

Muscogee (Creek) Nation

Executive Branch Office of the Administration

HUMAN RESOURCE MANAGEMENT SERVICES

POLICIES AND PROCEDURES MANUAL

UPDATED: 8/7/14

Note: This volume of policies and procedures serves as an operational guide for the Muscogee (Creek) Nation. This publication does not purport to be definitive; rather, it is meant to supplement other policy publications of the governing body.

This document should communicate important policy to all employees of the Muscogee (Creek) Nation, as well as other publics. Furthermore, this document must be viewed as a “living” document. As such, it is subject to change by the National Council, the Office of Principal Chief, and members of its administration at any time, without prior notice.

**PART III
EXECUTIVE ADMINISTRATIVE MANAGEMENT
VOLUME IV
HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL**

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MISCELLANEOUS POLICIES AND PROVISIONS

TR 96 – 08 Codification #33. Proclamations and Resolutions

Executive Order: 94 – 03 “Personnel Policies and Procedure Manual”

- 1.00 Purpose and Scope
- 2.00 Policy
- 3.00 Policy Making Entity
- 4.00 Executive Authority
- 5.00 Definitions
- 6.00 Distribution

Wage and Salary Schedule

- Hourly Wage Schedule (Full Time)
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§ 401. GENERAL PROVISIONS

Chapter A. Purpose

The purpose of the Personnel Policies and Procedures is to provide an administrative framework for operating branch management to achieve the following:

- (1) To estimate the size and makeup of the future work force, helping the tribal government acquire the right number and types of people when they are needed.
- (2) To recruit and attract the best-qualified applicants to fill vacancies in compliance with applicable federal and tribal laws governing employment policies.
- (3) To set forth a uniform hiring process for each position with the tribal government.
- (4) To provide a training and development program including orientation activities that informs employees of policies and procedures, educate them in job skills, and develop them for future advancement.
- (5) To provide a system of compensation that is equitable to both the tribal government and the tribal employee, to motivate tribal employees to work hard and accomplish goals, to attract qualified job applicants and retain good employees.
- (6) To provide a method that facilitates and encourages the equitable settlement of grievances that arise in the workplace.

Chapter B. Scope and Application

The guiding principles contained in these Personnel Policies for the Muscogee (Creek) Nation shall apply to the jurisdiction of the executive branch of the government of the Muscogee (Creek) Nation and those agencies, divisions and/or organizations which are subject to the authority of the executive branch of the Muscogee (Creek) Nation except those agencies/organizations governed under independent authority. These policies shall also apply to the other branches of government and those excepted agencies/organizations which have enacted in writing the desire to utilize and comply with personnel support services provided by the executive branch.

Indian Tribes are exempt from certain federal and state labor and employment laws. Therefore, employees should understand that they may not enjoy certain rights or protections normally afforded by such laws.

The administrative activities associated with personnel include, but are not limited to, the following:

- (1) Human Resource Planning: Recruitment, Employment, Training and Performance Evaluations.
- (2) General Employment Policies: Employment Classification System, Standards and Attendance, Positional Changes, Separations, Disciplinary Actions, Grievance Procedures, Harassment, Safety and Work Environment, Travel Policies and Employee Organizations.
- (3) Compensation and Benefits: Wage and Salary, Pay, Job Requirements, Benefits, and Recognition and Awards Program.
- (4) Miscellaneous Policies and Provisions.

Chapter C. Policy

Title 1. Standards

- (a) The personnel procedures of the Muscogee (Creek) Nation shall be administered according to the following principles:
 - (1) Employment consideration shall be extended without regard to color, creed, national origin or religion.
 - (2) Promotion from within shall be a goal.
 - (3) Every effort shall be put forth to acquire the best available employee to fill employment opportunities.
 - (4) Compensation shall be based on job performance and shall be comparable to prevailing rates and classifications in industry and government.
 - (5) Procedures shall be established which shall ensure job evaluations are directly related to job performance and the job evaluation process is equitable to other employees that are within the same job classification.
 - (6) Indian and Muscogee (Creek) preferences as to all employment actions shall be implemented consistent with the spirit of the federal employment laws and in compliance with tribal employment laws.
 - (7) Veteran preference as to all employment actions shall be implemented consistent with the spirit of the federal employment laws and in compliance with tribal employment laws.
 - (8) Points awarded in the employment process or Indian, Muscogee (Creek) and Veteran status identified in 6 and 7

above, shall be added to scores on the Interview Report form as follows:

Muscogee Citizen/Veteran – 5 points; Muscogee Citizen – 4 points; Indian/Veteran – 3 points; Indian – 2 points.

Title 2. Revisions

- (a) This Personnel Policies and Procedures Manual is a compilation of statements of policy and procedure which the Muscogee (Creek) Nation fully expects to follow. However, such Personnel Policies and Procedures may be subject to change from time to time.
- (b) When a manual revision is required, the requested change is to be submitted in writing to the Office of the Principal Chief. The Principal Chief shall then confer with the appropriate administrative staff to ensure change is needed. Should it be determined the change is needed, the change shall be adopted and supplements issued by Executive Order.

Title 3. Interpretation

- (a) The provisions of the Personnel Policies and Procedures contained in this manual shall be binding on all personnel. The interpretation of any provision of the Personnel Policies and Procedures shall be a function of Personnel Services.

