



Blackfeet Plan of Operations Chapter 5 Personnel Policies and Procedures

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TABLE OF CONTENTS

Part 1. GENERAL PROVISIONS.....	16
Section 1. Purpose.....	16
Section 2. Personnel Management Principles.....	16
1-2-1 Principles.....	16
Section 3. Applicable Legislation, Regulations and Concepts.....	16
1-3-1 Tribal Employment Policy.....	16
1-3-2 Applicable Laws.....	17
1-3-3 Indian Preference.....	17
1-3-4 Delegation and Reservation of Authority.....	17
Section 4. Equal Employment Opportunity.....	17
Section 5. Applicability of the Tribal Personnel Policies and Procedures Manual.....	17
Section 6. Codification in the Plan of Operations.....	17
Section 7. Changes to this Manual.....	17
1-7-1 Severability.....	18
1-7-2 Repeal of Conflicting Laws.....	18
1-7-3 Amendments.....	18
1-7-4 Recommendations for Revision.....	18
Section 8. Definitions.....	18
Section 9. Personnel Director’s Responsibilities.....	20
1-9-1 Delegation.....	20
1-9-2 Minimum Duties.....	20
Section 10. Tribal Directors’ Responsibilities.....	21
1-10-1 Delegation.....	21
1-10-2 Minimum Duties.....	21
1-10-3 Recommendation for Changes.....	21
Section 11. Tribal Employee Responsibilities.....	21
1-11-1 Familiarize Self with Manual.....	21
Section 12. Adjudicator Specialist Establishment, Qualifications, and Responsibilities.....	21
1-12-1 Purpose.....	21
1-12-2 Qualifications.....	21
1-12-3 Responsibilities.....	22
Part 2. RECRUITMENT AND SELECTION.....	23
Section 1. General Provisions.....	23
2-1-1 Position Announcement.....	23

2-1-2	Position Description.....	23
2-1-3	Public Advertisement.....	23
2-1-4	Departments to Pay for Advertising Costs.....	23
Section 2.	Recruitment Pool.....	23
2-2-1	Recruitment Pool Discretion.....	23
Section 3.	Internal Transfer Process, No Advertisement.....	23
2-3-1	Policy.....	23
2-3-2	Eligibility.....	23
2-3-3	Preference.....	24
2-3-4	Procedure.....	24
2-3-5	Director Vacancies.....	24
2-3-6	Employment Stipulations.....	24
2-3-7	Status of Transfer Employees.....	24
Section 4.	Internal Advertisement.....	25
2-4-1	Policy.....	25
2-4-2	Procedure.....	25
2-4-3	Eligibility.....	25
2-4-4	Re-Advertisement.....	25
Section 5.	Open Recruitment, Full Advertisement.....	25
2-5-1	Policy.....	25
Section 6.	Application for Employment.....	26
2-6-1	Application Required.....	26
2-6-2	Disclosure of Employed Relatives.....	26
Section 7.	Re-advertisement.....	26
2-7-1	Additional Two-Week Advertisement.....	26
2-7-2	After Second Consecutive Advertisement.....	26
Section 8.	Selection Process of Applicants.....	26
2-8-1	Screening of Applicants.....	26
2-8-2	Application Scoring for Top Candidates.....	27
2-8-3	Interviews.....	27
2-8-4	Application and Interview Scores Combined.....	27
2-8-5	Selection of Top Candidate.....	27
2-8-6	Letter of Hire.....	27
Section 9.	Physical Examination.....	27

2-9-1	May Require Physical Exam.....	27
Section 10.	Termination During Probation.....	27
2-10-1	Re-advertisement.....	27
Section 11.	Application Records.....	28
2-11-1	Management of Files.....	28
2-11-2	Purge Period.....	28
Section 12.	Ineligible Applicants for Employment.....	28
2-12-1	Disqualification Factors.....	28
Part 3.	TYPES OF APPOINTMENTS AND POSITIONS	29
Section 1.	Definitions of Employee Status.....	29
Section 2.	Probationary Employment Period.....	29
Section 3.	Employees in an Acting Status.....	30
Section 4.	Temporary Employees.....	30
3-4-1	Appointment by Director.....	30
3-4-2	Mandatory Advertisement for Permanent Vacancies.....	31
3-4-3	At-Will Status.....	31
3-4-4	Compensation.....	31
3-4-5	Ineligible for Promotion Hire.....	31
3-4-6	Limitation on Grievance Rights.....	31
3-4-7	Background and Drug Test Required.....	31
3-4-8	Term of Appointment.....	31
3-4-9	Process of Termination.....	31
Section 5.	Board, Committee or Commission Appointments.....	31
Part 4.	EMPLOYEE CONDUCT AND ACTIVITIES.....	33
Section 1.	Policy.....	33
Section 2.	Employee Conduct Guide.....	33
Section 3.	Limitations on Employee's Conduct and Activities.....	33
Section 4.	Outside Employment.....	34
Section 5.	Employee Participation in Civic/Community Organizations.....	35
Section 6.	Civil Disorder.....	36
Section 7.	Representation of the Blackfeet Tribe.....	36
Section 8.	Conflict of Interest.....	36
Section 9.	Absence Without Leave.....	37
Section 10.	No Smoking and Tobacco Use Ban.....	37
Section 11.	Indebtedness.....	37

Section 12.	Hostile Work Environment.....	37
4-12-1	Definition.....	37
4-12-2	Examples.	38
Section 13.	Sexual Harassment.....	38
4-13-1	Purpose.	38
4-13-2	Policy.....	38
4-13-3	Prohibited Conduct.....	39
4-13-4	Examples.	39
4-13-5	False Reporting.....	39
4-13-6	Reporting of Crime.....	39
Part 5.	EMPLOYEE DISCIPLINARY PROCEDURES.....	40
Section 1.	Cause for Discipline	40
5-1-1	Disciplinary Authority Over Employees.....	40
5-1-2	Personnel Director Consultation Required.....	40
5-1-3	Disciplinary Authority over Directors and Political Appointments.....	40
5-1-4	Just Cause Determination.	40
Section 2.	Disciplinary Action.....	40
5-2-1	Establishing Disciplinary Action.....	40
5-2-2	Investigation of Employee Infractions.	40
5-2-3	Issuance of Reprimand After Investigation.....	40
5-2-4	Types of Disciplinary Action.	41
5-2-5	Required Approvals.....	41
5-2-6	Notice of Right to Grieve Disciplinary Action.	42
Section 3.	Administrative or Criminal Investigations.....	42
5-3-1	Administrative Investigation.	42
5-3-2	Criminal Investigation.....	42
Section 4.	Compliance with Disciplinary Guide.....	43
Section 5.	Guide for Disciplinary Penalties	43
5-5-1	Factors.	43
5-5-2	Balance of Factors.....	44
Section 6.	Disciplinary Guide	45
Part 6.	CONFLICT/DISPUTE RESOLUTION PROCEDURES.....	55
Section 1.	Employee/Management Relations Program.....	55
6-1-1	Policy.....	55

6-1-2	Grievant Right and Protection.....	55
6-1-3	Director Grievances.....	55
Section 2.	Director and Employee Responsibility.....	55
6-2-1	Management Expectations.	55
6-2-2	Employee Expectations.	55
6-2-3	Consultation with Blackfeet Tribal Business Council.	55
6-2-4	Waiver of Grievance Proceedings.....	55
Section 3.	General Provisions.....	56
6-3-1	Authority.	56
6-3-2	Scope of Grievance.	56
6-3-3	Non-Grievable Situations.	56
6-3-4	Confidentiality.....	56
6-3-5	Establishment of the Grievance Board.....	56
Section 4.	Grievance Procedure.....	56
6-4-1	Policy.....	56
6-4-2	Step 1.....	56
6-4-3	Step 2.....	57
6-4-4	Scope of Administrative Relief.	59
Section 5.	Administrative Enforcement of Remedy.....	59
6-5-1	Director’s Enforcement.	59
6-5-2	Non-Action by Director.....	59
Section 6.	Judicial Review.....	59
6-6-1	Limited Waiver of Sovereign Immunity in the Blackfeet Tribal Court.	60
6-6-2	Scope of Review.....	60
6-6-3	Subject Matter.	60
6-6-4	Civil Procedure.....	60
6-6-5	Statute of Limitations.	60
6-6-6	Equitable Relief.....	60
6-6-7	Monetary Relief.....	60
6-6-8	Mitigation of Damages.....	60
6-6-9	Appeal to the Blackfeet Court of Appeals.....	61
6-6-10	Limited Relief.....	61
Part 7.	TOUR OF DUTY.....	62
Section 1.	Basic Workweek.....	62
Section 2.	Basic Workday.....	62

Section 3.	Deviations from Basic Workweek and Workday.....	62
7-3-1	Approval.....	62
Section 4.	Daily Check-in, Check-out and Attendance Procedures.....	62
Part 8.	EMPLOYEE BENEFITS.....	63
Section 1.	Legal Requirements.....	63
8-1-1	Unemployment Insurance.....	63
8-1-2	Workman’s Compensation.....	63
8-1-3	Federal Deductions.....	63
Section 2.	Fringe Benefits.....	63
8-2-1	General Applicability.....	63
8-2-2	Retirement.....	63
8-2-3	Health Insurance.....	63
8-2-4	Paid Holidays and Other Official Days of Observance.....	63
8-2-5	Holiday Falling on Weekend.....	64
8-2-6	Observance of Funeral of Tribal Elected Officials.....	65
8-2-7	Observance of Funeral of Prominent Officials.....	65
8-2-8	Weather.....	65
8-2-9	Other Closures.....	65
Section 3.	General Leave Policy.....	65
8-3-1	Definition.....	65
Section 4.	Annual Leave.....	65
8-4-1	Eligibility.....	65
Section 5.	Sick Leave.....	67
8-5-1	Policy.....	68
8-5-2	Earn Rate.....	68
8-5-3	Transfer Employees.....	68
8-5-4	Unused Sick Leave.....	68
8-5-5	Sick Leave Use.....	68
8-5-6	Abuse of Sick Leave.....	68
8-5-7	Sick Leave Donation.....	68
Section 6.	Family Leave.....	68
8-6-1	Eligibility.....	69
8-6-2	Documentation.....	69
8-6-3	Unpaid.....	69

8-6-4	Oversight.....	69
8-6-5	Vested Status.....	69
Section 7.	Leave Without Pay (LWOP).....	69
8-7-1	Definition.....	69
8-7-2	Exhaustion of other Leave.....	70
8-7-3	Sick/Disability Leave Limit.....	70
8-7-4	Prohibition on Earning of Sick or Annual Leave.....	70
8-7-5	Firefighting.....	70
Section 8.	Administrative Leave.....	70
8-8-1	Personnel Board Approval.....	70
Section 9.	Funeral Leave.....	71
8-9-1	Immediate Family.....	71
8-9-2	Other than Immediate Family.....	71
8-9-3	Approval.....	71
Section 10.	Witness/Jury Leave.....	71
8-10-1	Court Order.....	71
8-10-2	Fees Returned to the Blackfeet Tribe.....	71
Section 11.	Military Leave.....	71
8-11-1	Reserve Duty.....	71
8-11-2	Verification.....	71
8-11-3	Annual Leave.....	71
8-11-4	Documentation of Service.....	71
8-11-5	Temporary Employees.....	72
Section 12.	Military Furlough.....	72
8-12-1	Active Duty.....	72
8-12-2	Verification.....	72
8-12-3	Vested Status for Military Furlough.....	72
8-12-4	Restoration Process.....	72
8-12-5	Enlistment.....	72
Section 13.	Compensatory Time.....	72
8-13-1	Policy.....	72
Section 14.	Birthday Leave.....	73
8-14-1	Policy.....	73
Section 15.	Educational Leave.....	73
8-15-1	Policy.....	73

8-15-2	Scope.....	73
8-15-3	Approval.....	73
Section 16.	Cultural Leave.....	73
8-16-1	Policy.....	74
Part 9.	COMPENSATION	75
Section 1.	Pay Plan Administration.....	75
9-1-1	Establishment of the Classification Plan.....	75
9-1-2	Salary.....	75
9-1-3	Review.....	75
Section 2.	Cost of Living Increase.....	75
9-2-1	Cost of Living Increase (COLA).....	75
Section 3.	Overtime.....	75
9-3-1	Authorization and Approval.....	75
9-3-2	Emergency Situation List.....	75
Part 10.	CLASSIFICATION	76
Section 1.	General.....	76
10-1-1	Classification of Tribal Jobs.....	76
Section 2.	Purpose.....	76
Section 3.	Administration of the Classification Plan	76
10-3-1	Classification Authority.....	76
Section 4.	Grade Determination.....	76
10-4-1	Comparable Information.....	76
10-4-2	Grade Specification.....	77
10-4-3	Factors Not Considered.....	77
Section 5.	Step Determination.....	77
10-5-1	Comparable Information.....	77
10-5-2	Step Specification.....	77
10-5-3	Reconsideration of Employee Experience.....	77
10-5-4	Current Employee Experience in Job Change.....	77
10-5-5	Former Tribal Employee Experience.....	77
10-5-6	Internal Transfer.....	77
10-5-7	Step Pay Increases.....	78
Section 6.	Classification Review.....	78
10-6-1	Timeline.....	78

10-6-2	Authority.	78
10-6-3	Substantial Change in Duties.	78
10-6-4	Modification.	78
10-6-5	Notice.	78
Section 7.	Notice of a New Position.....	78
10-7-1	Request for Classification.	78
10-7-2	Allocation Authority.....	78
10-7-3	Establishment of New Grade.....	78
Part 11.	PERSONNEL RECORDS	79
Section 1.	Administration.....	79
11-1-1	Authority.	79
11-1-2	Applicable Laws.	79
Section 2.	Employee Personnel File	79
11-2-1	Composition of Personnel File.	79
11-2-2	Accessibility.	79
11-2-3	Employee Medical Information.....	79
11-2-4	Adverse Action File.....	80
11-2-5	I-9 Binder.	80
11-2-6	Background File.	80
11-2-7	Release of Information of the Personnel File.	80
Part 12.	PERFORMANCE APPRAISAL	81
Section 1.	General Provisions	81
12-1-1	Policy.....	81
12-1-2	Exemptions.....	81
Section 2.	Appraisal Period.....	81
12-2-1	Term.	81
Section 3.	Performance Standards and Elements.....	81
12-3-1	Establishment.	81
12-3-2	Notice to Employee of Performance Expectations.....	81
12-3-3	Notice of Appraisal.	81
12-3-4	Employee Duty or Program Scope Changes.	81
12-3-5	Grievance of Expectation Standards and Elements.....	82
12-3-6	Performance Standards and Elements Review Level.....	82
12-3-7	Expectation Elements.	82
12-3-8	Element Classification.....	82

12-3-9	Good Level Performance.....	82
12-3-10	Generic Standards.....	82
Section 4.	Progress Review.....	82
12-4-1	Procedure.....	82
Section 5.	Measuring Performance.....	82
12-5-1	Rating Scale.....	82
12-5-2	Summary Rating.....	83
12-5-3	Unacceptable Summary Rating.....	83
12-5-4	Other Rating Measures.....	83
12-5-5	Employee Acknowledgment of Appraisal.....	83
12-5-6	Rating Level.....	83
Part 13.	NEPOTISM AND EMPLOYMENT OF RELATIVES	84
Section 1.	General Policies.....	84
13-1-1	Merit Employment.....	84
13-1-2	Nepotism Prohibited.....	84
13-1-3	Standard.....	84
Section 2.	Definition.....	84
13-2-1	Relative.....	84
Section 3.	Practice.....	84
13-3-1	Supervision.....	84
13-3-2	Waiver.....	84
13-3-3	Other Service.....	84
Part 14.	SEPARATION FROM SERVICE	85
Section 1.	Resignation.....	85
14-1-1	Employee Discretion.....	85
14-1-2	Notice by Employee.....	85
14-1-3	One-year Separation Policy.....	85
Section 2.	Layoff.....	85
14-2-1	Policy.....	85
14-2-2	Consideration of Alternative to Layoff.....	85
14-2-3	Notice of Layoff Plan.....	85
14-2-4	Employee Layoff Order.....	86
14-2-5	Director Lay-off Order.....	86
14-2-6	Measure of Length of Service.....	86

14-2-7	RIF Committee.....	86
14-2-8	Notice to Employee/Director.....	86
14-2-9	Recall List.....	86
14-2-10	Recall Process.....	87
14-2-11	Credit for Retirement and Seniority Benefits.....	87
14-2-12	Leave Benefit Payout, Non-Accrual While On Layoff.....	87
Section 3.	Termination.....	87
14-3-1	Grounds.....	87
14-3-2	Medical or Physical Impairment.....	87
Section 4.	Termination Process.....	87
14-4-1	Form of Notice.....	87
14-4-2	Equipment.....	87
14-4-3	Employee Exit Form.....	87
14-4-4	Signatures Required.....	88
Section 5.	Separation Period.....	88
14-5-1	Termination, 2-year Bar, and Exception.....	88
Part 15.	TRAINING.....	89
Section 1.	General.....	89
15-1-1	Policy.....	89
15-1-2	Optional.....	89
15-1-3	Assessment of Program Training Needs.....	89
15-1-4	In-service Training.....	89
Part 16.	EMPLOYEE RECOGNITION PROGRAM.....	90
Section 1.	General.....	90
16-1-1	Annual Recognition Ceremony.....	90
Section 2.	Recognition Program.....	90
Part 17.	INTERNET & NETWORK SECURITY POLICIES.....	91
Section 1.	General Provisions.....	91
17-1-1	Policy.....	91
Section 2.	Security Violations Subject to Disciplinary Action.....	91
17-2-1	Access Limited.....	91
17-2-2	Security Violations.....	91
Section 3.	Scope.....	91
17-3-1	Policy.....	91
Section 4.	Security of Data.....	91

17-4-1	Security Standards.....	92
17-4-2	Measures.....	92
17-4-3	Employee Responsibility.....	92
Section 5.	Prohibited Practices.....	92
17-5-1	No Reasonable Expectation of Privacy.....	92
Section 6.	Wireless Policy.....	92
17-6-1	Use at Own Risk.....	92
17-6-2	Conditions of Use.....	93
Section 7.	Database Administrator.....	93
17-7-1	Responsibilities.....	93
Section 8.	Sensitive Privileges.....	93
17-8-1	Assignment of Privileges.....	93
17-8-2	Periodic Review of Privileges.....	93
Section 9.	Network/Internet Access Approval Requirements.....	93
17-9-1	Access After Work Hours.....	93
Section 10.	Commencement/Transfer/Termination of Employment.....	93
17-10-1	Employee Access.....	93
17-10-2	Supervisor Notification Regarding Employment Changes.....	94
Section 11.	Password Selection/Protection.....	94
17-11-1	Password Requirements.....	94
17-11-2	Password Protection by User.....	94
17-11-3	Password Location.....	94
17-11-4	Password Changes.....	94
17-11-5	Password Lockout.....	94
Section 12.	Local Area Network (LAN) Security.....	95
17-12-1	Location.....	95
17-12-2	Data Control.....	95
Section 13.	Policies Regarding Contractors.....	95
17-13-1	Background Check.....	95
17-13-2	Confidentiality Agreement.....	95
Section 14.	Risk Assessment.....	95
17-14-1	Report.....	95
Section 15.	Program Changes.....	95
17-15-1	Process.....	95
Section 16.	Backup of Sensitive Data.....	95

17-16-1 Administration Regarding Sensitive Data.....	95
17-16-2 Location.....	96
17-16-3 Policy Regarding Data Purge.	96
Part 18. SOCIAL MEDIA POLICY.....	97
Section 1. General Provision.....	97
18-1-1 Policy.....	97
Section 2. Social Media Principles.....	97
18-2-1 Use of Social Media.	97
18-2-2 Guidelines for Posting on Social Media.	97
18-2-3 Disciplinary Action.	97
18-2-4 Consultation Prior to Social Media Posts Encouraged.....	97
18-2-5 Criminal Activity.....	97
18-2-6 Applicability.....	98
Part 19. BACKGROUND CHECK POLICY.....	99
Section 1. General Provisions.....	99
19-1-1 Policy.....	99
19-1-2 Employment Reference Policy.....	99
19-1-3 Confidentiality.....	99
19-1-4 Scope of Background.	99
Section 2. Applicants/Employees Subject to Background Checks.....	99
19-2-1 Applicants and Employees.	99
Section 3. Security Sensitive Positions.....	100
19-3-1 Determination of Security Sensitive Positions.....	100
19-3-3 Program Requirements.	100
Section 4. Criminal Convictions/Charges.....	100
19-4-1 Criminal History.....	100
19-4-2 Current Employees-Adverse Findings.	100
19-4-3 Convictions During Employment.....	101
Section 5. Background Check Procedures.....	101
19-5-1 Authority.	101
19-5-5 Positions with Regular Contact with Children.....	101
19-5-6 Child Care Services.....	102
Section 6. Fingerprinting Procedures.....	102
19-6-1 I.D. Required.....	102
19-6-2 Custody of Fingerprint Card.....	102

Section 7.	Positions Requiring Employment Credit Checks.....	102
19-7-1	Authorization.....	102
Section 8.	Offers of Employment.....	103
19-8-1	Adjudication Requirement Prior to Employment.....	103
19-8-2	Separate File.....	103
19-8-3	Employment Contingent on Successful Pass of Background Check.....	103
Section 9.	Dispute of Information.....	103
19-9-1	Process.....	104
19-9-2	Release of Information.....	104
Part 20.	DRUG FREE WORKPLACE POLICY.....	105
Section 1.	General Provisions.....	105
20-1-1	Purpose.....	105
20-1-2	Objectives.....	105
20-1-3	Coverage.....	105
20-1-4	Program Administration and Compliance.....	105
Section 2.	Prohibited Substances.....	105
20-2-1	Illicit Controlled Substances or Drugs.....	105
20-2-2	Legal Drugs.....	105
20-2-3	Definition of Legal Prescribed Drug.....	106
20-2-4	Alcohol.....	106
20-2-5	Medical Marijuana.....	106
Section 3.	Types of Tests.....	106
20-3-1	Pre-Employment/New Hires.....	106
20-3-2	Reasonable Cause.....	106
20-3-3	Transportation to Testing Facility.....	107
20-3-4	Employee Consent to Drug/Alcohol Test.....	107
20-3-6	Random Testing.....	107
Section 4.	Education, Training, Inspection and Notice of Inspection.....	108
20-4-1	Education.....	108
20-4-2	Required Training.....	108
20-4-3	Inspections for Illicit Drugs and/or Alcohol.....	109
20-4-4	Illegal Drug Activity.....	109
20-4-5	Notice of Right to Inspect.....	109
Section 5.	Drug and Alcohol Testing Procedures.....	109

20-5-1	Collection Procedures.....	109
20-5-2	Urine Specimen Testing.	109
20-5-3	Confirmation Testing.	109
20-5-4	Re-Testing.	109
20-5-5	Notification of Test Results.....	110
20-5-6	Procedures to Evaluate Prescription Drug Use.	110
20-5-7	Confidentiality and Access to Information Limited to the Personnel Office.....	110
20-5-8	Record Keeping.....	110
Section 6.	Disciplinary Action and Procedures	110
20-6-1	Notification of Action and Defenses.....	110
20-6-2	Blackfeet Tribal Business Council.....	111
20-6-3	Refusal to Test.....	111
20-6-4	Grievance.....	111
20-6-5	Return to Duty.....	111
20-6-6	Disciplinary Action Resulting from Positive Alcohol/Drug Test	111
	Receipt of Blackfeet Tribe Personnel Policies and Procedures Manual.....	113
	Footnotes of Amendments	114

Part 1. GENERAL PROVISIONS

Section 1. Purpose

- 1-1-1 It is the purpose of this manual to provide all Tribal employees of the Blackfeet Tribe with Personnel Policies and Procedures to ensure proper administration of a personnel management system for all personnel functions within the Blackfeet Tribe of the Blackfeet Indian Nation. These Personnel Policies and Procedures are based upon the following personnel management principles and have, as their purpose, to promote effective personnel management of all present employees and equal employment opportunities for all candidates seeking employment with the Blackfeet Tribe.

Section 2. Personnel Management Principles

- 1-2-1 Principles. These personnel policies and procedures set forth and apply to the following areas:
- a. Recruitment, selection, and promotion of employees based on their knowledge, abilities, skills, training and experience.
 - b. Provide equitable and adequate compensation for equal work performance.
 - c. Provide training for employees as needed to ensure high quality job performance and effective career development.
 - d. Retention of employees based upon high quality job performance pursuant to approved rating procedures.
 - e. Provide a forum for employee-employer dispute resolution.
 - f. Provide an appropriate response to inadequate performance or violations of this manual.
 - g. Provide protection for Tribal employees and applicants, against coercion from partisan political purposes.
 - h. Establish safeguards for employees while acting in their official capacities against interference in Tribal politics/elections or for personal gain.
 - i. Treatment of applicants for employment and Tribal employees in all phases of personnel administration as follows:
 1. Without regard to political affiliation, race, color, national origin, age, sex, sexual orientation, religion, disability, or other characteristic protected by applicable laws; and,
 2. With proper application of Indian preference consistent with federal and Tribal laws; and,
 3. Protection of privacy and rights consistent with Blackfeet law and the Indian Civil Rights Act of 1968, 25 USC §§1301-1304, as amended; and,
 4. Afford due process to employees in adverse employment actions as authorized by this manual.

Section 3. Applicable Legislation, Regulations and Concepts

- 1-3-1 Tribal Employment Policy. It is the official employment policy of the Blackfeet Tribe to fill all vacant Tribal positions within Tribal operations with qualified and experienced enrolled members of the Blackfeet Tribe. However, the Tribe recognizes that there may be specific instances when it may be necessary to employ non-Tribal members to assist in the daily

administration and operation of the Blackfeet Tribe. Given these circumstances, it is the opinion of the Blackfeet Tribe that the guiding principle must be the employment and retention of competent personnel who can effectively provide for the maximum delivery of various governmental and socio-economic services and functions; provided however, that Blackfeet Tribal membership is not overlooked.

