

NORTHERN CHEYENNE TRIBAL
HOUSING AUTHORITY

PERSONNEL POLICY AND
PROCEDURES

These policies and procedures were adopted by the NCTHA
Board of Commissioners by Resolution # 03 (04)
on August 12, 2004

Northern Cheyenne Tribal Housing Authority

Personnel Policies & Procedures

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NORTHERN CHEYENNE TRIBAL **HOUSING AUTHORITY**

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(Revised: August 15, 2011)

Personnel Policies & Procedures

Section 1: Effective Date: 8/12/04; Resolution # 03 (04); Supersedes Resolution # 6 (96), Dated 10/30/96

1. Introduction

- a. This Personnel Policy does not imply a contract between the Northern Cheyenne Tribal Housing Authority (NCTHA) and the employee. NCTHA retains the right to change, modify, suspend, interpret or cancel in whole or in part any of the personnel policies or practices of NCTHA, without advance notice, in its sole discretion, without having to give cause or justification to any employee. The contents of this Policy do not constitute the terms of an employment contract. Nothing contained in this Policy should be construed as a guarantee of continued employment. This means that either the employee or NCTHA may terminate the employment relationship at any time for any reason not expressly prohibited by law. Any written or verbal statement to the contrary by anyone at NCTHA is invalid and should not be relied upon by any prospective or existing employee.
- b. All employees shall be given a copy of this policy upon hire and are responsible for reviewing the Personnel Policy and ensuring that their own standards of conduct and job performance are in full compliance with all provisions. If an employee has any questions regarding the contents of this Policy, please contact the Executive Director.

Section 2: Effective Date: 8/12/04; Resolution # 03 (04); Supersedes Resolution # 6 (96), Dated 10/30/96

2. Equal Employment Opportunities And Indian Preference in Hiring

- a. NCTHA is an equal opportunity employer granting preference in hiring to qualified applicants who are members of the Northern Cheyenne Tribe or other American Indians in compliance with 25 USC Section 450 e, as amended. After conforming to the preferences in the previous sentence, hiring and personnel decisions will be made without regard to race, religion, color, national origin, age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction on the basis of age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood except when allowed by law as set forth below. See Indian Preference in Hiring.

b. Local Indian Preference:

To provide maximum opportunity to Tribal Members for local employment, the NCTHA gives preference to Tribal Members for NCTHA employment. The appropriate hiring authority shall consider all candidates who possess minimum qualifications for the position advertised.

Selection from the pool of qualified applicants will be based upon the following preference system:

- 1st Preference: Tribal Members who are veterans
- 2nd Preference: Tribal Members
- 3rd Preference: Legal spouses of Tribal members
- 4th Preference: Enrolled members of other Federally Recognized Tribes
- 5th Preference: Non-Indian veterans
- 6th Preference: Non-Indians

Section 3: Effective Date: 05/15/06; Resolution # 05 (06); Supersedes Resolution #03 (04), Dated 08/12/04

3. Orientation

- a. Newly hired employees shall participate in an orientation with the Administrative Officer. During orientation, each new employee shall be given a copy of the Personnel Policy to review its scope and organization. In addition, employees shall complete new hire forms including those required to initiate a Personnel File and to input for payroll. All newly hired employees are required to provide proof of citizenship status and work eligibility as required by the U.S. Dept. of Justice, Immigration and Naturalization Service. Failure to provide the required documents may result in postponement of hire date until documents are provided or withdrawal of the employment offer.
 - b. During orientation the following policies and procedures will be reviewed:
 - 1. Time Sheets
 - 2. Smoking
 - 3. Lunch Breaks
 - 4. Drug-Free Workplace
 - 5. Break Time
 - 6. Harassment
 - 7. Safety Awareness Issues
 - 8. Work Attendance
 - 9. Employee Conduct
 - 10. Training Requirements
 - 11. Other aspects of the job.
12. On the employee's first day, the supervisor or Division Manager is responsible for:
- 1. Ensuring that the workplace is ready for the new employee
 - 2. Introducing the new employee to co-workers
 - 3. Thoroughly explaining the job responsibilities, the supervisory chain (direct line supervisors, etc.), how the job contributes to the success of the NCTHA, and how the employee's performance will be evaluated.
 - 4. Acquainting the new employee with departmental operating procedures such as work schedules, report standards and safety procedures.

4. Employment Classifications

- a. At the time of hire, each employee is classified as a Permanent or Temporary employee. Permanent employees are subject to a probationary period. The employment classifications are as follows:
 1. Permanent Employee
An employee who works a normal workweek of 40 hours for a full 52 weeks per year. Permanent employees are eligible for benefits as set forth in this Policy.
 2. Temporary Employee
An employee who is employed for a specific project or on an as-needed basis: Provided that such temporary employment is for 12-months or less or for a specific duration. The job assignment and work schedule of the position will be determined on an individual basis. Temporary employees are at will employees and are not eligible for benefits except as specifically set forth in this Policy or as required by law.
 3. Probationary Employee
A Permanent employee who has not completed the Probationary Employment Period. See Probationary Period.
 4. Exempt Employee
An Exempt employee is an executive or managerial employee and is not entitled to Overtime Compensation or Comp Time
 5. Non-Exempt Employee
A Non-Exempt employee is a non-executive, non-managerial employee and is entitled to Overtime Compensation as required by law and Comp Time.
 6. Contract Employee
A Contract employee is required to perform a specific service to the NCTHA within a specified time period. This may include management positions at the discretion of the NCTHA Board of Commissioners or Executive Director, upon prior authorization of the Board. Contract employees are subject to the provisions of this Personnel Policy, except as the terms and conditions of their contracts specifically provide otherwise. Contract employees are not eligible for employee benefits described herein unless their contracts specify otherwise.

5. Position Descriptions

- a. Each position at NCTHA shall be defined by a Position Description, a copy of which is given to the employee and another copy of which is made part of each Personnel File.

b. The Position Description shall address the following areas:

1. Title
2. Primary Function
3. Requirements
4. Report Relationships
5. Authority
6. Responsibilities
7. Primary Duties
8. Measurements of Performance

Section 6: Effective Date: 04/17/09; Resolution # 03 (09); Supersedes Resolution # 03 (04), Dated 08/12/04
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6. In-House Promotions

In order to encourage the career advancement of experienced and competent employees, at its discretion the NCTHA may consider the promotion of existing employees into position vacancies of greater responsibilities and/or compensation for which they are qualified.

