

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

the grievance or appeal. Within five (5) business days of receipt of the written request, a written notice of the date, time, and place of hearing shall be hand delivered to the employee. The hearing shall be conducted within seven (7) business days after the employee receives the notice of hearing. The Policy & Legislative Officer or other appropriate designee by the Chief shall conduct the hearing, and shall make every effort to resolve the grievance or appeal. The hearing will be held in executive session with all parties and documentation present. Prior to the hearing, the employee may request copies of documentation from Human Resources. A written decision will be completed within five (5) business days by the hearing officer after completion of the STEP TWO hearing, and the written decision shall be hand delivered to the employee.

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 by submitting the request 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 employee and all parties concerned shall be given written notice of the date, time and place of the hearing at least three (3) 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. A written decision will be completed within five (5) business days and sent through certified mail or hand delivered to the employee. 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