- 1-3-2 Applicable Laws. The Blackfeet Tribe adheres to the Indian Civil Rights Act of 1968, as amended and the Blackfeet Law and Order Code of 1967, as amended.
- 1-3-3 Indian Preference. The Blackfeet Tribal Business Council possesses the authority and, under certain circumstances, is required to provide Indian preference in the employment of Tribal members.
- 1-3-4 Delegation and Reservation of Authority. The Blackfeet Tribal Business Council Chairman, Secretary, and the Personnel Board delegate their authority over employees as provided for in Chapter 2 of the Plan of Operations, only to the extent as provided in this manual. The Blackfeet Tribal Business Council shall retain all other areas not delegated.

Section 4. Equal Employment Opportunity

- 1-4-1 No person in the employment of the Tribe or individuals seeking employment with the Tribe shall be recruited, appointed, promoted, demoted, removed or in any way discriminated against because of his/her race, color, national origin, sex, sexual orientation, age, disability or because of his/her political or religious opinions or affiliations.

Section 5. Applicability of the Tribal Personnel Policies and Procedures Manual

- 1-5-1 These Personnel Policies and Procedures shall apply to all Tribal employees under the organizational authority of the Blackfeet Tribe.
- 1-5-2 Exempt Tribal entities requiring substitute personnel policies and procedures other than this manual shall be exempt from this manual either in part or in full. The exemption and substitute policies and procedures shall be approved by Blackfeet Tribal Business Council Resolution and attached to this manual.
- 1-5-3 The designated authority shall enforce any violation of these procedures concerning disciplinary action(s) in accordance with Part 5 of this manual. These policies and procedures shall serve as the overall guide for management and administration of the Blackfeet Tribal Personnel System. These policies are not all inclusive. Final discretion as to the interpretation of the appropriate course of action(s) concerning a particular personnel matter shall be in accordance with Part 6, Conflict/Dispute Resolution Procedures.

Section 6. Codification in the Plan of Operations

- 1-6-1 This manual shall be codified at Chapter 5, the Blackfeet Tribe Plan of Operations, pursuant to Resolution No. 107-2019, enacted December 19, 2018, with amendments in footnotes.

Section 7. Changes to this Manual

- 1-7-1 Severability. If any provisions of this policy or the application thereof to any person, entity or circumstance is held invalid, such invalidity shall not affect any other provision or applications of this ordinance and such invalidity is severed from this policy.
- 1-7-2 Repeal of Conflicting Laws. This policy shall supersede any conflicting Tribal ordinances, resolutions or other Tribal enactments.
- 1-7-3 Amendments. The Blackfeet Tribe may add to, modify, or repeal in part or in full when necessary to take care of unforeseen or unusual problems as prescribed by the Laws of the Blackfeet Tribe. All Tribal departments/programs shall receive all enacted changes to this Manual promptly.
- 1-7-4 Recommendations for Revision. The Personnel Director shall make and receive recommendations for changes to this manual at any time. The Personnel Director shall forward such recommendations to the Blackfeet Tribal Business Council. The Blackfeet Tribal Business Council may elect to deny, modify, or enact such recommendations. The Blackfeet Tribal Business Council may also elect to send the recommendations to committee for further review or accept comments on proposed changes.
- 1-7-5 Distribution of this Manual. This manual shall be issued annually to all Tribal Employees by September 30th of each year. Changes that occur prior to the annual issuance shall be distributed by separate action to all Tribal Employees. Distribution of this manual shall be through the Blackfeet Personnel Department.¹

Section 8. Definitions

- 1-8-1 **Applicant** means an individual who has filed an application for employment with the Blackfeet Tribe.
- 1-8-2 **Blackfeet Tribal Business Council** or **BTBC** means the governing body of the Blackfeet Tribe pursuant to the 1935 Constitution and By-laws of the Blackfeet Indian Reservation of Montana.
- 1-8-3 **Blackfeet Personnel Board** means the Executive Committee of the Blackfeet Tribal Business Council pursuant to the Blackfeet Plan of Operations, Chapter 2, Organization and Responsibilities of the Tribal Business Council, (B), GENERAL MANAGEMENT AND OPERATIONS (7) Committees, (a) Executive Committee.
- 1-8-4 **Classified Position** means a legally established position or job within the Blackfeet Tribe in accordance with the “Classification Plan”.
- 1-8-5 **Classification Plan** means the plan by which positions are classified Tribal positions based upon duties, supervision, employee merit rating, etc.; which establishes the Tribal Wage Scale.

¹ E2024-40 “*Approving Annual Issue of Blackfeet Tribal Personnel Policies and Procedures Manual*” December 7, 2023

- 1-8-6 **Descendant** means an individual who is the progeny of an enrolled member of the Blackfeet Tribe but does not meet the sufficient blood quantum requirements as an “enrolled member”.
- 1-8-7 **Descendant of another Tribe** means an individual recognized by a federally recognized Tribe other than the Blackfeet Tribe, as descendants of their enrolled membership.
- 1-8-8 **Director** means an employee hired by the Blackfeet Tribal Business Council pursuant to the Plan of Operations to administer a Blackfeet Tribal Department.
- 1-8-9 **Enrolled Member** means an individual enrolled in the Blackfeet Tribe pursuant to the 1935 Constitution and By-laws of the Blackfeet Indian Reservation of Montana.
- 1-8-10 **Employee** means an individual hired by official action by the Blackfeet Tribe as defined in Part 3 of this manual.
- 1-8-11 **Enrolled Member of another Tribe** means an individual legally enrolled in a U.S. federally recognized Tribe other than the Blackfeet Tribe.
- 1-8-12 **Exempt Tribal Entity** means separate entities created by the Blackfeet Tribe requiring personnel policies or procedures other than under this manual either in full or part, tailored to that entity’s profession. This definition does not include entities of the Tribe established under Section 17 of the Indian Reorganization Act.
- 1-8-13 **Due Process** means the process to provide an individual with notice of allegations; opportunity to respond to such allegations; and an opportunity for hearing.
- 1-8-14 **Grievant** means an employee or former employee who has filed a grievance action under this manual.
- 1-8-15 **Internal Job Announcement** means an active vacancy for which restricts application eligibility to permanent or contingent employees.
- 1-8-16 **Overtime** means work hours in excess of forty (40) worked hours in a workweek which is eligible to be compensated at the rate of one and one-half (1-1/2) of the employee’s hour rate for each excess hour worked under the provisions of this Manual. Worked hours means “on duty” and does not include any paid time off or weekends or holidays not worked.²
- 1-8-17 **Personnel Action Form** or **PAF** means the official form issued by the Personnel Department that governs the status of an employee.
- 1-8-18 **Personnel Director** means the Personnel Director for the Blackfeet Tribe for the departments/programs of the Blackfeet Tribe and other Tribal exempt entities where authorized in this manual.

² Resolution No. 479-2023, “Amending the Blackfeet Personnel Policies and Procedures Manual (2018) Adding the Definition of Overtime” May 9, 2023

1-8-19 **Plan of Operations** is the administrative plan established under Article VI-Powers of the Council, (g) of the 1935 Constitution and By-laws of the Blackfeet Indian Reservation of Montana.

1-8-20 **Screening Committee** means the committee established by the Personnel Director according to internal personnel policy for the purpose of screening applicants.

1-8-21 **Vacancy** means an actively funded position not presently filled by an employee.

1-8-22 **Waiver** means a voluntary act failing to follow grievance procedures as prescribed in this manual which results interference of a grievance resulting in forfeiture of that particular prescribed remedy or process; or, a waiver of a policy granted under this Manual.

Section 9. Personnel Director's Responsibilities

1-9-1 Delegation. The Blackfeet Tribal Business Council delegates administration of these policies and procedures to the Tribal Personnel Director. The Blackfeet Tribal Business Council shall have the discretionary authority to make recommendations to the Personnel Director on all personnel problems and matters, except where reserved in this manual. The Personnel Director shall supervise the administration of these Personnel Policies and Procedures in an impartial and non-discriminatory manner.

1-9-2 Minimum Duties. The Tribal Personnel Director shall:

- a. Implement and administer a Personnel Department.
- b. Administer the intent of these Policies and Procedures.
- c. Compute and prepare the annual operating budget for the Personnel Department.
- d. Supervise, develop, and maintain personnel system forms, procedures and methods of record keeping.
- e. Administer, enforce, and recommend changes, as appropriate, to these Personnel Policies and Procedures to the Blackfeet Tribal Business Council, as needed.
- f. Administer and Enforce the Classification Plan, Compensation Plan, and Evaluation Plan; and evaluate changes to these plans on an annual basis and make recommendations for changes for approval by the Blackfeet Tribal Business Council.
- g. Establish a fair and non-arbitrary scoring system for the screening of applicants to identify the most qualified and eligible hire during the screening process.
- h. Establish a Selection Committee for the screening of applicants.
- i. Direct the recruitment, testing and selection of applicants for employment with the Blackfeet Tribe.
- j. For Director positions, recommend a list of three (3) qualified applicants to the Blackfeet Tribal Business Council.
- k. Maintain a current roster of all Tribal employees of the Blackfeet Tribal government.
- l. Certify appointments, promotions, demotions, disciplinary, termination and other Personnel-related actions for employees and Directors.
- m. Provide employee orientation, training, counseling, and career development, where applicable.
- n. Conduct periodic evaluation(s) of Tribal employees in accordance with the adopted Blackfeet Tribe Evaluation Plan.

- o. Administer the Employee Fringe Benefit Plan.
- p. Perform other lawful acts, necessary or desirable to carry out the purpose of the Blackfeet Tribe Personnel System and all the provisions of the Tribal Personnel Policies and Procedures.
- q. Issue disciplinary action to employees as prescribed in this manual.
- r. Administer disciplinary action to Directors in consultation with the Blackfeet Tribal Business Council.
- s. Develop and maintain a desk manual of all the procedures under this section consistent with this Manual and keep updated regularly.

Section 10. Tribal Directors' Responsibilities

1-10-1 Delegation. The Blackfeet Tribal Business Council, delegates to the Tribal Directors, together with the Personnel Director, the responsibility to hire, retain, transfer, promote, discipline, and terminate employment with sufficient justification in accordance with Part 5, herein.

1-10-2 Minimum Duties.

- a. Require Tribal employee(s) under their supervision to adhere to the Tribal Policies and Procedures as directed by this manual.
- b. Exercise effective supervisory authority over their respective employees, report on the efficiency and performance of their employees annually, notify the Personnel Director of any changes in employee position descriptions and, when applicable, request reclassification of affected positions.
- c. Effectively administer these policies and procedures to ensure the efficient and orderly administration of personnel management within their respective Department.

1-10-3 Recommendation for Changes. Tribal Directors may recommend to the Personnel Director as necessary, changes to this Manual to improve the efficiency of administering the Tribal personnel system.

Section 11. Tribal Employee Responsibilities

1-11-1 Familiarize Self with Manual. It shall be the responsibility of all Tribal employees to familiarize themselves with the provisions of the Blackfeet Tribe Personnel Policies and Procedures, including all revisions and/or additions. Tribal employees are encouraged to submit suggestions, proposed changes, and ways to improve these Blackfeet Tribe Personnel Policies and Procedures to the Personnel Director.

Section 12. Adjudicator Specialist Establishment, Qualifications, and Responsibilities

1-12-1 Purpose. The Blackfeet Tribe shall employ a full-time adjudicator for the purpose of ensuring Tribal positions are properly filled with qualified applicants and for regular background checks of employees when required by policy. This individual shall be hired by the procedures in this manual and be supervised by the Personnel Director.

1-12-2 Qualifications. The Personnel Director shall establish minimum qualifications for this position as follows:

- a. Training in adjudication procedures;
- b. Certification in drug testing;
- c. Knowledge of Tribal, federal and state adjudication procedures; and
- d. Ability to gain all licenses and certifications to carry out the purposes of this section.

1-12-3 Responsibilities.

- a. Administer Part 19 of this manual;
- b. Conduct background investigations of applicants and employees who require regular criminal history checks;
- c. Conduct drug testing of employees;
- d. Conduct employee investigations when authorized by Blackfeet Law; and
- e. Establish a procedural manual implementing this section.

Part 2. RECRUITMENT AND SELECTION

Section 1. General Provisions

- 2-1-1 Position Announcement. When a position becomes vacant, the Tribal Director shall submit a request to fill the vacancy to the Personnel Department. The Tribal Director shall indicate the position needing to be filled along with any special requirement(s) of the position. The Director must indicate whether the position is desired to be filled internally or made for public announcement. For Tribal Director vacancies, the Personnel Director shall advise the Blackfeet Tribal Business Council of the vacancy and receive direction as to advertisement of the position.
- 2-1-2 Position Description. Prior to advertisement of the vacancy, the position must have a current position description submitted to ensure proper classification of the position within the Tribal Classification Plan and is approved by Tribal budgetary requirements. The position description must give sufficient information describing the position, including Title, Department, supervision, classification, qualifications, duties, and special provisions.
- 2-1-3 Public Advertisement. The Personnel Department shall give public announcement of approved employee vacancies with the Blackfeet Tribe at least two (2) weeks in advance of the closing date for receipt of employment applications. Public advertisement must include at a minimum: posting at the Personnel Department and a centralized location of the Tribal Office; publication in local newspapers; posting on Tribal-approved social networking sites; and, interoffice communication. Additional advertisement to other media outlets shall be considered when local advertisements do not receive sufficient response.
- 2-1-4 Departments to Pay for Advertising Costs. Each Department is responsible for the cost of advertising vacancies in that Department.

Section 2. Recruitment Pool

- 2-2-1 Recruitment Pool Discretion. All position announcements for vacant or new positions within the Blackfeet Tribe shall be recruited in the manner(s) deemed appropriate and effective by the Personnel Department in the discretion of the Personnel Director in accordance with this section. The Personnel Director and the Tribal Director shall approve whether a position shall recruit from public advertisement or internally from current permanent or contingent employees. If the position is for a Director's position, the Personnel Director shall receive direction from the Blackfeet Tribal Business Council for recruitment.

Section 3. Internal Transfer Process, No Advertisement

- 2-3-1 Policy. It is the policy of the Blackfeet Tribe that it may, at its discretion, initiate or approve employee job transfers from one job to another based on serving governmental needs.
- 2-3-2 Eligibility. Permanent or Contingent employees may request a Permanent Voluntary Transfer. To be eligible for a Permanent Voluntary transfer, employees must meet the requirements of the new position, have held their current position for at least six (6) months, have a satisfactory performance record, and have no disciplinary actions during the same period. If an employee is requesting a transfer, and is currently under investigation, the

employee shall not be eligible for the transfer until and unless the investigation yields no findings against the employee.³

2-3-3 Preference. Eligible employees requesting transfer will be considered in the following order:

- a. Employees in the same Department as the job opening;
- b. Employees at the same location but in Departments other than the one where the opening occurs;
- c. Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job; and
- d. All other employees.

2-3-4 Procedure. Consideration to fill a vacancy with a qualified transfer shall occur as follows:

- a. When a request to fill a vacancy has been received by the Personnel Director, but has not yet been advertised, the Personnel Director shall review the pool of requests to transfer.
- b. Employees seeking transfer must submit a completed Employee Transfer Request form to the Personnel Director. The request should state the reason(s) for the transfer, the department/program, and the type of job employee desires. The employee's qualifications should be indicated on the form.
- c. The Personnel Director shall administer a list of eligible transfer applicants according to their qualifications.
- d. The Personnel Director will examine requests for transfer and the eligibility of transfer applicants. If a job opening exists and an employee from the transfer is eligible, the Personnel Director shall forward the recommendation to the Personnel Board to determine whether the transfer should occur, or the process should proceed to full recruitment as stated in Part 2 of this manual.
- e. If the transfer request is approved by the Personnel Board, the employee shall complete the transfer as soon as possible with the Personnel Director.

2-3-5 Director Vacancies. Recruitment for vacant Tribal Director Positions shall not be permitted by this process.

2-3-6 Employment Stipulations. Employees transferred to new positions under this section shall also be required to complete the ninety (90) day probationary period, have their backgrounds adjudicated accordingly and other new hire requirements as required by Part 2 of this manual.

2-3-7 Status of Transfer Employees. Subject to all other requirements in this Section, an employee transferring to a vacant position under this Section shall maintain permanent status and not be considered a political appointment, if the position to which the employee transferred from, is

³ Resolution No. 182-2024, "Amending the Personnel Policies and Procedures Regarding Eligibility of Transfers and Status of Vested Employees" January 19, 2024

a Tribal position wherein the employee completed the recruitment process of advertisement, screening, interview and selection.⁴

Section 4. Internal Advertisement

2-4-1 Policy. Upon recommendation of the Personnel Director, the Personnel Board may approve recruitment for a vacant position from current permanent or contingent employees. The Personnel Board should use this recruitment tool as a way to promote current employees or to effectuate the needs of the Tribal government.

2-4-2 Procedure. The following procedure shall be followed by the Personnel Department and Tribal Directors:

- a. Circulate an internal position announcement to all Tribal staff for a period of ten (10) working days.
- b. Review and rate all applications.
- c. Conduct interviews by interview team including the Tribal Director; or if position is Director to include the Blackfeet Tribal Business Council Committee Chair on the interview team.
- d. Score the Interview and combine with application score.
- e. Inform the Tribal Director or the Blackfeet Tribal Business Council for Tribal Director Positions of the final scores of the applicants.
- f. Selection made by Tribal Director; or, for Tribal Directors, by the Blackfeet Tribal Business Council.
- g. Inform all applicants of selection made.

2-4-3 Eligibility. Applicants must meet the following requirements in order to be eligible to apply for an internal position advertisement:

- a. Be a current permanent or contingent Tribal employee (positions that are excluded include, but are not limited to temporary employees, probationary employees, interns);
- b. Meet the minimum qualifications for the position;
- c. Be employed in current position for at least six (6) months;
- d. Have a satisfactory performance record; and
- e. Have no disciplinary actions for at least six (6) months.

2-4-4 Re-Advertisement. If less than three (3) qualified applications are received from within the permanent or contingent employee pool; then the Personnel Department will advertise the position in accordance with Section 5 of this Part.

Section 5. Open Recruitment, Full Advertisement

2-5-1 Policy. The Blackfeet Tribal Personnel Director shall advertise vacant positions on an open and competitive basis and in consideration of the organizational needs of the Blackfeet Tribe. All vacant positions not selected by the Personnel Board for Internal Recruitment shall be publicly advertised in accordance with Section 1 of this Part.

⁴ Resolution No. 182-2024, “Amending the Personnel Policies and Procedures Regarding Eligibility of Transfers and Status of Vested Employees” January 19, 2024

Section 6. Application for Employment

- 2-6-1 Application Required. All potential applicants seeking employment to vacant positions within the Blackfeet Tribe must complete the official Blackfeet Tribe Application for Employment form, including all required forms/documents that are specified within the application packet.
- 2-6-2 Disclosure of Employed Relatives. Applicants must disclose if they have relatives working for the Blackfeet Tribe or a department/program governed by a board, commission, or committee. The definition of relative is described in Part 13 of this Manual.

Section 7. Re-advertisement

- 2-7-1 Additional Two-Week Advertisement. If less than three (3) qualified applications are received by the Personnel Department, then the position shall be re-advertised for another two (2) week period.
- 2-7-2 After Second Consecutive Advertisement. Upon the expiration of the second consecutive advertisement, there remains less than three (3) qualified applications; the Personnel Director shall inform the Blackfeet Tribal Business Council for receiving direction either to select from the pool or to extend recruitment to public advertisement.

Section 8. Selection Process of Applicants

- 2-8-1 Screening of Applicants. All applicants will be rated by a point system developed and administered by the Personnel Director. The point system shall be attached to this manual and updated annually with the Blackfeet Tribal Business Council. The point system shall rate applicants with the following criteria:
- a. *Merit Rating.* Applicants are rated primarily on experience, education and on specialized training or a combination thereof when a job description requires.
 - b. *Blackfeet Tribal Preference.* Priority in the selection of an applicant or applicants for employment with the Blackfeet Tribe will be completed in adherence to the following order:
 1. Enrolled Blackfeet Tribal Members
 2. Blackfeet descendant and Blackfoot Confederacy members
 3. Non-member spouse of enrolled member
 4. Enrolled members of other Federally recognized Indian Tribe
 5. Other Tribal descendants
 6. Non-member (non-Indians)
 - c. *Veterans' Preference.* Veterans' preference eligibility is based on dates of active duty service, receipt of a campaign badge, Purple Heart, or a service-connected disability. Only veterans discharged or released from active duty in the armed forces under honorable conditions are eligible for veterans' preference. This means the applicant must have been discharged under an honorable or general discharge.

- 2-8-2 Application Scoring for Top Candidates. The Personnel Director scores and certifies the top three (3) eligible candidates.
- 2-8-3 Interviews. The Personnel Director shall notify certified eligible candidates of their selection for interview by letter of the interview date and time, to be sent at least three (3) days prior to such interview. The interview process shall be as follows:
- a. *Interview Committee.* The Interview Committee shall compose of a minimum of three (3) individuals, including one employee of the Personnel Department, the Tribal Director and one other individual from the Tribal Department. When filling Tribal Director's positions, the Blackfeet Tribal Business Council shall be the Interview Committee. The Interview Committee shall score each interview in accordance with the point system as established by the Personnel Director.
 - b. *Conflict.* Anyone serving on the interview committee related to the hiring of relatives must excuse himself or herself from the entire hiring process of that particular position pursuant to Section 13-2-1. When the Personnel Director is related to an applicant as defined by section 13-2-1, the Personnel Director must advise the Blackfeet Business Council immediately upon discovery of the conflict. The Blackfeet Tribal Business Council will then make a temporary delegation to another qualified Tribal employee to screen and participate in the selection committee of that particular position.
- 2-8-4 Application and Interview Scores Combined. The Personnel Director shall combine the scores of applications and interviews of the candidates and shall certify the top candidate recommended for selection.
- 2-8-5 Selection of Top Candidate. The Tribal Director shall affirm the selection of the top candidate for hire. In the case of selection of a Tribal Director, the Blackfeet Tribal Business Council may select the top candidate from the top three (3) applicants as certified by the Personnel Director or may elect to conduct interviews of the top three (3) applicants and then make selection.
- 2-8-6 Letter of Hire. An official letter of hire is sent to the selected applicant. The official hire letter shall indicate exact employee status and the procedures to follow in reporting for work. Such procedures shall include an orientation process where the new employee shall receive a copy of this manual. This letter shall also indicate that employment will be contingent on the successful pass of a background and pre-employment drug test and completion of a probationary period.

Section 9. Physical Examination

- 2-9-1 May Require Physical Exam. In addition to mandatory background and pre-employment drug test, applicants may be required to pass a physical examination based on job requirements.

Section 10. Termination During Probation

- 2-10-1 Re-advertisement. When a new employee is terminated during their probationary period, the position may be re-advertised under Part 2, Section 5. For Tribal Directors, the Blackfeet Tribal Business Council shall decide whether to re-advertise or select the next top candidate.

Section 11. Application Records

2-11-1 Management of Files. The Personnel Department shall be responsible for the maintenance of all records pertinent to the application, examination, and selection process. This includes application forms, rating sheets, interview scores and other necessary records related to the employment relationship.

2-11-2 Purge Period. All application records shall be kept in a secure location in the Personnel Department for three (3) years. Upon the expiration of the three (3) years, the file including any digital copies shall be destroyed.

Section 12. Ineligible Applicants for Employment

2-12-1 Disqualification Factors. Individuals shall be disqualified for consideration for employment with the Blackfeet Tribe for the following reasons:

- a. Any person barred by the nepotism rules (See Part 13 of this Manual).
- b. Any person who has willfully and knowingly made a false statement(s) on their application for employment or their resume.
- c. Any person who has utilized or attempted to use political pressure, influence or bribery to secure an advantage in the services of the Blackfeet Tribe.
- d. Any person who has directly or indirectly obtained information regarding relevant examinations to which an applicant was not entitled.
- e. Any person who has failed to submit his or her application for employment prior to the closing date for the position, or who submitted an incomplete job application.
- f. Any person who previously resigned or was terminated from the Blackfeet Tribe, as outlined in Part 14, unless otherwise waived by the Blackfeet Tribal Business Council or designee.
- g. Blackfeet Tribal Business Council members for one (1) year after leaving their elected position for whatever reason.
- h. Any person who does not fails the adjudication process under Part 19.

Part 3. TYPES OF APPOINTMENTS AND POSITIONS

Section 1. Definitions of Employee Status

- 3-1-1 **“Permanent Employee”** means an employee that has successfully completed the ninety (90) day probationary period and signed all applicable personnel forms.
- 3-1-2 **“Political Appointee”** means the appointment of an individual by action of the Blackfeet Tribal Business Council that has superseded the established hiring procedures. This type of appointment will end at the completion of the current Blackfeet Tribal Business Council term, unless the Council determines otherwise. Affirmed action of the Blackfeet Tribal Business Council is required to continue employment, and political appointees are eligible for benefits similar to those provided to permanent employees. If a permanent employee becomes a political appointee, they do not revert to permanent employee status at the end of their political appointment. Political appointees may be dismissed at any time by action of the Blackfeet Tribal Business Council without notice or cause.
- 3-1-3 **“Probationary Employee”** means an employee in a permanent position who has not yet completed the 90-day probationary period. Probationary Employees are at-will, and either the employee or the Tribe can terminate the employment at any time, without notice or cause.
- 3-1-4 **“Contingent Employee”** means an employee similar to the process by which a permanent employee is selected and hired, and may be eligible for employee benefits; however, the grant and/or contract funding the employee’s position is contingent upon continued funding. Should funding not continue, employee permanent status would end with no obligation of the Blackfeet Tribe to provide continued employment.
- 3-1-5 **“Temporary Employee”** means a limited appointment not to exceed six (6) months.
- 3-1-6 **“Full-time Employee”** means an employee who is required to work forty (40) hours per week pursuant to a job description.
- 3-1-7 **“Part-time Employee”** means an employee who is required to work less than forty (40) hours per week pursuant to a job description.
- 3-1-8 **“Seasonal Employee”** means an employee who may be either permanent or temporary who remains on the payroll for, on average, fewer than fifty-two (52) weeks per year.