Chapter D. Definitions

Throughout the Personnel Policies and Procedures Manual of the Muscogee (Creek) Nation the following definitions shall apply:

Major Department Head – shall be defined as the executive officer of a Department, Agency or other primary organizational unit within the government of the Muscogee (Creek) Nation (i.e., Deputy Director).

Supervisor – shall be defined as the person who has direct line authority over a particular position and may include the supervisor, manager, director, commissioner or other title which is applicable to the particular section or part in question.

Unit/Work Unit – is defined as the department, division, agency or other element which is applicable to the particular section or part in question.

Immediate Family – is defined as a parent, spouse, child, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents of the employee or his/her spouse, and grandchildren of the employee, or “foster” or “step” situations within these relationships.

§ 402. HUMAN RESOURCE PLANNING, SELECTION AND DEVELOPMENT

Chapter A. General Policy

The Human Resource Planning system shall provide a comprehensive and integrated administrative framework so that the various personnel functions can be administered according to the purpose and policy set forth in § 401, General Provisions of the Personnel Policies and Procedures. This section describes both the support systems needed and the uses to which those systems shall be put in order to provide the required framework.

Chapter B. Personnel Inventory and Projections

Title 1. Staffing Profile

- (a) Staffing Profile shall be defined as an organized list of positions required to perform functions ascribed to particular units within an organization.
- (b) Staffing Profiles shall be developed for each work unit of the government based upon the most recent organizational and functional analysis.
- (c) Staffing Profiles shall be reviewed annually as part of the budget preparation process or whenever a position becomes vacant. The affected work unit is responsible for submitting updated Staffing Profile form(s) to Personnel Services whenever changes occur.
- (d) The Staffing Profile shall be prepared on the Staffing Profile forms (See Appendix), listing the unit for which the staffing is being prepared and its parent organization, position, title number, whether full-time, part-time, temporary, Special Employment Program (SEP), salary classification and funding data if applicable.

The two types of Staffing Profile forms are:

- (1) Budgeted Position (See Appendix); and
 - (2) Projected Position (See Appendix)
- (e) Personnel Services with the assistance of each relevant organizational unit shall prepare the Staffing Profile.
 - (f) All positions eligible for funding shall appear on the authorized Staffing Profile prior to being considered for any proposal for funds.

- (g) The types of positions which shall appear on the Staffing Profile are defined as follows:
- (1) Full-Time Employment – shall be defined as a position having a work schedule of 8 hours per day and 40 hours per week.
 - (2) Part-Time Employment – shall be defined as a position having a work schedule of 8 hours or less per day and less than 40 hours per week.
 - (3) Regular Positions – shall be defined as a position which, from its implementation, remains continuously within a department.
 - (4) Temporary Positions – shall be defined as a position which has no permanence as to duty or time and may be scheduled for work 8 hours a day, 40 hours a week, 8 hours a day or less, and less than 40 hours per week.
 - (5) Special Employment Programs – shall be defined as those job programs administered by contract.

Title 2. Budgeted Positions

- (a) A Budgeted Position shall be defined as a position for which funds have been:
- (1) Authorized;
 - (2) Appropriated; and
 - (3) A budget issued.

All three (3) criteria shall be satisfied before a position is filled.

- (b) The Budgeted Position Profile shall be an informational work document for Personnel Services and Personnel Services shall not take action to fill a particular position until an Employee Requisition Form (See Appendix) is received.
- (c) Each work unit shall attach a current organizational chart to each Budgeted Position form which is submitted.

Title 3. Projected Positions

- (a) Projected Positions shall be defined as those positions which are projected as a future need in an existing or new organization.

- (b) Projected Position forms shall be utilized by Personnel Services for resource inventory evaluation, training, development, recruitment and other related uses.

Title 4. Employee List

- (a) Employee List shall be defined as a comprehensive listing of all full-time, part-time and temporary individuals who are employed by the Muscogee (Creek) Nation.
- (b) The Employee List shall provide the employee name, social security number, address, telephone number, location of service and employment status, i.e., full-time, temporary, etc.
- (c) The Employee List shall be treated as a matter of confidentiality and shall not be released for public use. Persons listed shall have the right to see their own name and information listed therein.
- (d) The Employee List shall be maintained by Personnel Services and shall be updated as changes occur.

Chapter C. Recruitment Program

Title 1. Positions and Advertisement Policy

- (a) Each position which appears as a budgeted position shall be contained in the Job Listing.
- (b) Each position contained in the Job Listing shall have a corresponding Job Description (See Appendix) on file with Personnel Services.
- (c) All Managers or Supervisors are encouraged to post all departmental vacancies for three (3) days within the department before sending the requisition to Personnel Services for processing. This will allow current employees within the department first opportunity at the vacancy.
- (d) Each vacant position shall be advertised for a minimum period of five (5) work days prior to the stated closing date.
- (e) All vacancy notices occurring within the Muscogee (Creek) Nation shall be distributed by Personnel Services to each department. It is the responsibility of each department Manager or Supervisor to ensure each vacancy notice received is posted for all current employees to view.
- (f) Employment opportunities shall be advertised in a manner to ensure equal opportunity for employment.

