

weeks' notice is requested by MBCI. If the supervisor directs, the resigning employee may be relieved from further work upon receipt of a written or verbal notice of resignation. Any employee absent from work for a period of two (2) consecutive workdays, without daily notification to the supervisor of the reasons for the absence, will be considered as having voluntarily resigned. If an Education Contract employee leaves employment during the period of the employee's contract, the employee's remaining pay not earned will be retained by MBCI, and MBCI may contact the Mississippi Department of Education requesting that the employee's teaching certificate be suspended or revoked.

B. Mutual Agreement

An employee and MBCI may mutually agree to end the employment relationship. Under these circumstances, no employment end date notice period is set by MBCI, and a departure date is informally agreed upon within a reasonable time period.

C. Reduction in Force

An employee may be terminated when his or her position is being eliminated or reclassified due to reorganization or financial considerations, as determined by the Chief. Any employee terminated due to a reduction in force will be paid one month's compensation after separation of employment. No reduction-in-force terminations may occur within the six (6) months preceding or following a general, run-off, or other election for the position of Chief, except for circumstances in which a federally funded grant program has ended and is not renewed or extended, without prior approval of the Tribal Council by motion or resolution.

D. Unsatisfactory Performance

An employee may be terminated for unsatisfactory performance, in accordance with the procedures set forth in part XVI.

E. Retirement

An employee may voluntarily terminate his or her employment for purposes of retiring from gainful employment with MBCI.

Under most circumstances, and if resources are available, all accrued annual leave pay for which the employee is eligible, not to exceed the maximum number of allowable annual leave hours, may be paid to the employee at the time the employment relationship terminates. Any indebtedness to the Tribe, including the replacement cost of Tribal property not returned by the separated employee within three (3) days of the separation, will be deducted from any available annual leave, or other pay, from the last check.

XVIII. GRIEVANCE

Any employee, except new employees in their initial 90-day probationary period, temporary employees, casual employees or political appointees, 1) terminated from employment due to reduction in force, 2) terminated from employment due to unsatisfactory

performance or misconduct, 3) demoted for cause, or 4) suspended for any reason by the Chief, may file a grievance on the action. Any employee who wishes to grieve a violation of this Policy, or a civil rights violation, also has the right to file a grievance on the action. A grievant has the right to file written statements or briefs in support of his or her position prior to the hearing. A grievant has the right to be represented by anyone of his or her choice, including an attorney, at no expense to the Tribe. The grievant also has the right to present witnesses on his or her behalf and to cross-examine tribal staff or witnesses presented by MBCI.

A. Procedure

The following procedure will be followed in filing grievances:

1. **STEP ONE:** The employee must, within four (4) business days of the grievable event, discuss his or her grievance with his or her supervisor, and every effort shall be made to resolve the matter at this point. When the grievance is against the supervisor, the action must be initiated directly with the Department Director. Grievances alleging violations of MBCI's Equal Employment Opportunity policy, or policies against unlawful or unethical activities, should be presented to the Director of Human Resources, instead of the supervisor or Department Director. If the employee is not satisfied with the results of this step, the employee may, within two (2) business days, initiate STEP TWO. Grievances related to suspension or termination by the Chief, alleging a violation of MBCI Native American Preference Policy, Veteran's Preference Policy, or Equal Opportunity Policy are not subject to this step and may proceed directly to STEP TWO, by submitting a request for hearing within four (4) business days of the grievable event.
2. **STEP TWO:** The employee must submit a request for hearing, in writing, to the Director of Human Resources, with a copy to the Chief, describing the grievance or appeal. A hearing shall be scheduled within five (5) business days of the date of the request, with all parties and documentation present. The Policy Development Officer or other appropriate designee by the Chief shall conduct the hearing, and shall make every effort to resolve the grievance or appeal.
3. **STEP THREE:** If the grievance is not resolved in STEP TWO, the employee shall within five (5) business days, request in writing a hearing with the Tribal Personnel Grievance Panel submitting the request to the Chair of the Panel and to the Director of Human Resources, along with all written statements or briefs. The Panel shall schedule a hearing on the matter within fifteen (15) business days. The grievant and all parties concerned shall be given written notice of the date, time, and place of the hearing at least two (2) business days prior to the hearing. The Chair of the Panel shall preside at the hearing on the appeal, which shall be held

in executive session, with only members of the Panel and parties to the grievance or appeal present. The decision of the Panel is final and not appealable to any forum.

B. Confidentiality

All aspects of all grievances are confidential, and may be discussed only with the parties concerned with the grievance, and members of the Panel. Breaches of confidentiality shall be treated with appropriate disciplinary actions.

C. Appearances at Hearings

The Panel is authorized to compel any and all parties to a grievance to attend any hearings or meetings pursuant to resolving a grievance, if such parties are tribal members, Tribal Council members, supervisors, or employees. The Panel may request other parties to appear at such meetings as it deems necessary.

XIX. GENERAL EMPLOYMENT POLICIES

A. Fraternization

The relationship between employees, as well as between employees and management, should be professional and must comply with MBCI's harassment and nepotism policies. Supervisors and managers are prohibited from dating or engaging in romantic relationships with subordinates. Such relationships can disrupt the work environment and create potential conflicts of interest.

B. Dress Code / Appearance

Employees are responsible for dressing appropriately, whether the job requires business casual, casual attire, or uniforms. Employees must present a neat, appropriate appearance at all times. Wearing outlandish clothing, overly revealing clothing, body piercing, and the like may be prohibited in certain positions or departments. Tattoos, "passion marks," and the like should be covered to the greatest extent possible. An employee who reports to work in a manner which contravenes applicable standards of appearance, including this code, may be required by his or supervisor to exit the workplace until his or her appearance is brought into conformity with applicable standards of appearance. Any time lost due to an employee's failure to report to work in appropriate attire will not be counted as "hours worked" for purposes of the employee's pay. Each Department may establish requirements for employee appearance, which must first be approved by the Office of Human Resources.

C. Personal Telephone Calls and Mail

MBCI phones, whether office or cell phones, are for business and personal emergency use. Personal phone calls should be kept to a minimum. Long distance personal calls should