

Emergency Pool will be accepted at any time during the year. Only earned leave may be donated. An employee may not donate more than one-half of his or her annually earned annual or sick leave; nor may an employee's donation bring the sum of his or her accrued annual or sick leave to less than the number of hours the employee is regularly scheduled to work during a bi-weekly pay period. All requests to donate leave to the Emergency Leave Emergency Pool, or to use leave from the Emergency Leave Emergency Pool, must be in writing signed by the employee. An employee may not accrue leave on the leave that has been donated to him or her. Leave donated shall be valued according to its cash value based on the lowest rate of pay applicable to the leave at the time it is accrued. Leave donated will be distributed to the donee in accordance with its cash valuation based on the cash value of the leave to the donee employee based on the rate of pay in effect at the time it is distributed to the donee employee. The result is that the number of hours of leave donated may differ from the number of hours received if the rate of pay of the donor and the donee are different.

No employee may directly or indirectly attempt to persuade, intimidate, threaten, or coerce any other employee in the donating, receiving, or use of annual or sick leave under this program. Any violation should be reported promptly to the Director of Human Resources. A violation of this paragraph may result in disciplinary action up to and including termination.

An employee may not receive more than 200 hours per fiscal year from the Voluntary Leave Transfer Program Emergency Leave Emergency Pool, except that an employee who has exhausted his or her receipt of leave from the Voluntary Leave Transfer Program Emergency Leave Emergency Pool, and has been diagnosed, or whose immediate family member has been diagnosed, with a life threatening condition the treatment for which is expected to exceed twelve (12) weeks as verified by a physician, may, subject to approval by the Office of Human Resources, receive up to an additional 280 hours of accrued leave per fiscal year from a near relative as that term is defined in subsection C of Part V of this Policy, so long as all other requirements of the Voluntary Leave Transfer Program Emergency Leave Emergency Pool set forth in this Part XV are satisfied.

XVI. EMPLOYEE DEVELOPMENT

A. Career Development Plans

All supervisors and regular employees, in conjunction with their supervisor, shall prepare a career development plan. The supervisor and employee should develop and, at least annually review the plan, which should include:

1. career goal;
2. courses, training sessions, or workshops designed to assist employee in meeting goals; and
3. a timetable for achievement.

A copy of the plan should be given to the employee, the supervisor, and the Office of Human Resources.

B. Educational Assistance

Each employee of MBCI is encouraged to further his or her personal and career development through academic study and other means in order to allow the employee to contribute further service to MBCI. Assistance provided to an employee must not conflict with the employee's regular duties.

1. Employee Initiated Training

Subject to the availability of program funds, each MBCI Tribal member employed by MBCI may utilize available job-related education assistance funds. This includes any training program, conferences, workshops or classes that are job-related (by agreement between employee and supervisor) and approved by the Chief or the Chief's designee.

Approvals of training utilizing education assistance funds under this subsection 1 shall be reported in a Human Resources Quarterly Report including the job title, amount of funds approved, and purpose for and location of training approved. The Human Resources Quarterly Report will be submitted to the Office of Human Resources and to the Tribal Council's Committee on Human Resources, Training and Development on or before the tenth (10th) day of the calendar month immediately following the quarter to which the Human Resources Quarterly Report pertains.

Training will normally occur during non-working hours. Employee-initiated education assistance funds utilized by an employee will be tallied anew each fiscal year for purposes of determining an employee's eligibility to further utilize employee-initiated education assistance funds.

Payment of fees for conferences or other training experiences shall be made when recommended by the supervisor, approved by the Chief, and when such plans:

- a. complement Tribal purposes;
- b. benefit the individual's career;
- c. are submitted in advance for approval by the Chief; and
- d. will not interfere with satisfactory discharge of responsibilities even though training may occur during normal working hours.