Title 2. Recruitment Sources

- (a) Personnel Services shall develop a recruitment program which has as its primary goal obtaining qualified Muscogee (Creek) and other Native American employees.
- (b) Portions of the program shall be coordinated with the Employment and Training office in order to more efficiently meet the needs of the Muscogee (Creek) Nation.
- (c) The program shall include:
 - (1) Developing and maintaining lines of communication with the placement offices of area colleges and vocational/technical schools.
 - (2) Developing and maintaining lines of communication with Native American student groups at area colleges and vocational/technical schools.
 - (3) Developing and maintaining lines of communication with tribal communities.
 - (4) Commencing and maintaining appearances at job/career fairs where there is a significant presence of Native American job recruits.
- (d) The program shall also focus on selecting for vacant positions from current employees so that outstanding employees may be retained.
- (e) The recruitment program shall be approved by the Executive Office – Executive Director.

Title 3. Disabled Employment

- (a) The Office of the Administration will not discriminate against the hiring of mentally/physically disabled Muscogee (Creek) citizens who are otherwise qualified for the job.

Chapter D. Application and Employment Process

Title 1. Pre-Application Process

- (a) An Employee Requisition form shall be completed before a job advertisement can be placed or an employment offer can be initiated.

The procedure for completing an Employee Requisition Form shall be:

- (1) The supervisor requesting the hire completes the Employee Requisition Form and attaches a Job Description.
 - (2) The supervisor requesting the hire obtains fiscal approval indicating there are sufficient funds for the desired position.
 - (3) The approved Employee Requisition Form with an attached Job Description then shall be forwarded to Personnel Services. The desired position then shall be advertised.
- (b) Job announcements shall be posted in Personnel Services for five (5) working days following the day the Employee Requisition Form is received.
 - (c) Job announcements shall be sent to all Muscogee (Creek) Nation facilities, including Health Centers, Community Centers, and the National Council Office.
 - (d) The work unit in which the vacancy occurs may request the position be advertised in the newspaper. The newspapers most utilized are *Okmulgee Daily Times*, *Muskogee Phoenix* and the *Tulsa World* Sunday editions.
 - (e) Applications may be picked up at Muscogee (Creek) Nation Personnel Services or requested by telephone, fax, e-mail or mail.

Title 2. Application and Interviewing Process

- (a) Each person desiring employment shall complete an Application for Employment form (See Appendix).
- (b) The Application for Employment form shall be filled out as completely as possible to insure that sufficient information is given for full consideration for employment.
- (c) Personnel Services shall administer the application process.
- (d) All applicant files and employee files shall be secured and controlled by a Sign-in/Sign-out log.
- (e) All applicants and employees shall have the right to review his/her files in accordance with the Sign-in/Sign-out policy. Files shall be reviewed in an area designated by Personnel Services.
- (f) The process shall be as follows:
 - (1) All signed applications are logged into a job file (according to the job for which the application is received) and a computer file of all applications.

- (2) After the closing date for a particular job has passed, all the applications filed for that job are reviewed. The review process is generally conducted by two people. First, Personnel Services shall screen for minimum qualifications all the applications in the particular job file. Second, the supervisor of the open position reviews all applications which Personnel Services has determined contains the minimum qualifications for the particular job. In some cases the Office of Administration – Executive Director may also review the applications. A log is kept of every application removed from Personnel Services by a supervisor. The supervisor must sign and date the log for each application that is removed.
- (3) Each reviewer lists their top choices and a consensus of the top three to six candidates is arrived at. Each candidate is then interviewed by a team consisting of the unit manager and the immediate supervisor of the open position. According to need, other persons may sit on the team.
- (4) After all interviews are complete, the candidates are listed in order of preference by the interview team. Background/Reference checks shall be conducted on each of the final candidates by Personnel Services. While it is the responsibility of Personnel Services to ensure Background/Reference checks are conducted, the work unit for which the hiring process is being conducted shall pay all cost associated with the Background/Reference checks. Personnel Services, after consultation with the hiring unit shall determine whether the results of the Background/Reference checks disqualify a final candidate. Drug testing for job candidates is required once a bona fide offer of employment has been extended. Once employment has begun each employee may be subject to random drug testing. Any candidate who fails a drug test shall be withdrawn from employment consideration.

Note: Any person convicted of embezzlement and/or theft, from **any organization**, shall not be eligible for hire/rehire.

- (5) A Staffing Order is then initiated. The Order is filled out by the hiring supervisor. Only those candidates to whom the supervisor wishes a job offer to be extended shall be listed on the Staffing Order. The Order is signed by the manager and final approval shall be given by the Secretary of that division. The Order shall then be forwarded to Personnel Services for Personnel Manager's signature and processing. ***An Acknowledgement of Nepotism Policy form shall be submitted to Personnel Services, along with the Staffing Order.***

- (6) Upon approval of the Staffing Order, and after concurrence with the hiring supervisor as to conditions of employment (i.e., salary, starting date, etc.), a job offer then shall be made by Personnel Services to the candidate occupying the highest position on the Staffing Order. If the job is accepted, then the application process ends. If the job is not accepted, then an offer may be made to the candidate occupying the next highest position on the Staffing Order. This process continues until an offer is accepted.
- (7) If possible, each supervisor should schedule a courtesy interview for the new employee with the Office of Administration – Executive Director or Principal Chief.
- (8) If each candidate on the Staffing Order declines the offer then any further action on the open position shall be facilitated by Personnel Services with the concurrence of the hiring supervisor. This action may include, but is not limited to: re-opening the entire application process; determining a new list of candidates from the previous applicant pool; leaving vacant the open position.
- (9) After the application process for a particular job ends, each applicant who was not selected for the job is notified by Personnel Services that the position for which they applied has been filled.

