

C. Sovereign Immunity

Nothing in this Policy shall be construed as an express or implied waiver of the Tribe's sovereign immunity.

II. EMPLOYMENT POLICIES

A. Native American Preference

MBCI adheres to a publicly announced policy and practice of extending preferential treatment to all eligible Native Americans with regard to recruitment, employment, reduction in force, promotion, training, transfer, and related employment actions to the maximum extent permitted by applicable law. For purposes of this Policy, the order of Native American preference shall be: first, an enrolled MBCI Member; second, unenrolled descendants of members of the MBCI; and third, all other Native American Indians enrolled in a federally recognized Tribe.

MBCI maintains a program of recruiting, training, and upgrading Native Americans, and to the extent that funding permits, shall provide pre-employment and pre-promotion training for eligible Native Americans to help achieve its goal of ensuring maximum Native American employment in all levels of the workforce, including management.

Further bolstering this Native American preference to promote employment of MBCI members, it is the policy of MBCI to employ person(s) who are not members of MBCI only when no qualified member of MBCI, who has applied for the position, can be trained or upgraded to fill a given job vacancy within a reasonable period of time at a reasonable cost, and then only when a Waiver of Native American Preference has been secured from the Committee on Human Resources, Training and Development on a case-by-case basis.

The authority to waive Native American Preference laws can only be exercised by the Committee on Human Resources, Training and Development. The Committee will exercise its discretion to do so only when a motion is made by a committee member to support such waiver and the Committee determines by reviewing the facts and appropriate written documentation that a waiver is justified. A waiver to allow the employment of a person who is not a member of MBCI, or to employ a person who is Native American outside the order of preference set forth in this Policy, can be made by the Committee only for as long as the person who is granted the waiver remains in the position for which the waiver was granted. That waiver does not apply to other openings which the person who is granted the waiver may request a promotion or transfer for, or apply for. The Committee only has the right to approve or disapprove a waiver that has been requested by Executive branch supervisors, and has no right to direct, demand, or coerce any Executive Branch supervisor or personnel that any specific applicant other than the one for which waiver is sought, be employed. Supervisors who do not follow the Native American Preference Policy are subject to disciplinary action up to termination. A waiver is not required if no Native American has applied for a position.

The Director of Human Resources shall review all waiver requests prior to presentation to the Committee, and shall provide to the Committee his or her determination regarding the Waiver request. This includes in-house promotions where a Native American Preference Waiver request is submitted.

Acceptable proof of eligibility for Native American preference is required. Acceptable proof includes, but is not limited to, tribally-issued identification or a Certificate of Degree of Indian Blood. All personnel job vacancy announcements shall include the Native American Preference Clause.

B. Veteran Preference

Subject to the Native American preference, the Tribe shall adhere to a publicly-announced policy and practice of extending preferential treatment to qualified MBCI veterans with regard to recruitment, employment, reduction-in-force, promotion, training, and other employment actions.

“Qualified MBCI veterans” are veterans who have served and have been honorably discharged or who are presently serving in the Armed Forces of the United States of America beginning with World War II through the current time period.

C. Equal Employment Opportunity

MBCI is an Equal Opportunity Employer, and except to the extent required by its Native American Preference Policy and Veteran Preference Policy, MBCI prohibits any discrimination because of race, color, religion, sex, pregnancy, age, national origin, citizenship status, veteran status, physical or mental disability, genetic information, , or any other basis protected by applicable law. This policy applies to all employment decisions, including hiring, promotion, termination, and other matters affecting terms and conditions of employment.

D. Harassment

MBCI prohibits harassment because of race, color, religion, sex, pregnancy, age, national origin, citizenship status, veteran status, physical or mental disability, genetic information, or any other basis protected by applicable law.

Sexual harassment is a form of harassment and is prohibited regardless if the harassment is directed against males or females by any employees, supervisors, vendors, or customers. All employees are expected to act professionally at all times and to use the complaint/grievance procedure detailed herein, if offensive conduct has occurred at MBCI.

Prohibited conduct that may constitute harassment includes, but is not limited to, the following:

- Offensive, derogatory, inappropriate or abusive statements, comments, slurs or gestures;

- The use of sexually suggestive language and other behavior that is offensive, derogatory, inappropriate or abusive;
- Conduct that interferes with job performance or creates an offensive or intimidating work environment;
- Unwelcome flirtation, requests for sexual favors, sexual advances or propositions, requests for “dates,” and other verbal or physical conduct of a sexual nature;
- Display of sexually suggestive or sexually explicit pictures, greeting cards, books, drawings, photographs, magazines, websites, cartoons or objects;
- Circulation of e-mails, texts messages or other communication or jokes, or materials that reasonably could be viewed as offensive by any employee;
- Implying, by words or actions, that an employee must tolerate or submit to sexual advances or offensive, inappropriate, or abusive conduct.

E. Other Illegal or Unethical Conduct Prohibited

MBCI is committed to the highest regard for law and ethics. Illegal or unethical conduct of any type is prohibited. If you believe someone has asked or instructed you to commit an illegal or unethical act, or if you believe you are being retaliated against for refusing to do so, this must be reported immediately. MBCI prohibits any employee from engaging in any illegal or unethical conduct or asking or instructing another to do so. Further, if a vendor or customer engages in illegal or unethical activity, or asks you to do so, this must also be reported.

F. Retaliation Prohibited

MBCI prohibits retaliation against anyone who makes a good faith complaint or report under this Policy, participates in an investigation of a complaint under this Policy, or who otherwise acts to enforce or uphold this Policy. If you believe you are being retaliated against for reporting a suspected violation, or participating in an investigation, please use the reporting procedure set forth immediately below and report the matter immediately.

