

- 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 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.

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

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. When the grievance is against the supervisor, the action must be initiated directly with the Department Director. The following procedure will be followed in filing grievances:

1. **STEP ONE-DISCIPLINARY ACTION NOTICE:** The supervisor must meet with the employee as soon as practicable to hand deliver and discuss the Disciplinary Action Notice. The Disciplinary Action Notice form, which shall contain any applicable grievance procedure, will be completed by the supervisor, discussed with the employee during the Step One meeting, and given to the employee during the meeting for signature. A copy of the completed Disciplinary Action Notice should be sent to the Director of Human Resources by the supervisor. The employee may, within three (3) business days, initiate STEP TWO upon completion of the Disciplinary Action Notice meeting.

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 written request for hearing within three (3) business days of the grievable event.

2. **STEP TWO:** The employee must submit a written request for a STEP TWO hearing to the Director of Human Resources, with a copy to the Chief, describing