Title 3. Employment Process

- (a) The process shall be:
 - (1) Personnel Services, upon approval of the Staffing Order and acceptance of the position by a candidate, shall issue a Hiring Notice. The Hiring Notice shall be distributed as follows:

Original – Personnel Services
Copy 1 – Payroll
 - (2) Personnel Services shall schedule a physical examination for the new employee. This examination must be taken as soon as possible after the start of employment. Under no circumstances shall the physical examination occur after ninety (90) days from the date of hire. Failure to undergo a physical examination within the ninety (90) day period shall be grounds for dismissal.
 - (3) Personnel Services shall coordinate the orientation process for all employees of the Muscogee (Creek) Nation. The

orientation process shall be initiated upon the validation of the Hiring Notice.

Title 4. Orientation Process

- (a) Responsibility for orientation shall be shared by the employee, his/her supervisor, and Personnel Services.
 - (1) The supervisor shall:
 - (i) Provide the employee a brief overview of the function of the organizational unit to which the new employee is being assigned.
 - (ii) Distribute a copy of the official position description to the new employee.
 - (iii) Distribute a copy of the organizational chart to the new employee.
 - (iv) Discuss departmental policies/procedures with the new employee.
 - (v) Discuss safety instructions with the new employee.
 - (vi) Give a brief tour of the tribal complex to the new employee.
 - (vii) Introduce the new employee to other team members.
 - (2) Personnel Services shall:
 - (i) Arrange the orientation schedule for the new employee.
 - (ii) Discuss personnel policies and procedures with the new employee.
 - (iii) Present a copy of the employee handbook and medical insurance handbook to the employee.
 - (iv) Ensure completion of W-4 Forms by the new employee.
 - (v) Ensure completion of Form I-9 by the new employee.
 - (vi) Obtain a physical schedule for the new employee.

- (vii) Verify receipt of policy on Drug-Free Workplace by the new employee.
 - (viii) Obtain from the new employee authorization to investigate motor vehicle operator information.
 - (ix) Discuss the health, dental and life insurance programs with the new employee.
 - (x) Discuss the pension plan with the new employee.
 - (xi) Discuss the Career Development Program with the new employee.
 - (xii) Discuss the ninety (60) days conditional employment period with the new employee.
 - (xiii) Advise the new employee concerning the procedures involved with timecards, the payroll period, and direct deposit.
 - (xiv) Inform the employee of the holiday schedule and hours of work.
- (3) The new employee shall:
- (i) At the first opportunity read the position description of their new job.
 - (ii) Immediately consult their supervisor if they have any questions concerning their duties.

Title 5. Conditional Employment

- (a) All new employees shall undergo a sixty (60) days Conditional Employment Period. Each employee shall be evaluated after sixty (60) calendar days of employment. Any time during the sixty (60) days Conditional Employment Period the employee may be terminated without the privilege of appeal.
- (b) Within five (5) days prior to the completion of the Conditional Period, a Performance Evaluation (See Appendix) shall be conducted by the supervisor.
- (c) All Conditional Employment employees who fail to obtain a satisfactory Performance Evaluation shall be terminated.
- (d) Personnel Services shall notify each supervisor as to the end of the employee's conditional employment period.

- (e) The successful completion of this period should not be construed as creating a contract or as guaranteeing employment for any specific duration or as establishing a just cause termination standard.

Chapter E. Training and Development

Title 1. Training and Development Policy

- (a) Personnel Services shall develop and maintain a comprehensive program of employee development, in-service training and opportunities for professional development and continuing education.
- (b) The primary goal of the training and development program shall be threefold:
 - (1) To increase the performance level of an employee in the employee's current position.
 - (2) To enable the employee to obtain the knowledge and skills which would qualify the employee for higher positions with the Muscogee (Creek) Nation.
 - (3) To increase the ability, through its employees, of the Muscogee (Creek) Nation to serve its citizens.
- (c) The program shall be approved by the Office of Administration – Executive Director.
- (d) Further information concerning the Career Development Program may be found in §405, Chapter F.

Chapter F. Performance Evaluations

Title 1. Standards

- (a) Each employee shall undergo a performance evaluation within ten (10) days of each employment anniversary date.
- (b) Performance evaluations shall be conducted by an employee's immediate supervisor.
- (c) Personnel Services shall notify each employee's supervisor so that a performance evaluation may be scheduled.
- (d) Performance evaluations shall also be conducted at the end of a conditional employment period, at the end of a transfer evaluation

period and whenever an employee is considered for a promotion or wage increase.

- (e) Performance evaluations shall be a basis for implementing wage increases. Additionally, supervisors are encouraged to use the performance evaluation as an opportunity to confer with employees as to specific attributes of their job performance and to give the employee specific suggestions on improving their job performance.
- (f) Upon the completion of the performance evaluation, a copy of the evaluation shall be sent by the evaluating supervisor to Personnel Services to be included in the employee's personnel file.