G. Reporting Violations of Policy

You must report all incidents of discrimination, harassment, abusive behavior, retaliation, illegal or unethical conduct directed at you or another person, regardless of the offender’s identity or position. The report of suspected violations must be made to your supervisor in writing within five (5) work days of the incident giving rise to the complaint. If you feel uncomfortable reporting to your supervisor, or do not get a prompt response, you must promptly contact the Director of Human Resources and file a complaint in writing within five (5) work days of the incident giving rise to the complaint. Failure to file a complaint in writing within five (5) work days of the incident giving rise to the complaint may result in denial of a grievance for untimely filing. However, MBCI reserves the right to take any and all personnel actions regarding employee misconduct necessary to protect the interests of MBCI and necessary to address employee misconduct regardless of the date a complaint of violation of MBCI policy is received.

H. The Investigation

Complaints filed alleging the violation of any of the provisions set forth in Part II of this Policy are subject to the investigation procedures set forth in this Section H and Section I. Such complaints shall be treated as grievances, and after exhaustion of the procedures specified in this Section H and Section I, an aggrieved employee may proceed to Step 2 of the Grievance Procedure in Section XVIII specified in the grievance resolution process.

MBCI will promptly investigate all complaints. The investigation may be conducted by the Office of Human Resources, or, alternatively, by the supervisor in consultation with the Office of Human Resources. An employee may be suspended, with or without pay, pending the results of the investigation. The investigation may include interviews with the employees and other people who may have relevant information. Employees are expected to cooperate fully and provide all relevant information concerning the investigation. Failure to cooperate fully with an internal investigation may result in disciplinary action up to and including termination from employment. Except for an employee who has been suspended pending investigation, an employee has no right to representation during the investigatory process. The right to representation begins during the grievance process. MBCI shall have the authority to take any and all actions necessary to protect an employee complainant from retaliation during the pendency of an investigation and to protect the best interests of MBCI.

MBCI will maintain confidentiality of the complaint, the investigation, and the investigation result, to the extent possible, and MBCI will instruct everyone contacted during the investigation to do so as well. The complaining party and any accused employee will be given full opportunity to present their views and will be advised of the results of the investigation, to the extent possible while maintaining employee discipline confidentiality requirements.

I. Responsive Action and Appeal

Upon conclusion of the investigation in Section H, MBCI will issue a written decision regarding the merits of the complaint. If it is found that a Policy violation or illegal or unethical activity has occurred, appropriate corrective action will be taken. Any employee aggrieved by the resolution of a complaint may submit a written appeal pursuant to the grievance resolution process in Section XVIII.

J. Failure to Report

If you have knowledge of discrimination, retaliation, abusive behavior, or illegal or unethical conduct, promptly report what you know, using the procedures set forth above. If an employee is aware of prohibited conduct, failure to promptly report the matter may result in disciplinary action, up to, and including, termination from employment.

K. Policy Against Weapons, Workplace Violence and Other Inappropriate Conduct; Reporting Procedure

MBCI strictly prohibits employees from: possessing, using, transferring or selling any

firearm, knife or other dangerous weapon during working hours or while on or conducting Tribal business and/or while representing MBCI, unless specifically authorized by an employee's job description and work requirements, Fighting, "horseplay," and/or other conduct that may harm, offend, threaten, intimidate, and/or coerce any employee, client, vendor, supplier, or member of the public are prohibited. These prohibitions apply to behavior on Tribal property, while on Tribal business off the property, and while representing MBCI in any other manner.

If you know of a potential violation of this Policy, or if you feel some person or something is suspicious, please do not intercede or otherwise place yourself in danger. Immediately report any concerns you have about weapons and/or actual or potential workplace violence or other inappropriate conduct to your supervisor. If you cannot immediately reach your supervisor, or if danger is imminent and/or if there is any other reason why contacting your supervisor is inappropriate under the circumstances, please immediately contact the Office of Human Resources. Where appropriate, call 911 for law enforcement assistance. MBCI will take appropriate action as dictated by the circumstances.

III. NATURE OF EMPLOYMENT

This Policy is not an employment contract. MBCI reserves the right to change this Policy at any time, with or without notice. As a MBCI employee, you are subject to the terms of this Policy, and any changes hereto enacted by the Tribal Council at any time, including MBCI's right to change the terms and conditions of employment effective immediately upon adoption of a revised policy. This provision applies to all employees unless you have an individual written employment agreement, signed by you and the Chief, granting you an unconditional contractual right of employment for a defined period of time. MBCI reserves the right to change this Policy at any time. As such, you do not have any vested right to rely upon policies in existence at the time you accepted employment. No representative of MBCI has the authority to offer or promise you anything different.

No Tribal employees running for any political office may engage in any political activity while on the job, nor shall the employee use any Tribal property (communications systems, emails, printers, paper, vehicles, or any other property belonging to the Tribe) in campaigning for office.

All Tribal employees are to refrain from involving themselves in any activities that may be deemed politically oriented during regular business hours (generally Monday through Friday, 8:00 a.m. through 4:30 p.m.) or during any time when the employee is on duty, whether or not that duty is during regular business hours or on tribal government property. Some instances of political activity include:

1. Making political statements to customers, employees or the public;
2. Wearing pro-candidate clothing, buttons, pins or campaign paraphernalia;
3. Postings on bulletin boards or email systems for political purposes or distributing or receiving push cards or campaign literature in any manner;