- a.** At NCTHA's discretion, existing employees may be given the opportunity to apply for vacant positions which are at a higher level of responsibility and/or compensation.
- b.** In selecting an employee for a position vacancy, the hiring authority may in its discretion, give first consideration to qualified existing employees of the NCTHA. For purposes of this section, "first consideration" shall mean offering the qualified existing employee the vacant position provided he/she is either the most qualified candidate or at least equal in qualifications to all other candidates.
- c.** Promotions are to be based upon evaluation of past performance and the qualifications or capacity to perform duties in the position to be filled. When these factors are relatively equal for two or more employees, seniority may be considered the decisive factor.
- d.** Whenever the NCTHA hiring authority has decided to first attempt to fill a vacant position through In House Promotion, the vacant positions shall be advertised internally for 10 working days. After reviewing applications received for In House Promotion, the hiring authority may elect to post, advertise, and hire for the vacant position in accordance with NCTHA's general recruitment and hiring procedures. However, the NCTHA is not restricted by this section or any other provision of this Policy, from foregoing the In House Promotion procedure and electing to fill any vacant position through NCTHA's general recruitment and hiring procedures. This determination is solely at the discretion of the NCTHA hiring authority. The discretionary In House Promotion procedure does not confer upon any employee the right to preference in hiring or consideration for promotion regarding the filling of a vacant position.

- e. All promoted employees shall be subject to a 90-calendar day probation period during which an employee's job performance and ability to perform the duties of the new position are evaluated by the direct supervisor. During the probation period, the promoted employee is an at-will employee, and may be discharged at any time during the probation period or at the conclusion of the probation period, without the NCTHA being required to show cause. A promoted employee who is discharged during the probation period is not eligible for the NCTHA grievance or appeals process, and is not entitled to reinstatement to their previously held position. Provided that any promoted NCTHA employee who has a minimum of 5-years full-time employment with NCTHA, either temporary, permanent, or combination thereof, shall be exempt from this probation requirement and the at-will employee provision.

Section 7: Effective Date: 03/21/16; Resolution #06 (16); Supersedes Resolution #08 (2012), Dated 04/16/12

7. Recruitment Procedures

- a. Job announcements for all vacant Permanent positions will be posted at NCTHA's offices located at Highway 39 North, Lame Deer, Mt.
- b. All vacant Permanent positions will be advertised for a minimum of ten business days. Listing the vacant position in a newspaper or with the Northern Cheyenne Tribe, or universities, colleges or business schools or the Montana State Job Service, or any other entity at the discretion of the Executive Director or his/her designee is considered appropriate advertisement.
- c. To be considered for employment for any vacant Permanent position, an employment application must be completed and submitted to NCTHA within the application period.
- d. At the discretion of the hiring authority, an NCTHA employee may be appointed to act in a vacant position until the vacant position is filled. Such appointments shall be accompanied by an appropriate increase in pay, but may not exceed 90-days without Board approval.
- e. At the discretion of the Executive Director, a vacant position may be filled by an in-house promotion rather than being posted and advertised.
- f. Job announcements will advise prospective job applicants that they are subject to the NCTHA Substance Abuse Policy.

Section 8: Effective Date: 03/21/16; Resolution #06 (16); Supersedes Resolution #05 (06), Dated 05/15/06

8. Nepotism

No applicant for employment shall be hired for a position directly supervised by the applicant's "immediate family". The term "immediate family" shall only include spouse, parents, children, siblings, grandparents and grandchildren. Due to the extended family tradition on the Reservation, the hiring and supervision of other family members is permitted. No one with hiring authority shall participate, influence, or be present during any portion of the hiring process.

9. Probation Periods

- a. All new permanent employees and all employees promoted to a new permanent position (with the exception noted in subsection e. below) are subject to a 90-day probation period, beginning the first day of employment.
- b. The probation period allows the NCTHA time to determine whether the employee is suitable for the position, by providing the NCTHA an opportunity to observe the employee's work and assess his/her abilities and performance.
- c. Upon satisfactory completion of the probation period, an employee will attain permanent full-time status; and may thereafter utilize Personal Time Off benefits, which upon such probation completion shall retroactively accrue as of the first day of work.
- d. During the probation period, the newly hired or promoted employee is an at-will employee, and may be discharged at any time during the probation period or at the conclusion of the probation period, without the NCTHA being required to show cause. a promoted employee who is discharged during the probation period or at the conclusion of the probation period is not eligible for the NCTHA grievance or appeals process, and is not entitled to reinstatement to their previously held position.
- e. Any promoted NCTHA employee who has a minimum of 5-years full-time employment with NCTHA, either temporary, permanent, or combination thereof, is exempt from this probation and at will employee requirement. This exemption applies to both the promotion of an existing NCTHA employee pursuant to the NCTHA In House Promotion procedure, and the hire of an existing NCTHA employee into a different position pursuant to NCTHA's general recruitment and hiring procedures, provided they meet the minimum 5-year full-time NCTHA employment requirement.

10. Hours of Work

a. Normal Work Week

The normal workweek shall consist of five 8-hour days, Monday through Friday.

b. Normal Work Day

The normal workday shall consist of 8 hours, beginning at 8:00 a.m. and ending at 5:00 p.m. with the hour from 12 noon to 1:00 p.m. constituting a lunch period; and a 15-minute morning break at approximately 10:00 and a 15-minute afternoon break at approximately 3:00. Provided that these (2) 15-minute breaks may not be accumulated and utilized to lengthen the lunch period or shorten the work day without specific approval of the employee's supervisor. Additionally, smoking breaks, while not regulated, should be kept to a minimum and limited to designated areas.

c. Overtime

- 1. Overtime compensation shall be paid to non-exempt employees when they work in excess of 40 hours in a workweek, at 1½ times the employee's normal rate of pay. All overtime must be approved in advance by the employee's supervisor.

2. Holidays to which an employee is entitled pursuant to NCTHA Policy will be considered as time worked in the computation of overtime. Time worked on a holiday will be calculated at 2 times the employee's normal rate of pay.
3. Unpaid leave time will not be considered as time worked in the computation of overtime.
4. Due to the nature of their positions and the need to provide emergency on-call services, Maintenance Division personnel shall be paid overtime in accordance with the NCTHA Maintenance Policy

d. Comp Time

Comp Time compensation shall be provided to non-exempt employees when they work outside of, or in addition to normal work hours, at the employee's normal rate of pay and for an equivalent period of time rounded off to the nearest half-hour. All Comp Time must be approved in advance by the employee's supervisor; and must be used within the current pay period or next pay period, or it will be lost without further right to any compensation. Use of Comp Time must be approved in advance by the employee's supervisor.