§ 403. GENERAL EMPLOYMENT POLICIES

Chapter A. General Policy

The General Employment Policy shall be to set a uniform employment, transfer, and termination process administered according to the Purpose and Policy set forth in §401, General Provisions. Staffing shall be accomplished through full-time, part-time, temporary, and Employment and Training Programs.

Chapter B. Employment Classification System

Title 1. Managerial, Salaried and Hourly Classifications

- (a) Personnel Services shall initiate the employment process upon completion of the application process (See §402, Chapter D, Title 2).
- (b) All personnel shall be selected from the applicant pool or from current employees.
- (c) Employed personnel of the same classification (except those on probation) shall be given first preference to fill job vacancies. Other qualified employees of the Muscogee (Creek) Nation shall also be given preference. These preferences shall be based on *past job performance*.
- (d) The employment process shall be uniform and standard to ensure each applicant the same opportunity for employment.
- (e) An applicant may be employed with a deficiency *if* a qualified person is not available; however, such employment is conditional upon corrective action being taken to rectify the deficiency in the job specification during the conditional employment period.
- (f) The decision for hiring shall be vested with the Department where the person is to be employed (Subject to the process as defined in §402, Chapter D, Title 2). Approval shall be lodged at the next higher level in the management organization. The Principal Chief reserves the right to review any Staffing Order and veto any hiring decision.
- (g) The procedure for carrying out the Employment Process is found at §402, Chapter D, Title 3.

Title 2. Contract Classification

- (a) Managers shall submit **all** employment contracts to Personnel Services. These contracts shall then be reviewed and approved by the Office of the Attorney General, the Office of the Executive Director and signed by the Principal Chief. Any contract for employment that is not submitted through the proper channels shall be invalid and payment **will not** be made in any circumstances.
- (b) Contract employees **must not** begin performing services until the department receives the approved, signed contract. Any work performed prior to this **will not** be compensated.
- (c) All contract employees shall be subject to the Muscogee (Creek) Nation Policies and Procedures. This includes, but is not limited to, policies related to background checks and drug testing.
- (d) The employment contract classification shall be known as the Special Employment Program.
- (e) Special Employment Programs shall be utilized to employ specialists who can provide the Muscogee (Creek) Nation with needed expertise in particular fields.

Title 3. Elected Classification

- (a) Positions in this classification are filled through the elective/appointment process (i.e., elected officials and individuals appointed by the Principal Chief and confirmed by the Muscogee National Council in accordance with the Ordinance of the Muscogee (Creek) Nation).

Title 4. Employment and Training Programs

- (a) Employment and Training Programs (i.e., W.I.A.) shall be utilized to provide employment training, work experience, and basic employment for qualified personnel. These programs are administered by the Employment and Training office.
- (b) The Employment and Training office shall administer the hiring process for all job programs under its direction.
- (c) Upon completion of the interview process, the Employment and Training office shall forward a Staffing Order to Personnel Services.
- (d) Upon approval of the Staffing Order, the hiring process shall be the same as described in §402, Chapter D, Title 2, part (f), except the job offer shall be made by the Employment and Training office.

Title 5. Thirty (30) Day Hires

- (a) If, due to special need, a vacant position must be filled immediately, an individual may be hired to fill the vacant position on an emergency temporary basis.
- (b) The length of the emergency temporary term of employment shall not exceed thirty (30) working days.

Exception:

The term may be extended one time for an additional thirty (30) working days. The extension must have the prior approval of the Major Department Head in whose area the position exists and Personnel Services.

- (c) At least fourteen (14) calendar days before the end of the emergency temporary term, the regular Application and Employment Process (See §402, Chapter D) must commence for the position.
- (d) An emergency temporary employee (i.e., thirty (30) day hire) shall be classified as a full-time temporary or part-time temporary employee.
- (e) An emergency temporary employee may apply for the position they are filling or any other vacant position within the Muscogee (Creek) Nation. However, an emergency temporary employee shall receive the same consideration as an outside applicant.

Chapter C. Standards and Attendance

Title 1. Conduct

- (a) Expectations of employee conduct include, but are not limited to, the following:
 - (1) Each employee shall be responsible for his/her attendance and the performance of his/her job duties and responsibilities as described in the job description; and such other duties and responsibilities as may be delegated by his/her supervisor.
 - (2) Each employee is encouraged to conduct his/her personal affairs in a manner which does not cause the employer to lose services of the employee.
 - (3) Due to security reasons all mail received or sent by employees must be related to Tribal Business only. No

personal mail shall be sent or received by the employee thru the Tribe.

- (4) Employment outside normal working hours shall be permissible; however, such shall not be conducted during working hours; nor shall any employer equipment be utilized in conducting that business at any time; nor shall any work be conducted which is in conflict of interest or may give rise to conflict of interest.
- (5) Title to any product, copyright, patent, trademark, trade name, license, system, invention, and the like, developed and/or discovered by any employee shall inure to the Creek Nation; however, such individual or individuals shall be given credit for development or discovery. However, such individual's contribution to such work shall be noted in the individual's performance evaluation.