Section 2. Probationary Employment Period

- 3-2-1 Each original appointment to a permanent position of the Blackfeet Tribe shall require a probationary period of ninety (90) calendar days from the date of initial employment, regardless if the new employee completed a probationary period in previous Blackfeet Tribal employment and whether the job was similar to the new position. The ninety (90) day probationary employment period shall not be extended.
- 3-2-2 The purpose of the probationary employment period is to provide a specified amount of time for the new employee to prove that he/she is fully capable of performing and effectively completing the duties and responsibilities of the position.

- 3-2-3 During the probationary employment period, the new employee shall accrue annual and sick leave in accordance with the annual and sick leave provision of this manual. However, the employee on probationary employment status may not use any annual or sick leave until the probationary period has been completed and may not receive promotion or pay increase during this period.
- 3-2-4 The immediate supervisor shall evaluate the probationary employee's performance at the end of the first forty-five (45) days and at least fifteen (15) calendar days prior to the end of the probationary period.
- 3-2-5 If an employee does not successfully pass the probationary period and will not be recommended for continued employment, all documentation shall be provided to the Personnel Director for review. All terminations of probationary employees must be approved by the Personnel Director in writing.
- 3-2-6 Ten (10) calendar days prior to the end of the probationary period, the immediate supervisor shall notify the employee in writing of his/her status concerning permanent employment.
- 3-2-7 All documentation shall be maintained in the employee's official permanent personnel file of the Personnel Department.
- 3-2-8 While completing the 90-day probationary employment period, the employee shall not be prohibited from consideration for appointment to another position within the Tribe. If selected for another position within the Tribe, the employee will be required to complete the original ninety (90) day probationary period for the position.

Section 3. Employees in an Acting Status

- 3-3-1 The Personnel Director, at times, may deem it necessary for a permanent employee to assume the duties and responsibilities of a vacant position or a position where an employee is on leave for an extended period of time in an acting capacity. Acting Status shall be deemed temporary only until the permanent employee returns to duty or the position is filled permanently. The employee filling a vacant position in an acting status may receive additional salary commensurate with these new duties upon approval by the Personnel Director and the Tribal Director of that program and shall not lose his or her vested status while he or she is in Acting status. For Tribal Director Vacancies, the Blackfeet Tribal Business Council shall make the appointment. Documentation of any such action shall be placed in the employee's official permanent employee file. An employee considered for acting status may decline such appointment upon providing a valid reason.

Section 4. Temporary Employees

- 3-4-1 Appointment by Director. Temporary positions may be filled by the Tribal Director of the program only with the approval of the Personnel Director and the required Council member signatures.

- 3-4-2 Mandatory Advertisement for Permanent Vacancies. All permanent vacant positions filled by temporary employees, shall be advertised in accordance with Part 2. Recruitment and Selection, within fourteen (14) days of the temporary appointment.⁵
- 3-4-3 At-Will Status. Temporary employees are at-will, and either the employee or the Tribe can terminate the employment at any time, without notice or cause.
- 3-4-4 Compensation. Temporary employees will only be compensated for the hours of actual work performed. Temporary employees which are approved as “essential” by the Personnel Board, shall be compensated for Tribal and Federal Holidays. Temporary employees shall not be eligible for leave benefits.⁶ Temporary Employees shall be compensated for Travel expenses when approved by the Blackfeet Tribal Business Council Committee Chairs.⁷
- 3-4-5 Ineligible for Promotion Hire. Temporary employees are not eligible to apply for internal position vacancies.
- 3-4-6 Limitation on Grievance Rights. Grievance rights shall not be afforded, except for forms of discrimination/harassment.
- 3-4-7 Background and Drug Test Required. Temporary employees must meet the minimum qualifications for the position and shall be subject to a background check and drug test. Temporary employees are subject to the same salary scales as all other employees.
- 3-4-8 Term of Appointment. A temporary appointment may be extended for an additional six (6) months only by the approval of the Tribal Director and the Personnel Director, if such selection is deemed necessary to complete the employee’s assignment(s).
- 3-4-9 Process of Termination. All terminations of temporary employees must be approved by the Personnel Director in writing and meet the proper exit procedures as required by this manual prior to final receipt of paycheck.

Section 5. Board, Committee or Commission Appointments⁸

- 3-5-1 Members to boards, committees, or commissions appointed by the Blackfeet Tribal Business Council shall be required to meet the following qualifications a member and during the term of the appointment:
- a. Must not have delinquent debt owed to the Blackfeet Tribe;
 - b. Background check clearance;
 - c. Negative Drug test and be subject to the Blackfeet Tribe’s Drug and Alcohol-Free Workplace policies throughout appointment;

⁵ Resolution No. 145-2024, “Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information” December 7, 2023

⁶ Resolution No. 209-2024, *Approving Amendment to the 2018 Personnel Policies and Procedures Manual Regarding Essential Temporary Employees and Holiday Pay* January 31, 2024

⁷ E2023A, “Amending E2023/Authorization for Temporary Employee Travel” December 1, 2022

⁸ Resolution No. 210-2024, “Repealing Resolution No. 288-2007A and Approving Qualifications for all Boards, Committees and Commissions appointed by the Blackfeet Tribal Business Council, to be added into the Personnel Policies and Procedures Manual (2018)” January 31, 2024

- d. No felony for the last three (3) years prior to application and good standing with probation or parole; and,
- e. All other qualifications required by that particular board, committee or commission shall also be required.

Part 4. EMPLOYEE CONDUCT AND ACTIVITIES

Section 1. Policy

- 4-1-1 Employees are expected to conduct themselves in a respectable manner while on the job and during travel status, to uphold the esteemed status of the Blackfeet Tribe. Conduct that is not in adherence to this requirement will not be tolerated and violations shall be subject to disciplinary action in accordance with Part 5 of this manual.
- 4-1-2 The Employee Conduct Guide below lists some of these expectations. To ensure familiarity with the conduct guide, each new employee shall be required to sign a Receipt of Personnel Policies and Procedures Manual for submission to the Personnel Department before receipt of first paycheck. The document will be evidence that the employee agrees to observe and follow the policies and regulations during their employment and understands that it is his/her responsibility to be familiar with its contents and to ask questions on any matters not understood.

Section 2. Employee Conduct Guide

- 4-2-1 Each employee of the Tribe shall:
- a. Comply with the Code of Conduct attached to this Personnel Manual.
 - b. Maintain loyalty to the Blackfeet Tribe.
 - c. Uphold, with integrity, the relation of trust and confidence while serving in the appointed position.
 - d. Give ready response to and comply with the directions and instructions of the immediate supervisor in the service of the Tribe.
 - e. Show courtesy and cooperativeness with fellow workers, the Blackfeet people, and the public.
 - f. Give full, efficient, and industrious service to promote the economical and effective accomplishment of the Tribe's goals and objectives.
 - g. Protect confidential information and refrain from disclosing any portion thereof, except in the manner and to the extent authorized by the position.
 - h. Economically utilize, protect, and conserve the Tribe's property and equipment that is assigned to and/or used by the employee.
 - i. Maintain all transactions above reproach, free from any indiscretions, gratuity, or favors, which would otherwise cast doubt or suspicion upon the employee or the Tribal Administration.
 - j. Refrain from using one's official position unethically to advance personal interests or the interests of family or friends.

Section 3. Limitations on Employee's Conduct and Activities

- 4-3-1 Employees should be cognizant and aware of the following limitations that affect them:
- a. Employees are expected to maintain high standards of conduct, both on and off duty so as not to reflect discredit on the Tribe.
 - b. All employees are required to address their financial obligations at the time and in the manner for which they have contracted to pay them.

- c. The Tribe is not responsible or accountable for the loss or theft of any personal property of its employees.
- d. Employees shall be held accountable and responsible for the loss of Tribal property for which they are responsible, provided the loss is due to intentional acts of theft, loss or damage; and negligence or carelessness.
- e. All official correspondence relative to the transactions of the Blackfeet Tribe shall be disbursed and received at the Tribal Department offices and not at the personal address of employees, unless it is related to discipline or termination of the employee, in the event the employee is not found at work.
- f. Employees indebted to the Blackfeet Tribe and fail to pay such obligations or make satisfactory arrangements to pay may have partial sums of their periodic net salary payments withheld until such indebtedness has been satisfied in full, not to exceed 35% of gross income. If a departing employee owes money to the Blackfeet Tribe, the employee's debt will be deducted from the employee's final paycheck, which may cause a delay in receiving the final paycheck.
- g. No temporary or permanent employee shall drive a Tribally owned or leased vehicle without having in his possession the necessary operator's license.
- h. Permanent employees contemplating voluntary resignation must notify their immediate supervisor at least two (2) weeks prior to the effective date of resignation, if possible.
- i. All employees will wear appropriate apparel in performance of job duties and responsibilities as deemed necessary or required by each program.
- j. Employees shall remain politically neutral at all times during duty hours and refrain from taking part in political affairs of the Tribe.
- k. An employee who desires to run for a political office shall be required to take leave of absence from their position upon filing for candidacy. Leave shall end upon unsuccessful advancement in the primary election; or, if advancing to the general election-the day of election, whichever occurs last. Such leave shall consist of: (1) annual leave, (2) compensatory time, and (3) leave without pay.
- l. An employee elected to and accepting political office within the Blackfeet Tribal government, shall be terminated from any compensated position they may hold with the Tribe upon taking oath of office. All benefits accrued to that day shall not be lost upon accepting political office. The benefits shall be paid out to that employee beginning the day after taking oath of office, contingent upon successful exit from Tribal employment with the Personnel Department.
- m. No person will concurrently possess any paid elected office as well as an appointed position with the Blackfeet Tribe.

Section 4. Outside Employment

4-4-1 Full-time Tribal employment shall generally be the sole employment of any Tribal employee. However, it is recognized that personal situations occur which may justify the need for employees to seek supplementary employment. Because of the possibility of conflict of interest, permanent employees are not allowed to engage in any outside work without the express written permission of the Tribal Director and Personnel Director. Permission to engage in outside employment may not be granted if such employment will result in any of the following:

- a. Impairment of on-the-job efficiency;
 - b. Conflict of interest; or,
 - c. Unfavorable publicity or poor public relations.
- 4-4-2 Requests for permission to engage in outside employment shall be written and based upon recommendation from the immediate supervisor and submitted to the Tribal Director and Personnel Director. Such request shall state:
- a. The type of work to be engaged in, including an explanation of the tasks to be performed;
 - b. The hiring employer;
 - c. The working hours and wages; and
 - d. The reasons for desiring such employment.
- 4-4-3 Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problems.
- 4-4-4 Directors who wish to engage in outside employment must disclose the above items in Section 4-4-1 to the Personnel Director and the Blackfeet Tribal Business Council. Approval must be granted prior to engaging.

Section 5. Employee Participation in Civic/Community Organizations

- 4-5-1 It is the policy of the Blackfeet Tribe to encourage employees to participate in the activities of Tribal, community and civic organizations.
- 4-5-2 Employees are encouraged to seek membership in Tribal, community and civic organizations where membership will promote the Blackfeet Tribe's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the Tribe's interests.
- 4-5-3 Any employee shall be eligible for and may serve on boards and committees when appointed by the Blackfeet Tribal Business Council, provided such service does not interfere with the employment duties, responsibilities, and obligations of the employee. Any Tribal employee serving an appointment on boards and committees shall be allowed to go on travel status pursuant to board/committee obligations after obtaining the approval of the Tribal Director and two (2) members of the Blackfeet Tribal Business Council overseeing that board or committee.
- 4-5-4 Administrative Leave will be granted for approved meeting and travel obligations related to an employee's participation in civic/community organizations, provided satisfactory documentation is provided to the employee's immediate supervisor. Failure to provide such documentation may result in leave being charged to employee's annual leave.
- 4-5-5 Administrative Leave will be granted to members of the Veterans/Warrior Society and Rawhide Drum Group for their service at funerals and honorings.

Section 6. Civil Disorder

4-6-1 While the Blackfeet Tribe is supportive of employee rights under the Indian Civil Right Act with respect to freedom of speech and assembly, such no employee of the Blackfeet Tribe may plan, initiate, participate, aid or assist in conducting any unlawful demonstration, rioting, or civil disturbance on and/or off the Blackfeet Indian Reservation.

Section 7. Representation of the Blackfeet Tribe

4-7-1 When employees are specifically authorized by the Blackfeet Tribal Business Council to speak on behalf of the Blackfeet Nation, such employees may not declare as policy any statement, which is contrary to the policies of the Blackfeet Tribe. Employees are urged to make full consultation with the Blackfeet Tribal Business Council prior to such communications.

Section 8. Conflict of Interest

4-8-1 No rewards, favors, gifts or other forms or remuneration, in addition to regular compensation shall be received by any Tribal employee(s) from any individual, vendor, contractor and/or firm, in relationship to employment. Dignitary gifts from governmental officials other than the Blackfeet Tribe based upon government-to-government relations shall be the property of the Blackfeet Tribe and inventoried by the Blackfeet Tribal Procurement office. Location of such objects shall be determined by procurement policies. Items described under this section received by any employee and used for personal benefit shall result in disciplinary action as follows.

4-8-2 In any situation where a real or potential conflict of interest exists within the Tribal or federal governmental systems, the Blackfeet Tribal Business Council as the governing body of the Blackfeet Tribe, shall have and may utilize the sovereign discretionary authority of the Blackfeet Tribe to request and require by subpoena if necessary, that the individual or individuals involved in the aforementioned situation come before the Tribal Council to explain the situation and also to bring with them to the meeting such records, documents, financial statements and materials which pertain to the situation giving rise to the real or potential conflict of interest, so that the Tribal Council and/or its duly authorized representatives may inspect said records, documents, financial statements and materials.

4-8-3 The individual or individuals involved in a situation wherein a real or potential conflict of interest exists shall bring to the meeting with the Blackfeet Tribal Business Council any other individuals who are able to provide information to the Tribal Council regarding the aforementioned situation.

4-8-4 The Tribal Council shall review all the evidence and make an official determination by roll call vote as to whether or not a real or potential conflict of interest exists, and the individual or individuals involved in the situation shall be notified by certified mail.

4-8-5 In situations where the Tribal Council decides that a real or potential conflict of interest exists, the Tribal Council shall, by roll call vote, exercise one or more of the following courses of action:

- a. Issue a Letter of Reprimand;
- b. In the case of a Tribal employee, turn the matter over to the Tribal Personnel Director with instructions to handle the matter pursuant to the Blackfeet Tribal Personnel Policies and Procedures;
- c. In the case of an independent contractor with the Blackfeet Tribe, terminate the contract or contracts;
- d. In situations where the Blackfeet Tribe's financial interests have been adversely affected, pursue litigation against the involved individual(s) and other parties;
- e. In the case of an employee, independent contractor, agent or duly authorized representative of the Bureau of Indian Affairs, Indian Health Service, Blackfeet Indian Housing Authority, or other federal agency providing services to the Blackfeet Tribe, formally request that said employee, independent contractor, agent or duly authorized representative be suspended, terminated, or otherwise dealt with in a manner consistent with the actions giving rise to the conflict of interest and the results thereof;
- f. Such other action is appropriate, given the degree of the conflict of interest and the injury to the Blackfeet Tribe and Tribal interests.

Section 9. Absence Without Leave

4-9-1 Any unauthorized absence of an employee from his/her position shall be considered as absence without leave (AWOL) and be without pay. Any employee who is absent for one (1) or more days without authorized leave shall be subject to disciplinary action.

Section 10. No Smoking and Tobacco Use Ban

4-10-1 All Tribal offices, programs, and buildings are tobacco and smoke free. Violation of the "No Smoking and Tobacco Use Ban" will be reprimanded in accordance with this Personnel Policies and Procedures Manual.

Section 11. Indebtedness

4-11-1 Employees of the Blackfeet Tribe are required to pay their debts in a good faith effort. It is recognized that indebtedness is an unfortunate circumstance in poverty-stricken areas such as the Blackfeet Tribe. However, employees indebted to creditors shall not permit any interference into one's employment integrity or performance or reflect adversely on the Tribe. Should the employee's indebtedness become an issue under this Section, such conduct shall be subject to discipline.

4-11-2 In the event of dispute between an employee and an alleged creditor, a Tribal Department is not obligated to determine the validity or amount of the disputed debt. Collection efforts shall take place by the employee voluntarily agreeing to payroll deductions; or, by the debtor/creditor laws of the Blackfeet Nation.

Section 12. Hostile Work Environment

4-12-1 Definition. Harassment (both overt and subtle) is a form of employee misconduct that both demeans another person and undermines the integrity of the employment relationship by creating an unreasonably intimidating, hostile, and objectively offensive working environment.

4-12-2 Examples. Examples of Hostile Work Environment include, but not limited to:

- a. Any form of sexual harassment as described below.
- b. Any form of intimidation, coercion, influence, or persuasion in effort to cause stress on an employee.
- c. Any form of conduct against another employee for the sole purpose of harassment.
- d. Conduct that excludes another employee from the regular daily working affairs of the employee's working environment.
- e. Verbally abusing another employee by gossip, false accusations, or the like.
- f. Causing another employee to take up extra duties in an overwhelming manner.
- g. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

All of these factors or similar factors may result in a finding of hostile working environment taken as one factor or the totality of all the factors involved based upon the severity of the incident.

Violations of Hostile Working Environment by any employee shall be issued a reprimand in accordance with this manual.

Section 13. Sexual Harassment

4-13-1 Purpose. The purpose of the Blackfeet Nation sexual harassment policy is to:

- a. Prohibit sexual harassment in the workplace;
- b. Encourage employees who are victims or witnesses of sexual harassment to report such instances; and
- c. Establish an administrative procedure for the reporting of instances of sexual harassment.

4-13-2 Policy. Sexual harassment by or of supervisors, employees, or non-employees is strictly prohibited and will be investigated for possible disciplinary action.

- a. No employee shall be subjected to unsolicited and/or unwelcome sexual overtures or conduct, either verbal or physical.
- b. Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions, up to and including termination.
- c. No employee shall be subject to retaliation or retribution for reporting sexual harassment. Retaliation or retribution is strictly prohibited.
- d. The Personnel Director shall promulgate rules and procedures for the reporting and complaint handling procedures within the Blackfeet Nation.
- e. An employee who believes that he or she has been subjected to unwelcome sexual conduct or that there exists an objectively hostile work environment has to the duty to report the situation. Such report shall be made directly to the Personnel Director.
- f. All reports, including both formal, of sexual and other unlawful harassment will be promptly, actively, and confidentially investigated by the Personnel Department.

4-13-3 Prohibited Conduct. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature constitutes prohibited sexual harassment when at least one of the follow criteria is met.

- a. Submission to such conduct is made either explicitly a term or condition of an individual's employment.
- b. Submission to or rejections of such conduct by an individual is used as the basis for an employment decision.
- c. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

4-13-4 Examples. Examples of prohibited conduct include, but are not limited to:

- a. Unwelcome sexually suggestive comments or sounds.
- b. Unwelcome sexual flirtation.
- c. Unwelcome touching.
- d. Unwelcome advances or propositions.
- e. Unwelcome jokes of a sexual nature.
- f. Unwelcome slurs or other verbal, graphic or physical conduct relating to an individual's gender.
- g. Any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, or cartoons.
- h. The authoring, forwarding, viewing, or sending of graphic nudity, obscene, or pornographic material and the use of obscenity or profanity is strictly prohibited.

4-13-5 False Reporting. Providing false information in the course of a sexual harassment investigation is grounds for disciplinary action, up to and including termination.

4-13-6 Reporting of Crime. It shall be the responsibility of the victim and his or her supervisor to ensure a report to law enforcement, if the level of conduct is a violation of the Blackfeet Law and Order Code or the Federal Major Crimes Act.

Part 5. EMPLOYEE DISCIPLINARY PROCEDURES

Section 1. Cause for Discipline

- 5-1-1 Disciplinary Authority Over Employees. It is the responsibility and the duty of all employees to adhere to various regulations for the proper operation of the Tribal government. Each Tribal Director or supervisor is directly responsible for prompt discipline of the employees in his or her Department.
- 5-1-2 Personnel Director Consultation Required. If the Director determines disciplinary action is necessary, the Director will make his/her recommendation to the Personnel Director. If, after review, the Director and the Personnel Director agree on the disciplinary process, the Director shall complete the appropriate forms notifying the employee of the action taken. The action will not be effective unless the Director and Personnel Director have signed the document. The Personnel Director is available for consultation and to provide advice and assistance, as may be required in carrying out disciplinary procedures.
- 5-1-3 Disciplinary Authority over Directors and Political Appointments. For disciplinary action over Directors or political appointments, the Blackfeet Business Council shall have the sole discretion to discipline or terminate such positions. A copy of these actions shall be documented by the Personnel Director and placed in the personnel file of the Director or political appointment.
- 5-1-4 Just Cause Determination. Disciplinary actions are meant to maintain an orderly, competent, and productive organization. All action taken against employees will be based on just cause in accordance with the employee's vested employment status, as determined in the sole discretion of the Tribal Director upon consultation with the Personnel Director.

Section 2. Disciplinary Action

- 5-2-1 Establishing Disciplinary Action. Disciplinary action requires the exercise of responsible judgment so that employees are not disciplined out of proportion to the nature of the offense. The "Guide for Disciplinary Penalties" allows for differing degrees of penalties depending on the severity of the offense. It is also important to recognize that for disciplinary action to be constructive, it must be initiated within a reasonable time of the incident in question.
- 5-2-2 Investigation of Employee Infractions. All employee infractions are to be investigated using Form BTP 16. Investigations of employee infractions should be conducted in a manner to get all information pertinent to make a sound decision as to whether such infraction occurred. This should include an interview with the employee prior to issuance of a reprimand.
- 5-2-3 Issuance of Reprimand After Investigation. An employee receiving a reprimand under this Part must be recorded on Form BTP 17. This form is to be accompanied by the Form BTP 16 and is to be signed by both the supervisor and employee at the time of the action as a record of the disciplinary action. A copy goes to the employee, supervisor, Tribal Director and Personnel Department. If an employee refuses to sign the form BTP17, the supervisor or person delivering the form will document the refusal.

5-2-4 Types of Disciplinary Action. Employees shall be subject to the following disciplinary actions when found to be in violation of conduct prohibited by this Part.

- a. *Oral Warning.* Whenever grounds for disciplinary action exist and the supervisor determines that a more severe action is not necessary, the supervisor shall orally communicate their observation of the deficiency to the employee. Whenever possible, sufficient time for improvement may precede formal disciplinary action. The employee will be informed that the oral warning will be documented and made a part of the employee's official personnel file.
- b. *Written Reprimand.* The supervisor may issue a reprimand for just cause. The reprimand shall be in writing and be addressed to the employee. The reprimand will specify that the employee will be subject to more severe disciplinary action upon any further offense, and that a copy of the reprimand will be made a part of the official personnel file. The reprimand shall identify corrective action to help assist the employee in correcting the infraction.
- c. *Suspension Without Pay.* The supervisor may suspend an employee without pay for up to, but not to exceed, thirty (30) working days for just cause. The supervisor must notify the employee of the action in writing, including the specific infraction and the reason for taking such action using Form BTP18.
- d. *Demotion.* A permanent employee may be demoted as a disciplinary action only for cause. A permanent employee has the right to grieve this action.
- e. *Termination.* A supervisor may dismiss an employee for just cause. The supervisor must document the reason for the termination in writing using form BTP19. The employee must receive a written termination letter accompanied by Form BTP 19.
- f. *Last Chance Agreements.* Instead of termination, the supervisor or the Personnel Director may propose the use of a Last Chance Agreement for an employee with a perfect work record (meaning no disciplinary actions in his or her personnel folder) and over 3 years consecutive employment with the Blackfeet Tribe. The Last Chance Agreement will specifically address the misconduct, not to exceed one (1) year. The specific terms of the Last Chance Agreement will be drawn up by the Blackfeet Tribal Legal Department in coordination with the supervisor and the Personnel Director. The employee and, if applicable, the employee's representative, may be involved in the process of preparing the Last Chance Agreement, but the Personnel Director reserves the final discretion of whether or not to enter into the Agreement. No employee is guaranteed a Last Chance Agreement at any time. Any Last Chance Agreement will be made a permanent part of an employee's record. Any violation of the terms of the Last Chance Agreement shall result in termination.

5-2-5 Required Approvals. All disciplinary actions under this section shall require the signature of the supervisor, Tribal Director and Personnel Director on the required personnel forms including a Personnel Action Form.

- 5-2-6 Notice of Right to Grieve Disciplinary Action. The employee must be notified that the disciplinary action will be made a part of the employee's official personnel file, and the may contest the action by using the employee grievance procedure outlined in Part 6.