Section 11: Effective Date: 8/12/04; Resolution # 03 (04); Supersedes Resolution # 6 (96), Dated 10/30/96

11. Compensation

- a. Employees shall be paid an appropriate salary as determined by their position rating.
- b. Performance evaluations for permanent full-time employees shall be conducted at the end of the 90-day probationary period. Thereafter, performance evaluations for permanent full-time employees shall be conducted on an annual basis. (See Section 25).
- c. Performance evaluations and wage and salary reviews will be consistent with the NCTHA pay plan. Wage and salary increases are based on merit
- d. Cost of living allowances may be approved by the NCTHA Board subject to the availability of funding.
- e. NCTHA may provide an Annual Incentive Award to permanent full-time employees whose performance evaluations document excellent job performance, ranging from 1%-3% of the employee's annual salary. Such Annual Incentive Awards may be issued at the discretion of the NCTHA Board of Commissioners at the end of the fiscal year, provided that sufficient funding is available.
- f. NCTHA may provide Annual Length of Service Awards to permanent full-time employees in recognition of their length of service to NCTHA, as follows:

Over 5 years of service	-	1% of employee's annual salary
Over 10 years of service	-	2% of employee's annual salary
Over 15 years of service	-	3% of employee's annual salary

Such Annual Length of Service Awards may be issued at the discretion of the NCTHA Board at the end of the fiscal year, provided that sufficient funding is available.

- g. Annual Incentive Awards and Annual Length of Service Awards are discretionary awards that are not added to the employee's base salary.

Section 12: Effective Date: 05/15/06; Resolution # 05 (06); Supersedes Resolution #03 (04), Dated 8/12/04

12. Pay Periods

With the exception of any employee whom the NCTHA is required to pay in accordance with the Davis/Bacon wage scale, pay periods for all other employees are biweekly. Paychecks for all employees are issued on the Friday following the pay periods at 3:00 p.m., unless that day is a holiday, in which case paychecks will be issued the day before. The pay period shall officially end at 12:00 midnight Sunday at the end of the pay period. A new pay period shall begin 12:01 a.m. Monday and end 14 days later at 12:00 midnight.

Section13: Effective Date: 10/22/07; Resolution # 00 (07); Supersedes Resolution #3 (04), Dated 08/12/04

13. Payroll Deductions

- a. The following deductions are authorized to be made from payroll checks of employees:
 - 1. Federal Income tax;
 - 2. FICA and Medical withholding taxes;
 - 3. Insurance premiums if applicable;
 - 4. Any other deductions specifically approved in writing by the NCTHA Executive Director or as required by law such as garnishment deductions.

Section14: Effective Date: 10/24/08; Resolution # 19 (08); Supersedes Resolution # 03 (04), Dated 08/12/04

14. Time Sheets and Sign-In and Sign-Out Sheets

- a. Non-exempt employees are responsible for accurately recording their arrival time at work and their departure time at the end of the workday on their time sheet. Non-exempt employees must also accurately record their lunch break. Failure to accurately complete a time sheet is grounds for disciplinary action up to and including termination from employment.
- b. The employee and the employee's supervisor must review and sign time sheets before they are turned in to the Finance Division for payroll processing. Time sheets are due according to the schedule set by the Finance Division.
- c. If someone other than the employee records hours worked on a time sheet, the person must sign the time sheet to indicate who recorded the hours for the employee.
- d. Falsifying your own or another employee's time sheet or tampering or altering another employee's time sheet is grounds for disciplinary action up to and including termination from employment.
- e. When necessary, Sign In/Sign Out Sheets may be used in lieu of time sheets.

15. Employee Benefits

a. Holidays

1. The NCTHA shall adopt the Northern Cheyenne Tribe's Holiday Schedule as the NCTHA Holiday schedule.
2. Employees must be on pay status the day (for 8-hours) before and the day (for 8-hours) following a holiday to receive holiday pay.
3. Temporary employees are entitled to paid holidays and administrative leave.

b. Personal Time-Off

1. Accrual

- (1) Permanent Full-Time Employees shall accrue paid Personal Time Off (PTO) at the rate of:
 - a. Eight (8) hours for each full bi-weekly pay period in the case of employees with 3 months to three (3) years of service, or pro rata portion thereof which the permanent full-time employee actually worked, in accordance with the NCTHA Schedule for Accumulating Leave, which is attached hereto as Appendix A. Employees who successfully complete probation shall accrue PTO as of their first day of employment;
 - b. Ten (10) hours for each full bi-weekly pay period in the case of employees with three (3) to six (6) years of service, or pro rata portion thereof which the permanent full-time employee actually worked, in accordance with the NCTHA Schedule for Accumulating Leave, which is attached hereto as Appendix A;
 - c. Twelve (12) hours for each full bi-weekly pay period in the case of employees with six (6) or more years of service, or pro rata portion thereof which the permanent full-time employee actually worked, in accordance with the NCTHA Schedule for Accumulating Leave, which is attached hereto as Appendix A;
 - (2) There shall be no accrual of personal time off during any bi-weekly pay period during which an employee is absent with or without paid leave.
 - (3) Changes in the rate of accrual shall take effect at the beginning of the pay period immediately following the pay period in which the employee completes the prescribed period of service. This date shall be referred to as the leave anniversary date.
 - (4) Personal Time Off is not earned on time taken for Personal Time Off.
 - (5) Administrative Leave is not earned on time taken for Personal Time Off.
2. Temporary employees are not entitled to paid, Personal Time Off.

c. Use and Payment of Personal Time Off

1. Use of paid personal time off leave (PTO) shall be requested from and approved by an employee's Division Manager using a leave request form. Provided that use of PTO in excess of three work days (24-hours) by the Executive Director shall be requested from and approved by the Board Chairman, using a leave request form, unless a written delegation of such authority has been made to the Assistant or Acting Executive Director by the Board Chairman.
2. Paid personal time off accrued but not used shall accumulate to a maximum of not more than 400 hours on January 1 of any calendar year. Unused leave in excess of the maximum at the close of business on December 31st of any calendar year, will be lost and not be paid out to the employee.
3. Upon separation of employment, an employee's accrued paid PTO shall be paid.

d. Military Leave

Unpaid administrative leave may be granted to all employees at the discretion of the Executive Director for purposes such as reserve forces training or active reserve military duty.

e. Bereavement Leave

Paid Bereavement leave in the event of an immediate family member's death, shall be granted by the Executive Director to all employees for up to 5-days; and unpaid funeral leave in the event of the death of extended family/friends shall be granted by the Executive Director to all employees for up to 8-hours. The term "immediate family" shall only include spouse, parents, children, stepchildren, siblings, grandparents, grandchildren, uncles and aunts. Other family members may be granted Bereavement leave at the discretion of the Executive Director.

f. Leave Without Pay

1. Leave without pay may be requested by an employee when all other leave has been utilized.
2. Leave benefits are reduced and prorated for pay periods when the employee is in non-pay status during a pay period.
3. Probationary employees who are absent from work must take leave without pay, as annual leave benefits cannot be used until permanent full-time employee status is granted. However, as noted above, employees who successfully complete probation shall accrue PTO as of their first day of employment. (Please note the exemption provided in Sections 6 and 9 above for promoted or hired existing NCTHA employees with a minimum of 5-years full-time employment with NCTHA.)
4. Leave without pay must be approved by the employee's direct supervisor. Leave taken by employees which is not approved by the direct supervisor shall be treated as leave without pay.