Title 2. Conflicts of Interest

- (a) Employees shall be prohibited from soliciting or accepting money, benefits, gifts, or gratuities from their clients or persons with whom business is being conducted and who are seeking to influence the employee in the performance of their duties. Exceptions shall include but not be limited to those that:
 - (1) Govern obvious family or personal relationships;
 - (2) Permit acceptance of food and refreshments of nominal value.
- (b) No Officer or employee of the Muscogee (Creek) Nation shall be permitted to enter into business contracts or do business with the Muscogee (Creek) Nation.

Title 3. Political Activity

- (a) All employees of the Executive Branch and its subordinate offices shall be prohibited from serving on the Muscogee (Creek) Nation National Council or any Board or Agency where a conflict of interest may occur.
- (b) All employees shall be prohibited from engaging in Muscogee (Creek) Nation political election activities, directly or indirectly, during normal hours of work as defined in this section, Chapter C, Title 6.

Exception:

This stipulation does not apply to Election board employees engaged in the normal course of their duties.

Title 4. Employee Liability

- (a) The policy for automobile insurance shall be that all employees operating a government vehicle or a personal vehicle on Tribal business shall have, as minimum, personal liability insurance and a valid driver's license.
- (b) The policy for employee performance liability shall be that employees, acting in a professional capacity, shall provide self-insurance against liability according to standards of the profession.

Exception:

Medical Disability (Physician's statement required).

Title 5. Nepotism

- (a) The Muscogee (Creek) Nation shall have no restrictions on employment, salary, promotion, assignment, working conditions, or other factors based on kinship. However, no employee shall participate in any actions that would directly affect a relative. Examples of prohibited actions include, but are not limited to, actions involving hiring, discharge, disciplinary action, performance evaluation, or job or work assignment. ***No employee shall be a relative of anyone in their chain of command, up to and including top level of division, department, or independent entity, as relative is defined below in part (b).***
- (b) Relative shall mean father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, grandparent(s), grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step grandparent(s), step grandchild, half-brother, or half-sister.

Title 6. Hours

- (a) Normal hours of work shall be for eight (8) hours from 8:00 a.m. until 5:00 p.m., Monday through Friday. These hours apply only to normal functions or services being administered and are not applicable to committee, council, or community meetings or classes being conducted.
- (b) Special hours, including shift work, shall be communicated to affected employees.
- (c) Class hours shall be communicated to affected persons.

(d) Tardiness

(1) Each employee who arrives after their scheduled shift begins or leaves before their scheduled shift ends, without proper authorization, is considered tardy. An employee is also considered tardy if their morning, afternoon, or lunch break is longer than defined in policy, without proper authorization. Proper authorization includes preapproved Leave authorized by their immediate Supervisor, his or her designee, the Manager, or Director.

(2) Any employee who is tardy must use Annual Leave for the time tardy in fifteen (15) minute increments, as follows:

15 minutes = .25
30 minutes = .50
45 minutes = .75
60 minutes = 1 hour

Example of tardiness:

8:01 a.m. = .25 Leave
8:22 a.m. = .50 Leave

It is at the Supervisor's discretion to utilize Leave Without Pay instead of Annual Leave, due to the severity of the tardiness.

Employees must also submit a letter of explanation to the Supervisor, Manager, or Director as to the reason for the tardiness.

(3) Any employee who is tardy four (4) times within a quarter shall be reprimanded as follows:

(i) Verbal warning with a plan of improvement implemented (1st tardy).

(ii) Written warning with one day suspension without pay (2nd tardy).

(iii) Written warning with five (5) days suspension without pay (3rd tardy).

(iv) Termination (4th tardy).

Being tardy can result in any or all of these disciplinary actions within a quarter.

Note: October – December = 1st Qtr.
January – March = 2nd Qtr.
April – June = 3rd Qtr.
July – September = 4th Qtr.

- (4) Reprimands for being tardy will begin anew at the beginning of each quarter. Disciplinary action should not be implemented for legitimate tardies that are beyond an employee's control including, but not limited to, flat tires, a wreck en route to work, and being delayed by a train.
- (5) Supervisors, Managers and Directors will be subject to the same disciplinary actions listed above if they do not enforce the tardy policy.

Title 7. Work Station Reporting

- (a) Each employee shall be responsible for reporting to their respective work stations at the prescribed hours; and each employee is responsible for remaining at their respective work station for the prescribed hours unless management has directed otherwise. Employees who are unable to report for work or find that they will be late should notify their supervisor as soon as possible. Failure to report is just cause for disciplinary action.

Title 8. Lunch Hours

- (a) All employees are entitled to one (1) hour for lunch. Employees shall take their lunch break between the hours of 11:00 a.m. – 2:00 p.m. Any variation from the prescribed lunch hours must be authorized by a supervisor. Supervisors should stagger the lunch schedules of their employees so that offices are staffed during lunch hours.
- (b) Employees who take more than the allowed one (1) hour lunch break are considered tardy and are subject to the penalties listed in Title 6, part (d) and part (e).

Title 9. Work Breaks

- (a) All employees shall be allowed one (1) fifteen (15) minute break between the hours of 9:30 – 10:30 a.m. and the hours of 2:30 – 3:30 p.m. Breaks cannot be divided to allow the employee more than one (1) in the morning and one (1) in the afternoon. They also cannot be combined into one (1) thirty (30) minute break.
- (b) Employees are not allowed to go off site for breaks. An example of this would be driving from one location to another in order to break with another employee.

