.

When an injured employee is ready to return to work, he/she must provide Human Resources and their supervisor with a copy of the attending physician’s statement attesting to his/her readiness to return to work.

An injured employee may not be terminated without prior approval of the Director of Human Resources.

### **Follow-Up And Inquiries**

Employees and supervisors must report activities relating to the work-related injury or occupational illness to the Human Resources Department as they occur. Human Resources will relay the information/documentation to the appropriate officials.

Employers and supervisors should contact the Human Resources Department if they have any questions relating to the work-related injury or occupational illness (i.e., benefits, procedures, etc.)

### **617 Service Dogs**

A service **dog** is allowed when the dog is trained to perform certain tasks for a person with a disability as long as the animal is well controlled by the handler, is housebroken and does not pose a direct threat to the health or safety of others. Emotional support or companion dogs do not qualify. No other animal species is permitted. Additional restrictions may apply by Department.

## **Chapter 7 Discipline**

### **701 Disciplinary Action**

The Progressive Disciplinary Action Policy for the Nation is intended to promote the orderly and efficient operation of the Nation as well as provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. At the Nation's sole discretion, discipline can begin at any step and will normally be in reasonable relationship to the severity of the policy violation. Generally, progressive discipline is segregated into the categories of attendance, performance or conduct.

Absent extenuating circumstances, disciplinary actions, including verbal, must be documented and processed within one week of notification of the incident occurring, except when an investigation is warranted. The completed Disciplinary Action forms must be turned to Human Resources within two (2) business days either by email or interoffice mail. Employees who do not agree with the Disciplinary Action received may refer to the Grievance Policy.

#### **Verbal Corrective Action**

A verbal corrective action may be an appropriate form of action to take when an employee may not be aware of the policy violation, procedure violation or when the violation may be a (minor) first occurrence. All verbal Disciplinary Actions must be administered by written documentation and a Personal Improvement Plan (PIP) may be issued and can take no longer than (15) business days to complete.

#### **Written Corrective Action**

In the event the behaviors documented in the verbal counseling session are not corrected or the violation is serious, a written corrective action may be the appropriate form of action to issue. A Personal Improvement Plan (PIP) must be issued and take no longer than (90) days to complete.

#### **Final Written Corrective Action**

A final Written Corrective Warning may be given when the violation is a major incident, prior corrective action has been issued with no improvement or re-training has been provided. The

purpose of a final written warning is to make certain the employee understands the seriousness of the misconduct and that any further misconduct will most likely result in termination. A Personal Improvement Plan (PIP) must be issued and take no longer than (90) days to complete.

### **Suspension**

A suspension may be an appropriate form of corrective action to take when final written corrective actions have been previously issued or when the violation is a major incident. Suspended employees will be required to turn in keys and other Nation property while on suspension. A suspended employee may not use paid time off, vacation, sick or other wage substitute while suspended.

### **Demotion**

A Demotion may be appropriate if an employee fails to satisfactorily complete the improvement plan previously issued. A performance improvement plan is a document generated by an employee's manager wherein the behavior, conduct or performance issued is identified, a responsive remedy is discussed and the consequence for failing to meet expectations is summarized.

### **Separation**

An employee's involuntary separation from employment, to save a layoff, ends the employment relationship between employer and employee. An employee voluntarily wishing to leave employment with the Nation in good standing must file a written resignation with the immediate supervisor at least two (2) weeks prior to the effective date of resignation. The employee's resignation shall be promptly forwarded through the HR Director.

### **Involuntary Termination**

The inability of an employee to perform the duties and requirements of his/her position may result in an involuntary termination. An employee may also be terminated for violation of law and/or policy, including, but not limited to: misconduct, tardiness, absenteeism, unsatisfactory performance or inability to perform.

### **Reduction in Force**

Whenever it becomes necessary to reduce the work force, the Nation will endeavor to provide affected employees with at least ten (10) working days' notice. The Nation may provide two weeks' severance pay in lieu of ten working days prior to notice of termination. A RIF plan is to be implemented by the Department Secretary, Director of Human Resources and the Principal Chief of the Osage Nation (or designees) using discretion throughout the process to advance Osage Preference. The plan will identify the number of positions by classification and identify incumbents to be displaced. Each job within the plan shall be coded as "essential" or "non-essential" in furthering the department's Mission Statement and services provided by that Department. Each plan must evaluate which positions within the department affected by a RIF, will benefit the Nation, the department, provide actual services and advance the mission and purpose of the department. Displaced employees of eliminated positions with Osage Preference (see "Osage Preference" policy for qualifications) can be considered for other like or lower vacant positions or positions occupied by employees without Osage Preference.