5. Personal Time Off will not be earned on time taken as leave without pay.

g. Administrative Leave

1. Executive Director may authorize Administrative leave for justifiable and applicable reasons.
2. Administrative leave may not be accrued; it must be taken on the day administrative leave is granted.

h. Maternity Leave

Maternity Leave may be granted for 12-weeks, however, the employee must first utilize accrued Personal Time Off. If all Personal Time Off has been exhausted, leave without pay may be used for the remainder of the 12 weeks. This applies equally to husbands with a maternity status spouse.

i. Family Medical Leave - General Provisions

The Family and Medical Leave Act of 1993 (FMLA) allows eligible employees of a covered employer to take job-protected, unpaid leave, or to substitute paid leave, if accrued. Employees with 12 months of employment (total of all periods of service) with the NCTHA and who have worked at least 1,250 hours during the previous twelve (12) months are eligible to take up to twelve (12) workweeks of unpaid Family and Medical Leave per calendar year in accordance with the FMLA.

j. Absent Without Approved Leave (AWAL)

1. Employees who have not obtained prior approval of leave must notify their supervisor by 8:15 a.m. of their intent to be on leave.
2. An employee who fails to notify their supervisor by 8:15 a.m. of their intent to be on leave shall be considered absent without approved leave. Being absent without approved leave may be grounds for disciplinary action up to and including termination from employment.

k. Retirement Benefits

NCTHA will provide and fund a defined contribution pension plan for eligible, permanent employees contingent upon funding availability.

l. Group Insurance

NCTHA will provide a Group Insurance Plan as approved by the Board from time to time covering health and life insurance for permanent full-time employees and dependents.

m. Stress Prevention Leave

All permanent employees are authorized to use PTO for up to 3 hours of stress prevention leave per week. The employee's use of stress prevention leave must be approved in advance by his/her direct supervisor.

- n. Temporary employees are not entitled to any employee benefits not provided by this Policy, unless required by law.

Section 16: Effective Date: 08/12/04; Resolution # 03 (04); Supersedes Resolution # 6 (96), Dated 10/30/96

16. **Professional Development - Training**

It is the policy of NCTHA to develop professional capacity. Each employee will be evaluated by their respective Division Manager to determine their training needs.

Section 17: Effective Date: 08/12/04; Resolution # 03 (04); Supersedes Resolution # 6 (96), Dated 10/30/96

17. **Travel**

Many NCTHA employees are required to travel to perform their duties. Employees must comply with the NCTHA Travel Policy.

Section 18: Effective Date: 03/21/16; Resolution #06 (16); Supersedes Resolution #05 (06), Dated 05/15/06

18. **Safety and Accident Reporting**

- a. The health and safety of its employees are NCTHA priorities and it is a basic NCTHA policy to provide a safe workplace. Employees are required to document any actual or potential health or safety hazards to a supervisor in a timely manner so that appropriate action can be taken. All employees are required to abide by established safety rules and regulations as well as to exercise caution and common sense in the safe conduct of their work.

Section 19: Effective Date: 03/21/16; Resolution #06 (16); Supersedes Resolution #05 (06), Dated 05/15/06

19. **Employee Standards**

a. **Employee Attendance**

1. Attendance and punctuality are important to NCTHA. All employees must maintain regularity in work attendance. Employees unable to report to work or who anticipate arriving late to work are required to actually notify their supervisor or leave a message for supervisor with the receptionist by 8:05 a.m.. However, reporting such absence or tardiness is not an excuse. Absenteeism and tardiness are grounds for disciplinary action.
2. Tardiness shall be defined as late arrivals to work or late return from lunch or breaks. Time lost due to tardiness will be unpaid. Personal leave may not be used to cover a tardy.
3. Non-scheduled absences from work (three (3) times in a thirty (30) day period) or excessive tardiness (three (3) times in a thirty (30) day period) shall be grounds for disciplinary action up to and including termination of employment.

b. Other Employment

Employees may engage in Non-NCTHA funded employment activities outside of regularly assigned work hours, as long as the employment does not interfere with or affect an employee's work performance during work hours or present a conflict of interest with the employee's job.

Additionally, employees may also engage in NCTHA funded employment activities outside of regularly assigned work hours, as long as the employment does not interfere with or affect an employee's work performance during work hours or present a conflict of interest with the employee's job; and provided that the employee does not act as a general contractor, subcontractor or bid upon an NCTHA funded contract.

c. Acceptance of Rewards, Favors, Gifts, etc.

Acceptance of any reward, favor, gift, or other form of remuneration of nominal value in addition to regular compensation by an employee from any vendor, contractor, individual, or firm, or from any source having, or proposing to have, a business or possible business relationship with NCTHA, shall be governed by the NCTHA Procurement Policy.

d. Personal Business and Personal Telephone Calls

1. Employees are expected to perform NCTHA business during regular work hours. Employees are expected to limit personal business during regular work hours. Excessive use of regular work hours to carry out personal business or matters is grounds for disciplinary action up to and including termination from employment.
2. Long distance personal telephone calls are prohibited except in emergencies. Employees will be required to reimburse NCTHA for any long distance personal telephone charges incurred.
3. Communication devices provided by NCTHA are to be used for NCTHA business.

e. Personal Appearance

Appropriate attire is required of all employees. Employees are prohibited from wearing inappropriate clothing including but not limited to: tank tops, trunks, shorts, sweat pants, spaghetti sleeves or sleeveless t-shirts. Violation of this policy is grounds for disciplinary action. Repeated violations, defined as three (3) or more violations in a calendar year, may result in termination from employment. Employees shall receive both a verbal warning and a formal disciplinary action prior to such termination for repeated violations.

f. Confidential Information

1. NCTHA information shall not be disclosed to the general public nor shall NCTHA documents be taken from the premises without prior approval from the Executive Director. Certain NCTHA information, if released, could have a detrimental effect on the NCTHA or its ability to do business. All NCTHA business information is "privileged" and should not be disclosed outside the NCTHA unless a valid "need to know" basis has been established.