Section 3. Administrative or Criminal Investigations

- 5-3-1 Administrative Investigation. Administrative investigations shall be initiated upon reasonable belief an employee has committed an infraction under this Part. If circumstances warrant, the supervisor may place an employee on administrative leave to determine whether the employee engaged in misconduct affecting the employee's position. Administrative Leave shall be limited to fourteen (14) working days. Before placing an employee on Administrative Leave, the supervisor must obtain prior approval from the Personnel Director. Administrative Leave may be extended for a period not to exceed thirty (30) days with the same approvals but only in the case where the investigation is moving forward diligently. Administrative leave under this section shall not be allowed when the conduct has resulted in criminal charge(s). However, if the underlying conduct is determined to be an employee infraction, the administrative investigation shall continue regardless of resolution of the criminal charge(s) and the supervisor may proceed with administrative resolution of the infraction under Part.
- 5-3-2 Criminal Investigation. In the event the employee is charged with a crime that directly affects the ability of an employee to perform his or her duties or is contrary to the best interests of the Tribe, the supervisor shall place the employee on indefinite suspension without pay in accordance with the program's policies under the discretion of the Tribal Director. The following process should be followed:
- a. The employee shall furnish all information to his or her supervisor upon request of the supervisor regarding the employee's charge(s).
 - b. Supervisor then evaluates the information to determine if the charge(s) are relevant to the employee's duties or is conduct that is contrary to the best interests of the Tribe.
 - c. Based upon the supervisor's review of the information and the conduct should cause separation of the employee from his or her job, supervisor shall decide to do either of the following:
 1. Terminate employee; or
 2. Place employee on indefinite suspension without pay, not to exceed six (6) months and if the program's policy permits.
 - d. Termination of the employee shall be required if the employee is jailed and the incarceration interferes with the duties of the employee, or if the conduct is deemed relevant to the workplace (raises an issue of eligibility of the employee for the job duties where employee may be unfit for their position.)
 - e. Once the indefinite suspension period is expired, the employee is deemed ineligible for work and termination is required.
 - f. In the event the supervisor deems the conduct not to be related to employee job duties and is not contrary to the best interests of the Tribe, or the charges do not result in conviction within the indefinite suspension period, the supervisor shall note the information in the employee's file and the employee shall continue with employment.

- The supervisor may also elect to issue a reprimand under this Part, issue corrective action, and/or place the employee on a probationary period not to exceed one (1) year.
- g. All information collected under this part shall be held confidential between the employee and supervisor. The Personnel Department shall have access to this file on a need-to-know basis in furtherance of the policies of this manual.

Section 4. Compliance with Disciplinary Guide

- 5-4-1 Employees may report their supervisor to the Personnel Director for any alleged violation of these policies and procedures or other Tribal regulations. Employees shall not be retaliated against for making such reports. The Personnel Director shall follow up with the report and make resolution to such allegations in accordance with this Part. Allegations made against Tribal Directors shall be forwarded to the Blackfeet Tribal Business Council for further action.

Section 5. Guide for Disciplinary Penalties

- 5-5-1 Factors. As far as possible, those individuals responsible for the administration of discipline must be free from prejudice and guided by the principle of like penalties for like offenses. In the interest of administering justice as uniformly as possible and in accordance with these policies and procedures, the following guide is provided as a tool. It is not all conclusive and cannot cover all extenuating circumstances of a particular case. Penalties for offenses not listed may be administered consistent with the penalty indicated for an offense of comparable seriousness. The type and severity of discipline always rests in the sole discretion of the Tribal Director, and Personnel Director. Before deciding on a particular penalty, the Tribal Director and Personnel Director should consider any pertinent factors, including:
- a. The nature and seriousness of the offense and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional, technical or inadvertent, was committed maliciously or for gain, or was frequently repeated;
 - b. The employee's job level or type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
 - c. The employee's past disciplinary record;
 - d. The employee's past work record, including length of service, performance on the job, and dependability;
 - e. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon the supervisor's confidence in the employee's ability to perform assigned duties;
 - f. Consistency of the penalty imposed upon other employees for the same or similar offenses;
 - g. Consistency of the penalty with the Guide for Disciplinary Penalties;
 - h. The notoriety of the offense or its impact upon the reputation of the Blackfeet Tribe;
 - i. The clarity with which the employee was on notice of any rules that were violated in committing the offense or had been warned about the conduct in question;
 - j. Potential for the employee's rehabilitation;
 - k. Mitigating circumstances surrounding the offense; and
 - l. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

5-5-2 Balance of Factors. Not all of these factors will be pertinent in every case, and frequently in the individual case, some of the pertinent factors will weigh in the employee's favor while others may not or may even constitute aggravating circumstances. Selection of an appropriate penalty must then involve a responsible balancing of the relevant factors in each individual case, and always rests in the sole discretion of the Tribal Director, and Personnel Director.

Section 6. Disciplinary Guide

Type of Misconduct	Penalty for First Offense	Penalty for Second Offense	Penalty for Third Offense
1. Fiscal Irregularities (Penalty depends on the monetary value, position held, benefit, and/or other pertinent factors).			
a. Submission (or causing or allowing the submission of) falsely stated time logs, leave forms, travel or purchase orders, payroll, loan or other official document(s)	Written reprimand, suspension or termination, removal, if for administrative convenience or to avoid following required procedures	Termination	
	10-day unpaid suspension, if it results in personal benefit to another	Termination	
	Termination, if it results in personal benefit to the offending employee		
b. Unauthorized and/or improper use of property, funds or any other thing of value coming into an employee's custody as a result of employment	10-to-14 day unpaid suspension to termination	Termination	
c. Failure to properly account for or make proper distribution of any property, funds or any other thing of value coming into an employee's custody as a result of employment	Written reprimand, unpaid suspension, to termination	Termination	
d. Concealment of (or failing to report) missing, lost or misappropriated funds, or other fiscal irregularities	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
2. False Statement(s)/Incorrect official documents (False statements or entries in connection with fiscal matters and documents are covered above)			
a. Deliberate falsification of an application for employment or other personal history record by omission or making	Termination if it would have adversely affected selection for appointment or promotion.		Termination

a false entry. NOTE: If an incorrect or inaccurate entry is determined to be unintentional, other (non-disciplinary action should be taken).	Written reprimand to 1-to-14 day unpaid suspension if it would not have adversely affected selection for appointment or promotion	15-to-30 day unpaid suspension to termination	
b. Misrepresentation, falsification or concealment of material facts or document in connection with an official matter, including an investigation	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
c. Knowingly and willfully making an incorrect entry on an official document or approving an incorrect official document	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
3. Conduct prejudicial to the best interests of the Tribe			
a. Conduct which caused the employee to be <u>indicted or charged</u> with a criminal offense which is related directly to the duties of the employee's position or the mission of the Tribe	Indefinite suspension without pay (not to exceed 6 months)	Termination	
b. Conduct which causes the employee to be <u>convicted</u> of a criminal charge which is related directly to the duties of the employee's position or the mission of the Tribe	Termination		
c. Off duty conduct which adversely affects the employee's job performance or trustworthiness or adversely affects the ability of the Tribe to accomplish its mission	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
d. Infamous or notoriously disgraceful conduct, defined as conduct that, were it to become widely known,	Termination		

would embarrass or discredit the employee or Blackfeet Tribe.			
e. Concealing, removing mutilating, altering or destroying Tribal records	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
f. Malicious or intentional damage or loss of Tribal owned or leased property	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
g. Using public office for private gain	10-to-14-day unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination
h. Unethical or improper use of official authority or credentials	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
i. Unauthorized disclosure, failure to safeguard, or use of information protected by the Privacy Act or other official, sensitive or confidential information	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
j. Having a direct or indirect financial interest that conflicts or appears to conflict with an employee's official duties and responsibilities. (NOTE: When such a conflict is inadvertent and could not be reasonably anticipated by the employee, the situation shall be handled by divestiture or requisition rather than disciplinary action)	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
k. Engaging in outside employment or other activities without required prior approval	Written reprimand, 1-to-14-day unpaid suspension	15-to-30 day unpaid suspension to termination	Termination
l. Improperly soliciting or accepting, directly or indirectly, a gift from any individual or establishment seeking or having a contractual	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination

or business relationship with the Tribe			
m. Improperly soliciting a contribution from another employee for a gift to an official superior, making a donation as a gift to an official superior	Oral warning to written reprimand	Written reprimand, unpaid suspension, termination	15-to-30 day unpaid suspension to termination
n. Borrowing money from a subordinate employee, securing a subordinate's endorsement on a loan, or otherwise having a subordinate assume the financial responsibility of a superior	Oral warning to written reprimand	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination
o. Unauthorized use of (or authorizing the use of) any Tribal owned or leased vehicle for other than official purposes	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
p. Carrying of unauthorized passengers in Tribal owned or leased vehicles for other than official purposes	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
q. Unauthorized use, removal, or possession of a thing of value belonging to another employee or private citizen	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
r. Fighting, threatening, attempting to inflict bodily harm while on Tribal premises and/or when in a duty status	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
s. Use of abusive, offensive, unprofessional, distracting, or incisive language, gestures, or other conduct, quarreling, creating a disturbance or disruption; or horseplay	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
u. Use of slanderous, malicious, derogatory, discourteous or	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination

otherwise inappropriate verbal or written language, gestures, or other conduct toward employees, supervisor, or public			
v. Failure to pay Tribal debts in a timely and proper manner	Oral warning to written reprimand	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination
w. Participating in a strike, work stoppage, sit-out, slowdown or similar activity	Written reprimand, unpaid suspension to termination	Termination	
x. High stakes gambling on duty or in work areas	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination
4. Failure/Refusal to follow instructions			
a. Negligence, including the careless failure to comply with rules, regulations, written procedures or proper supervisory instructions	Oral warning, to written reprimand	Written reprimand to 1-to-14 day unpaid suspension	15-to-30 day unpaid suspension to termination
b. Deliberate or malicious refusal to comply with rules, regulations, written procedures, or proper supervisory instructions	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination
c. Refusal to provide information to authorized representatives when called upon, when the inquiry relates to an official matter and the information is obtained in the course of employment or as a result of relationships incidental to such employment	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination
d. Failure to report to duty as detailed, transferred, or reassigned	Termination		
e. Failure to submit required statements or disclose financial interest	Written reprimand, 1-to 14 day suspension	15-to-30 day unpaid suspension to termination	Termination
5. Neglect of Duty			

a. Careless/ negligent work, loafing, sleeping on duty, wasting time, conducting personal business while on duty	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
6. Attendance-Related Offenses			
a. Unexcused tardiness, including delay in reporting at the scheduled starting time; returning from lunch or break period; and returning from an authorized absence	Oral Warning	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination
b. Unauthorized absence, including leaving work without permission or before the end of the workday (Time periods at right refer to the accumulated total amount of AWOL for each offense rather than for each occurrence of unauthorized absence. e.g., if an employee is AWOL 3 separate times and the total amount of AWOL shown on the timesheet is more than 8 hours but less than 5 workdays, the proposed penalty for a first offense would be a suspension of 1 to 14 days.	<ol style="list-style-type: none"> 1. Absences of 8 hours or less –written reprimand to 5-day unpaid suspension 2. Absences of more than 8 hours but less than 5 workdays – 1-day unpaid suspension to 14-day unpaid suspension 3. Absences of 5 work days or more – 14-day unpaid suspension to termination 4. Absences of 8 hours or less – 5-day unpaid suspension to termination 5. Absences of more than 8 hours but less than 5 workdays – 15-day unpaid suspension to termination <p>Absences of 5 workdays or more – termination</p>		
7. Intoxicants (The disciplining supervisor must ensure the requirements of the drug free workplace policy and procedure are followed before taking action).			
a. Use of intoxicants while on duty, on Tribal property or Tribally controlled property or premises where official duties are performed	Rehabilitation or termination upon refusal of rehabilitation	Termination	
b. Reporting to or being on duty while under the influence of intoxicants	Rehabilitation or termination upon refusal of rehabilitation	Termination	

c. Operating a Tribal owned or leased vehicle (or privately-owned vehicle on official business) while under the influence of intoxicants	Rehabilitation or termination upon refusal of rehabilitation	Termination	
<p>8. Illegal drugs/drug paraphernalia/controlled substances</p> <p>Disciplinary action will generally not be initiated when an employee:</p> <p>(1) Voluntarily admits drug use to appropriate supervisors or management officials before being identified through other means;</p> <p>(2) Obtains and completes counseling and rehabilitation;</p> <p>(3) Thereafter refrains from illegal drug use.</p> <p>In all other circumstances, the supervisor must make appropriate referrals and initiate disciplinary action</p>			
a. Possession of an illegal drug, drug paraphernalia or other unauthorized controlled substance while on duty, on Tribal property, or on premises where official duties are performed	Rehabilitation or termination upon refusal of rehabilitation	Termination	
b. Use of an illegal drug or unauthorized controlled substance while on duty, on Tribal property or on premises where official duties are performed	Rehabilitation or termination upon refusal of rehabilitation	Termination	
c. Reporting to or being on duty while under the influence of an illegal drug or unauthorized controlled substance	Rehabilitation or termination upon refusal of rehabilitation	Termination	
d. Sale or distribution of an illegal drug or controlled substance	Termination		
e. Operating a Tribal owned or leased vehicle (or privately-owned vehicle on official business) while under the influence of an illegal drug	Rehabilitation or termination upon refusal of rehabilitation	Termination	
f. Interfering with or refusing or failing to submit to a properly ordered and authorized drug test, including substituting, altering, or	Termination		

otherwise tampering with testing samples			
g. Use of an illegal drug or unauthorized controlled substance during non-duty hours and on non-work premises	Rehabilitation or termination upon refusal of rehabilitation	Termination	
9. Prohibited Political Activity			
a. Use of one's position for political gain	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination
10. Safety and Health Violations (Penalty should take into consideration whether danger to persons or property is involved).			
a. Failure to report an accident and/or injury as required	Oral warning	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination
b. Failure or refusal to wear/use required protective equipment (e.g., seat belts, eye protection, back belt)	Oral warning	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination
c. Operation of Tribal owned or leased vehicle (or privately-owned vehicle while on official business) without an appropriate State Driver's License	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination
d. Failure or refusal to observe and/or enforce safety and health regulations or to perform duties in a safe manner	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination
11. Discriminatory Practices (Penalty should take into consideration whether violation is willful/deliberate or careless/negligent)			
a. Acting or failing to act in an official matter (including a personnel action) based on an individual's political affiliation, race, color, national origin, age, sex, sexual orientation, religion, disability, or other characteristic protected by applicable laws.	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination

b. Any reprisal or retaliation action against an individual involved in the discriminatory complaint or investigation process	15-to-30 day unpaid suspension	Termination	
c. Use of remarks, which relate to and insult or denigrate an individual's race color, religion, national origin, sex marital status, age, or disability	Written reprimand, unpaid suspension to termination	15-to-30 day unpaid suspension to termination	Termination
12. Hostile Work Environment			
a. Any form of sexual harassment	Use table below under Section 13		
b. Intimidation, Coercion, Influence or Persuasion causing stress	15-to-30 day unpaid suspension to termination	Termination	
c. Harassment	15-to-30 day unpaid suspension to termination	Termination	
d. Unauthorized interference into one's job duties, changing job duties, or work hours; or creating an intimidating, hostile, or offensive work environment	15-to-30 day unpaid suspension to termination	Termination	
e. Verbal Abuse, gossip, false accusations, or the like	15-to-30 day unpaid suspension to termination	Termination	
f. Forcing extra duties in overwhelming or unreasonable manner causing stress	15-to-30 day unpaid suspension to termination	Termination	
g. Retaliation on employee for conduct allowed by policy	15-to-30 day unpaid suspension to termination	Termination	
12. Sexual Misconduct			
a. Actual or attempted sexual assault (e.g., rape)	Termination		
b. Inappropriate and/or unwelcome touching or other physical contact	15-to-30 day unpaid suspension to termination	Termination	
c. Inappropriate and/or unwelcome teasing, jokes, actions, gestures, display of visual	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination

material of a sexual nature or remarks of a sexual nature			
d. Pressures for (or official action based on) sexual favors, including taking action favorable to an employee because of the granting of a sexual favor or denying an action favorable to an employee because of the withholding of a sexual favor	30-day unpaid suspension to termination	Termination	
13. Prohibited Personnel Practices			
a. Abuse of authority and commission of a prohibited personnel practice	Written reprimand, unpaid suspension, to termination	15-to-30 day unpaid suspension to termination	Termination

Part 6. CONFLICT/DISPUTE RESOLUTION PROCEDURES

Section 1. Employee/Management Relations Program

- 6-1-1 Policy. It is important to the Blackfeet Tribe that employee disputes are settled promptly, fairly and in an orderly manner that will maintain the efficiency of Tribal operations. Most grievances arise from a misunderstanding or dispute that can and should be resolved promptly and satisfactorily on an informal basis. Effort will be made to settle grievances at the lowest level of supervision and in the most expeditious manner.
- 6-1-2 Grievant Right and Protection. Employees shall have the right to grieve actions against them as allowed by this manual under the administrative proceeding in this Part. Should the employee not be satisfied with the administrative decision, the employee shall have the right to file an appeal with the Blackfeet Tribal Court as permitted by this policy or by law. Employees' use of their right to grieve may do so freely without fear of reprisal. This policy and procedure shall be the exclusive remedy for employment review of a disciplinary action.
- 6-1-3 Director Grievances. The Blackfeet Tribal Business Council shall serve as the Grievance Board for Tribal Director Grievances. Decisions over grievances by Tribal Directors shall be made Blackfeet Tribal Business Council and shall be final with no judicial review. The process for review of Tribal Director Grievances shall be established by the Blackfeet Tribal Business Council which shall include a minimum of: notice of allegations to Tribal Director; opportunity for the Tribal Director to respond to allegations, either in writing or by hearing or both; and, Council written response to grievance.

Section 2. Director and Employee Responsibility

- 6-2-1 Management Expectations. An important function of management is to assist employees in achieving satisfactory production. The adjustment of employees to their work situations is not the sole responsibility of the employee, but equally that of the supervisor. Supervisors are expected to provide the kind of management necessary to promote job satisfaction and efficiency. Management shall be responsible for keeping employees fully informed of departmental functions, training opportunities, changes in personnel policies and procedures, as well as privileges and obligations to employees.
- 6-2-2 Employee Expectations. It is the responsibility of employees who have a concern with any aspect of their working condition to make it known to their supervisor or other appropriate personnel to seek resolution.
- 6-2-3 Consultation with Blackfeet Tribal Business Council. Tribal members have the right to converse, assemble, and associate with the Tribal Council without threat or degradation. Such consultation shall not override any requirement of the grievance process requirements herein.
- 6-2-4 Waiver of Grievance Proceedings. If an employee fails to request any step in the procedure within the period allowed or if the employee attempts to bypass the established grievance procedure, the employee shall be considered to have waived any rights to pursue the alleged grievance. Failure to follow the grievance procedure shall also result in waiver of judicial remedy.

Section 3. General Provisions

- 6-3-1 Authority. Employees of the Blackfeet Tribe aggrieved by any action that relates to working conditions, which cannot be resolved through discussion with the immediate supervisor, may file a grievance under the provisions of this section. For purposes of this section, an employee who initiates a grievance under this Manual shall be referred to as the “grievant”.
- 6-3-2 Scope of Grievance. A grievance is defined as an employee’s unresolved dissatisfaction with an aspect of working conditions or working relationships. Grievances may include, but are not limited to, such matters as employee/supervisor relationships, duty assignments affecting the job classification, hours worked, working facilities and conditions, disciplinary actions, hostile work environment, sexual harassment, and similar matters.
- 6-3-3 Non-Grievable Situations. The following situations shall not be entitled to a grievance.
- a. Classification of position that does not result in the reduction in grade or pay of the employee;
 - b. Reductions-in-force;
 - c. Retirement;
 - d. Tribal commission or board grievances against Blackfeet Tribal Business Council or Tribal employees;
 - e. Non-selection or promotion from a group of properly ranked candidates;
 - f. Voluntary Resignation;
 - g. Temporary and Probationary Employees, unless discrimination has occurred while employed; or
 - h. Application process.
- 6-3-4 Confidentiality. All information collected during the grievance process shall be confidential to the parties and shall not be disclosed without written release by the grievant. The grievance file shall be kept at the Personnel Department under seal once a final decision of the grievance board is issued. It shall not be opened unless by order of the Blackfeet Tribal Court.
- 6-3-5 Establishment of the Grievance Board. The Blackfeet Tribal Business Council shall establish a Grievance Board to administer and decide employee grievances under this section. Establishment shall include the number of board members, qualifications of the board and terms.

Section 4. Grievance Procedure

- 6-4-1 Policy. All eligible employees are encouraged to use the grievance procedure. Employees shall be free from restraint, coercion, discrimination, or reprisal when using these procedures. It is the policy of the Blackfeet Tribe to minimize the occurrence of grievances of employees but respond promptly if they occur. Grievances will be administered in the following manner:
- 6-4-2 Step 1.

- a. *Filing the Grievance.* The grievant shall prepare the grievance in writing including facts and relief sought. The grievant shall attach any pertinent information in either document or digital form. The written grievance should represent a clear and concise statement of the grievance, including the date of the act or decision and the issue involved. The aggrieved party shall present the grievance to his/her immediate supervisor in writing with a copy submitted to the Personnel Department, within five (5) working days of the alleged act or decision using Form BTP 20.
- b. *Immediate Supervisor and Director Response.* Within five (5) working days of receiving the employee's grievance, the immediate supervisor and Tribal Director shall meet with the aggrieved employee and attempt to resolve the grievance. The supervisor must issue a written decision within five (5) working days of the meeting and provide copies to all parties involved. The written decision must provide information to the grievant what the decision is and the authority for the decision. The written decision must include facts for the basis of the decision. If the aggrieved employee is not satisfied or the supervisor or Director fails to meet with the employee, then the employee may proceed to Step 2.

6-4-3 Step 2.

- a. *Appeal of Supervisor/Director Decision.* If the complaint is not settled at Step 1, the employee may file an appeal within five (5) working days following receipt of the supervisor's written decision or inaction. The appeal shall be a written request for a review of the supervisor's decision to the Grievance Board. The appeal shall be submitted to the Personnel Department.
- b. *Timeline of the Grievance Board.* The Grievance Board shall hear the grievance within twenty (20) calendar days after the appeal has been received by the Personnel Department. The Personnel Director shall prepare all documents to the Grievance Board at least five (5) days prior to the hearing. The Grievance Board shall convene and conduct a hearing on the grievance documents provided by both the grievant and the supervisor.
- c. *Rights.* At the hearing, the grievant shall have the right to be represented by legal or lay counsel at the grievant's own expense, the right to present evidence, to ask questions of all witnesses and to respond to the allegations giving rise to the act or decision that has been taken against the grievant. The supervisor or other official who has administered the act or decision shall be afforded the same or similar rights.
- d. *Grievance Hearing Procedure.* The hearing shall be conducted as follows:
 1. Proceedings of the Grievance Board. Prior to the commencement of the grievance hearing, the Grievance Board shall review their responsibilities and obligations including, but not limited to, the following:
 - a. Prior to commencing the hearing, the grievance board shall select amongst itself a chair to facilitate the process.
 - b. The proceedings are confidential.
 - c. The proceedings except for deliberations, will be recorded on digital or tape media.

- d. The Grievance Board may instruct the parties that it has heard sufficient information to make a recommendation, or that the information being offered is not relevant.
 - e. Aside from relevancy issues, formal rules of evidence do not apply. The Board has the authority to extend/waive time limitations if it believes that the information offered is relevant and probative of the issues presented as defined below.
 - f. The Grievance Board shall be responsible to make all relevancy determinations throughout the meeting. In making these determinations, the Board shall consider whether the proposed evidence (either witness testimony or documentary evidence) relates to the disciplinary action and whether it will affect the Grievance Board's recommendation. Only witnesses who have had direct involvement in the incident leading to the disciplinary action will be allowed to participate and all questions asked should directly relate to said disciplinary action.
 - g. The Board may ask questions of the Personnel Director relating to employment policies and procedures.
 - h. The Personnel Director shall be available to assist the hearing with regards to policy and procedure; of which, shall also be rebuttable by either side.
2. *Burden of Proof.* The grievant is required to prove his or her case by a preponderance of the evidence to the Grievance Board that the aggrieved conduct issued by his or her supervisor was not warranted.
 3. *Review of Record.* The Grievance Board will convene to review the records submitted to the grievance board prior to appearance by the grievant and supervisor to present their cases.
 4. *Supervisor's Presentation.* The supervisor or his or her representative shall present to the grievance board the reasons why his/her decision should be upheld by the grievance board. The supervisor or representative may call witnesses at this time and present evidence. This presentation shall not exceed two (2) hours without the Grievance Board's permission.
 5. *Grievant Presentation.* When the supervisor's presentation has concluded, the grievant shall present to the Grievance Board the reasons why he or she believes that the disciplinary action should not be upheld and what relief is requested. The grievant may call witnesses at this time and present evidence. The presentation shall not exceed two (2) hours without the Grievance Board's permission.
 6. *Questions.* The Grievance Board members may ask questions of either party and may call for any additional information as deemed necessary in reaching a decision. If it requires information that is not readily available, the Grievance Board may accept into the record such additional information or choose to recess the meetings and reconvene when the information is available. However, under no circumstances shall any recess of the meeting be more than two (2) weeks.