2. Enrollment in Post-Secondary Educational Courses

MBCI's policy is to allow MBCI Tribal member employees of the Tribal Government Services Division to enroll in part-time classes for four (4) hours weekly or less. However, the Chief may make an exception and grant educational leave of more than four (4) hours per week, but not to exceed ten (10) hours per week, when a degree can be obtained by additional coursework within the same semester. Such enrollment in school and subsequent absence from work is, of course, with the prior approval and written authorization from the employee's supervisor. The program or department's goals and objectives must not be neglected or diminished by an employee's

enrollment in classes and absence from work.

C. Performance Reviews and Corrective Actions

1. Probationary Performance Reviews

All new employees – except Education Contract Employees, political appointees, and elected officials – serve a 90 calendar day probationary period, beginning on their first working day, to determine whether or not they fully satisfy requirements of the job. Supervisors will carefully monitor performance during this time and will provide regular performance reviews every 30 days to the new employees. The employee may be terminated without notice and with or without cause during or at the end of the probationary period.

2. Annual Performance Reviews

Each supervisor will conduct at least one written performance review annually of each employee they supervise using documented forms for this purpose. The objective of these reviews is to assist employees in their career development and to improve overall effectiveness of tribal operations.

The review will be shown to employees in draft form and discussed with them. At the same time the supervisor and employee will review and, if necessary, suggest revisions to the employee's job description, said suggestions being made to the Office of Human Resources who shall have the final authority to modify the job description, with the approval of the Chief. Any modification of a job description under this paragraph must be in writing. The Office of Human Resources must be provided with a copy of any job description modification and must approve such modification. Any modification of a job description under this paragraph shall be reported in the Human Resources Quarterly Report including: the position Job Title, the additions or deletions to the existing Job Description and the reasons for changes to the Job Description. The Human Resources Quarterly Report shall be submitted to the Office of Human Resources and to the Tribal Council's Committee on Human Resources, Training and Development on or before the tenth (10th) day of the calendar month immediately following the quarter to which the Human Resources Quarterly Report pertains.

Subsequent changes in the performance review may be agreed upon before a final record is made. If agreement cannot be reached, the employee may prepare a separate statement for the record as appropriate. All performance reviews will be signed by both parties, indicating that they have communicated on the subject matter even though they may not have agreed. The Department Director and Office of Human Resources will receive a copy of each written review. Employees will also be given a copy of the final document. For each employee promoted from within the Government Services Division, a performance review is required prior to the completion of ninety (90) days in the employee's new position.

3. Corrective Action

a. Corrective Action By A Supervisor

A supervisor may, in his or her discretion, subject to any required approvals within the management chain of command, take corrective action in any circumstance where individual job-related performance and/or conduct is below minimum acceptable standards including, but not limited to, the standards of conduct described in this Policy (loosely referred to in this part XVI as “unsatisfactory performance”). Corrective action may include verbal counseling, disciplinary probation, suspension, or termination. Documentation, discipline, and corrective action of unsatisfactory performance is the responsibility of the supervisor.

A supervisor may take Corrective Action, subject to any required approvals within the management chain of command, for unsatisfactory performance, which includes but is not limited to: insubordination, chronic absenteeism or tardiness, repeated failure to complete tasks assigned, refusal to complete required training, breaches of confidentiality, under the influence of drugs or alcohol while on duty, failure to communicate or work effectively with other employees and agencies, or failure to comply with the job requirements or guidelines of the program in which he or she is employed.

If placed on probation, the probationary period generally should not exceed ninety (90) calendar days, but the Chief may extend the period of probation to a total period of no longer than one-hundred-twenty (120) days. Where the Chief elects to extend a probationary period beyond ninety (90) days, such decision must be made in writing, and shall be reported in a Human Resources Quarterly Report including the Job Title, the length of the probation extension, and the reason for probation extension. The Human Resources Quarterly Report shall be submitted to the Tribal Council’s Committee on Human Resources, Training and Development on or before the tenth (10th) day of the calendar month immediately following the quarter to which the Human Resources Quarterly Report pertains. Unlike employees on probation during their first ninety (90) days of employment, employees on disciplinary probation are not subject to termination without cause, and they maintain ordinary employee rights of appeal. If the employee successfully completes the probationary period, he or she must be notified in writing that he or she has been restored to full-time, permanent status. During a period of disciplinary probation, an employee will accrue, but not be able to use, sick leave or annual leave.