2. Violations of this policy could lead to disciplinary action and/or termination. Many NCTHA employees are privileged to sensitive and private information regarding individuals and entities utilizing NCTHA's services to obtain affordable housing. This information, such as income, must remain confidential. Any employee who breaches this provision will be subject to disciplinary action up to and including termination from employment.

g. Drug & Alcohol Free Workplace

NCTHA considers the use of drugs and alcohol in the workplace to be an unacceptable and unsafe practice that can lead to accidents and serious injury as well as cause serious health problems for the user. All employees must comply with NCTHA's Substance Abuse Policy.

h. Irresponsible Behavior

1. An employee who chooses to act in an irresponsible manner in one or more of the ways listed can expect progressive discipline (See Section 24. Disciplinary Action).
 - (1) Failure to complete and sign time sheets in accordance with established procedures.
 - (2) Failure to come to work on time.
 - (3) Failure to advise supervisor of intended absence or tardiness.
 - (4) Failure to use NCTHA property in a careful and considerate manner.
 - (5) Failure to observe the NCTHA policy regarding solicitation and distribution.
 - (6) Failure to observe safety rules and regulations.
2. An employee who acts in an irresponsible manner in one or more of the ways listed can anticipate immediate suspension or discharge.
 - (1) Engaging in sexual or other unlawful harassment.
 - (2) Violating the NCTHA's Equal Employment Opportunity policy.
 - (3) Fighting or engaging in any violent act or conduct endangering the safety or health of others.
 - (4) Accepting gifts or favors for personal use from anyone doing or seeking to do business with the NCTHA, in violation of the NCTHA Procurement Policy.
 - (5) Falsifying any NCTHA records, including but not limited to, time cards and employment applications.
 - (6) Engaging in any activity that represents a conflict of interest with NCTHA operations.
 - (7) Deliberately accessing confidential information or data without permission.
 - (8) Possessing loaded, concealed weapons or explosives on NCTHA premises.
 - (9) Being under the influence of alcohol or illegal drugs while at work.
 - (10) Insubordination, is defined as refusal or failure to follow the directive of a supervisor, or refusal to comply with an established procedure, and shall include but not be limited to unauthorized communications with the Tribal

President and Tribal Council members by an employee, in regard to an issue which has not been processed in accordance with the NCTHA Policies and procedures.

3. Any medication prescribed to an employee by a medical physician, which may affect job performance, must be reported to the employees' immediate supervisor.
4. In work situations, such as painting, chemical handling, driving etc., where a health or safety hazard is known to exist and protective gear is prescribed, all employees working, observing, or otherwise involved in such situations as part of their jobs shall wear the prescribed protective gear at all times. Access to areas requiring protective gear shall be restricted and controlled by supervisors accordingly. Failure to abide by restrictions or to wear protective gear when required shall be grounds for immediate termination of employment.

i. Housing Payment Deduction

The NCTHA has a right to expect that its employees who are participants in its programs shall not become delinquent in their payments to the NCTHA. An automatic deduction from the employee's NCTHA payroll shall be mandatory.

Section 20: Effective Date: 08/12/04; Resolution # 03 (04); Supersedes Resolution # 6 (96), Dated 10/30/96
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20. Internet and E-mail use

- a. Internet connections and use of E-mail features are provided to certain employees to better facilitate their job duties. These features are intended to be used for NCTHA use only. Personal use of the system shall be grounds for disciplinary action, including termination. Some specific violations are as follows:
 1. Accessing of pornography and sexually explicit pictures and/or words.
 2. Sending personal or socially unacceptable messages and/or pictures.
 3. Any use that is not directly related to the user's job function.
 4. Illegal use of the Internet to send e-mail.
- b. The NCTHA reserves the right to monitor e-mail and Internet use to assure compliance with this policy.
- c. E-mail messages that are received are considered private and the information within should only be disclosed to authorized employees.
- d. Employees do not have a personal privacy right in any matter created, received or sent from the NCTHA e-mail system.
- e. Employees shall only access their own e-mail system and do not have the right to access others.
- f. In the event of an employee's absence, he or she may designate another employee to monitor and respond to e-mail activity. Normally, this should be the employee's supervisor. The employee shall notify his or her supervisor in writing, of the designee.

21. Vehicle Use

a. Use of NCTHA Vehicles

1. Employees are prohibited from using any NCTHA vehicle or other motorized conveyance for any personal reason. Employees are not allowed to carry non-NCTHA employees in NCTHA vehicles as passengers, unless the non-NCTHA employee is being transported for NCTHA business purposes.
2. Before operating an NCTHA vehicle, the employee must be properly licensed and must have signed a release allowing NCTHA to obtain a copy of the employee's driving record as supplied by the Department of Motor Vehicles.
3. An employee will be prohibited from operating an NCTHA vehicle if an employee has not signed a release allowing NCTHA to obtain an employee's driving record, or if an employee has a history of motorized vehicle violations or if the employee has failed to provide accurate information regarding his/ her driving record or for any other reason that NCTHA believes may impair the employee's ability to operate a motor vehicle safely. Such failure or impairment shall subject the employee to disciplinary action up to and including possible termination of employment.
4. Whenever an employee's employment position requires the operation of a motor vehicle during work hours and within the scope of employment duties, the loss of driving privilege shall subject the employee to disciplinary action up to and including possible termination of employment.
5. Driving an NCTHA vehicle while under the influence of drugs or alcohol is illegal and any employee convicted or pleads guilty or no contest to a charge of Driving Under the Influence while operating an NCTHA motorized conveyance will be subject to immediate termination from employment.
6. Speeding tickets, moving violations and parking tickets are the financial responsibility of the employee and may result in revocation of an employee's privilege to operate NCTHA vehicles.
7. All accidents must be reported immediately to the Executive Director or his/her designee.
8. Abusive or inappropriate use of NCTHA vehicles will subject an employee to disciplinary action up to and including termination.
9. Smoking in NCTHA vehicles is prohibited.
10. Employees are responsible for keeping NCTHA vehicles reasonably clean.
11. For care and maintenance responsibilities of NCTHA vehicles, refer to the NCTHA Maintenance Policies.