7. *Final Comments.* After both parties have made their presentations, and if the Grievance Board has no final questions, then both parties shall have the opportunity to make final comments not to exceed ten (10) minutes.
 8. *Decision of the Grievance Board.* The Grievance Board chair shall put in writing Grievance Board's decision, within ten (10) working days of the hearing on the grievance. The written decision must include Findings of Fact and Authority for the decision. The decision of the grievance board shall be a final decision for purposes of the grievance procedure.
- 6-4-4 Scope of Administrative Relief. The decision of the Grievance Board shall direct a remedy or remedies consistent with the findings of the Grievance Board's decision, enforceable by the Personnel Director and/or the Blackfeet Tribal Business Council, which may uphold or modify the decision of the supervisor/director; or, any remedy to the grievant subject to the following limitations:
- a. *Limited Waiver of Sovereign Immunity.* The sovereign immunity of the Blackfeet Tribe is waived only to the extent articulated within this section in terms of permitting monetary or equitable relief to employees who have won their grievance.
 - b. *Monetary Remedy.* The Grievance Board is limited to the following monetary remedies when a grievant is found to prevail: monetary damages for actual lost wages, subject to applicable taxation; compensation for lost retirement benefits; and, loss of annual leave benefits, as established in the facts of the case.
 - c. *Equitable Remedy.* The Grievance Board is limited to the following equitable remedies: corrections in the employee file; seniority status of the employee (including any exemption from period of employment eligibility prohibitions due to termination); re-establishment of sick leave bank, or restoration of the employee back to his or her position as long as the reinstatement does not violate program policies or exceeds six (6) months from the time the employee was separated from his/her position.
 - d. *No Legal or Representative Fees.* Remedy will not include payment for grievant counsel or representative. The Blackfeet Tribe or Tribal Departments will not assume the financial responsibility for a grievant electing to use counsel or a representative. Tribal Departments shall be expected to pay for their own costs to defend the case in accordance with financial policies of the Blackfeet Tribe.

Section 5. Administrative Enforcement of Remedy

- 6-5-1 Director's Enforcement. Upon the Department's receipt of the Grievance Board's written decision, the Tribal Director will submit the required paperwork to the appropriate Tribal Department within ten (10) working days of receipt of the decision.
- 6-5-2 Non-Action by Director. A Tribal Director not complying with the Grievance Board's decision will be considered insubordinate and will be dealt with through the disciplinary procedures and the Personnel Director shall complete enforcement of the decision.

Section 6. Judicial Review

- 6-6-1 Limited Waiver of Sovereign Immunity in the Blackfeet Tribal Court. The Blackfeet Tribe shall waive its sovereign immunity in the limited manner described herein. This waiver shall be strictly construed.
- 6-6-2 Scope of Review. The Blackfeet Tribal Court shall review only final decisions of the Grievance Board. Parties may request an opportunity to supplement the record either with statements of their position or evidence. The Court shall review the Grievance Board's decision as to whether their discretion was abused, arbitrary or capricious. It shall not be reviewed De Novo.
- 6-6-3 Subject Matter.
- a. *Suspension/Termination Only.* Judicial review of final grievance decisions resulting in suspension or termination of employment.
 - b. *No Review-Director Terminations, Evaluations, Exception.* There is no judicial review of final Director terminations made by the Blackfeet Tribal Business Council, or employee evaluations or disciplinary actions not immediately resulting in suspension or termination, except in those cases where discrimination has occurred and as defined by this manual.
- 6-6-4 Civil Procedure. Petitions for Judicial Review shall be done in accordance with the Blackfeet Law and Order Code, Chapter 15, Rules of Civil Procedure.
- 6-6-5 Statute of Limitations. The statute of limitations to file the petition shall be thirty (30) days after the decision of the Grievance Board is served upon the grievant.
- 6-6-6 Equitable Relief. The Blackfeet Tribal Court is limited to the following equitable remedy:
- a. An order of the Court to the Director of Personnel to reassign or reinstate the employee when such order does not violate that program's policies or if the employee's separation has not exceeded six (6) months;
 - b. The removal of negative references from the employee's personnel file; or
 - c. Restoration of the employee's status as to seniority.
- 6-6-7 Monetary Relief. The Blackfeet Tribal Court is limited to awarding the following monetary relief:
- a. Monetary damages as established by the court's factual record, as defined in 6-4-4(b) above; and
 - b. No other monetary damages shall be allowed, including punitive damages.
- 6-6-8 Mitigation of Damages. It is the responsibility of employees to seek work or education while pursuing a grievance at the administrative level and the judicial review stages. Time and compensation for work and education shall be calculated to mitigate actual damages. In the event the employee fails to demonstrate due diligence to mitigate such damages the Court may take into consideration this factor when calculating actual damages based upon that employee's particular circumstances.

6-6-9 Appeal to the Blackfeet Court of Appeals. The decision of the Blackfeet Tribal Court may be appealed by either party to the Blackfeet Court of Appeals pursuant to Chapter 11 of the Blackfeet Law and Order Code. However, appeals shall be limited to the following:

- a. Newly discovered evidence;
- b. Objections preserved by either party in the lower court proceeding;
- c. Consistent with the subject matter jurisdiction of the lower court; and
- d. Lower Court decisions to be reviewed for error.

6-6-10 Limited Relief. The Blackfeet Court of Appeals shall be limited to the same limits on relief as the Blackfeet Tribal Court.

Part 7. TOUR OF DUTY

Section 1. Basic Workweek

7-1-1 The basic workweek for the Blackfeet Tribe consists of five (5) weekdays, Monday through Friday. Saturdays and Sundays will generally not be considered working days.

Section 2. Basic Workday

7-2-1 The basic workday shall be from 8:00 a.m. to 12:00 noon, and from 12:30 p.m. to 4:30 p.m. The normal workday will consist of eight hours of work with an unpaid ½-hour meal period. Two (2) fifteen (15) minute rest periods per day will also be provided and be considered as time worked.

Section 3. Deviations from Basic Workweek and Workday

7-3-1 Approval. A Tribal Director may change these standards according to program requirements as evidenced in writing. Such changes must be approved by the Personnel Director. Deviations to the basic workday may be made through written and approved correspondence between the employee, his/her supervisor, and the Personnel Director. Approved changes must be announced through memo to all Tribal Departments and the public through local media.

Section 4. Daily Check-in, Check-out and Attendance Procedures

- 7-4-1 All permanent, probationary, contingent, part-time, political appointments, and temporary employees of the Blackfeet Tribe are required to be on the job at 8:00 a.m. and to utilize the appropriate daily check-in and checkout procedures of their respective department/program.
- 7-4-2 The Personnel Department will have the authority to inspect and monitor each Tribal department/program check-in and checkout and attendance procedures, including inspection of all timecards, sign-in sheets, etc. for compliance and to make recommendations for improvements to alleviate any identified deficiencies. Each employee will be responsible for his/her own timecard.
- 7-4-3 Any employee who is not properly utilizing the daily check-in and attendance procedures of their department/program will be subject to disciplinary action as presented in Part 5 of this Personnel Policies and Procedures Manual.
- 7-4-4 All leave slips must be properly prepared, approved and maintained in the appropriate payroll records of each employee.

Part 8. EMPLOYEE BENEFITS

Section 1. Legal Requirements

- 8-1-1 Unemployment Insurance. All employees are covered by unemployment insurance as provided by the Montana Department of Labor & Industry Unemployment Insurance Division as prescribed by that division.
- 8-1-2 Workman's Compensation. All employees are covered by Blackfeet Insurance Services, Inc., for the purpose of providing wage loss benefits and medical costs not covered by Indian Health Services for injury sustained while on the job. Any employee injured on the job or while on approved travel status, however slightly, must report the fact immediately to the employee's supervisor. If the injury requires immediate medical attention, the employee shall be taken to a physician or hospital. For insurance purposes, it shall be the duty of the injured employee's supervisor to obtain information regarding the accident and to complete and submit the appropriate reports, as required, to the Blackfeet Insurance Services, Inc. Workman's Comp Program, within 48 hours of the accident of injury. A copy of this program shall be made available to all employees of the Blackfeet Tribe.
- 8-1-3 Federal Deductions. FICA, Social Security, Medicare, etc. as required by the United States shall be deducted for all employees.

Section 2. Fringe Benefits

- 8-2-1 General Applicability. The benefits to Blackfeet Tribal Employees shall be of general applicability. This means that all vested employees shall enjoy the same benefits. No program or individual employee is permitted to enjoy any other benefits other than listed below. The Blackfeet Tribal Business Council may; however, from time-to-time issue non-regular benefits to vested employees when the budget permits such as "Cost of Living Allowance (COLA)" or merit bonuses as long as the benefit is enjoyed by the entire Blackfeet Tribal vested employee workforce. Such action shall be taken by official resolution of the Blackfeet Tribal Business Council.
- 8-2-2 Retirement. Retirement is provided for all full-time and half-time permanent employees. The Tribe agrees to contribute three percent of the employee's salary. If the employee also contributes, the Tribe will match the contribution up to three percent of the employee's salary. Contributions will begin at the end of the probationary period.
- 8-2-3 Health Insurance. Health Insurance is available for all full-time and part-time permanent employees. The department/program pays a portion of the cost and the employee pays a portion. Enrollment in this benefit is optional and is limited to enrollment either upon hire or during the open enrollment period. Additionally, changes to health insurance may only be made during the open enrollment period. The Personnel Department shall make all notices regarding this part to the employees when applicable.
- 8-2-4 Paid Holidays and Other Official Days of Observance. All full-time, half-time permanent, contingent employees, approved essential temporary employees and political appointments

shall be paid for all holidays. In order to receive pay for a scheduled holiday an employee must be in “work” status.⁹ The following days are designated as official holidays for all Tribal employees, and the Blackfeet Tribal offices/departments/programs will be closed on these holidays:

- a. New Year’s Holiday (January 1st) * (December 31st and January 2nd)¹⁰ **
- b. Martin Luther King, Jr., Birthday (3rd Monday in January) *
- c. Bear River Massacre (January 23) **
- d. President’s Day (All Chiefs Day) (3rd Monday in February) *
- e. Earl Old Person Day (April 13th)¹¹ **
- f. Memorial Day (Last Monday of May) *
- g. Blackfeet Flood Memorial Day (June 8th)¹² **
- h. Juneteenth (June 19) *
- i. Independence Day (July 4th) *
- j. North American Indian Days (2nd Thursday of July through Sunday)¹³ **
- k. Heart Butte Indian Days (2nd Thursday of August through Sunday)¹⁴ **
- l. Labor Day (1st Monday of September) *
- m. American Heritage Day (4th Friday in September) **
- n. Indigenous People’s Day (2nd Monday in October)¹⁵ **
- o. Eloise Cobell Day (November 5th)¹⁶ **
- p. Blackfeet Warrior’s Day (November 11) *
- q. Thanksgiving Day (Last Thursday of November) * and day following **
- r. Christmas Holiday (December 25) ** (December 21-December 24 and December 26-December 30th)¹⁷**
- o. Any day designated as a holiday by federal statute or by Tribal resolution of the Blackfeet Tribal Business Council.

*Federal Pay = Double Time
 **Tribal Pay = Time and 1/2

8-2-5 Holiday Falling on Weekend. When a holiday is on a Sunday, all Tribal offices, department/programs will be closed for business on the following Monday. When a holiday is on a Saturday, the Blackfeet Tribe will be closed for business on the preceding Friday.

⁹ Resolution No. 209-2024, “Approving Amendment to the 2018 Personnel Policies and Procedures Manual Regarding Essential Temporary Employees and Holiday Pay” January 31, 2024

¹⁰ Resolution No. 153-2024, “Amending the Personnel Policy (2018) Regarding Christmas through New Year’s Tribal and Federal Holidays” December 20, 2023

¹¹ Resolution No. 145-2024, “Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information” December 7, 2023

¹² Resolution No. 332-2021 “Re-establishing June 8th as the Blackfeet Flood Memorial Commemoration and Holiday” May 28, 2021

¹³ Resolution No. 145-2024, “Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information” December 7, 2023

¹⁴ Resolution No. 145-2024, “Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information” December 7, 2023

¹⁵ E2022-04 Replacing Columbus Day with Indigenous Day, October 4, 2021

¹⁶ Resolution No. 145-2024, “Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information” December 7, 2023

¹⁷ Resolution No. 153-2024, “Amending the Personnel Policy (2018) Regarding Christmas through New Year’s Tribal and Federal Holidays” December 20, 2023

- 8-2-6 Observance of Funeral of Tribal Elected Officials. The Blackfeet Tribe shall be closed on the day of the funeral for any sitting or former Blackfeet Tribal Business Council member.
- 8-2-7 Observance of Funeral of Prominent Officials. The Blackfeet Tribe may be closed for any day or part of a day upon the death of any prominent member of the Blackfeet Tribe, provided that a majority vote of at least a quorum of the Blackfeet Tribal Business Council votes for such closure.
- 8-2-8 Weather. In the event of any emergency, including weather, the Blackfeet Tribe may be closed by the Blackfeet Tribal Business Council Chairman, or in his absence, the Vice-Chairman, or in his absence, any other member of the Executive Committee.
- 8-2-9 Other Closures. Other closures during the regular working hours not listed in this section, shall require the concurrence of at least six (6) Blackfeet Tribal Business Council members. In the event a situation arises whereby the needed number of Council members are not present, the Chairman and/or the Secretary shall get the concurrence of at least six (6) members of the Council, either in person, by telephone or by text, to close the Tribal offices. All closures issued by the Blackfeet Tribal Business Council pursuant to this section shall be classified as administrative leave.

Section 3. General Leave Policy

- 8-3-1 Definition. Leave is defined as any authorized absence with or without pay during regularly scheduled work hours approved by the employee's supervisor. Leave shall be granted in accordance with these rules on the basis of work requirements. The employee's supervisor must approve all leave in advance. The employee should complete appropriate leave slips, have them approved, and submit them with their timesheet, with a copy to the Department timekeeper. Leave may not be granted if it interferes with the operation of a Department.

Section 4. Annual Leave

- 8-4-1 Eligibility. The Blackfeet Tribe provides paid annual leave benefits, on a prorated basis, for each probationary, permanent, contingent employee and political appointment. The following outlines Tribal policy on annual leave.
- a. *Approval Process.* Except in emergency situations (as determined in the sole discretion of the employee's supervisor or Director), use of Annual Leave for a period of one (1) to four (4) days must be approved three (3) working days in advance by the immediate supervisor. Use of Annual Leave for a period of more than five (5) days must be approved ten (10) working days in advance by the immediate supervisor and should be scheduled in a way which results in minimal disruption of Tribal operations, but desires of employees should also be considered.
 - b. *When Available.* Annual leave shall be utilized on normal working days during which an employee would otherwise work exclusive of holiday, administrative leave and other non-workdays as established by these policies and procedures.
 - c. *Intra-Tribal Department Transfer.* Tribal employees who transfer to another Tribal program will not be paid for their annual leave, but will take the earned/unused annual

leave to the new program. Contingent employees subject to the closure of the program shall be paid the annual leave due from program closing. Such leave shall not be transferred to the new program.

- d. *Service Comp Date.* Annual leave benefits shall be accumulated as determined by the employee’s Service Comp Date. Annual Leave may only be earned by hours worked. Annual Leave shall not accumulate during sick leave or administrative leave.¹⁸ Prior employment within the Blackfeet Tribe shall count as years of service for purposes of calculating an employee’s annual leave benefits. Employees must provide prior Tribal employment documentation that must be verified and approved by the Personnel Director to accrue such annual leave earning rates. Prior employment does not include separate and distinct entities including but not limited to those that are chartered or incorporated under the Blackfeet Tribe. Such prior service does not waive the ninety (90) day probationary period. Permanent, contingent, probationary employees and political appointments of the Tribe will earn annual leave benefits at the following maximum rates:
 - 1. 1-3 years of employment will earn four (4) hours per pay period.
 - 2. 3-10 years of employment will earn six (6) hours per pay period.
 - 3. 10 or more years of employment will earn eight (8) hours per period.

- e. *Earned Hour Pro Rata Rate.*¹⁹ Annual leave is earned by hours worked. Within each category of Service Comp Date listed under subsection (d), each employee will earn up to that maximum rate, per pay period, according to the pro rata formula below:

Per Pay Period	ANNUAL LEAVE HOURS EARNED		
	4 hours	6 hours	8 hours
Hours Worked			
1-20	1	1.5	2
21-40	2	3	4
41-60	3	4.5	6
61-80	4	6	8

- f. *Forfeiture of Annual Leave.* Unused annual leave in excess of 240 hours at the end of the Tribal Fiscal Year shall be forfeited.²⁰

¹⁸ Resolution No. 121-2021 “Amending the Blackfeet Personnel Policies and Procedures Manual (2018) Clarifying Annual Leave must be Earned” December 16, 2020

¹⁹ Resolution No. 238-2021 “Amending the Blackfeet Personnel Policies and Procedures Manual (2018) Establishing a Pro Rata Formula for Earned Annual Leave Hours” March 23, 2021

²⁰ E2019-234 “Removing Advanced Annual Leave” September 5, 2019

- g. *Elected Tribal Officials.* Elected Tribal Officials shall not be eligible for annual leave.
- h. *Boards/Committees.* Employees serving an appointment on boards and committees shall be required to take annual leave or administrative leave without pay if said appointment requires meetings, or local conferences, etc. during regular Tribal employee hours. Annual leave shall not be permitted if the employee receives board/committee compensation for that period of time serving on the board or committee.
- i. *Probationary Period.* A permanent employee must have been employed for ninety (90) calendar days without a break in service before being able to use annual leave. At the end of the probationary employment period, accrued annual leave is credited to the employee's leave records. If the employee separates from service prior to the probationary period, all accrued annual leave is forfeited.
- j. *Separation.* Employees separated from service shall receive lump sum payments for accrued and unused annual leave in the following manner:
 1. Entitlement. An employee who has accrued unused annual leave to his/her credit and is separated from employment with the Blackfeet Tribe is entitled to receive payment for such annual leave in a lump sum, not to exceed 240 hours, less any appropriate payroll deductions and debts owed to the Tribe by the employee. Probationary employees who fail to complete probation are excluded from entitlement.
 2. Computation of Payment. The lump sum payment to which an employee is entitled will be equal to the compensation that would have been received until the expiration of the period of annual leave. Included are holidays falling within that period and compensation for such holidays to which the employee would have been entitled.
 3. Beneficiaries. Payments for accrued and unused annual leave, in the event of an employee's death, shall be made to the estate of the deceased.
 4. Employee in Military Furlough Status. Employees who are furloughed with the restoration rights in accordance with these provisions, and who do not elect to retain their annual leave to their credit, are entitled to a lump sum payment less any debts owed to the Blackfeet Tribe by the employee.
 5. Campaign Leave. Any Tribal employee who is a candidate for election to a position with the Blackfeet Tribe will be allowed to use annual leave from the time his/her petition for candidacy is officially filed until: unsuccessful advancement in the primary election; or, if advancing to the general election-the day of election, whichever occurs last.
 6. Exit. Annual leave will be paid the pay period immediately following the resignation/ termination of an employee and only upon completion of the Exit Form, which verifies that all equipment, keys, property, work is returned to the Tribal Department and verified by the Blackfeet Personnel Director.

Section 5. Sick Leave

- 8-5-1 Policy. Sick leave shall not be considered a privilege that an employee may use at his/her discretion; it must be utilized only when the employee is physically incapacitated to perform his/her daily job duties and requirements. Sick leave shall be allowed only for the following uses:
- a. Actual sickness or disability of the employee;
 - b. To see a physician;
 - c. To take one's children or dependents to see a physician;
 - d. To complete various medical, physical, optical or dental exams and treatments;
 - e. Pregnancy, with written verification from the employee's physician that the employee is physically unable to perform the duties and requirements of her position (See Family Leave);
 - f. Exposure to contagious diseases that would endanger the health of co-workers; or
 - g. The presence of a contagious disease within the employee's immediate family that requires personal care.
- 8-5-2 Earn Rate. Permanent and probationary employees of the tribe shall earn sick leave benefits at the rate of four (4) hours for each pay period. However, probationary status employees may not use any of their accrued sick leave, until the probationary period is successfully completed.
- 8-5-3 Transfer Employees. Employees who have completed an inter-department Tribal transfer shall transfer their accrued sick leave to their new position.
- 8-5-4 Unused Sick Leave. Unused Sick Leave may be accumulated and carried over from year to year with no limit. Upon termination with the Blackfeet Tribe, all unused sick leave is forfeited.
- 8-5-5 Sick Leave Use. Any employee may be granted up to three consecutive working days of sick leave by notifying his/her supervisor that he/she is sick. However, if the illness requires that the employee utilize sick leave in excess of three (3) consecutive working days, he/she must furnish to his/her supervisor a written statement from a physician stating the need to be away from one's position for more than three consecutive working days. Such information provided to the employee's supervisor shall be held in accordance with HIPAA laws.
- 8-5-6 Abuse of Sick Leave. Employees who are determined by a supervisor or Director (in his or her sole discretion) to be abusing the sick leave policy must provide a doctor's statement at the supervisor or Director's request when claiming sick leave. If such verification is not provided disciplinary action shall be issued.
- 8-5-7 Sick Leave Donation. Sick leave may be approved by the immediate supervisor and the Personnel Director, not to exceed a maximum of 160 hours, and must be accompanied by a doctor's statement that provides justification of leave. Employees must have exhausted all annual and sick leave before being eligible to request sick leave donations. Employees of Tribal enterprises may receive donations of sick leave from Tribal employees.

Section 6. Family Leave

8-6-1 Eligibility. In the case of a serious health condition of an employee or immediate family, or because of the birth of a child of an employee, or because of the placement of a child with the employee for adoption or foster care, an eligible employee may be placed on family leave not to exceed twelve weeks during any twelve (12) month period. Eligibility shall be as follows:

- a. In order to be eligible for family leave, an employee must have been employed by the Blackfeet Tribe for at least twelve months prior to the family leave, and for at least 1,250 hours of service with the Blackfeet Tribe during the previous twelve-month period.
- b. A “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider.
- c. Immediate family for the purposes of this policy is defined as spouse, son, daughter, father, mother, or other legal dependents, regardless of residence, and anyone who resides in the same household.
- d. The employee should notify his/her supervisor thirty (30) days in advance of the expected date the leave is to begin, if foreseeable.

8-6-2 Documentation. A request for family leave must be supported by a certification from a health care provider. Such certification should include:

- a. The date on which the serious health condition commenced;
- b. The probable duration of the condition;
- c. The appropriate medical facts within the knowledge of the health care provider regarding the condition;
- d. A statement that the employee unable to perform the functions of the position of the employee; or
- e. A statement that the employee is needed to care for the immediate family member and estimate of the time that the employee is needed to care for the immediate family member.

8-6-3 Unpaid. Employees will not be paid for family leave but must utilize accrued sick and annual leave, and when these credits are exhausted, the employee will be considered on “leave without pay” (LWOP) within the maximum twelve (12) month period.

8-6-4 Oversight. The Personnel Director may invoke family leave for an employee that has taken extended leave for personal or family health reasons to ensure the total amount of family leave does not exceed the twelve (12) weeks.

8-6-5 Vested Status. Employee’s rights and status remain in effect during family leave and following the employee’s return to work.

Section 7. Leave Without Pay (LWOP)

8-7-1 Definition. Leave without pay is an approved temporary unpaid status when an employee is absent from duty. It may be granted upon the employee’s request and may be approved by the employee’s supervisor and the Personnel Director, depending upon the amount of time requested for leave without pay. Leave without pay shall be granted when the circumstances warrant the need, as determined by the supervisor and Personnel Director in their sole discretion. It will be the practice of the Blackfeet Tribe to grant leave without pay when

requested by the employee only when it shall be in the mutual benefit and interest to the Tribe and the employee. Leave without pay shall not be granted for purposes of outside employment or any other purposes that are not in the best interests of the Tribe, as determined by the supervisor and the Personnel Director in their sole discretion.

- 8-7-2 Exhaustion of other Leave. No employee will be granted leave without pay until all accrued and used annual leave and compensatory time is used.
- 8-7-3 Sick/Disability Leave Limit. Leave without pay shall not exceed a maximum of one (1) year for illness or disability without resulting in separation from Tribal employment.
- 8-7-4 Prohibition on Earning of Sick or Annual Leave. While on leave without pay, the employee will not accumulate annual leave or sick leave.
- 8-7-5 Firefighting. Employees who go firefighting or participate in pack tests and physicals will be required to take leave without pay, without exception.

Section 8. Administrative Leave

- 8-8-1 Personnel Board Approval. Upon request by the Tribal Director, employees may be granted paid administrative leave by the Personnel Board in its sole discretion for any of the following reasons:
 - a. *Physical Exam.* Taking a physical examination required for determining continued employment with the Tribe, or for entry into the armed forces or when required by the local draft board;
 - b. *Blood Donation.* Donating blood to the American Red Cross or, in emergencies, to individuals for the time necessary for such donation, not to exceed four hours, providing that the employee does not receive pay for the donated blood;
 - c. *Blackfeet Tribal Activities.* Participation in public activities in which the Blackfeet Tribe participates or are interested in, provided the employees can be spared without detriment to the completion of their daily duties, provided further that it would not require the employment of a relief worker or the payment of overtime;
 - d. *Emergency Assistance.* Participating in emergency rescue or protective work under the same provisions in (c) above;
 - e. *Civil Defense Program.* Participation in federally recognized civil defense program for a reasonable amount of time up to forty hours in a calendar year;
 - f. *Voting.* An employee who desires to go to register and/or vote in an election or referendum in a civic or Tribal matter in his/her community/district may be granted administrative leave without charge to his/her annual leave as follows:
 - 1. Where the polls are not open for at least two (2) hours either before or after an employee's regular working hours, the employee may be granted leave to report to

work three (3) hours after the polls are open or leave three (3) hours before the polls close, whichever requires the lesser amount of time.

2. If an employee votes in his/her reservation district of jurisdiction, which requires registration in person, the employee may be granted administrative leave to register on substantially the same basis as for voting.

Section 9. Funeral Leave

8-9-1 Immediate Family. Employees may receive three (3) paid working days of funeral leave to arrange for or attend a funeral of a member of the employee's or spouse's immediate family as defined in Part 13.

8-9-2 Other than Immediate Family. An employee attending a funeral of someone other than an immediate family member must utilize annual leave.

8-9-3 Approval. Funeral Leave shall be granted by the employee's Director or supervisor.

Section 10. Witness/Jury Leave

8-10-1 Court Order. When an employee is subpoenaed or summoned to appear in a Federal, State, County or Tribal Court, as a juror or as a witness, such employee shall be entitled to witness or jury leave, with pay, for the entire proceeding when the employee is required to be present.