Before an employee with Osage Preference can be placed in an occupied position or “bump” another employee, the following must be considered:

- Minimum qualifications of the position compared to qualifications of displaced employee and current occupant;
- Performance record of displaced employee and current occupant to include disciplinary actions and performance improvement plans;
- Attendance record of displaced employee and current occupant;
- Years-of-service of displaced employee and current occupant;
- A written statement from the Department Director detailing any adverse impact to service the bump may cause.

Osage Preference qualifies an employee for consideration for another like or lower position; it is not a guarantee of placement. Employees without Osage Preference do not have bumping rights.

### **Compensation**

Final compensation shall be inclusive, up to the hour and date of separation of hours worked and all forms of accrued but unused time deemed compensable. Deductions will be made against any compensation such as any mandatory or voluntary deductions, including legally authorized offset against pay. Separated employees will receive their final pay checks on the day that pay checks are normally distributed, minus any outstanding debt to the Nation (i.e. employee loan, housing payment).

In the event of an employee’s death, the employee’s beneficiary, as shown in personnel records, shall be entitled to receive the employee’s final pay check, except where the beneficiary is a minor, in which case the Nation may hold the employee’s final pay check until a legal recipient can be identified by the Nation.

Any property issued to the employee by the Nation must be returned before or at the time of the final pay check. Otherwise, the Nation will withhold the final pay check and other reimbursements until the property is returned or replaced.

A Supervisor/Director may request to provide two (2) week severance pay, in lieu of retaining the services of an employee for the two (2) week period upon receipt of advance notice of resignation or the Nation may provide two (2) weeks’ severance pay in lieu of a two (2) week dismissal notice, provided that;

- The employee is not on probation,
- The employee leaves in good standing, and
- The Department Secretary/HR Director authorizes the action.

Employees who are terminated as a result of misconduct for violation of law or policy, or while on probation, are not eligible to receive severance pay.

### **702 Grievance**

All employees are treated fairly and impartially in work related situations and that employee complaints are handled expeditiously, objectively and in a business-like manner. An eligible employee will receive notice of discipline and will have an opportunity to be heard regarding the

discipline through a grievance procedure. Even though a grievance is not available to address employee concerns regarding non-disciplinary matters, employees are encouraged to address those matters with their chain of command.

Supervisors/Directors are responsible for addressing and resolving issues and/or conflicts within their assigned areas of responsibility. Issues/conflicts may include those between the Supervisor/Director and employee(s), or conflicts among employees under their supervision. Failure or unwillingness by Supervisors/Directors to address and resolve issues/conflicts shall be reflected on the Supervisor's/Director's performance evaluation and may lead to disciplinary action against the Supervisor/Director.

For the purpose of this policy, "working days" are defined as Monday thru Friday excluding weekends, holidays and other forms of closure.

While every attempt to resolve the issue will be made in a timely manner, unforeseen circumstances (illness, weather, etc.) may affect the response times as stated below.

#### **Step One: Information Discussion with Supervisor**

Any eligible employee shall first attempt to informally resolve the grievance with their immediate supervisor within five (5) working days of the discipline. The Supervisor/Director shall meet with the employee to discuss the discipline. This meeting should allow the supervisor time to understand the employee's perspective and allow the employee time to fully understand the supervisor's perspective. The Supervisor/Director should document the discussion and/or resolution of the matter and send all documentation to the Human Resources Director to be placed in the employee's personnel file. If this informal process does not resolve the matter to the satisfaction of the employee, the employee may file a written grievance. SEE STEP TWO.

#### **Step Two: Written Grievance**

Within seven (7) working days of the date of the discipline which gave rise to the grievance, the employee shall file a signed written grievance with their immediate supervisor and the Human Resources Director stating the basis for the grievance, the action or remedy sought along with any supporting documentation. The Human Resources Director shall provide a written response to the employee and the supervisor within seven (7) working days. If this process does not resolve the matter to the satisfaction of the employee, the employee may file an appeal to the Department Secretary. SEE STEP THREE.