22. Harassment

- a. The NCTHA is committed to providing a harmonious workplace, wherein the personal dignity and rights of all employees, regardless of race, religion, social status, gender, or any other characteristics protected by applicable Tribal and Federal laws are respected. The belief is that each employee has a right to be whom and what he or she is with pride and dignity and that no other person has a right to condemn, belittle, or denigrate any part of that identity because of personal dislike, prejudice, ignorance or insensitivity. Any continued disparaging behavior that is offensive to a fellow employee is harassment and shall not be tolerated. Employees who believe that they are being harassed should notify their Division Manager and the Human Resource Coordinator immediately. If the matter is not resolved at that level, all employees, regardless of status (full-time, part-time, temporary, intern, etc.) shall have full recourse to NCTHA's grievance procedure (reference Grievance Procedures). Any person determined to have harassed a fellow employee in the workplace or who carries out harassment off premises as a result of job-related affiliations shall be subject to disciplinary action, up to and including termination of employment.
- b. Sexual harassment takes many forms, but as a general rule, any behavior, including continued unwelcome remarks, directed toward a fellow employee which disparages that person in any way because of his or her gender and which is unwelcome or offensive to that person is sexual harassment. Employees are encouraged to report such harassment. Persons determined to have sexually harassed a fellow employee shall be subject to disciplinary action up to and including termination of employment.
- c. Supervisory Harassment - Persons with authority over fellow employees shall exercise due care to treat all subordinates fairly and equally.
- d. NCTHA also prohibits retaliation against an employee for making a good faith report of harassment. Employees who believe they have been the subject of such retaliation, or who believe they have knowledge of such retaliation, should immediately contact their supervisor and the Administrative Officer. Any person found to have retaliated against an employee for making a good faith harassment complaint will be subject to disciplinary action, up to and including termination of employment.
- e. The Human Resource Coordinator shall provide training to employees in regard to harassment and sexual harassment; and shall be available to respond to employee questions in regard to such issues.

23. Disciplinary Action

- a. NCTHA is committed to establishing and maintaining supervisory practices and procedures that support effective operations in the interest of the NCTHA and its employees. Such procedures may include the administration of disciplinary action to assist employees in overcoming work-related problems, performance deficiencies or behavior that violate NCTHA policies, practices or procedures.

- b. The power to initiate disciplinary actions for an employee is vested in the supervisors. Division Managers may take formal disciplinary actions in writing, with a copy provided to the Executive Director, stating reasons and the proposed action. All formal warnings and actions will be documented on a Personnel Action Form and a copy must be given to the employee. The original Personnel Action Form will be forwarded to the Administrative Officer for action and filing in the employee's Personnel File.
- c. Grounds for disciplinary action shall include, but not necessarily be limited to, the following:
 - 1. Excessive absences from work; defined as three unexcused absences within a thirty day period.
 - 2. Tardiness; defined as three tardy arrivals to work within a thirty (30) day period.
 - 3. Unsatisfactory job performance
 - 4. Insubordination
 - 5. Harassment
 - 6. Theft or unauthorized use or abuse of NCTHA property
 - 7. Use of alcohol or illegal drugs on NCTHA premises
 - 8. Appearing at work while under the influence of alcohol or illegal drugs
 - 9. Any other conduct on the job in violation of NCTHA policies or rules
 - 10. Any other conduct on the job not in keeping with acceptable standards of behavior associated with employment.
- d. The following types of action may be taken in enforcing the rules and standards of conduct:
 - 1. **Verbal Warnings** – Supervisors may issue a single verbal warning per type of employee misconduct or omission within a calendar year. While such verbal warnings are not recorded in the employee's personnel file, the supervisor must keep an anecdotal record of such verbal warning. Supervisors shall not issue more than one verbal warning to an employee for similar misconduct or omission within a calendar year. Thereafter, formal disciplinary action must be instituted. A verbal warning is not subject to Section 28. Grievance Procedures nor Section 29. Appeals.
 - 2. **Temporary Dismissal From Work** - A Division Manager may dismiss an employee within the Division he/she manages, from work, without pay, for the balance of the work day, whenever the employee refuses to perform his assigned work; is insubordinate; or commits a serious violation of NCTHA policies or rules. The dismissal should be recorded as a Corrective Action - Temporary Dismissal on a Personnel Action Form. A copy will be given to the employee and the original will be filed in the employee's Personnel File. A Temporary Dismissal From Work is subject to Section 28. Grievance Procedures. It is not subject to Section 29. Appeals.
 - 3. **Corrective Interview** - The Division Manager shall conduct this interview to make sure the employee is aware of his or her violation of policy. The interview should be recorded as a Corrective Interview on a Personnel Action Form. A copy will be given to the employee and the original will be filed in the employee's Personnel File. A

Corrective Interview is subject to Section 28. Grievance Procedures. It is not subject to Section 29. Appeals.

4. **Disciplinary Probation** - This action will be considered a severe warning issued on a Personnel Action Form by the Division Manager, with the concurrence of the Executive Director. The warning shall include the duration of the probation, which must be for a specific period of time not to exceed 60-days, reasons for probationary period and action to be taken if deficiencies are not corrected during the probationary period. A copy will be given to the employee and the original will be filed in the employee's Personnel File. Disciplinary Probation is subject to Section 28. Grievance Procedures. It is not subject to Section 29. Appeals.
 5. **Disciplinary Suspension** – An employee may be suspended with or without pay for up to five (5) working days. This decision will be made by the Executive Director based on the recommendations of the Division Manager. The Disciplinary Suspension should be recorded on a Personnel Action Form. A copy will be given to the employee and the original will be filed in the employee's Personnel File. Disciplinary Suspension is subject to Section 29. Appeals.
 6. **Discharge for Cause** – Employment will be terminated when it is determined by the NCTHA Executive Director that an employee cannot or will not meet acceptable standards of behavior or job performance or when an employee has committed a serious and unmitigated violation of NCTHA policies or rules. Discharge for Cause is subject to Section 29. Appeals.
- e. Documentation of the above items 1 through 4 will become part of the employee's Personnel File.
 - f. These types of disciplinary action are not steps which have to be taken in a progressive manner or in any particular order. All of these types of discipline are available to address employee violations of NCTHA policies and rules; and their use depends on the circumstances of the violation; and are available to the Executive Director and Board in regard to the employees they directly supervise.

Section:24 : Effective Date:8/12/04; Resolution # 03 (04); Supersedes Resolution # 6 (96), Dated 10/30/96

24. Personnel Records

- a. The NCTHA shall establish and maintain a complete Personnel File for each employee. Because these files must contain both confidential information of a personal nature and salary information, administrative and supervisory personnel with access to these files shall maintain all such information in the strictest confidence.
- b. A Personnel Action is defined as an action taken by management which affects an employee's job status, including but not necessarily limited to: hiring, position classification, pay, job assignment, promotion or demotion, layoff, discipline, termination or other change in job status significant enough to warrant a permanent record. All Personnel Actions shall be recorded and made part of an employee's Personnel File through the use of a duly executed Personnel Action Form. Employees shall receive a copy of any Personnel Action Form affecting them.