8-10-2 Fees Returned to the Blackfeet Tribe. Fees received as a witness or compensation for jury duty, excluding reimbursement for transportation and per diem in lieu of subsistence expenses, shall be paid to the Blackfeet Tribal Finance Department no later than fourteen (14) calendar days after receipt.

Section 11. Military Leave

8-11-1 Reserve Duty. Permanent employees of the Blackfeet Tribe who are members of a reserve component of the Armed Forces or National Guard shall be granted military leave, with pay, not to exceed fifteen (15) calendar days in any calendar year when they are called to active duty or training.

8-11-2 Verification. Requests for military leave, in writing, must be supported by a military certification from an officer of the Armed Forces or reserve component of which the employee is a member.

8-11-3 Annual Leave. Military leave granted in excess of fifteen (15) calendar days in any calendar year shall be charged first to the employee's accrued Annual Leave, if any.

8-11-4 Documentation of Service. Upon returning to duty with the Tribe, the employee will be required to furnish a copy of a certification of attendance and completion from his/her commanding officer to his/her immediate supervisor showing the days on which the employee was engaged in military training or service.

8-11-5 Temporary Employees. Temporary employees of the Tribe who are members of a reserve component of the Armed Forces/National Guard shall be granted military leave in, without pay, when called to active duty or training.

Section 12. Military Furlough

8-12-1 Active Duty. Tribal employees who are ordered to active duty or to an initial period of active duty, into the Armed Forces/National Guard of the United States may, at their own written request, be placed on military furlough (excused from their Tribal functions for such periods as they remain on active duty) without pay.

8-12-2 Verification. The employee must provide copies of official documents for the granting of a military furlough.

8-12-3 Vested Status for Military Furlough. While an employee is on military furlough, the Blackfeet Tribe reserves the right to appoint a temporary assignment to the employee's position. Permanent employees who have been on military furlough are entitled to restoration of employment with the Tribe in their former position when the employee:

- a. Satisfactorily completes the military training and service and receives a certificate of training, attendance, and completion to that effect unless separated for hardship or medical reasons, and
- b. Applies for restoration of employment within thirty (30) days after official release from training and service or from discharge from hospitalization, provided the employee is able to work, and
- c. Applies for restoration of employment within thirty (30) days after official release from active duty under honorable conditions.

8-12-4 Restoration Process. When a Tribal employee on military furlough meets the employment restoration criteria, it is required that they be restored to employment, usually to the position vacated when furloughed or, into a position of similar seniority, class and pay.

8-12-5 Enlistment. A permanent employee of the Tribe who voluntarily enlists into the Armed Forces or National Guard shall not be entitled to employment restoration.

Section 13. Compensatory Time

8-13-1 Policy. As a general administrative procedure, there will be specific instances when an employee may be required to work in excess of the (forty) 40-hour workweek. In such instances, when employees are required to work extra hours to complete work activities, they shall be granted compensatory time. Compensatory time shall be authorized as follows:

- a. The appropriate employee's supervisor must have previously authorized all compensatory time for work performed in writing;
- b. Accurate and up-to-date records of all accrued, available and unused/used compensatory time shall be maintained by the designated timekeeper for each program/department, and forwarded to Personnel Department for their records;

- c. Employees will be allowed to utilize accrued compensatory time benefits, with prior approval of the appropriate supervisor, when the absence of the employee will not adversely affect the daily completion of his/her duties and functions and the daily operations of his/her program/department;
- d. Employees must use compensatory time earned within thirty (30) days of accrual;
- e. An employee who becomes an official candidate for election to the Blackfeet Tribal Business Council may use accrued compensatory time in addition to any annual leave they have accrued;
- f. No payment of accrued compensatory time shall be granted to any employee while employed with the tribe or upon the employee's separation of employment with the Tribe;
- g. No compensatory time shall be granted to employees on official travel status;
- h. Compensatory time is earned at the rate of one and one-half (1-1/2) hour for each hour worked in excess of forty (40) hours in one workweek.

Section 14. Birthday Leave

8-14-1 Policy. Any employee may request paid Birthday Leave and be granted such leave by the Program Director. Birthday Leave shall only be taken on the employee's month and day of birth.

Section 15. Educational Leave

8-15-1 Policy. At times it may be necessary for an employee to request leave of absence for educational purposes. This type of leave and whether the program will pay for such leave will be considered utilizing the following factors:

- a. The degree is directly related to the employee's position and would benefit the department/program;
- b. The employee is in their final year of study in obtaining a degree. The maximum time for educational leave of absence is one calendar year;
- c. The employee must provide transcripts and copy of school registration for the term(s) they will be attending; and
- d. The employee must commit to returning to work for at least one calendar year following obtaining the degree.

8-15-2 Scope. Notwithstanding the foregoing, leave with pay not to exceed five (5) hours per week, with a maximum of two hours per day, will be granted for educational leave if attendance at an educational institution will benefit the department/program and aid the employee's professional and/or cultural development. This section does not pertain to training for employees in the regular course of that program's activities but regarded as a job duty of the employees.

8-15-3 Approval. The Personnel Director and the Tribal Director will be authorized to make the final decision.

Section 16. Cultural Leave

8-16-1 Policy. Any Blackfeet Tribal employees who practice their Indian ways shall enjoy paid leave to attend and participate in Blackfeet Indian ceremonies such as Medicine Lodges (Sun Dances), Sweat Lodges, Blacktail Dances, Feather Games, Thunder Bundle Dances, Fasting and other societies that still actively practice their Blackfeet traditional ways. Cultural Leave with pay is limited to five (5) days or forty (40) hours per calendar year. The same amount of leave will also be allowed for employees involved in Native Ministries and Spiritual Renewal (Camp Meetings, Searches, Cursillos, etc.). Annual leave shall not be charged.

Part 9. COMPENSATION

Section 1. Pay Plan Administration

- 9-1-1 Establishment of the Classification Plan. The Personnel Director, with the approval of the Blackfeet Tribal Business Council and upon advice of the Blackfeet Treasurer, shall be responsible for the development and administration of a pay plan which shall consist of a minimum and maximum rate of pay for each Grade of positions and such intermediate steps or increases as deemed necessary and equitable.
- 9-1-2 Salary. All Tribal employees shall be compensated on an hourly basis according to their approved Tour of Duty as administered by this manual on a bi-weekly basis according to a pay-period schedule established by the Blackfeet Treasurer.
- 9-1-3 Review. The Blackfeet Tribal Business Council shall periodically review and change, when necessary, the compensation and fringe benefit package plans for all classified Tribal positions after considering the recommendations and input of the Personnel Director, advice of the Blackfeet Treasurer and Tribal Directors, and prevailing wage rates of the area.

Section 2. Cost of Living Increase

- 9-2-1 Cost of Living Increase (COLA). The Blackfeet Tribe's Step rate of pay grid applies consistently to all Tribal employees, providing for an increase in wages. Such Step Increase is applied at the various years of service milestones for all Tribal Employees utilizing the Step Rate of Pay Grid. However, the Blackfeet Tribal Business Council may approve a Tribal employee COLA when deemed appropriate to compensate for a rise in the cost of living. COLAs shall not be permitted for individual programs, regardless of whether a Tribal program's funding source includes funds for such a COLA.

Section 3. Overtime

- 9-3-1 Authorization and Approval. Overtime may be authorized in emergency situations and will not be given to employees unless specifically identified and approved. Overtime shall be approved with 24 hours' notice by the Tribal Director to the Tribal Personnel Director, prior to commencement of the overtime for approval by the Personnel Board. The request shall require justification for the overtime and the program has sufficient and eligible funds for the overtime.²¹
- 9-3-2 Emergency Situation List. Programs shall provide the Personnel Board with a list of emergency situations that their program may experience in a particular circumstance that would require overtime. In an emergency, the Tribal Director must request approval from the Personnel Board and the Personnel Director within 8 hours of being notified of the emergency situation.

²¹ Resolution No. 479-2023, "Amending the Blackfeet Personnel Policies and Procedures Manual (2018) Adding the Definition of Overtime" May 9, 2023

Part 10. CLASSIFICATION

Section 1. General

10-1-1 Classification of Tribal Jobs. All Tribal positions covered by the Tribal Personnel Policies and Procedures Manual will be classified under a plan composed of grades of positions supported by written specifications setting forth the duties and responsibilities of each grade and the qualifications necessary for appointment to a position of the grade.

10-1-2 Tribal Classification Plan. The Tribal Classification Plan also known as the “wage scale” shall be updated by Council Resolution from time-to-time and be included in this Manual as an Appendix.²²

Section 2. Purpose

10-2-1 The purpose of the Tribal Classification Plan shall be to:

- a. Provide equal pay for work of equal value.
- b. Establish minimum qualification standards for recruiting and testing purposes. This includes minimum requirements of training and experience as well as minimum requirements of skills, knowledge, abilities, and other qualifications necessary for entry into the class.
- c. Provide the Blackfeet Tribal Business Council with a means of analyzing work distribution, areas of responsibility, lines of authority, and other important relationships between positions.
- d. Provide a basis for establishing standards of work performance.
- e. Indicate training needs.
- f. Provide uniform titles for positions.

Section 3. Administration of the Classification Plan

10-3-1 Classification Authority. The Personnel Director shall be responsible for the preparation of official written grade specifications for every grade of work in the Tribal Personnel System. These grade specifications and the class relationships chart and other pertinent rules will comprise the wage classification plan.

Section 4. Grade Determination

10-4-1 Comparable Information. A grade shall comprise one or more positions which are similar in the basic characteristics, duties, and responsibilities and where the same pay scale, title, and qualification requirements can be applied. The same qualification requirements shall be applied to all positions in a grade regardless of the Department in which the position is located.

²² Resolution No. 208-2024, “*Approving Amendment to the Personnel Policies and Procedures (2018) Adopting Updated Wage Scale*” January 31, 2024

- 10-4-2 Grade Specification. Each grade specification shall state the characteristic duties, responsibilities, and qualification requirements, which distinguish a given grade from other grades. Each specification shall be descriptive but not restrictive.
- 10-4-3 Factors Not Considered. The grades to which positions are assigned are determined on duties performed and responsibilities exercised or other principles or classification. Matters unrelated to classification, such as those presented below, while important in other respects, will not be considered when establishing the classification of a position:
- a. Longevity with the Tribal government or Department;
 - b. Past or future duties and responsibilities;
 - c. How well the job is performed as documented by performance evaluation;
 - d. How difficult the job is or how many hours one works; and
 - e. Whether one has excess qualifications required for the job.

Section 5. Step Determination

- 10-5-1 Comparable Information. Salary ranges shall be linked directly to the position classification plan by Step within a grade and shall be determined with due regard to the following consideration:
- a. Ranges of pay in other classes.
 - b. Prevailing rates of pay for similar employment in both public and private organizations.
 - c. Cost of living factors.
 - d. Other benefits received by employees.
 - e. The financial policy and economic conditions of the Blackfeet Tribe.
- 10-5-2 Step Specification. Each Step specification shall be based upon the job experience of the Tribal applicant or employee, directly related to the position applied for.
- 10-5-3 Reconsideration of Employee Experience. If the Personnel Department finds that an employee's work experience is not "directly related" for purposes of calculating Step rate of pay, the employee shall be granted the opportunity to provide supporting documentation to the Personnel Department.
- 10-5-4 Current Employee Experience in Job Change. Current Tribal employees who apply for and are selected for another position within the Tribe shall be compensated at the Grade of Pay as established for their new position, but shall carry over their current step rate, and such rate shall be applied to their new employment position.
- 10-5-5 Former Tribal Employee Experience. Former Tribal employees who are reemployed with the Blackfeet Tribe shall be compensated at the Grade of Pay as established for their new position but shall be permitted to return at the same Step rate at the time that said employee left from his/her employment with the Blackfeet Tribe.
- 10-5-6 Internal Transfer. Transferred employees into a new appointment shall be compensated as follows:

- a. Employees transferred to a position within the same grade of pay will continue to receive their existing rate of pay.
- b. Employees transferred to a position with a higher grade of pay will be paid at the higher rate.
- c. Employees transferred to a position in a lower grade of pay will be paid at the lower grade of pay beginning with the start of the new position.

10-5-7 Step Pay Increases. Step increases apply consistently to all Tribal employees, providing for an increase in wages. Such Step increases are applied at the various years of service milestones for all Tribal employees utilizing the Step Rate of Pay Grid.

Section 6. Classification Review

10-6-1 Timeline. The Personnel Director will perform classification reviews of positions at least once every five (5) years to determine that they are properly classified or allocated.

10-6-2 Authority. The Personnel Director may review any position to ensure that it has been properly classified.

10-6-3 Substantial Change in Duties. The Tribal Director or the employee may request a change in classification when an employee's type and/or level of work has changed substantially. Such request shall be submitted in writing to the Personnel Director accompanied by a written position description.

10-6-4 Modification. Based on the review, a position may be reclassified to an existing grade, a grade may have to be created, a previously abolished grade may be re-instituted, or the position may be retained in its current grade.

10-6-5 Notice. When there is a need or proposal to create, amend or abolish a grade specification, the Personnel Director shall give notice of the changes to the Tribal Directors, including copies of the proposed changes.

Section 7. Notice of a New Position

10-7-1 Request for Classification. When a new position is established, the Tribal Director shall submit to the Personnel Director a written position description, a request for proper classification and a written notice that the position has been established.

10-7-2 Allocation Authority. The Personnel Director shall allocate the position to the proper grade after analysis and evaluation of its duties and responsibilities.

10-7-3 Establishment of New Grade. Should the new position not fit into an existing grade, a new grade specification will be written by the Personnel Director.

Part 11. PERSONNEL RECORDS

Section 1. Administration

- 11-1-1 Authority. The Tribal Personnel Director shall establish and maintain a complete set of records on each employee covered by the Tribal Personnel Policies and Procedures Manual.
- 11-1-2 Applicable Laws. All personnel documents shall be maintained in accordance with the requirements of the Freedom of Information and Privacy Acts of the U.S. Government as they apply to Native American Personnel Management. Personnel files shall not be removed from the Personnel Department premises for any reason, or under any circumstances.

Section 2. Employee Personnel File

- 11-2-1 Composition of Personnel File. This folder shall be used as the employee's permanent personnel file and include, but not limited to, the following information:

- Application for Employment
- Notification of Employment (*Official Letter of Hire*)
- Orientation Interview
- Employee Status Change (*Personnel Action Form*)
- Notification of Permanent Full Time (after 90-day probation)
- Position Description
- Auto Insurance (if needed for job)
- W-4
- Signed Confidentiality Agreement
- Drug Free Agreement
- Letters of commendation
- Employee-related correspondence
- Performance Evaluation
- Exit Interview
- Employee's Agreement
- Termination Notice
- Training Certificates

- 11-2-2 Accessibility. The personnel file is accessible to the individual employee, the employee's supervisor, the Records Management Specialist and the Personnel Director. The Records Management Specialist shall document persons accessing the employee's personnel file and the reasons(s) for accessing the file. The personnel file shall be accessible to the Blackfeet Internal Affairs, Legal and Procurement Departments for employment claims.²³

- 11-2-3 Employee Medical Information. Confidential employee medical information, such as medical examinations or physician statements, shall be kept in a separate confidential personnel file. Medical information may only be disclosed:

²³ Resolution No. 145-2024, "Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information" December 7, 2023

- a. to supervisors and managers who need to be informed regarding necessary work restrictions and necessary accommodations;
- b. to first aid and safety personnel who need to be informed about emergency treatment;
- c. to government officials who are investigating compliance-related issues; or
- d. for purposes mandated by Tribal, state, or federal law.

11-2-4 Adverse Action File. Disciplinary actions and grievance information shall be kept in a separate Adverse Action File, accessible only to the employee, the employee's current supervisor and the Personnel Director.

11-2-5 I-9 Binder. U.S. Citizen and Immigration Services Employment Eligibility Verification Form I-9 forms and supporting documents shall be kept in a separate I-9 binder, accessible only to the Records Management Specialist and the Personnel Director.

11-2-6 Background File. Background checks and related information shall be kept in a separate Background File, accessible only to the Background/Adjudication Specialist and the Personnel Director.

11-2-7 Release of Information of the Personnel File. Notwithstanding *Section 11-2-2*, employee records are governed by the Privacy Act and may not be released without permission of the employee, by a written release of information.²⁴

²⁴ Resolution No. 145-2024, "Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information" December 7, 2023

Part 12. PERFORMANCE APPRAISAL

Section 1. General Provisions

12-1-1 Policy. Performance appraisal is a management tool for:

- a. Communicating and clarifying the goals and objectives of the Blackfeet Tribe;
- b. Identifying individual accountability for the accomplishment of organizational goals and objectives;
- c. Evaluating and improving individual and organizational accomplishments.

12-1-2 Exemptions. All Blackfeet Tribe employees are subject to the performance appraisal system with the following exceptions:

- a. Elected officials to the Blackfeet Tribal Business Council;
- b. Temporary positions for which employment is not expected to exceed twelve (12) months; and
- c. Volunteers

Although these positions are exempt from the requirements of the performance appraisal system, supervisors may still maintain records of work and take administrative action on them.

Section 2. Appraisal Period

12-2-1 Term. The appraisal period is from October 1 to September 30 of each year.

Section 3. Performance Standards and Elements

12-3-1 Establishment. The identification of performance expectations and the development of performance expectation standards requires the joint participation of the supervisor and employee. Final authority and discretion for establishing expectations and standards rests with the supervisor. Ratings may not be given unless elements and standards were established and communicated to the employee and the employee has served under those standards in the current position for ninety (90) days or more.

12-3-2 Notice to Employee of Performance Expectations. Within thirty (30) days of an employee's assignment to a position, performance expectations shall be established and communicated to the employee.

12-3-3 Notice of Appraisal. Within thirty (30) days of the beginning of each appraisal period, the supervisor shall in writing make an appointment and discuss with the employee the performance elements and standards that will be used to rate the performance using the Blackfeet Tribal Employees Performance Appraisal Form BTP13.

12-3-4 Employee Duty or Program Scope Changes. Section II of BTP13, Performance Expectations, must be re-established or revised each time the work assignment or program scope changes significantly. Performance Expectations consist of programmatic defined expectations identified by both the employee and the supervisor.

- 12-3-5 Grievance of Expectation Standards and Elements. Performance expectation standards and elements can only be grieved after they have been used to rate an employee.
- 12-3-6 Performance Standards and Elements Review Level. Performance standards and elements must be reviewed and approved at a level above the rating official. This review is to ensure appropriate levels of difficulty in all employees' standards. The final rating of the record should not be communicated to the employee until it has been reviewed. This does not prohibit discussion between the rater and the employee about the employee's performance on any or all of the performance elements or the tentative summary rating. The Blackfeet Tribal Business Council and Tribal Directors serve as both rater and reviewer for those employees reporting directly to them.
- 12-3-7 Expectation Elements. The supervisor shall identify between two and four performance expectation elements for each employee.
- 12-3-8 Element Classification. An element will be classified as critical if it is of such importance that unacceptable performance of the element would result in unacceptable performance in the position. In each employee's performance plan, at least one element must be critical and at least one element must be non-critical.
- 12-3-9 Good Level Performance. Performance standards need only be defined at the good level. Good level performance is performance of good quality, is the expected level of performance, and means that the employee produces the expected quantity and quality of work and meets deadlines for completion of the work. Performance elements and standards will be documented on the Performance Appraisal Form BTP13.
- 12-3-10 Generic Standards. The use and development of generic standards and elements are encouraged where several employees are doing the same work. Where generic standards are used, the supervisor and employee must still meet at the beginning of the appraisal period to discuss specific performance expectations and ensure joint understanding of how the employee will be rated.

Section 4. Progress Review

- 12-4-1 Procedure. Supervisors will provide for at least one progress review of standards and accomplishments during the established appraisal period. The progress review ensures that critical and non-critical performance elements and standards are appropriate and current. During reviews, the supervisor should also advise employees of current performance as measured against described standards. The supervisor documents progress reviews, with the employee initialing, dating, and noting any remarks on the Performance Rating Form.

Section 5. Measuring Performance

- 12-5-1 Rating Scale. Rating shall be issued by the employee's supervisor as follows:
- a. Outstanding level performance substantially exceeds performance standards established for the Very Good Level. (100-90 pts.)

- b. Very Good Level – Performance exceeds performance standards established for the good. (89-80 pts.)
- c. Good Level – Performance meets the performance standard established for the good level. (79-70 pts.)
- d. Improvement Needed – Performance falls below performance standards established for the Good Level. (69-60)
- e. Unsatisfactory – Performance substantially falls below performance standards established for the Good Level and below the improvement needed level. (Below 60 pts.)

12-5-2 Summary Rating. Supervisors will then assign a summary rating in accordance with the decision table in the Performance Appraisal Form.

12-5-3 Unacceptable Summary Rating. Summary ratings will be unacceptable if performance does not meet at least established good standards in one or more critical elements. If the employee performs at the unacceptable level, the supervisor must initiate reassignment, reduction in grade, or terminate subject to the provisions as outlined in this manual.

12-5-4 Other Rating Measures. Documentation of specific examples is required for each element that is appraised “Improvement Needed” or “Unsatisfactory,” and for an overall summary rating of “Outstanding.” Accomplishments are documented either on the Blackfeet Tribal Employee Performance Appraisal Form BTP13 or on a separate page attached to the completed appraisal package.

12-5-5 Employee Acknowledgment of Appraisal. The employee’s signature on the Performance Appraisal form certifies that the appraisal has been discussed with him or her; it does not indicate agreement with the appraisal. If the employee cannot sign, will not sign, or the discussion cannot be held, the supervisor documents the reason(s).

12-5-6 Rating Level. Ratings of record for all employees must be reviewed and approved at a higher organizational level than the appraising official. The Blackfeet Tribal Business Council and Tribal Directors shall serve as both reviewer and appraiser for the employees who work directly for them. Reviews shall be documented by signing the Performance Appraisal. Ratings are not final until they have received all necessary reviews.

Part 13. NEPOTISM AND EMPLOYMENT OF RELATIVES

Section 1. General Policies

- 13-1-1 Merit Employment. It is the intention of the Blackfeet Tribe to employ the most qualified personnel in compliance with the laws, rules and regulations that apply to the hiring of employees.
- 13-1-2 Nepotism Prohibited. The Blackfeet Tribe shall not condone employment practices based on nepotism, which is the hiring or direct supervision of relatives.
- 13-1-3 Standard. In recognition of the tradition of the Blackfeet Nation, these provisions relating to nepotism shall include relationships based on blood, marriage, and tradition.

Section 2. Definition

- 13-2-1 Relative. For the purposes of this policy, “Relative” is defined as any person related to the employee by blood, marriage or adoption in the following degrees: husband, wife, father, mother, child, sister, brother, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, niece, nephew, aunt, uncle, first cousin or other legal dependent, regardless of residence, and any other family member who resides in the same household.

Section 3. Practice

- 13-3-1 Supervision. No person may serve as a direct supervisor of a relative, unless the Personnel Director grants a letter of waiver in his or her sole discretion.
- 13-3-2 Waiver. The Personnel Director may waive the policy on nepotism only for a good and justifiable cause, upon advice of the Personnel Board.
- 13-3-3 Other Service. Anyone serving on any Tribal board, cooperative association, committee, subcommittee or commission shall refrain from participating in any actions regarding relatives.

Part 14. SEPARATION FROM SERVICE

Section 1. Resignation

- 14-1-1 Employee Discretion. Employees may at any time voluntarily terminate their employment.
- 14-1-2 Notice by Employee. Employees voluntarily terminating employment are requested, when possible, to submit a written letter of resignation to their direct supervisor two (2) weeks or more prior to the intended last working day.
- 14-1-3 One-year Separation Policy. Permanent and Contingent Employees who voluntarily resign from employment with the Blackfeet Tribe will be ineligible to return to work for the Tribe for a period of one year from the date of their resignation. However, the Personnel Director²⁵²⁶, on a case-by-case basis, may waive the one-year waiting period and permit an otherwise resigned employee the ability to be reemployed with the Blackfeet Tribe, if the following criteria are satisfied:
- a. The type of employment that the individual is seeking with the Tribe has specific job requirements that no otherwise qualified individual possesses; or
 - b. The employee voluntarily resigned due to their medical condition or the medical condition of a member of their immediate family that has since been resolved; and
 - c. The individual has a clean employment record with the Blackfeet Tribe and is not subject to any sustained employment disciplinary action(s).
 - d. Waivers shall not be permitted to individuals that come in the form of a Councilperson(s) directive not amounting to proper action;
 - e. Waivers shall not be permitted to individuals who will have a direct family member as a supervisor; and
 - f. Individuals that are granted waivers will be considered to be new employees of the Blackfeet Tribe and subject to the terms and conditions of the Personnel Policies and Procedures Manual.

Section 2. Layoff

- 14-2-1 Policy. It is the policy of the Blackfeet Tribe that if it must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with established requirements as outlined herein.
- 14-2-2 Consideration of Alternative to Layoff. The Blackfeet Tribe will attempt to avoid layoffs and, whenever possible, will consider alternatives to layoff before any final decisions are made.
- 14-2-3 Notice of Layoff Plan. In the event that a layoff is expected, the Blackfeet Tribe will attempt to communicate information about an impending layoff as soon as possible. However,

²⁵ Resolution No. 399-2022, “*Delegating the Blackfeet Operations Manager to Authorize Blackfeet Employment Waivers from Separation Bar*” May 18, 2022

²⁶ Resolution No. 145-2024, “*Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information*” December 7, 2023

management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the Tribe's business interests.

14-2-4 Employee Layoff Order. Employees within each affected department/program will be selected for layoff in the following order:

- a. Temporary and part-time employees will be laid off first;
- b. New employees currently in Probationary status, will be next;
- c. Permanent employees will be laid off next, based on their length of service (seniority) and their demonstrated ability to perform the necessary and available work, as determined in the sole discretion of the Tribal Director and Personnel Director.