- (c) Employees are allowed one (1) fifteen (15) minute walk break each day. This break is separate from the other break times. However, an employee may utilize their walk break in conjunction with either the morning break or afternoon break. During the walk break, an employee **must** walk; this time is **not** to be used for visiting, smoking, etc.
- (d) Taking or not taking a break is a voluntary action on the part of the employee. Therefore, an employee who does not take a break cannot accrue either Compensatory time or Annual Leave time for the missed break time.
- (e) Employees who take more than the allowed fifteen (15) minute break are considered tardy and are subject to the penalties listed in Title 6, part (d) and part (e).

Title 10. Inclement Weather

- (a) Weather and road conditions shall be monitored by the Lighthouse Commission through contact with appropriate authorities.
- (b) The Lighthouse Commission shall notify the Office of Administration – Executive Director of weather and road conditions when in their opinion the safety and security of personnel may be jeopardized.
- (c) The Office of Administration – Executive Director, if deemed appropriate shall order the facilities of the Muscogee (Creek) Nation to be closed.
- (d) If the inclement weather occurs during normal working hours employees shall be notified and directed to leave or take other appropriate action.
- (e) If the inclement weather occurs during non-working hours then employees must contact the Lighthouse Commission to determine if the facilities shall be open. Attempts shall also be made to announce any facility closing on local radio and television networks.
- (f) Lost time due to the closing of the facilities because of inclement weather shall be recorded as Inclement Weather Leave. If the facilities are open but employees are unable to get to work due to inclement weather in their area, the lost time shall be recorded as Annual Leave or Leave Without Pay.

Title 11. Emergency Facility Closing

- (a) Facilities Management shall notify the Office of Administration – Executive Director of any facilities closing, citing duration and cause.
- (b) The Office of Administration – Executive Director shall notify affected personnel if lost work time is anticipated.

- (c) Lost time shall be recorded as Administrative Leave, Inclement Weather Leave or Leave Without Pay.

Title 12. Code of Ethics

- (a) The mission of the Muscogee (Creek) Nation is to sustain a powerful visionary government through a legislative, judicial, and executive alliance for the purpose of serving tribal citizens, building Creek communities, advancing cultural and social responsibility, and meeting needs within a contemporary context, while maintaining the respect of the Muscogee people. Likewise, the Office of the Principal Chief encourages professionalism and improved quality of service at all levels of tribal government.
- (b) The Executive Branch promotes understanding and resolution of public issues by providing programs, services, policy studies, conferences, and publications. Tribal employees share with the tribal citizenship all of the responsibilities and rights of citizenship in a democratic society. However, the mission and goals of the Nation call every employee to additional dedication and commitment. Certain principles and moral standards must guide the conduct of tribal employees not merely in preventing wrong, but in pursuing right through a timely and energetic execution of responsibilities.
- (c) To this end, the members of the tribal workforce, recognizing the critical role of conscience in choosing among courses of action and taking into account the moral responsibility of life, must commit to:
 - (1) Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all public activities in order to inspire confidence and trust in tribal institutions.
 - (2) Serve the tribal citizens and general public with respect, concern, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.
 - (3) Approach tribal administration and operations duties with a positive attitude and constructively support open communication, creativity, dedication and compassion.
 - (4) Serve in such a way that undue personal gain is not realized from the performance of duties.
 - (5) Avoid any interest or activity which is in conflict with the conduct of official duties.
 - (6) Respect and protect any privileged information to which access is gained in the course of official duties.
 - (7) Accept as a personal duty the responsibility to keep up to date on emerging issues and to administer the tribe's

business with professional competence, fairness, impartiality, efficiency, and effectiveness.

- (8) Eliminate all forms of fraud and mismanagement of tribal funds, and support responsible efforts to correct such fraud, mismanagement, or abuse.
- (9) Support tribal communities, to be good citizens, support good works and charities, and bear a fair share of the tribal workload.
- (10) Encourage new technology, experiments, new ideas, and calculated risk-taking.

Title 13. Attendance Tracking

- (a) All employees receive an identification badge upon being hired. These badges **must** be worn at all times during an employees work day.
- (b) Employees must use their badge to clock in when beginning their work day and clock out when ending. They must clock in at their designated worksite and remain there, unless proper authorization to leave is received.
- (c) An employee **cannot** clock in at worksite and then leave to take care of personal business while on company time.
- (d) For those employees who do not have access to badge readers, an alternative method of tracking must be used. For example, time clocks and/or sign in/out sheets. This includes, but is not limited to, off-site Child Care, Head Start, Housing, and Division of Health employees.
- (e) Failure to Clock In and/or Out
 - (1) Any employee who fails to clock in and/or out , upon arrival at work, during lunch break, and departure from work, four (4) times within a quarter shall be reprimanded as follows:
 - (i) Verbal warning with a plan of improvement implemented (1st failure).
 - (ii) Written warning with one day suspension without pay (2nd failure).
 - (iii) Written warning with five (5) days suspension without pay (3rd failure).
 - (iv) Termination (4th failure).