- c. All communications between an employee and supervisor sent to the employee's Personnel File must be presented and signed by both parties to ensure that both have seen each document. Employees may review their Personnel File in the Administrative Officer's office under the supervision of the Administrative Officer. Employees may obtain copies of documents in their Personnel File provided they have made a written request to the Executive Director.
- d. Employees are responsible for immediately notifying the Administrative Officer of any change in their personal status, including change of address or person to contact in the event of an emergency. Maintenance of an employee's payroll status, insurance coverage and other benefit entitlements depend on the existence of accurate information in the file.
- e. Employees who wish to correct information in their file that they feel is inaccurate, or to request the removal of documentation relating to written warnings after a minimum of eighteen (18) months of continuous employment, may submit such a request in writing to the Administrative Officer. Requests to remove documentation of a written warning from an employee's Personnel File will only be considered after a minimum of eighteen (18) months of continuous employment, if there has been no further disciplinary action involving the employee.
- f. Personal data contained in the file is only accessible to the employee's direct supervisor or higher-level manager within the employee's division or the Executive Director. For purposes involving transfers or promotions, supervisors and managers in areas with position openings are provided access to the Personnel Files of employees in other programs who have requested transfers or promotions, providing that the Administrative Officer approves such access.

Section 25: Effective Date: 03/21/16; Resolution #06 (16); Supersedes Resolution #03 (04), Dated 08/12/04

25. Performance Evaluations

- a. The NCTHA believes that providing employees with feedback so they know how they are doing and what is expected of them will help employees perform efficiently and productively. The NCTHA encourages supervisors to provide feedback on an ongoing basis. Productivity and the maintenance of quality shall be important factors considered in performance evaluations.
- b. All employees shall be evaluated on their job performance at least two (2) weeks prior to the end of any probationary period and within two (2) weeks of their annual evaluation date. Employees shall be evaluated by their supervisors according to the Performance Evaluation form. Annual evaluation within two (2) weeks of the employee's annual evaluation date is a target date and does not prevent the employee from being evaluated at any time after the two weeks has passed.
- c. Employees who have been promoted, or who have been transferred to a position with a different job title, should receive a written performance evaluation at least (2) weeks prior to the end of any probationary period and within two (2) weeks of their annual evaluation date. Annual evaluation within two (2) weeks of the employee's annual evaluation date is a target date and does not prevent the employee from being evaluated at any time after the two weeks has passed.

- d. Supervisors are encouraged to tailor evaluations to their needs; however any revised forms must be maintained on file with the Administrative Officer. A standardized form for documenting performance evaluations shall be available through the Administrative Officer to be utilized in both probationary and annual performance evaluations.
- e. Within two (2) weeks of the evaluation date, the supervisor should document the employee's performance in a written evaluation. The supervisor should review the evaluation with their respective Division Manager. The supervisor may also request the employee to perform a self-evaluation. The two week time period is a target date and does not prevent the employee from being evaluated at any time after the two weeks has passed. However, the two week time period shall be used as a tool to evaluate the supervisor's performance.
- f. If an employee's performance is unacceptable, the supervisor may determine that a written warning is appropriate rather than an annual evaluation. Under such circumstances the supervisor may use any method, such as a memorandum, letter or performance appraisal form, to document the written warning. If the supervisor provides a written warning, the employee's annual evaluation is deferred until performance is acceptable or until a date specified in the written warning.
- g. The supervisor and employee shall meet to discuss the employee's performance during the past evaluation period; the discussion should also include goal setting and determining how performance will be evaluated over the next evaluation period.
- h. Following the review session, the employee should complete the employee comments section of the written performance evaluation form. He/She shall sign the evaluation attesting to the fact that the evaluation has been discussed with him/her.
- i. All supervisors shall receive training in regard to the supervision and evaluation of the employees they supervise, including onsite training including web seminars, and offsite training.

Section 26: Effective Date: 03/21/16; Resolution #06 (16); Supersedes Resolution #03 (04), Dated 08/12/04

26. Termination of Employment

a. Resignation

In the event of resignation from service with NCTHA, the employee shall be expected to provide at least two (2) weeks written notice of their intention to their immediate supervisor and copy the Administrative Officer. They should also leave a forwarding address in order for final checks or withholding statements to reach them. Depending on circumstances of individual cases, failure to provide advance notice of resignation may affect the employee's eligibility for re-hire and the strength of NCTHA references for other employment in the future. Letters of Resignation shall be effective upon submission to the employee's supervisor, NCTHA Executive Director or Board. Any request to rescind a submitted letter of resignation is subject to the approval of the applicable hiring authority.

c. Reduction-In-Force

When a position must be curtailed, discontinued, or abolished because of lack of work, funds, or other unforeseen circumstances, the Executive Director will approve a written report or Personnel Action Form as to the employees to be affected. A reduction-in-force may necessitate the following:

1. Reducing working hours of all or some employees.
2. Transfers of employees.
3. Temporary, permanent, or indefinite reduction of the work force.

c. Disability

In the event that an employee sustains or develops a physical or mental condition that renders him or her unable to perform the required duties of his or her job, the employee's service to the NCTHA may be terminated. All cases of disability resulting in termination of employment shall be clearly supported by medical evidence. Such termination shall be made effective after all personal time off accrued by or contributed by other NCTHA employees to the disabled employee has been exhausted.

d. Death

Termination shall be effective on the date of an employee's death. All compensation including payment for accrued annual leave, due the employee shall be paid to the employee's estate except for sums as may by law be paid directly to a surviving spouse. Insurance benefits shall be administered according to the terms of NCTHA's insurance policy in effect at the time. It is the employee's responsibility to inform the Administrative Officer of any change to beneficiary information and to complete the applicable forms reflecting the change.

e. Termination

A non-probationary employee may only be terminated by the Executive Director.

f. Release of Information

Personal information will not be given out after discharge except dates of employment and reason for leaving. A former employee may request release of information to a third party by submitting a signed and dated request to the Human Resources Coordinator. The request must specify what information is to be released. The NCTHA reserves the right to refuse a request if the subject records have been archived and are not readily accessible. A fee of \$25.00 plus \$.25 per page, must be paid in advance for this service.

g. Exit Interviews

Individuals leaving NCTHA employment are encouraged to participate in an exit interview conducted by the Human Resources Coordinator and the Division Manager. The purpose of the exit interview is to attempt to confirm the reasons the employee is leaving the NCTHA, and to discuss the employee's suggestions and comments about their employment experience with the NCTHA. An additional goal of the exit interview is to explain all applicable insurance extensions/conversion privileges; and to insure that all of the employee's obligations to NCTHA have been satisfied before release of his/her last check.