14-2-5 Director Lay-off Order. Directors within each affected department/program will be selected for layoff based on evaluation of the following criteria:

- a. Demonstrated current and past performance;
- b. Promotion potential and transferability of skills to other positions within the Department; and,
- c. Length of service with the Blackfeet Tribe.

14-2-6 Measure of Length of Service. An employee's length of service is measured from the original date of hire with the Blackfeet Tribe, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the Blackfeet Tribe.

14-2-7 RIF Committee. A special Reduction in Force ("RIF") Committee, which shall include the Personnel Director and Tribal Treasurer, will be formed, if time and circumstances permit, to review and oversee any layoff based on the above criteria. The RIF Committee should evaluate all available facts relevant to the layoff procedure. In addition, it should take any steps it determines are necessary to assure that workers chosen for layoff have been picked in a nondiscriminatory manner.

14-2-8 Notice to Employee/Director. When possible, the employee/director shall be notified at least ten (10) working days prior to the effective date and shall be given written notice of the reasons for the layoff. Employees will also be informed of the estimated length of the layoff, and any rights they have to appeal their selection for layoff to the RIF Committee or the Personnel Department.

14-2-9 Recall List. Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. While on the recall list, employees should report to the Personnel Department if they become unavailable for recall. Employees who do not keep a current home address and telephone number on record with the Personnel Department will lose their recall rights.

- 14-2-10 Recall Process. Employees will be recalled according to business need, their classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the Personnel Department. Unless an employee responds to the recall notice within seven days following receipt of the notice or its attempted delivery, the employee's name will be removed from the recall list.
- 14-2-11 Credit for Retirement and Seniority Benefits. Credit for retirement benefits and seniority will continue to accumulate during any layoff of thirty (30) days or less. Employees laid off for more than thirty (30) days and subsequently recalled within one (1) year from the date of layoff will be credited with the years of service accumulated at the time of layoff.
- 14-2-12 Leave Benefit Payout, Non-Accrual While On Layoff. If the layoff exceeds thirty (30) days, the employee's accrued annual Leave will be paid. Employees who are laid off will not accrue Annual or Sick Leave during the layoff. If an employee returns to work following a recall, the employee may use any Annual or Sick Leave accrued but not used at the time of the layoff.

Section 3. Termination

- 14-3-1 Grounds. An employee may be terminated from his position due to an inability or unwillingness to perform job duties and responsibilities or for other misconduct as reprimanded under Part 5 of this manual.
- 14-3-2 Medical or Physical Impairment. When it is determined, based on a medical examination, that an employee is incapable of satisfactorily performing essential duties because of a physical or mental impairment that is likely to continue indefinitely or to recur frequently, the employee may be terminated. Prior to termination, the disabled employee may be offered reasonable accommodations in order for the employee to perform the essential functions of the position. If the accommodations are ineffective/unavailable, effort will be made to reassign the employee to a position within the employee's physical and mental capabilities.

Section 4. Termination Process

- 14-4-1 Form of Notice. A termination notice shall be completed by the supervisor when an employee is terminated. The supervisor must document the reason for the termination in writing using form BTP19. The employee must also be notified that they may contest the action by using the employee grievance procedure outlined in Part 6 of the Personnel Policies and Procedure Manual. Such action shall require the signature of the supervisor, Tribal Director and Personnel Director.
- 14-4-2 Equipment. Upon receipt of a termination notice or voluntary resignation, the employee shall turn in all equipment, keys, clothing or uniforms and other property belonging to the Blackfeet Tribe to the Property and Supply Department before final paycheck is issued.
- 14-4-3 Employee Exit Form. Prior to receiving payment of accrued annual leave, the employee shall complete an Employee Exit form and have the pertinent staff person initial off on their specific area before the annual leave check is issued. If an employee owes payment to any Department of the Blackfeet Tribe, the payment will be deducted from their annual leave paycheck.

14-4-4 Signatures Required. The signatures of the employee, if available, and the supervisor, Tribal Director and Personnel Director are required before final salary can be paid. The employee copy is given to the employee and a copy is submitted to the Personnel Department.

Section 5. Separation Period

14-5-1 Termination, 2-year Bar, and Exception. Permanent and Contingent Employees terminated from employment with the Blackfeet Tribe shall be barred from seeking re-employment with the Blackfeet Tribe for a period of two (2) years from the date of termination. The Blackfeet Personnel Director²⁷ may waive disqualification policy.

²⁷ Resolution No. 145-2024, “*Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information*” December 7, 2023

Part 15. TRAINING

Section 1. General

- 15-1-1 Policy. The Personnel Director shall encourage the improvement of service by providing employees with various opportunities for training, which need not be limited to training for specific jobs. It may include training for advancement and for general fitness for Tribal service.
- 15-1-2 Optional. Employee participation in the training program shall be optional. Training meetings and courses may be held on the employee's own time or, with the approval of the Personnel Board, during official working hours.
- 15-1-3 Assessment of Program Training Needs. The Personnel Director shall assist the Tribal programs in determining their training needs and assist in conducting periodic evaluations to determine the effectiveness of such programs.
- 15-1-4 In-service Training. Employees in professional, managerial, specialized or technical positions, employed by the Blackfeet Tribe, shall train subordinates to assume respective departmental duties and responsibilities within a reasonable amount of time.

Part 16. EMPLOYEE RECOGNITION PROGRAM

Section 1. General

16-1-1 Annual Recognition Ceremony. The Personnel Department shall be responsible for organizing an annual recognition ceremony and luncheon for all Tribal employees, provided economic and other conditions of the Tribe permit. The annual recognition ceremony and luncheon will be held in the spring of each year. At the recognition ceremony, supervisors will award those individuals who have demonstrated the ability to produce outstanding or superior work.

Section 2. Recognition Program

16-2-1 The Personnel Department will implement an Employee Recognition Program and encourage formal recognition of employees who have done outstanding work in their assigned position or for their length of service to the Blackfeet Tribe and other kinds of awards. In addition, this program will provide the supervisor with resources for motivating other employees to excel.

Part 17. INTERNET & NETWORK SECURITY POLICIES

Section 1. General Provisions

17-1-1 Policy. This Networking/Internet Security Policy is designed to protect, to the maximum extent practical, all sensitive and confidential information that is collected and generated from unauthorized use, modification, destruction, or disclosure, whether accidental or intentional.

Section 2. Security Violations Subject to Disciplinary Action

17-2-1 Access Limited. Access to or use of any Blackfeet Tribal domain by an individual is strictly limited to the performance of their authorized job functions. Access or use for any other purpose or sharing a user identification or password are violations of the Computer Access Agreement. Depending on the severity or continuances, such violations could result in disciplinary action up to and including dismissal.

17-2-2 Security Violations. The following examples represent a wide range of security violations. The list is not inclusive and is subject to a multitude of situations and circumstances. The IT Department and/or the Personnel Director may be contacted for clarification and guidance on any disciplinary action resulting from violation of these policies.

- a. Extracting, retaining, distributing or releasing any sensitive or confidential data without authorization.
- b. Reasonable measures not exercised in safeguarding password utilization. This can include leaving a terminal without signing off, permitting use of your access capabilities, permitting unauthorized use between individuals, or not reporting unauthorized use of passwords.
- c. Using another employee's user identification or password, with or without their consent.
- d. Loading unauthorized software or storing unauthorized files on any Blackfeet Tribal equipment.

Section 3. Scope

17-3-1 Policy. The policy will apply to all the maintained and managed peripherals within the associated computer systems at the Blackfeet Tribal departments/programs as well as:

- a. The Tribal Network section;
- b. Administrator(s) - IT Staff;
- c. Any qualified service organization or subcontractor that may be granted permission to access the internet;
- d. All application and operating systems software, datasets, libraries, and utility programs;
- e. All output generated by computer systems through the time of its transfer to ownership external or its disposal or destruction;
- f. Computerized data processing activities or while data is in the custodial care of a data processing function.

Section 4. Security of Data

- 17-4-1 Security Standards. The data processing activity within the Blackfeet Tribe is to be conducted in a secure environment. The degree of this security must be consistent with applicable federal laws. Security must be commensurate with the sensitivity and value of the data and the physical facilities considering loss or value to the Department.
- 17-4-2 Measures. Measures must be established and followed to ensure the integrity, accuracy, confidentiality and protection of data. Measures must be established and followed to ensure cost-effective, current, proven contingency plans exist for dealing emergencies, disasters and minor incidents.
- 17-4-3 Employee Responsibility. Blackfeet Tribal employees are responsible for data security and must adhere to the following:
- a. Prevent unauthorized disclosure of sensitive Tribal information;
 - b. Report any suspected compromises of sensitive information to their data Owner and the IT staff;
 - c. Maintain the confidentiality of passwords at all times;
 - d. Do not share assigned logon ids with anyone else;
 - e. Logoff when leaving a terminal unattended;
 - f. Comply with controls identified by data owners, and the IT staff;
 - g. Use computer data only as intended by the owner;
 - h. Administer appropriate data security responsibilities to all computing platforms: mainframe/minicomputers, LANs, stand-alone PC workstations, and remove access sessions; and
 - i. Allow IT staff to install an account on each applicable PC.

Section 5. Prohibited Practices

- 17-5-1 No Reasonable Expectation of Privacy. Blackfeet Tribal employees have no reasonable expectation of privacy when using any electronic device (including computers), network or wireless resources belonging to the Blackfeet Tribe, and employees are forbidden from the following on Tribal devices, networks, or wireless resources while at work or during working hours:
- a. Viewing and downloading content of pornographic sites.
 - b. Creating, storing, copying, viewing and downloading sexually explicit materials.
 - c. Viewing, downloading, storing or copying gambling content.
 - d. Downloading music programs and files such as .mp3, .mp4, .avi, .wav, .wma.
 - e. Downloading games and game software that require internet connection.
 - f. Streaming in radio and/or video broadcasts from any internet web site.

Section 6. Wireless Policy

- 17-6-1 Use at Own Risk. Wireless access will be used at the user's own risk. The Blackfeet Tribe assumes no responsibility for equipment failure or data corruption or security breaches due to the inherent vulnerability of wireless.

17-6-2 Conditions of Use. Users who connect to Blackfeet Tribe wireless resources will abide to the following conditions:

- a. Prevent unauthorized disclosure of sensitive Tribal information.
- b. Report any suspected compromises of sensitive information to the data owner and the IT staff.
- c. Maintain the confidentiality of passwords and wireless key at all times.
- d. Do not share assigned logon IDs or wireless key with anyone else.
- e. Logoff when leaving a terminal, laptop PC, or PDA unattended.
- f. Comply with controls identified by data owners, and the IT staff.
- g. Use computer data only as intended by the owner.
- h. Administer appropriate data security responsibilities to all computing platforms: mainframe/minicomputers, LANs, stand-alone workstations, PCs, laptop PCs, PDAs, and remote access sessions.

Section 7. Database Administrator

17-7-1 Responsibilities. Database administrators within each department/program are responsible for maintaining individual Department database tables and must adhere to the following:

- a. Ensure that all database user account/passwords are changed on a periodic basis.
- b. Assist in database(s) application design to ensure appropriate safeguards are in place.
- c. Ensure appropriate safeguards exits within each individual database that protect the confidentiality of client information.

Section 8. Sensitive Privileges

17-8-1 Assignment of Privileges. Assignments of sensitive privileges shall be given only to authorized individuals on an as-needed basis. The Tribal Director, data security officer and IT Director will authorize all assignments of sensitive privileges. All assignments of sensitive privileges must be formally documented in a standard form established by the IT Department.

17-8-2 Periodic Review of Privileges. The need to have sensitive privileges shall be reviewed periodically by the IT staff and all unnecessary access to sensitive privileges shall be immediately revoked. A current listing of individuals with sensitive privileges shall be maintained by the IT staff at all times.

Section 9. Network/Internet Access Approval Requirements

17-9-1 Access After Work Hours. Any requests for system access after normal work hours must be approved by the employee's supervisor and submitted to the IT staff. It is the responsibility of the supervisor to determine the reasonableness and appropriateness of the request. The IT Department will only allow access to the authorized person(s).

Section 10. Commencement/Transfer/Termination of Employment

17-10-1 Employee Access. All new employees regardless of their need to have access to a computer system must be given a username and password to access the network/internet. All new

employees must sign an information security confidentiality agreement, which includes computer network/internet security (logon security form). All new employees must be made aware of the sanctions given for security breaches. All employees who need access to a computer system must fill out an access form established by the IT Department. The Access request must be properly filled out in a letter form and signed by the appropriate user and the Supervisor. The IT staff should verify the reasonableness of all access requests and shall reserve the right to deny any access request deemed unreasonable. The reason for denial must be documented and forwarded to the Director of IT and the employee's manager.

17-10-2 Supervisor Notification Regarding Employment Changes. Supervisors are responsible for notifying the IT staff of any employee's transfer. Upon receiving the notification, IT staff must immediately process the access modification request for transferred employees. Supervisors are responsible for notifying the IT staff of any employee's termination immediately by phone so that the terminated employee's user id and password can be immediately revoked. A Computer User Registration Request Form should then be submitted as a follow up to document the request. IT staff should be notified in advance of any termination involving individuals with sensitive privileges such as a system administrator or a database administrator to ensure no harm can be done to the system.

Section 11. Password Selection/Protection

17-11-1 Password Requirements. To maintain password secrecy, users are required to change passwords that have been assigned to them by the IT staff. Passwords should not be something that can be easily guessed such as names, initials, Department IDs, or other things that could easily be associated with a user. Passwords must be composed of a combination of alphabetic and at least one numeric or special characters (i.e., \$, #, @), and be a minimum of six (6) characters and a maximum of eight (8) characters in length.

17-11-2 Password Protection by User. Sharing of passwords can result in unauthorized access, modification, or disclosure of sensitive information. Passwords should be used by one user only and it is the responsibility of that user to properly protect the confidentiality of his/her password. No user shall divulge his/her password to any other person. Failure to comply with this policy may result in disciplinary action up to and including termination. If a user suspects that another individual has learned their password, the password should be changed immediately and the IT staff should be notified.

17-11-3 Password Location. Passwords should not be stored in files, programs or hardcopy. In addition, passwords should never be taped to a terminal. Users are required to keep their passwords in areas not accessible by any other person.

17-11-4 Password Changes. Users must be prevented from reusing a password for a reasonable period of time. A password history should be maintained of at least eight previous passwords.

17-11-5 Password Lockout. After three (3) consecutive invalid password attempts, the user id should be suspended from further system access. IT staff or the system administrator must reinstate the user id before system access is allowed. Before unlocking user IDs or resetting passwords, the IT staff or system administrator must verify that the user id being reset belongs to the individual requesting reinstatement.

Section 12. Local Area Network (LAN) Security

- 17-12-1 Location. All servers and network consoles must be kept in a locked room accessible only to authorized systems personnel.
- 17-12-2 Data Control. The IT staff must identify the needs of each group of users and the type of data access rights required to perform their job functions. IT staff must ensure that access to data files, Departments are granted on an as-needed basis and review each user's effective rights on a periodic basis to ensure propriety. IT staff must ensure that all outgoing and incoming data communications telephone numbers are kept confidential and provided to personnel on an as-needed basis only. Procedures should be implemented to ensure that terminated employees and unauthorized personnel are prevented from accessing sensitive client information. Backups of sensitive client information on electronic media should be secured at all times. IT staff must ensure that access to networks and systems is limited to those with supervisory rights on the system.

Section 13. Policies Regarding Contractors

- 17-13-1 Background Check. A background check is required prior to allowing contractors to handle sensitive or confidential information.
- 17-13-2 Confidentiality Agreement. Contractors who may come in contact with sensitive or confidential Tribal information must sign a confidentiality agreement stating that they will not divulge any sensitive or confidential data to unauthorized individuals.

Section 14. Risk Assessment

- 17-14-1 Report. A risk assessment report should be prepared prior to any major system development activities or any other significant changes in computing facilities, network configurations, processing environments, data security, etc. The risk assessment report must describe the security risks associated with the changes or development and the steps to ensure compliance with Tribal security policies. The risk assessment report must be approved by the IT staff prior to the implementation of the change. Copies of risk assessment reports must be retained for audit purposes.

Section 15. Program Changes

- 17-15-1 Process. The user management and the data owner affected by program changes must approve all program changes. Programs accessing sensitive data must have a banner that clearly indicates the security classification of the data (sensitive, confidential, etc.). Sensitive data should never be copied to test libraries or databases without the express authorization of the IT staff. Programmers should not be allowed to move their own changes into production.

Section 16. Backup of Sensitive Data

- 17-16-1 Administration Regarding Sensitive Data. The IT staff must maintain a list of sensitive backups and a list of employees with access to sensitive backups.

17-16-2 Location. The IT staff must keep track of the location of all sensitive backups. Regardless of whether the backups are stored on-site, or off-site, sensitive backups must be stored in a secure location. A periodic inventory of sensitive backups must be performed to ensure that all backups are completely secured from unauthorized access and none of the backups are missing.

17-16-3 Policy Regarding Data Purge. The IT staff will establish a written procedure governing the purging of sensitive data. If the sensitive data will not be required for future processing, the data may be purged after backup copies are made.

Part 18. SOCIAL MEDIA POLICY

Section 1. General Provision

18-1-1 Policy. While the Blackfeet Nation encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of employees may become a concern if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the office; or harming the goodwill and reputation of the Blackfeet Tribe among its members or in the community at large.

Section 2. Social Media Principles

18-2-1 Use of Social Media. In the area of social media (print, broadcast, digital, and online services such as Facebook, LinkedIn, and Twitter, among others), employees may use such media in any way they choose if such use does not produce the adverse consequences noted above.

18-2-2 Guidelines for Posting on Social Media. Employees are required to adhere to the following guidelines in their use of social media, both on and off duty, whether the employee's communication:

- a. Has the potential or effect of involving the employee, their coworkers, or the Blackfeet Tribe in any kind of dispute or conflict with other employees or third parties;
- b. Interferes with the work of any employee;
- c. Creates a harassing, demeaning, or hostile working environment for any employee;
- d. Disrupts the smooth and orderly flow of work within the office, or the delivery of services to the Blackfeet Tribe's clients or customers;
- e. Harms the goodwill and reputation of the Blackfeet Tribe among its members or in the community at large; or,
- f. Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information.

18-2-3 Disciplinary Action. The employee(s) responsible for such problems will be subject to disciplinary action, up to and potentially including termination of employment, depending upon the severity and repeat nature of the offense.

18-2-4 Consultation Prior to Social Media Posts Encouraged. Employees who conduct themselves on social media in such a way that their actions toward and relationships with each other interfere with or damage work relationships, disrupt the flow of work or customer relations, or cause unfavorable publicity in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees involved should request guidance from the Personnel Director to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

18-2-5 Criminal Activity. Use of social media that involves any kind of criminal activity or harms the rights of others may result in criminal prosecution or civil liability to those harmed, or both.

18-2-6 Applicability. Social media access and use involving the Blackfeet Tribe's equipment and resources are subject to the Blackfeet Tribe's Internet and Network Security Policy at all times. How an employee uses social media is not a matter of concern as long as it is consistent with the above guidelines.

Part 19. BACKGROUND CHECK POLICY

Section 1. General Provisions²⁸

19-1-1 Policy. In an effort to ensure a safe working environment, the Blackfeet Tribe conducts pre-employment criminal background checks for all offers of employment. More extensive background checks may be required for employees whose jobs are defined as security sensitive. It is the policy of the Blackfeet Tribe to perform pre-employment background checks and adjudication. This policy is established to promote a safe and secure work environment as well as provide for the safety of the children and community members and to ensure individuals hired by Blackfeet Tribe are well qualified and have undergone a verification of personal character and suitability.

The Indian Child Protection and Family Violence Protection Act, as amended, requires tribes and Tribal organizations receiving federal funds under the Indian Self-Determination and Education Assistance Act conduct national criminal background investigations of prospective employees who will occupy positions having regular contact or control over Indian Children.

19-1-2 Employment Reference Policy. Blackfeet Tribe reserves the right to check employment references of all applicants. The process is intended to help the Tribe to evaluate the candidate's suitability to hire.

19-1-3 Confidentiality. The results of pre-employment background checks are confidential to the applicant and shall only be released on a strict "need to know" basis.

19-1-4 Scope of Background. A satisfactory background is defined as the absence of a criminal history record that bears a significant relationship to the applicant or employee's suitability to perform the required duties and responsibilities of the position. This will include reports from federal, state and Tribal sources that maintain public and non-public records. Every case must be decided on its own merits, subject to the Blackfeet Tribe and Blackfeet Personnel Department requirements that all individuals be treated equally and consistently.

Section 2. Applicants/Employees Subject to Background Checks

19-2-1 Applicants and Employees. The following applicants and employees are subject to background checks:

- a. Successful applicants for employment and temporary employees are subject to Tribal and State background checks;
- b. All current and potential employees in security sensitive positions, including part-time and temporary workers, are subject to background checks that include Sexual and Violent Offender Registry, Tribal, State, Federal, Child Protection State/Tribal, Motor Vehicle Background checks, if stated in the Blackfeet Tribal Department requirements;
- c. Volunteers, interns, WEX workers, OJT workers, and any like positions regardless of where recruited from, pre-employment requirements shall be met, which shall include a

²⁸ Updated by pertinent provisions under Resolution No. 216-2022, "Adopting the Blackfeet Tribal Employment Background Check Policy (2022)" November 17, 2021

- background check, drug test and adjudication prior to working under any Tribal Department or program²⁹;
- d. Employees who are returning to work after a separation of employment or a leave of absence longer than six (6) months; and,
 - e. Employees who change positions or if required due to Federal regulatory requirements, any additional required background checks for that position not previously been performed will be performed.

Section 3. Security Sensitive Positions

19-3-1 Determination of Security Sensitive Positions. The Blackfeet Personnel Department is responsible for determining which positions are designated as security sensitive based on the responsibilities of each position. The criteria to be considered includes, but is not limited to:

- a. Employees who will occupy positions having regular contact or control over children;
- b. Employees who will have care and safety over disabled and elderly; and
- c. Employees who have access to cash, loans, securities, bank records, etc.

19-3-2 For conduct identified in the Indian Child Protection and Family Violence Prevention Act, as amended, Blackfeet Tribe will deny employment or dismiss a candidate not meeting the suitability criteria established for positions having regular contact or control over children.

19-3-3 Program Requirements. All Blackfeet Tribal Departments must comply with their funding agencies' background requirements and, if applicable, Public Law 101-647. The requirements will be on file in the Blackfeet Personnel Office. The Blackfeet Personnel Department is the final authority on which positions are considered safety sensitive.

Section 4. Criminal Convictions/Charges

19-4-1 Criminal History. Generally, only criminal convictions, guilty pleas, pleas of no contest and deferred adjudication will be considered when determining an applicant's suitability for employment. However, criminal charges prior to conviction, for certain offenses, may be considered in employment decisions for safety sensitive positions. In determining an applicant's suitability for employment when the applicant has criminal convictions on their record, consideration will be given to the specific duties and responsibility of the position, the number of offenses and circumstances of each, the length of time and the rehabilitation efforts since the convictions(s). Applicants who submit false information on employment applications materials will not be hired.

19-4-2 Current Employees-Adverse Findings. If the results of a background check for a current employee reveal adverse information that has a significant relationship to the employee's suitability to perform the job duties, their employment may be terminated. A current employee may also be terminated for refusing to submit to a criminal background check. If it

²⁹ Resolution No. 466-2021, "Requiring Pre-Employment Requirements for All Positions under the Blackfeet Tribe" July 16, 2021

is determined that a current employee falsified employment application materials, their employment may be terminated.

19-4-3 Convictions During Employment. If an employee subject to this policy receives a criminal conviction after successful completion of the initial background check, that employee must inform the Blackfeet Personnel Department to determine whether the conviction is relevant to the employee's job under this policy. If the conviction is not relevant, no adverse action will be taken. If the conviction is relevant and it is determined that the employee is no longer suitable to perform the required duties and responsibilities of the position, employment may be terminated, or the employee may resign. Failing to report a criminal conviction, regardless of the nature, may be grounds for disciplinary action up to and including termination of employment. The Blackfeet Personnel Department has the final authority to determine suitability for employment or action required relating to a current employee.

Section 5. Background Check Procedures

19-5-1 Authority. The employment application will include the authorization release for background check.

19-5-2 The components of each individual's background check will depend on their position description. Each Blackfeet Tribal position shall include the required employment background check for that position.

19-5-3 Identity and address related searches; various types of criminal (including FBI Name and Fingerprint criminal history search and sexual offender searches) background checks; driving record verification; education verification; prior employment and professional license verification, etc.

19-5-4 Individuals are expected to provide accurate and complete information and not to omit material information needed to make a decision. The Blackfeet Tribe relies on the accuracy of information on the employment application and other data developed through the hiring processing and subsequent employment. The results of a background check will only be used for the purpose of determining an individual's suitability for employment while maintaining strict confidentiality. Individuals providing false or misleading information in their application and/or authorization may be eliminated from any further consideration.

19-5-5 Positions with Regular Contact with Children. Specifically, Section 408 of Public Law 101-630 of the Indian Child Protection and Family Violence Protection Act requires the following:

- a. A list of all authorized positions the duties and responsibilities of which involve regular contact with, or control over, children;
- b. Conduct an investigation of the character of each individual who is employed, or is being considered for employment in accordance with 25 Code of Federal Regulations Subpart 63 guidelines;
- c. Ensure minimum standards of character that each individual must meet to be appointed to such positions; and
- d. The minimum standards of character that are to be prescribed shall ensure that none of the individuals appointed to positions covered by the list described in item (a) above,

have been found guilty of or entered a plea of nolo contendere (no contest) or guilty to, any felonious offense, or any of two or more misdemeanor offenses, under Federal, State, or Tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.