Except as provided in sub-subsection b of this subsection 3, suspended employees shall not receive any compensation for the period of suspension, shall not accrue or receive annual leave, shall not accrue or receive sick leave, and shall not receive leaves of absence. During the suspension the employee shall continue to receive disability benefits, health benefits, and insurance benefits. The end of the period of suspension shall not necessarily mean that the employee returns to work. The Chief shall investigate the matter, and shall make a determination of the fitness of the suspended employee to return to normal duties. All suspensions shall run for the full term of the suspension, unless there exists a reasonable basis to end the suspension earlier. Suspension of an employee charged with criminal misconduct that would result in the employee’s ineligibility for continued employment where MBCI has determined there is insufficient other evidence of misconduct on file to warrant personnel discipline, shall be subject to the requirements set forth in sub-subsection b of this subsection 3.

Immediate terminations may result from, but are not limited to, possession and/or use of alcohol, illegal drugs or similar dangerous intoxicants at work; possession or use of deadly weapons; falsification of records or misrepresentation; theft of MBCI or co-workers' property; serious violation of MBCI's electronic mail and Internet policies; insubordination; sexual misconduct; conduct unbecoming of an employee of the MBCI; working elsewhere while on leave of absence; violation of confidentiality; discrimination against any member of a protected group (race, color, religion, sex, pregnancy, age, national origin, citizenship status, veteran status, physical or mental disability, or genetic information) in hiring, transfer, promotion, training, compensation, benefits or other employment related matters that violates this Policy; retaliation against or harassment of an employee for using the complaint procedure to oppose any kind of discrimination/harassment or for cooperating in an investigation of a complaint of discrimination/harassment; and violations of applicable laws affecting business and industry.

b. Corrective Action By The Chief

The Chief has independent authority, in addition to authority expressly provided to the Chief elsewhere in this Policy, to suspend an employee, with or without pay, for a period not to exceed thirty (30) working days to avert an imminent threat to the health, safety, security, or integrity of the Tribe. Under certain circumstances, the Chief shall have the authority to suspend an employee for not more than sixty (60) working days, of which not more than thirty (30) working days may be paid suspension at the sole discretion of the Chief. These instances will be those in which an employee is charged with criminal misconduct that would result in the employee's ineligibility for continued employment where MBCI has determined there is insufficient other evidence of misconduct on file to warrant personnel discipline. Employees suspended because the employee is charged with criminal misconduct that would result in the employee's ineligibility for continued employment where MBCI has determined there is insufficient other evidence of misconduct on file to warrant personnel discipline shall not be terminated from employment earlier than the date of conviction, guilty plea, or nolo contendere plea, or the end of sixty (60) working days, whichever occurs first. The Chief shall award suspension with pay status retroactively, not to exceed a total of sixty (60) working days, if the employee is exonerated of all charges.

The circumstances under which the Chief may exercise authority to suspend with or without pay for a period not to exceed thirty (30) working days to avert an imminent threat to the Tribe include, but are not limited to, instances where: an employee threatens or commits any act of physical violence; an employee is the subject of allegations (in the case of tribal employees in positions covered by 25 U.S.C. §3207 *et. seq.*) of child sexual abuse or neglect, or of a commission of a violation of federal, state, or tribal law involving crimes of violence, sexual assault, molestation, exploitation, contact or prostitution, or crimes against persons; or the employee knowingly makes material false statements on reports or records.