#### **Step Three: Appeal to Executive Management**

If the grievance is not resolved to the satisfaction of the employee under STEP TWO or the Human Resources Director fails to respond within the given timeframe, the employee may file an appeal to the Department Secretary within three (3) working days of receiving the written decision from their Human Resources Director, or in the case where the Human Resources Director did not respond, within three (3) working days of the Human Resources Director's deadline to respond. The Department Secretary will render a final decision in five (5) workdays. The employee, Supervisor/Director and Human Resources will be notified of the final decision made.

All documentation relating to the incident will be placed in the employee's personnel file.

Personnel files are the property of the Osage Nation and not the employee. Employees are allowed to view their personnel files but the Osage Nation retains custody and control of their personnel file, even surviving employee termination or separation.

### **703 Termination**

Osage Nation government employees shall be provided due process if terminated from the Nation. Osage Nation government employees are regular full-time and part-time employees but do not include persons employed by Osage Gaming Enterprise, wholly-owned LLCs, temporary part-time employees, contract employees or appointed executive staff. Due process means that employees are entitled to a hearing that includes the right to confront witnesses, present evidence, be represented by an attorney or non-legal counsel and to an impartial decision maker.

#### **Notification of Termination**

In cases where a termination is imminent, the Director/Supervisor, Department Secretary and a Human Resources representative will meet with the employee and inform them of the impending termination as well as their right to a termination hearing. If the employee requests a termination hearing pursuant to the procedure below, the termination will not be carried out until the conclusion of the termination hearing.

#### **Procedure for Requesting a Termination Hearing**

- Upon notification of impending termination, the Osage Nation will provide the employee with a Request for Termination Hearing form to complete and return to Human Resources within five (5) business days from the notification of the decision to terminate. Failure to request a hearing within this time frame will result in the forfeiture of the right to a termination hearing.
- If the employee is notified of the decision to terminate via mail, email, or phone or if the employee does not attend the termination meeting or leaves prior to being informed of the termination hearing process, a termination hearing request form will be sent by certified mail to the address on file in Human Resources with the due date of five (5) business days from the date of the decision to terminate. Failure of the employee to respond within the given timeframe will result in forfeiture of the right to a termination hearing.

#### **Employee Rights Pending a Termination Hearing**

- Employees are given the opportunity to advocate for themselves or be represented by legal or non-legal counsel at their own expense, including the ability to hear the charges, evidence and witnesses against him/her, and provided the opportunity to question witnesses.

It is a violation of this policy for any employee of the Osage Nation to interfere with, threaten, coerce, restrain, discharge, or otherwise take action against any employee or other person because he/she has filed a complaint, gave or will give testimony, or otherwise appeared in a termination hearing and will result in appropriate corrective action, including termination and referral to the Osage Nation Attorney General's Office.

### **Employee Salary, PTO and Benefits Pending a Termination Hearing**

Even if an employee requests a termination hearing and returns the signed request for hearing form to Human Resources within five (5) business days, the employee's status will be changed from active to inactive effective the date the employee is notified of the pending termination. Employees on inactive status do not receive payment for wages.

- Employees on inactive status do not accrue PTO and may not utilize accrued PTO.
- Employees may not cash out PTO until the termination is final.
- Employees on inactive status are not eligible for other forms of leave.
- The employee's benefits will continue through the last day of the month of the status change from active to inactive.
- A change from active to inactive is a COBRA qualifying event.
- The inactive employee will receive a notification explaining their COBRA rights.
- In the event the decision to terminate is reversed, the waiting period to enroll in benefits will be waived.

### **Hearing Officer**

The Attorney General, or his or her designee, shall serve as Hearing Officer and will preside over the termination hearing, decide the merits of the employee's claim, and render a decision.

### **Proceedings**

- The Hearing Officer's responsibilities and obligations include, but are not limited to the following:
  - Employees bear the burden of proof to show, by a preponderance of the evidence that they have wrongfully been subject to an imminent decision to terminate.
  - The proceedings are confidential.
  - The proceedings will be audio/video recorded.
  - The proceedings will only focus on the termination of the employee
  - The Hearing Officer may ask questions of either party and request additional evidence at any time.
- The Hearing Officer may instruct the parties that sufficient information has been heard to make a decision or that the information is not relevant.
- Formal rules of evidence do not apply.
- The Hearing Officer has the authority to extend/waive time limitations if the Hearing Officer believes the information offered is relevant and probative of the issues presented.