19-5-6 Child Care Services. Section 231 of Public Law 101-647 of the Crime Control Act of 1990 requires background investigations of “individuals involved with the provision to children under the age of 18 of childcare services.” Childcare services is defined in the Crime Control Act as “child protective services (include the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitate programs, and detention, correctional or treatment services.” Public Law 101-647 mandates:

- a. All existing and newly hired employees undergo a criminal history background check within prescribed time limits;
- b. Employment applications shall contain a question asking whether the individual has ever been arrested for or charges with a crime involving a child, and if so required a description and disposition of the arrest or charge;
- c. Obtain signature of the employee or prospective employee indicating that the employee or prospective employee has been notified of the Blackfeet Tribe’s obligation to require a record check as a condition of employment and the employee’s right to obtain a copy of the criminal history report made available to the Blackfeet Tribe and the right to challenge the accuracy and completeness of any information contained in the report;
- d. The results of the background check shall be communicated to the Adjudicator and employer; and,
- e. Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be grounds for denying employment of for dismissal of an employee involved in the provision to the children under the age of 18 of childcare services. Conviction of a crime other than a sex crime may also be considered if it bears on an individual’s fitness to have responsibility for the safety and well-being of children.

Section 6. Fingerprinting Procedures

19-6-1 I.D. Required. The Background/Adjudication Specialist taking the fingerprints will require identification before beginning the process.

19-6-2 Custody of Fingerprint Card. After completion of the fingerprinting process, the Background/Adjudication Specialist will hand deliver the fingerprints in a sealed envelope to outgoing mail.

Section 7. Positions Requiring Employment Credit Checks

19-7-1 Authorization. All applicants and/or employees will be required to sign appropriate authorizations and consents prior to the performing of any background checks to include a Fair Credit Reporting Act Release.

19-7-2 Individuals are expected to provide accurate and complete information and not to omit material information needed to make a decision. The Blackfeet Tribe relies on the accuracy

of information on the employment application and other data developed through the hiring process and subsequent employment.

19-7-3 Having adverse information, including a judgment, lien or bankruptcy does not automatically preclude an individual's eligibility for employment. Employment credit reports will be used in the following:

- a. Positions such as Accounts payable/receivable;
- b. Employees that handle cash or cash equivalents;
- c. Senior managements, etc.

19-7-4 The credit report will be analyzed to determine the following:

- a. Is the individual in a problematic financial position?
- b. Is there evidence that there is a compelling need for money?
- c. Consideration that the individual's financial problems will interfere with their ability to perform their duties;
- d. Senior management should also be reviewed with respect to their ability to manage the Blackfeet Tribal affairs given their management of their personal obligations;
- e. Extenuating circumstances beyond the individual's control such as illness, divorce, other family problems, loss of job, etc.

19-7-5 Bankruptcy information will not be considered.

19-7-6 Having negative credit information does not automatically exclude an applicant. Every applicant will be individually considered. Under no circumstances will an employment decision be based solely on information in a credit report.

Section 8. Offers of Employment

19-8-1 Adjudication Requirement Prior to Employment. All candidates for employment will have a complete background check before beginning employment. The adjudication will not be complete until all required Tribal, State and Federal criminal history is complete and in accordance with the job description.

19-8-2 Separate File. Background checks and related information will be kept in a separate Background File, accessible only to the Background/Adjudication Specialist and the Personnel Director.

19-8-3 Employment Contingent on Successful Pass of Background Check. When the final selection for a position is completed, it shall be reiterated to the final candidate that the offer of employment is contingent upon successful completion of the background check. If the results of the background check are not satisfactory, the offer of employment is rescinded. Under no circumstances may a candidate begin employment prior to the supervisor being notified that the background results are satisfactory.

Section 9. Dispute of Information

- 19-9-1 Process. If an applicant or current employee disputes the accuracy of any information obtained in a background check, they will be referred to the agency that provided the information. An applicant or current employee disputing the information will have a timeline to provide the Blackfeet Personnel Department with the documentation to conclusively confirm the information, after which time an employment decision will be made.
- 19-9-2 Release of Information. Applicants have the right to request their criminal history directly through the agencies of interest. The Blackfeet Personnel Department will give the applicants the address to obtain their criminal history. The Blackfeet Personnel Department will not give out copies of any criminal history to the applicant.

Part 20. DRUG FREE WORKPLACE POLICY

Section 1. General Provisions

20-1-1 Purpose. The purpose of this policy is to assure fitness for duty and to protect our employees and the public from the risk posed by worker use of alcohol and drugs. This policy is intended to comply with all the applicable Federal regulations governing workplace alcohol and drug misuse. This policy sets forth the Blackfeet Tribal Drug Free Workplace Program and the testing and reporting guidelines for all Blackfeet Tribal employees as required by those regulations.

20-1-2 Objectives. The Blackfeet Tribe believes that a healthy and productive workforce is critical for the health, safety and welfare of the tribe, its members, and the community. The Tribe also believes that a safe working environment, free from the effects of drugs and alcohol, is very important. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services. The Tribe encourages any employee who has an alcohol or chemical dependency problem to seek assistance in resolving this problem through the use of available resources before the problem affects their employment status.

20-1-3 Coverage. This drug policy shall be a uniform policy and applies in general to all departments/programs and employees of the Blackfeet Tribe including pre-employment/new hires, Blackfeet Tribal Business Council members, and volunteer employees.

20-1-4 Program Administration and Compliance. The drug and alcohol test under this policy is urinalysis, an oral strip test, or a breathalyzer test, or any other medically accepted test for detecting drugs and/or alcohol, administered under approved conditions and procedures for the sole purpose of detecting drugs and alcohol. Drug and alcohol tests will be conducted by trained personnel, or a certified facility approved by the Blackfeet Tribal Business Council.

Section 2. Prohibited Substances

20-2-1 Illicit Controlled Substances or Drugs. Any illegal drug or any substance identified in Schedules I through V of the Schedule of Controlled Substances under 21 USC 812 and as further defined by 21 CFR 1308.11 through 1300.15. This includes but is not limited to marijuana, opiates, benzodiazepines, oxycodone, methamphetamine, and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Division or the U.S. Food and Drug Administration. Illegal use of any illegal drug, misuse of legally prescribed drugs and use of illegally obtained prescription drugs is prohibited.

20-2-2 Legal Drugs. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance that carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to supervisory personnel and medical advice shall be sought, as appropriate, before performing work-related duties.

20-2-3 Definition of Legal Prescribed Drug. A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing official duties is prohibited and will result in disciplinary action.

20-2-4 Alcohol. The use of beverages containing alcohol or substances including any medication such that alcohol is present in the body while performing any Blackfeet Tribal function is prohibited.

- a. The concentration of alcohol is expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing device.
- b. An evidential breath testing result of .04 grams of alcohol per 210 liters of breath (.04 BAC) or greater for alcohol is considered a positive test and considered under the influence. The employee shall be removed from duty and shall be subject to disciplinary consequences under this policy. The employee shall be paid until test results are confirmed as positive.
- c. An evidential breath testing result of .02 to .0399 grams of alcohol per 210 liters of breath (.02 to .0399 BAC) while performing official duties will result in an employee being removed from duty until their next regular work shift or 24 hours, whichever is longer. The employee shall not be paid for the period they were removed for duty. Disciplinary action against the employee shall be determined on a case-by-case basis.

20-2-5 Medical Marijuana. While the possession of medicinal marijuana is allowed for by certain states; the Blackfeet Tribe has adopted a strict policy against the possession and use of medical marijuana, in any form or quantity, within the workplace and/or within the facilities and upon the premises of the Tribe. The medical use of marijuana within the workplace means the use of marijuana at any time which produces a level of Tetrahydrocannabinol (THC), or its metabolites, within a person's bodily system that equals or exceeds the detection levels established by the Federal Motor Carrier Safety Regulations, 49 CFR Part 40; while performing work or the supervision of work within the workplace.

Section 3. Types of Tests

20-3-1 Pre-Employment/New Hires. Newly hired employees for all job positions shall undergo drug testing prior to employment. All newly hired employees subject to this policy shall be given full notice of testing requirements and procedures and the consequences of refusal or a positive result. Those persons shall then be given a place, date and time at which to appear, by the use of their own transportation, for the purposes of sample collection. Receipt by the Blackfeet Tribe of negative test results is required prior to employment and failure to pass will disqualify the newly hired employee. Refusal to submit to the drug/alcohol test will result in the newly hired employee being terminated from the hiring process.

20-3-2 Reasonable Cause. All employees are subject to fitness for duty evaluation including a drug and/or alcohol test when there is reasonable cause to suspect impairment immediately prior, during, or immediately after performing job duties. Such referrals need to be brought to the attention of the Department Alcohol/Drug Officer (ADO). A referral for testing will be made on the basis of documented objective facts and circumstances. Such referrals will be made

by an ADO who is trained to detect the signs and symptoms of drug and alcohol use. The referral will be documented utilizing the Observed Behavior Reasonable Suspicion Record document.

20-3-3 Transportation to Testing Facility. Under no circumstances shall an employee who is required to be drug/alcohol tested due to reasonable cause be permitted to transport him/herself to the testing facility. If an employee refused to accept transportation, such refusal will be construed as refusal to take the test. Once the employee is notified that they will be drug/alcohol tested, that employee shall be transported by Blackfeet Security to the collection/testing site.

20-3-4 Employee Consent to Drug/Alcohol Test. All employees, including the BTBC and pre-employment/new hires, shall be given the appropriate Control & Custody form that provides for their consent to test. Upon consent, collection of the specimen shall proceed.

20-3-5 Post Job Injury/Accident Testing

- a. *Fatal Accidents.* As soon as practicable following an accident involving the loss of human life, the Tribe shall test each surviving covered employee operating the vehicle for the Tribe at the time of the accident. The Tribe shall also test any other covered employee whose performance could have contributed to the accident, as determined by the Tribe using the best information available at the time of the decision.
- b. *Non-Fatal Accidents.* As soon as practicable following an accident not involving the loss of human life, in which the vehicle involved is a bus, van, or automobile, the Blackfeet Tribe shall test each covered employee operating the vehicle for the Tribe at the time of the accident unless the Tribe determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident. The Tribe shall also test any other covered employee whose performance could have contributed to the accident, as determined by the Tribe, using the best information available at the time of the decision.
- c. *Job Injuries.* As soon as practicable following a job-related injury, the Blackfeet Tribe shall test the injured employee when the employee's performance could have contributed to the injury, as determined by the Tribe, using the best information available at the time of the decision. Additionally, the Tribe shall also test any other covered employee whose performance could have contributed to the injury, as determined by the Tribe, using the best information available at the time of the decision.

20-3-6 Random Testing. The following Blackfeet Tribal employees shall be subject to random drug/alcohol testing: law enforcement officers, bus drivers, any employee who is required to have a commercial driver's license, employees who work exclusively with children, seniors or vulnerable adults, cash handlers, Department Directors, members of the BTBC and those employees working with prescription drugs in their workplace. A specified percentage of the above stated persons will be randomly chosen for testing during each year. Selection for testing will be conducted in a scientifically valid manner ensuring that every person has an equal chance of being chosen for drug and/or alcohol testing, each time a random selection is conducted.

Random selection will be generated by a computer algorithm that uses no personal information of the person being selected. Random selection will occur at regular intervals during the course of the year, ensuring random testing occurs throughout the year.

- a. It shall be the responsibility of the Blackfeet Tribal Personnel Director to provide a list of all Tribal employees and BTBC members, listed in above section, to the computer algorithm administrator.
- b. The Blackfeet Tribal Personnel Director will be provided with the list of randomly chosen individuals by the computer algorithm administrator each selection period and will determine the date for individual testing. All persons selected will not receive advance notice of the testing dates.
- c. Under no circumstances shall an employee who is required to be drug/alcohol tested due to random testing be permitted to transport him/herself to the testing facility. If an employee refused to accept transportation, such refusal will be construed as refusal to take the test. Once the employee is notified that they will be drug/alcohol tested, that employee shall be transported by Blackfeet Security to the collection/testing site.

Section 4. Education, Training, Inspection and Notice of Inspection

20-4-1 Education. Blackfeet Tribal employees are to be advised in writing of the Drug and Alcohol-Free Workplace Policy. This notification may be accomplished by posting the policy on the employee bulletin board and/or through reading the Policies and Procedures Manual. The Personnel Director and supervisor and/or Tribal Director shall become Alcohol/Drug Officer (ADO) certified. These individuals will be fully trained in the detection of alcohol/drug use and Tribal procedures regarding the Blackfeet Tribal Drug Testing Policy.

20-4-2 Required Training. ADOs shall be trained in the following areas:

- a. Detection of illicit drug or alcohol use by observing the following, including, but not limited to:
 1. Symptoms and effects;
 2. Methods of identifying employees who may be subject to the effects of illicit drugs and/or alcohol;
 3. Methods of referring employees who may suffering from personal problems that could signal possible drug and/or alcohol used problems, and
- b. Procedures related to:
 1. Handling employees who appear to be under the influence of illicit drugs and/or alcohol;
 2. Drug and/or alcohol testing policy, rules, procedures and safeguards;
 3. Counseling programs and alternatives available; and
 4. Safety aspects of illicit drug use and/or alcohol abuse problems in the workplace.
- c. ADOs shall be required to attend annual refresher courses.

- 20-4-3 Inspections for Illicit Drugs and/or Alcohol. Illicit drugs and/or alcohol are prohibited anywhere on or in the Blackfeet Tribal facilities, properties and/or work areas. Inspections of work areas including workstations may be conducted randomly and without notice to ensure that illicit drugs and/or alcohol are not present.
- 20-4-4 Illegal Drug Activity. Any employee engaging in the manufacture, distribution, dispensing, possession, or use of prohibited substances (controlled substances or illegal drugs and/or alcohol) on the work premises of Tribal buildings, in Tribal vehicles, in uniform or while on duty or on Tribal business, will be subject to disciplinary action, up to and including termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.
- 20-4-5 Notice of Right to Inspect. Notices shall be posted at or near the employee bulletin boards in Tribal buildings and at other appropriate places stating that duly authorized Blackfeet Tribal personnel reserve the right to periodically inspect all Blackfeet Tribal property and premises for illicit drugs, drug paraphernalia and/or alcohol.

Section 5. Drug and Alcohol Testing Procedures

- 20-5-1 Collection Procedures. Testing will be conducted in a manner to assure a high degree of accuracy and reliability. The techniques will include chain of custody procedures that conform to 49 CFR Part 40. Both alcohol and drug testing will be conducted in an environment that affords maximum privacy. The testing/collection facilities staff shall conduct all sample collections only. Such personnel shall be trained and certified to perform all tests/collections in accordance with federal standards. The testing collection facility shall take all steps necessary to insure privacy and confidentiality.

Urine collections will be divided into two specimen containers (split specimens) by the collector in the presence of the employee or applicant providing the specimen. Both specimens will be sent to the laboratory for testing. The A specimen will be used for initial testing and confirmation. The B specimen will be kept in secure storage by the laboratory in the event that further testing of the sample is required. Specimens will be maintained by the laboratory in conformance with 49 CFR Part 40.

- 20-5-2 Urine Specimen Testing. Specimens will be shipped to and tested by a SAMHSA certified laboratory. Testing will be performed in conformance with 49 CFR Part 40.
- 20-5-3 Confirmation Testing. All samples that initially test positive for the presence of alcohol or drugs will be automatically subjected to confirmation testing procedures. Confirmation testing will be performed in conformance with 49 CFR Part 40 through use of gas chromatography-mass spectrometry (GcMs) methods.
- 20-5-4 Re-Testing. Following a positive and confirmed test result, an employee may exercise the right to have the B specimen initially provided by the employee re-tested by a SAMHSA certified laboratory other than the laboratory that conducted the initial testing. The employee, within three (3) working days of receiving the official written test results, shall make the decision regarding such subsequent testing. The employee must contact and authorize the Medical Review Officer (MRO) to order the specimen released from the initial

testing laboratory for retesting at an independent SAMHSA certified laboratory. All costs for such subsequent testing shall be the sole responsibility of the employee.

20-5-5 Notification of Test Results. All employees required to submit to a drug/alcohol test shall be notified of their test results immediately upon their availability. A copy of the test results can be obtained by any employee upon written request.

20-5-6 Procedures to Evaluate Prescription Drug Use. Employees testing positive in a drug test will have the opportunity to speak with a Medical Review Officer (MRO) prior to the reporting of the positive results to the Blackfeet Tribal Personnel Department. The Medical Review Officer (MRO) is a licensed Medical Doctor or Doctor of Osteopathy who has been training in substance abuse and substance pathology. The MRO will interview the employee testing positive to determine if there is a legitimate medical reason that could have caused the employee to test positive. The employee will have the opportunity to provide the MRO with pertinent medical information explaining the positive test result including prescription medications the employee may be taking. Failure to contact the MRO for an interview or avoiding telephone calls from the MRO for an interview may result in the MRO reporting the test as a positive test result.

20-5-7 Confidentiality and Access to Information Limited to the Personnel Office. Confidentiality is maintained through the drug/alcohol testing process. All positive test results are first forwarded to the Personnel Department. The Personnel Director will maintain results in the strictest of confidence in a medical file separate from the official personnel file. In cases where disciplinary action results from a positive test, such information is shared only by those in a supervisory capacity involved in that action. The Blackfeet Tribe will carry out this policy in a manner that respects the dignity and confidentiality of those involved.

Medical information provided by an employee to the MRO during the Medical Review process will be kept confidential by the MRO and will not be divulged to the program administrator or the Personnel Department. The MRO will only report test results as negative or positive, and if positive, the substance for which it is positive.

20-5-8 Record Keeping. All training and testing records pertaining to the Blackfeet Tribal Drug Free Workplace Policy and Drug Testing Policy will be maintained for five (5) years.

Section 6. Disciplinary Action and Procedures

20-6-1 Notification of Action and Defenses. Employees subject to disciplinary action as the result of a violation of a section of the Alcohol and Drug Free Workplace Policy shall be informed by his/her immediate supervisor and/or the Personnel Department, in writing, that disciplinary action will be taken. Such notices shall include the following: a full explanation of the process through which the action will be handled as set forth in this policy. In cases involving an alcohol/drug test, an explanation of the employee's right to have the same sample initially given by the employee re-tested by a different SAMHSA certified testing laboratory. The employee, within three (3) working days of receiving the official written test results, shall make the decision regarding such subsequent testing. The employee must contact and authorize the MRO to order the specimen released from the initial testing laboratory for retesting at an independent SAMHSA certified laboratory.

- 20-6-2 Blackfeet Tribal Business Council. BTBC members who test positive for drugs or alcohol will face consequences according to the provisions contained in Article V, Section 2 of the Blackfeet Constitution and By-Laws, and will be held accountable by the rest of the BTBC according to those same provisions. BTBC members who test positive for drugs or alcohol will not be allowed to grieve pursuant to the Blackfeet Personnel Policies and Procedures Manual. Their rights to due process shall follow Article V, Section 2 of the Blackfeet Constitution and By-Laws.
- 20-6-3 Refusal to Test. Any employee who refuses to comply with a request for drug/alcohol testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering contamination, alteration, or substitution shall be terminated. Refusal can include an inability to provide a specimen or breath sample without a valid medical reason or delaying arrival at the collection site. Such refusal will be treated, as insubordination and the employee shall be terminated.
- 20-6-4 Grievance. An employee for whom disciplinary action is required as a result of a positive test result shall be afforded the right to grieve as set forth in this manual.
- 20-6-5 Return to Duty. Employees who return to duty after being terminated due to a violation under this policy and/or have successfully completed drug/alcohol rehabilitation, must agree to a Return to Duty Contract. The contract may include, but is not limited to:
- a. A release to work statement from an approved substance abuse professional;
 - b. A negative test for drugs and/or alcohol;
 - c. An agreement to unannounced frequent follow-up testing;
 - d. A statement of expected work-related behaviors; and
 - e. An agreement to follow specified aftercare requirements with the understanding that violation of the Return to Duty Contract is grounds for termination.
- 20-6-6 Disciplinary Action Resulting from Positive Alcohol/Drug Test
- a. *First Violation*. An employee who has been found to commit a first violation of the Alcohol and Drug Free Workplace Policy shall submit to an assessment/evaluation performed by a substance abuse professional. If the employee is found to be chemically dependent, the employee must successfully complete treatment before returning to work, shall be required to enter into a Return to Duty contract and shall be placed on probation for one year. All rehabilitation costs will be the responsibility of the employee. Employees who are found not to be chemically dependent by a substance abuse professional may be required to enter into a Return to Duty Contract. A decision to place the employee under a Return to Duty contract will be done on a case-by-case basis.
 - b. *Second Violation*. An employee, who has been found to commit a second violation of the Alcohol and Drug Free Workplace Policy, whether during a probationary term or following completion of such a term, shall be terminated.
 - c. *Immediate Termination*. The above first violation of the Alcohol and Drug Free Workplace Policy disciplinary action shall not apply in any case where an employee has endangered the life or wellbeing of the public or another employee by his/her conduct.

These types of violations will be treated as a second violation and the employee shall be terminated.

- d. *Re-employment Bar.* Any employee who is terminated from employment due to violation of this policy will not be eligible to return to duty for a period of at least two (2) years.

Receipt of Blackfeet Tribe Personnel Policies and Procedures Manual

(Return this form to Personnel Department)

I have received a copy of the Blackfeet Tribe Personnel Policies and Procedures Manual, specifying policies and regulations, which I agree to observe and follow during my employment with the Tribe. I understand that it is my responsibility to be familiar with its contents and to ask questions on any matters I do not comprehend. I understand that this manual has been prepared for information and guidance purposes for employment at the Blackfeet Tribe. Some of the information will change from time to time since our policies are reviewed and revised when appropriate. I understand that I will be notified in writing of such changes.

I UNDERSTAND THAT THERE IS NO GUARANTEE OF EMPLOYMENT MADE TO ANY STAFF MEMBER, EITHER EXPRESSLY OR IMPLIED, IN THIS MANUAL AND THIS MANUAL DOES NOT CONSTITUTE AN EMPLOYMENT CONTRACT.

Signature

Date

Employee's Printed Name

Personnel Department Signature

Date

This form must be signed, dated, and submitted to the Personnel Department before first paycheck is issued to the new employee.

Footnotes of Amendments

Date	Resolution	Footnote	Pages
January 31, 2024	Resolution No. 209-2024, “Approving Amendment to the 2018 Personnel Policies and Procedures Manual Regarding Essential Temporary Employees and Holiday Pay”	6, 9	31, 64
January 31, 2024	Resolution No. 210-2024, “Repealing Resolution No. 288-2007A and Approving Qualifications for all Boards, Committees and Commissions appointed by the Blackfeet Tribal Business Council, to be added into the Personnel Policies and Procedures Manual (2018)”	8	31
January 31, 2024	Resolution No. 208-2024, “Approving Amendment to the Personnel Policies and Procedures (2018) Adopting Updated Wage Scale”	22	76
January 19, 2024	Resolution No. 182-2024, “Amending the Personnel Policies and Procedures Regarding Eligibility of Transfers and Status of Vested Employees” January 19, 2024	3, 4	24, 25
December 20, 2023	Resolution No. 153-2024, “Amending the Personnel Policy (2018) Regarding Christmas through New Year’s Tribal and Federal Holidays”	10, 17	64
December 7, 2023	E2024-40 “Approving Annual Issue of Blackfeet Tribal Personnel Policies and Procedures Manual”	1	18
December 7, 2023	Resolution No. 145-2024, “Amending the Personnel Policy (2018) Regarding Holidays, Employment Waivers, Advertising Temporary Positions, and Employee Release of Information”	5, 11, 13, 14, 16, 23, 24, 26, 27	31, 64, 79, 80, 85, 88
May 9, 2023	Resolution No. 479-2023, “Amending the Blackfeet Personnel Policies and Procedures Manual (2018) Adding the Definition of Overtime”	2, 21	19, 75
December 1, 2022	E2023A “Amending E2023/Authorization for Temporary Employee Travel”	7	31,
May 18, 2022	Resolution No. 399-2022, “Delegating the Blackfeet Operations Manager to Authorize Blackfeet Employment Waivers from Separation Bar”	25	85
November 17, 2021	Updated by pertinent provisions under Resolution No. 216-2022, “Adopting the Blackfeet Tribal Employment Background Check Policy (2022)”	28	99
October 4, 2021	E2022-04 Replacing Columbus Day with Indigenous Day,	15	64
July 16, 2021	Resolution No. 466-2021, “Requiring Pre-Employment Requirements for All Positions under the Blackfeet Tribe”	29	100
May 28, 2021	Resolution No. 332-2021 “Re-establishing June 8 th as the Blackfeet Flood Memorial Commemoration and Holiday”	12	64
March 23, 2021	Resolution No. 238-2021 “Amending the Blackfeet Personnel Policies and Procedures Manual (2018)”	19	66

	<i>Establishing a Pro Rata Formula for Earned Annual Leave Hours</i>		
December 16, 2020	Resolution No. 121-2021 <i>“Amending the Blackfeet Personnel Policies and Procedures Manual (2018) Clarifying Annual Leave must be Earned”</i>	18	66
September 5, 2019	E2019-234 <i>“Removing Advanced Annual Leave”</i>	20	66

Issue Dates:

Resolution No. 214-2024, “Approving Issue of the Blackfeet Personnel Policies and Procedures Manual (2024), as amended, January 31, 2024

Resolution No. 16-2023, “Adopting the Amended Blackfeet Personnel Policies and Procedures Manual (2022)”, September 26, 2022

Resolution No. 107-2019, “Repealing the Blackfeet Personnel Policies and Procedures Manual of 2003 and Adopting the New 2018 Blackfeet Personnel Policies and Procedures”, December 19, 2018