27. Grievance Procedures

- a. A grievance is a formal complaint by an employee to the NCTHA in response to what he or she believes to be unfair or unjustified treatment. It is a problem-solving mechanism the purpose of which is to prevent or correct injustices to employees. Its use shall not in any circumstance be prohibited or discouraged.
- b. A grievance may be filed to seek redress of any NCTHA action which, in the opinion of an employee, constitutes unfair or unjustified treatment. This includes all disciplinary actions documented by a Personnel Action Form, with the exception of termination or suspension, which are actions that can only be taken by the Executive Director and may only be appealed to the Board. NCTHA policies and general management decisions or the effects of either may not be grieved.
- c. All NCTHA employees who have been designated by Personnel Action as having permanent full-time status and who are eligible to receive NCTHA benefits shall be eligible to file and prosecute a grievance. In cases of harassment, if the matter cannot be resolved at the supervisory or administrative level, all employees, regardless of status (full-time, part-time, temporary, etc.) will have full recourse to the Grievance process.
- d. Formal grievance proceedings shall always follow the sequence below. Every attempt shall be made to equitably settle the grievance at the earliest possible step in the procedure. Persons involved in hearing grievances shall give fair and sincere consideration to complaints raised and attempt to swiftly resolve them in a just manner consistent with common sense and NCTHA policy.
 - 1. **First Step** - The employee shall register a complaint in writing with his/her Division Manager, with a copy to the Human Resources Coordinator, within (5) working days, detailing the condition or situation grieved, why it is being grieved, and the requested remedy. The request must be signed and dated. The immediate supervisor has five (5) working days in which to respond to the request by establishing an agreed upon appointment to meet with the aggrieved employee and attempt to resolve the problem. The supervisor has (5) working days after the meeting to render a decision in writing to the employee. If the behavior or decision being grieved is against the Division Manager, the employee will skip the First Step and proceed directly to the Second Step. If the behavior or decision being grieved is against the Executive Director, the employee will skip the First Step and Second Step and proceed directly to the Third Step.
 - 2. **Second Step** - If the employee does not find the response of the Division Manager satisfactory, then he/she may continue the grievance process by filing a complaint in writing with the Executive Director, with a copy to the Human Resources Coordinator, within (5) working days of the grieved action, detailing the condition or situation grieved, why it is being grieved, and the requested remedy. The request must be signed and dated. The Executive Director has five (5) working days in which to respond to the request by establishing an agreed upon appointment to meet with the aggrieved employee and attempt to resolve the problem. The Executive Director has (5) working days after the meeting to render a decision in writing to the employee.

3. **Third Step** - if the employee does not find the response of the Executive Director satisfactory, then he/she may appeal the Executive Director's grievance decision to the Board of Commissioners, pursuant to the procedures contained in the Appeals section, with a copy to the Human Resources Coordinator.

- e. An employee's use of the grievance procedure will not prevent, limit or delay any disciplinary action, the performance evaluation process or enforcement of the policy.
- f. Any difficulties encountered in using the grievance procedure should be brought to the attention of the Human Resources Coordinator. All written documentation during the three (3)-step course must be forwarded to the Administrative Officer.
- g. Division Managers, the Executive Director nor Board Members may participate in or be present during the grievance or appeals process involving an immediate family member.

Section 28: Effective Date: 03/21/16; Resolution #06 (16); Supersedes Resolution #03 (04), Dated 08/12/04

28. **Appeals**

a. **Overview**

All permanent full-time employees of the NCTHA who are suspended or terminated shall have the right to appeal the decision within ten (10) calendar days of the action to the NCTHA Board of Commissioners. However, the Executive Director, only, shall have the right to appeal any action of the Board of Commissioners to suspend or terminate him/her, directly to the Northern Cheyenne Tribal Appeals Board, whose decision shall be considered final and shall not be reviewed by the Northern Cheyenne Tribal Council.

b. **Appeals Board**

The Northern Cheyenne Tribal Housing Authority Board of Commissioners shall act as the Appeals Board for all permanent full-time employees seeking review of a decision to suspend, to terminate said employee, or of the Executive Director's grievance decision. A quorum of the Board, acting at a duly convened regular or special meeting shall act as an Appeals Board and review and issue a decision upon all duly filed appeals.

- c. With regard to grievance appeals, the Board shall only accept requests for appeals after the employee has exhausted all other avenues of appeal including the direct supervisor, division managers, and the Executive Director.
- d. Members of the Board shall not participate in an appeal hearing when a member of their immediate family is involved.

e. **Appeals Process**

1. The employee requesting an appeal for suspension, termination or upon a grievance appeal, shall submit a written request for an appeals hearing to the Executive Director within ten (10) calendar days after receipt of written notice of the disciplinary action or grievance decision by the Executive Director. The Executive Director shall immediately inform the NCTHA Board of Commissioners of the filing of an appeal.

2. Only personnel who have completed the ninety (90) day probationary status and who are considered permanent employees have the right to appeal a disciplinary action involving suspension, termination or grievance appeal.
3. Within ten (10) working days of receipt of a request for an appeals hearing, the Board shall schedule a Board meeting for the purpose of considering the appeal. A written notice of the date and time of the appeals hearing shall be forwarded to the Executive Director, the Human Resources Coordinator, the supervisor and employee requesting the appeal. Said written notice to the employee shall be sent by certified mail, with return receipt requested or delivered in person, with a written acknowledgement of receipt signed by the employee or statement by the NCTHA employee delivering the notice that the employee refused to sign.
4. The Board shall consider all written documentation regarding the disciplinary action as well as appropriate oral testimony from the Executive Director, supervisor and employee requesting the appeal, as well as any other party deemed by the Board to have pertinent information. It is the responsibility of the Human Resources Coordinator to provide the Board with copies of all written documentation from the employee's personnel file which pertains to the disciplinary action.
5. The employee is entitled to retain legal counsel for the hearing process, at his/her own cost. The NCTHA will not pay for, or reimburse the cost of such legal counsel.
6. Within five (5) working days after the date of appeals hearing, the Board shall determine to uphold the disciplinary action or to overturn it, based upon a careful consideration of NCTHA Personnel policies and written documentation. Appropriate oral testimony shall also be considered, but it shall not over-ride written documentation which is in accordance with approved policy and procedure. A copy of the Board's Final Order shall be forwarded to the employee, direct supervisor and Human Resources Coordinator. Said written notice to the employee shall be sent by certified mail, with return receipt requested or delivered in person, with a written acknowledgement of receipt signed by the employee or statement by the NCTHA employee delivering the notice that the employee refused to sign.
7. All decisions of the Northern Cheyenne Tribal Housing Authority Board of Commissioners shall be final and shall not be accepted by the Northern Cheyenne Tribal Appeals Board or the Northern Cheyenne Tribal Council for review.
8. The Board shall consider program funding levels prior to reinstating an employee with back pay. The Board of Commissioners shall make every attempt to resolve appeals matters without causing programs to over expend personnel costs.

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