Where the Chief suspends an employee under this sub-subsection b, the suspended employee must be given written notification that continued employment is in jeopardy and must cooperate with any internal investigation. If the employee is retained, he or she will be told what must be done to improve the situation. With this notice, the employee will be placed on probationary status.

For an employee over whom the Chief serves as immediate superior in the Executive Branch Government Services Division organizational chart, approved by the Tribal Council, the Chief may take corrective action in accordance with the standards set forth in sub-subsection a of this subsection 3.

Corrective action by the Chief is not subject to the Corrective Interview process set forth in subsection 4 of this section C. However, the employee enjoys an immediate right of appeal from suspension or termination by the Chief under the grievance process set forth in part XVIII of this Policy.

c. Investigations and Arrests

On occasion, an internal investigation may be required while an employee is suspended pending investigation. If an internal investigation is required, the employee concerned will fully cooperate with the Office of Human Resources or Internal Audit whether on suspension or not.

If an employee is arrested for any criminal offense, that employee must promptly report such arrest to the employee's immediate supervisor and the Office of Human Resources within five (5) working days of the arrest. Failure to report an arrest is grounds for discipline up to and including termination of employment.

4. Procedure

MBCI utilizes a Corrective Interview process whenever a supervisor (but not the Chief) seeks to impose corrective action, beyond verbal counseling, against an employee. The Office of Human Resources maintains a standard form Corrective Interview Report for use in the process, copies of which can be obtained in the Office of Human Resources. Supervisors will administer the Corrective Interview process in accordance with this policy. The supervisor will complete the Corrective Interview Report form and, following a disciplinary conference, secure approval through the appropriate supervisory chain.

- a. The Corrective Interview Report must be completed as fully as reasonably possible under the circumstances upon presentation to the employee, and in such a manner as to reasonably inform the employee of the nature of the corrective action, by including: a factual description of the actions leading to corrective action; a review of past corrective efforts; suggestions of positive corrective steps the employee should take in light of the corrective action; and for anything other than termination, a caution that an occurrence during the period of corrective action, or further violations of the Policy, could result in termination.
- b. Discussion of the Corrective Interview Report must take place promptly upon a supervisor's recommendation that corrective action be taken against an employee, in a private conference between the employees concerned, his or her supervisor, and a

witness, preferably another member of management or the Office of Human Resources. If it is not reasonably possible to immediately hold a private conference, such conference must take place as soon as reasonably possible, but should ordinarily not take place more than two (2) business days after corrective action is recommended.

- i. It must be explained to the employee that the Corrective Interview Report will become part of the employee's personnel record, and that the employee's future conduct and performance will determine how much weight the report will have in any future situation requiring corrective action and with respect to any future wage increases. Specifically, if there are two or more Corrective Interview Reports in the preceding three (3) years, an employee should expect to receive no, or a lower, salary increase based on performance, or other raise, and MBCI has the right, if approved by the Chief, to deny such an increase. Any employee on probation or suspension at the time a cost of living or other raise is given shall not receive the increase.
 - ii. Except in cases of termination, the conference shall stress performance improvement requirements as specified in the Corrective Action Report.
 - iii. A follow-up conference must be scheduled, if requested by the employee, supervisor, or other MBCI management.
 - iv. Upon completion of the conference, the report will be signed and dated by the supervisor, employee, and witness. The employee must be given the opportunity to write his or her comments on the form. The supervisor will forward the original of the completed report to the Office of Human Resources for filing in the employee's personnel file.
 - v. The supervisor must ensure that any follow-up conference takes place at the scheduled time.
- c. The supervisor, or another member of MBCI management or the Office of Human Resources, must promptly inform the employee of any final disposition of a recommendation for corrective action.

XVII. TERMINATION OF EMPLOYMENT

The end of an employment relationship with MBCI will fall within one of the following categories, with indicated policies applicable to each:

A. Resignation

An employee may voluntarily terminate his or her employment for any reason. Two