The Hearing Officer shall be responsible to make determinations of whether information is relevant to the hearing. The Hearing Officer shall consider whether the proposed evidence (either witness testimony or documentary evidence) relates to the disciplinary action and whether it will affect the Hearing Officer's decision. Only witnesses who have direct involvement in the incident leading to the termination will be allowed to participate and all questions should directly

relate to said termination. Documents or questions that relate to other employees not directly related to the employee or termination issues are not relevant.

The Hearing Officer may ask questions of Human Resources staff relating to employment policies & procedures.

### **Termination Hearing Process**

- Human Resources will notify the Hearing Officer of the request for a termination hearing. The Hearing Officer will set a Hearing date. Human Resources will send by certified mail or interoffice mail/email a letter to each party with notification of the scheduled Hearing date, as well as other relevant information, including the timeline for filing documents and a notice that failure to meet the deadlines will result in the termination being upheld by default.
- Within ten (10) days after the filing of the request for termination hearing, the employee shall each provide the Human Resources Department with a brief summary of the facts leading up to termination, the reasons supporting their case against termination, and a list of witnesses they intend to call at the hearing. The employee shall also present copies to Human Resources of any documentary evidence that they would like to submit to the Hearing Officer.
- In the event employee fails file the above information with Human Resources within the ten (10) day deadline, the termination will be upheld by default.
- Human Resources shall share the information presented by the employee with the Hearing Officer and the other party within one (1) business day of receipt.
- The employer shall have five (5) business days from receipt of the employee's information from Human Resources to respond to employee with a brief summary of the facts leading up to termination, the reasons supporting their case for termination, and a list of witnesses the employer intends to call at the hearing. The employer shall also present copies to Human Resources of any documentary evidence that they would like to submit to the Hearing Officer.
- Both parties may amend or supplement their original witness list and/or submit additional documentary evidence up to three (3) business days before the Hearing date.
- Failure to abide by any of the above time requirements will prohibit the non-compliant party from introducing documentary evidence or presenting witnesses to the Hearing Officer. Any party may waive the above periods with the express consent of the Hearing Officer and the other party.
- Failure by either party to appear at the hearing after being duly notice shall result in the Hearing Officer entering a default judgment against the non-appearing party.
- The Hearing Officer will review records submitted by the employee and supervisor prior to appearance at the Hearing.

- Human Resources staff shall appear and be available to advise all participants with regard to Human Resource Personnel Policy & Procedure.
- The employee shall present to the Hearing Officer the reasons why the employee believes the decision to terminate should not be upheld. The employee may call witnesses at this time. This presentation shall not exceed one hour without the Hearing Officer's permission.
- When the employee's presentation has concluded, The Director/Supervisor or representative shall present to the Hearing Officer the reasons why the Osage Nation believes that the decision to terminate should be upheld. The Director/Supervisor or Representative may call witnesses at this time. This presentation shall not exceed one hour without the Hearing Officer's permission.
- Both parties shall have the ability to ask questions of any witnesses.
- The Hearing Officer may ask questions of either party and may call for any additional information as deemed necessary in reaching a decision. If it requires information that is not readily available, the Hearing Officer may accept into record such additional information or choose to suspend the meeting and reconvene when the information is available.
- After both parties have made their presentations, and if the Hearing Officer has no additional questions, then both parties shall have the opportunity to make brief and concise final comments not to exceed fifteen (15) minutes.
- At the conclusion of the presentation of testimony and evidence, the Hearing Officer will privately deliberate and make a determination within five (5) business days.
- No record of the deliberation will be made.
- The final decision of the Hearing Officer shall describe the facts of the case and determine whether the facts support a violation of Osage Nation policy & procedure, Federal or Tribal Law, or funding agency regulation; and shall prescribe any remedies.
- Relief may be provided by the Hearing Officer or designee as follows:
  - Consideration of back pay for any suspension period.
  - Reinstatement of the employee.
  - The Hearing Officer or designee shall not recommend any remedy inconsistent with the laws of the Osage Nation or as expressly provided in the policy.
- Human Resources will mail a certified letter to the employee, using the address on file, stating the final decision of the Hearing Officer.