

12. Your behavior, whether on or off duty, including any use of Social Media, should always reflect favorably upon MBCI. Employees shall follow the policies herein on Equal Employment Opportunities, discrimination, and harassment.

V. GENERAL EMPLOYMENT AND PERSONNEL ACTIONS

A. Promotion-From-Within

While maintaining consistent application of MBCI's Native American Preference Policy and Veteran Preference Policy, enrolled members of MBCI who are employed by the Tribe, including participants in training programs within the MBCI, will be given preference in the filling of vacancies. Promotions entailing only salary increases and/ or modifications of or additions to existing job responsibilities and duties of an employee may be made at the discretion of the Chief.

B. Identification of Hiring and Salary Approval Authority

The Chief must approve a manager or supervisor's recommendation for employment before any offer is made to a prospective employee. This includes rate of pay approval.

The Tribal Council shall establish a basic departmental structure for the Tribal Government executive branch.

C. Nepotism

No person may hold a position over which a immediate family member exercises supervisory authority or in which a immediate family member is in a position to order or recommend personnel actions which would affect him or her. Similarly, no person may hold a position in which he or she exercises supervisory authority or responsibility over an immediate family member. This provision does not apply to persons occupying positions to which they were elected.

An immediate family member is defined as one of the following: husband, wife, child, grandchild, brother, sister, mother, father, grandmother, grandfather, or any aunt, uncle, niece and nephew who is related to the employee within the 3rd degree according to the Nolan Chart of Relationships and Degrees of Kindred.

D. Candidate Screening Practices

To the maximum extent possible, the Tribe will check the references and former employers listed by applicants on the standard application form. If the position requires that an employee be licensed, the Tribe will inquire whether the candidates have been licensed or are able to be licensed upon commencement of employment.

Where the nature of the job warrants it, the job announcement may cite that the applicant is subject to examination. The examination shall pertain to those matters which test the capacity

and fitness of the candidate to discharge in a satisfactory manner the essential duties of the job for which he/she is applying. Examinations may be oral, written, physical, manual, or a combination, and, if the job description so states, may be required annually for recertification and continued employment.

The Chief is authorized to hire persons in positions at Choctaw Health Center and Community Health Clinics and persons in the Department of Schools requiring certification or licensure without issuing a job announcement and without securing a waiver of Native American preference. If a job announcement is issued, and if a Native American has applied for the position and meets the job requirements, but is not preferred to be selected, a Waiver of Native American preference must be obtained from the Committee on Human Resources, Training and Development. A waiver is not required if no Native American has applied for a position.

Applicants for educational and non-educational positions within MBCI for which background checks are required, and for which there are limitations on eligibility for employment based on criminal background mandated by public law, including but not limited to the Department of Public Safety, Department of Health, Public Trust, Department of Education, Head Start and Day Care programs, and volunteers covered by 25 U.S.C. § 3207 et seq. (which includes all positions that involve regular contact with, or control over, Indian children) and those positions identified in the MBCI Employment Background Check Policy must sign a declaration prior to employment, which lists:

1. all pending and prior criminal arrests and charges related to child sexual abuse, drug-related criminal convictions, crimes of violence, crimes against persons, and their disposition;
2. all charges or convictions related to other forms of child abuse and/or neglect; and
3. all convictions of criminal conduct; provided that the declaration may exclude:
 - a. traffic fines of \$200 or less;
 - b. any offense, other than any offense related to child abuse and/or child sexual abuse or violent felonies, committed before the prospective employee's 18th birthday, which was finally adjudicated in a juvenile court or under youth offender law;
 - c. any conviction the record of which has been expunged under federal or state law; and
 - d. any conviction set aside under the Federal Youth Corrections Act or similar state authority.

Prior to placing such person on duty, or approving a volunteer placement in a designated position, the Office of Human Resources shall have conducted a state and/or national criminal record check and confirmed that the applicant or volunteer meets the requirements of the program, applicable public law, and the MBCI Employment Background Check Policy as applicable. All persons placed on duty or approved for volunteer placement under this paragraph are on provisional status until such time as a Suitability Determination is completed.

Persons making material misrepresentations in their application are subject to immediate termination.

E. Initial Probationary Period

All regular employees--except Education Contract employees and political appointees--will be placed on probation for the first ninety (90) calendar days of employment. Temporary employees shall remain in probationary status during their entire period of employment.

All newly hired law enforcement officers shall also be placed on probation for the first ninety (90) calendar days of employment. All law enforcement officers must successfully complete all applicable police training and certification. After the first ninety (90) calendar days of employment, all law enforcement officers shall remain in new-hire probationary status for a period of eighteen months from the date of employment or until all applicable police training and certification is successfully completed by the law enforcement officer, whichever comes first. However, during this extended probationary period after the first ninety (90) calendar days of employment, the law enforcement officer shall receive all regular employee benefits and have all rights to time off from work in accordance with Section XII of this Policy, unless the law enforcement officer is on disciplinary probation as well. Any law enforcement officer who does not obtain the applicable police training and certification within eighteen months from the date of employment may be subject to immediate termination for unsatisfactory performance for failure to complete required policy training and certifications. For purposes of this Section, the term "law enforcement officers" includes wildlife officers, detention officers, and police officers.

MBCI reserves the right to terminate any employee during his or her probationary period, for any or no reason, and without appeal. Any adverse personnel action that is initiated by a supervisor before the end of the ninety (90) day probationary period, but which is not finalized within the 90-day probationary period, will be deemed to have been finalized before the end of the probationary period. However, continued employment either during or after completion of the probationary period is not guaranteed. Acceptance of employment is expressly conditioned on this understanding.

During the probationary period, the supervisor shall meet with each employee every thirty (30) calendar days to review the employee's job performance and the supervisor's expectations of the employee. At the end of the ninety (90) day period, the supervisor shall evaluate the employee's fitness and ability to perform the duties of the position. The supervisor shall announce in writing to the employee a change in status from probationary to regular full-time employee and shall place a copy of such notice in the permanent record of the employee, and it shall constitute the first evaluation of the employee. Upon satisfactory completion of the probationary period, all rights and privileges of a regular employee shall be vested in the employee retroactively to the first day of employment.

VI. POLICY FOR A DRUG-FREE AND ALCOHOL-FREE WORKPLACE

MBCI has three (3) separate Drug and Alcohol Policies, and each tribal employee will be covered under a specific policy depending upon their job duties. The policies are as follows: