

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

subordinates. Such relationships can disrupt the work environment and create potential conflicts of interest.

**B. Dress Code / Appearance**

Employees are responsible for dressing appropriately, whether the job requires business casual, casual attire, or uniforms. Employees must present a neat, appropriate appearance at all times. Wearing outlandish clothing, overly revealing clothing, body piercing, and the like may be prohibited in certain positions or departments. Tattoos, “passion marks,” and the like should be covered to the greatest extent possible. An employee who reports to work in a manner which contravenes applicable standards of appearance, including this code, may be required by his or supervisor to exit the workplace until his or her appearance is brought into conformity with applicable standards of appearance. Any time lost due to an employee’s failure to report to work in appropriate attire will not be counted as “hours worked” for purposes of the employee’s pay. Each Department may establish requirements for employee appearance, which must first be approved by the Office of Human Resources.

**C. Personal Telephone Calls and Mail**

MBCI phones, whether office or cell phones, are for business and personal emergency use. Personal phone calls should be kept to a minimum. Long distance personal calls should not be made without prior permission of a supervisor, and the employee will be charged for any long distance costs. In emergencies, employees may receive personal messages.

MBCI does not permit personal mail to be stamped by an MBCI postal meter. Also, no personal mail should be sent to MBCI as our clerical staff opens all incoming mail daily.

**D. Absence From Premises or Work Area**

If you leave the premises or your work area for any reason (established meals and break periods excluded) during the workday, you should obtain your supervisor’s permission, advising the supervisor in advance of where you are going and when you expect to return to your work area and how to get in touch with you in the interim. Nonexempt employees will not be paid if they are away from the premises on non-work related business.

**E. Personal Property**

MBCI is not responsible for loss, damage, or theft of employees’ personal property. Employees’ personal property is not covered by MBCI insurance.

**F. Personnel Records**

It is important, both to employees and MBCI, that employee personnel records be correct and up-to-date. Employees must notify their supervisors of any changes in address,

name, telephone number, marital status, or number of dependents. It is also important that each employee maintains a current telephone number with his or her supervisor so the employee can be advised of unusual operating schedules or events.

Material in employee personnel record file is considered confidential MBCI property. An employee may periodically review his or her personnel record upon request. However, employees will not be permitted to see any letters or notes relating to pre-employment reference inquiries made by MBCI. If an employee wishes to review his or her personnel file, the employee should give written notice to the Office of Human Resources at least twenty-four (24) hours in advance. An employee's review of his or her record will be conducted in the Office of Human Resources.

If, after examining his or her personnel record, an employee believes it contains inaccurate information, the employee must advise the Director of Human Resources, in writing, of any perceived inaccuracy within (48) hours after reviewing the file. The Director of Human Resources will review any such matters and determine whether any corrections are appropriate.

#### **G. Prohibition from Accepting Gifts, Rewards, or Favor**

The Chief, members of the Tribal Council, Tribal employees, and any other persons who work directly or indirectly with the Tribe are prohibited from accepting gifts, money, or gratuities, which includes meals, from:

1. From persons receiving benefits or services under any program financially assisted by the Federal Government or by the Tribal Government;
2. From any person or agency performing services under contract to the Tribe; and
3. From persons who are otherwise in a position to benefit from the actions of any employees or Tribal Council members.

Gifts, rewards, or favors with a value of \$25.00 or less are excluded. Gifts, rewards, or favors with a value of more than \$25.00 shall be reported to your supervisor. De minimis honorariums for less than \$50.00 for voluntary speaking engagements approved in advance by the Chief are likewise excluded. Honorariums with a value of \$50.00 or more shall be reported to your supervisor.

#### **H. Non-Solicitation/Non-Distribution And Use of Bulletin Boards**

MBCI prohibits unauthorized solicitation by employees at any time in employee areas, or during working time (*i.e.*, when either the employee doing the solicitation or the employee being solicited is required to be performing work tasks). MBCI also prohibits employees from distributing any non-business related literature or materials in any employee areas, or at any time during working time (*i.e.*, when either the employee doing the solicitation or the employee being solicited is required to be performing work tasks). Non-employees may not solicit employees or distribute literature for a non-business purpose at any time on property owned by MBCI, or in which MBCI holds any interest.

Bulletin boards are used to convey information concerning the business of MBCI and employee-related programs. You should check the bulletin boards regularly. No bulletins, notices, announcements, or other material may be posted on bulletin boards, or any other MBCI property, without specific prior approval through the Office of Human Resources.

**I. Off-Duty Employees**

Off-duty employees are not allowed access to interior areas of MBCI property except for the purpose of conducting business with MBCI, and with prior approval by the Department Director.

**J. Visitors**

Visitors, including family members, are not permitted in employee work areas without the advance approval of a supervisor. Children are prohibited from the workplace at all times for liability reasons. Visitors and applicants for employment must follow established protocol for each office upon arrival.

**K. References**

Requests for information on current or former employees will be handled only through the Office of Human Resources. Supervisors, managers, and fellow employees are **not** authorized to disclose any information to outside sources regarding current or former employees. All calls or inquiries should be directed to the Office of Human Resources.

Without a written release signed by the employee or former employee, or lawful legal process, the Director of Human Resources ordinarily will not make available any non-neutral information to outside sources on either current or previous employees. The Director of Human Resources ordinarily confirms or verifies only the dates of employment and last job title of the employee or former employee.

Any further information requested, such as that pertaining to job performance, may be obtained only if the person or organization requesting the information secures the employee's or former employee's written authorization for MBCI to release such data and provides MBCI with a copy of the written release, or if the information is requested through legal or administrative proceedings.

**L. Pagers and Cell Phones**

To facilitate accessibility, some employees may be asked to maintain Tribally-issued activated pagers and/or cell phones.

As a matter of safety for employees and the traveling public, any employee who operates a vehicle while conducting, or in furtherance of, MBCI business should not use a cellular phone while driving. In the event an employee needs to use a cellular phone, the employee should first remove the vehicle from traffic. Employees with an appropriate hands-

free or Bluetooth device may be excluded from this requirement if the communication does not cause or serve as a distraction to operating the vehicle.

**M. Use of Equipment and Property**

MBCI prohibits the use of Tribal equipment or property by any employee, outside person, or outside organization for purposes not expressly sanctioned by MBCI. Employees are further prohibited from lending or disposing of any such equipment or property for such purposes. If an employee is uncertain whether a proposed use of Tribal equipment or property is expressly sanctioned by MBCI, the employee should ask his or her supervisor. An employee who violates this policy, or materially contributes to a violation of this policy, must pay actual costs of the equipment or property if it is damaged or lost. Additionally, any employee who fails to notify a supervisor of lending or use of Tribal equipment or property in violation of this policy is subject to pay actual costs of the equipment or property if it is damaged or lost. Equipment includes automobiles, tractors, trailers, computers, typewriters, electronics, and any other property belonging to the Tribe.

Violations of this policy can also result in disciplinary action up to and including termination.

**N. Monitoring, Inspection, and Waiver of Privacy Rights**

While limited personal use of MBCI-provided communication systems is permitted, employees have no privacy rights in their personal use of MBCI communication systems. Except as provided in this Section N, MBCI has the right to monitor and inspect all information on and/or usage of any MBCI-provided communication system at any time, for any reason, and without further notice. To the extent an employee uses his or her own personal equipment – such as a personal computer, thumb/portable drive device, or smartphone – for conducting or in furtherance MBCI business, MBCI has the right to inspect and retrieve from said device any proprietary information stored or located thereon.

With regard to employees of the Tribal Government Services Division, the Chief has the sole authority to authorize the monitoring and inspection provided for under this Section N. Provided, that the Chief must maintain a log of all such monitoring and inspection, except as directed pursuant to a warrant issued by a court of competent jurisdiction. Such log must include, but is not limited to, the following information: the date and time of the monitoring or inspection; target(s) of the monitoring or inspection; the factual basis for such monitoring or inspection, if any; and the person(s) who conducted the monitoring or inspection. Each entry must be signed by the Chief and the person(s) who conducted the monitoring or inspection. All entries into the information log must be preserved for a period of at least five (5) years, and must be made available upon order by the Tribal Court for good cause shown.

Monitoring or inspection of communication systems utilized by the legislative and judicial branches of the Tribe shall be conducted under policies adopted by those branches of

government only. Monitoring or inspection of communication systems utilized by the legislative and judicial branches of the Tribe through any other mechanism or means is prohibited, except as directed pursuant to a warrant issued by a court of competent jurisdiction.

Available technology allows the review of e-mails sent or received (even after they are deleted) and review of Internet web sites viewed by an employee. If an employee wants personal information and/ or personal use to be private, then the employee must not use MBCI-provided communication systems for such purposes. To further ensure their privacy, employees should instruct individuals in their social and familial circles to abstain from communicating non-business information to the employees at work and/or by use of MBCI-provided communication systems.

Employees must ensure that their personal use does not interfere with job performance or violate any policies in this Policy or the Network Use Policies. Employees utilizing or having access to MBCI computers or communication systems are required to be familiar with MBCI's Network Use Policies, which are issued separately to employees.

**O. Prohibited Uses**

Employees may use MBCI-provided communication systems only in a manner that complies with MBCI policies. Employees are prohibited from any use of MBCI-provided communication systems regarding information that:

1. Violates MBCI's policies relating to harassment, discrimination, retaliation, illegal conduct, unethical conduct, or violence;
2. Discloses any confidential, trade secret, and/or other privileged information to any unauthorized person;
3. Violates any license or copyright;
4. Interferes with employee job performance;
5. Creates a conflict of interest; or
6. Adversely affects the interests of MBCI.

Further, employees may not use any personal computer or other communication device in violation of any MBCI policy. If an employee uses a personal communication device in such a manner, including a computer, iPhone, Blackberry, or the like, such device is subject to all applicable policies regarding searches, and must be turned into the Office of Human Resources for cleaning of Tribal material upon termination of employment.

**P. Business Records and Confidentiality of Information**

All information related to MBCI business is the property of MBCI and should be treated as confidential information. Employees must respect the confidential nature of information concerning MBCI's business, employees, and customers. Employees may access, copy, remove, or disseminate MBCI business records only if duly authorized to do so, and then only for the purpose of MBCI's business. Employees must never discuss MBCI business with anyone outside MBCI, including their spouses or other family members.

**Q. Surveillance and Searches of Persons And Property**

MBCI's Security or Police may conduct video surveillance of public areas on or within MBCI property (all areas except locker rooms or restrooms).

All property furnished to employees by MBCI (office, vehicle, desk, computer, locker, cell phones, storage area, etc.) remains the sole property of MBCI and is subject to inspection and/or search by MBCI at any time, for any reason, and without further notice; provided, that all such searches and inspections must be recorded in the same log and in the same manner prescribed in Section N of this part XIX.

Subject to the Constitution and Bylaws of the MBCI, Tribal security or police, upon approval of the Director of Human Resources for reasonable cause, may search and/or inspect any employee or personal property of an employee (vehicle, purse, briefcase, etc.) on MBCI governmental premises. Or located within MBCI property including but not limited to vehicles, or when an employee is on duty. Employees should not bring any articles, materials, or other belongings on MBCI governmental premises or property including but not limited to vehicles, store them in or on MBCI property, or bring them with the employee while on duty, if the employees wish to avoid inspection of same.

By signing the Acknowledgment and Consent form, each employee is knowingly and voluntarily consenting to surveillance and search by authorized personnel of MBCI.

**R. Use of Automobiles**

When no MBCI vehicle is available and a supervisor determines it is necessary for an employee to use the employee's personal automobile for tribal business requiring trips in excess of five (5) miles roundtrip from the employee's regular worksite, the employee will be reimbursed at the prevailing federal rate. On extended trips, automobile mileage reimbursement may not total more than round trip economy airfare. Employees operating their personal automobile on a reimbursable basis must possess liability insurance and a valid driver's license.

**S. Smoking / Tobacco Use**

Smoking and/or use of smokeless tobacco products is prohibited in MBCI buildings or MBCI vehicles. **Smoking is allowed only in other areas designated by the Chief.** Smoking is prohibited on the campus of the Choctaw Health Center and all CHC healthcare facilities.

**T. Jury Subpoena or Summons for MBCI Tribal Court**

All employees, whether Indian or non-Indian, are required as a condition of employment to respond and comply if subpoenaed or summoned by the MBCI Tribal Court to appear as part of the jury pool in certain cases where MBCI is exercising special domestic violence criminal jurisdiction involving a non-Indian defendant. Failure to comply with a subpoena or summons issued by the MBCI Tribal Court may result in disciplinary action taken against the employee. The Civil Leave provisions under Section XIV.C shall apply to any employee who is required to

comply with a subpoena or summons under this subsection. Anyone who fails to comply with a lawful subpoena or summons by the MBCI Tribal Court may also be subject to civil or criminal penalties as provided in Section 1-3-10 of Title I, Rule 16 of Title II, and Section 3-8-2 of Title III of the MBCI Tribal Code.

Pursuant to Rule 17(i)(2) of Title II of the Choctaw Tribal Code, as amended, the Office of Human Resources is authorized and directed to provide a list of all employees, whether Indian or non-Indian, including the employee full name, address, and telephone number, to the MBCI Court Administrator, starting on July 15, 2019, and then with an updated list to be provided on an annual basis by October 1 of each year.

## **XX. TAPING/EAVESDROPPING ON CONVERSATIONS**

It is the policy of MBCI to encourage open communications among MBCI employees, political appointees, elected officials, and their respective advisors. To facilitate such open communications, and to prevent the chilling effect that may occur if employees, officials, or advisors are permitted to tape or secretly record or surreptitiously listen in on any conversation or communication, and to ensure compliance with applicable federal, state, and local wiretapping, eavesdropping, and privacy laws, MBCI has instituted the following policy:

Except as set forth elsewhere in this part, nobody may openly or secretly tape or otherwise surreptitiously record, or videotape, any conversations, communication, activity, or event. This prohibition applies to any conversation, communication, activity, or event which in any way involves MBCI, any agency, department, customers or clients of MBCI, or any other individual with whom MBCI is doing business or intending to do business in any capacity (for example, vendors, suppliers, consultants, attorneys, independent contractors). If an employee has any questions or concerns regarding whether any contemplated taping or recording would violate this policy, he or she should discuss the matter with the appropriate supervisor, before engaging in any such activities.

“Taping” and “Recording” under this policy includes the taping or recording of any conversation or communication, regardless of whether the conversation or communication is taking place in person, over the telephone, or via any other communications device or equipment, and regardless of the method used to tape or record (e.g., as with a cell phone, tape recorder, video recorder, mechanical recording; or wiretapping equipment), and regardless of where the conversation or communication takes place, i.e., whether on or off MBCI’s government premises.

“Taping” and “Recording” as used in this policy does not include any lawful taping and recording engaged in by an employee on the employee’s own time, with the employee’s own equipment, away from MBCI’s place of business, and which does not involve in any manner whatsoever, directly or indirectly, the business or activities of MBCI, or any of its employees.

No employee may eavesdrop on the conversations or communications of other