Failing to clock in and/or out can result in any or all of these disciplinary actions within a quarter.

Note: October – December = 1st Qtr.

January – March = 2nd Qtr.

April – June = 3rd Qtr.

July – September = 4th Qtr.

- (2) Reprimands for failing to clock in and/or out will begin anew at the beginning of each quarter.
- (3) Supervisors, Managers and Directors will be subject to the same disciplinary actions listed above if they do not enforce the clock in/out policy.

Chapter D. Positional Changes

Title 1. Transfer

- (a) All transfer employees shall undergo a thirty (30) calendar day transfer evaluation period.
 - (b) Within five (5) days prior to the completion of the transfer evaluation period, a job performance evaluation shall be conducted by the supervisor.
 - (c) All transfer employees who fail to obtain a satisfactory job evaluation shall be placed on transfer notification status for a period not to exceed sixty (60) calendar days and at the earliest possible date returned either to the position they previously held or to another vacant job within the same job classification.
 - (d) An employee on transfer notification status shall be required to report to work each day until placed in another position or placed on lay-off status.
 - (e) If, at the end of their transfer notification period, the employee has not been placed, the employee shall be placed on lay-off and shall have first recall privileges.
 - (f) Employees desiring to apply for a vacant position in the Muscogee (Creek) Nation must have completed their sixty (60) day probation. The employee must fill out the Transfer Request form (See Appendix).
- (1) A hiring supervisor may select a qualified current employee for a vacant position without considering outside applications. However, if more than one qualified current employee completes a Transfer Request form, each of the qualified current employees shall be interviewed for the vacant position.

Exception:

- (i) An interdepartmental transfer of a regular, full-time employee is not subject to the normal hiring process.
- (g) Any transfer of employment between entities of the Muscogee (Creek) Nation shall be effective no sooner than fourteen (14) days after the transfer is approved.

Exception:

The fourteen (14) day stipulation may be waived by the employee's current supervisor. However, the first day of a pay period stipulation cannot be waived.

Title 2. Promotion

- (a) An employee may be considered for a promotion at any time after four (4) months from the last Annual Performance Review and up to three (3) months prior to the next Annual Performance Review; however, the supervisor in making such consideration shall first conduct a performance evaluation of the employee based on the employee's Job Description.
- (b) The supervisor shall send a Promotion Request (See Appendix) to Personnel Services. The Office of Administration – Executive Director shall have final approval.

Title 3. Reclassification

- (a) Each employee is subject to Reclassification.
- (b) Reclassification may occur in one of two ways:
 - (1) Reclassification may occur in conjunction with a modification of the wage and salary structure.
 - (2) Reclassification may occur when a job review of a certain position dictates the position be placed in a different job classification.
 - (i) The job review shall be conducted by Personnel Services but may be requested by a major department head or division head.
- (c) Personnel who are reclassified may be subject to termination or an alteration of their pay rate.
- (d) Personnel who are subject to displacement due to position reclassification shall be notified ten (10) days in advance of the job termination.
- (e) Any employee whose job is terminated due to reclassification shall be placed on lay-off status.

- (f) An employee who is reclassified is not subject to a new probationary period.

Chapter E. Separation

Title 1. Resignation

- (a) Resignation shall be defined as an action of an employee voluntarily severing his/her employment status.
- (b) Each employee shall return all equipment, etc., issued for his/her use and render a final accounting by a supervisor or designee.
- (c) The final paycheck shall be issued on the normal pay day and may be withheld until a final accounting takes place.
- (d) The procedure for resigning shall be:
 - (1) The employee shall give a signed letter of resignation to their supervisor.
 - (2) The immediate supervisor shall review the resignation letter, then render a final accounting and only then approve the resignation. The supervisor shall then forward the letter of resignation to Human Resources.
 - (3) The supervisor shall conduct an Exit Interview with the employee; the employee shall then proceed to Human Resources to finish the Exit Interview process. If the employee refuses or is unavailable, Human Resources shall so note.
 - (4) Once informed, Human Resources shall immediately notify the following departments:
 - (i) IT – to shut down the employee's computer and reroute incoming emails, as necessary.
 - (ii) GSA/Facilities – to change locks, if needed.
 - (iii) Telephony Department
 - (iv) Lighthouse – to be on alert, if needed.
 - (v) Finance/Payroll
- (e) Human Resources, upon completion of the resignation procedure, shall send the Exit Interview to Payroll (attached to Personnel Action Request).
- (f) Any person convicted of embezzlement and/or theft, from **any organization**, shall not be eligible for hire/rehire.

Title 2. Discharge

- (a) Each discharge shall be documented as to specific reasons for the action, including any history of disciplinary actions against the affected employee. There also shall be included a history of corrective action, if any, taken by the employee, and any other pertinent data.
- (b) The procedure for discharge and other disciplinary actions are given in this section, Chapter F, Title 4.
- (c) The supervisor shall conduct an Exit Interview with the employee; the employee shall then proceed to Human Resources to finish the Exit Interview process. If the employee refuses or is unavailable, Human Resources shall so note.
- (d) Once informed, Human Resources shall immediately notify the following departments:
 - (i) IT – to shut down the employee’s computer and reroute incoming emails, as necessary.
 - (ii) GSA/Facilities – to change locks, if needed.
 - (iii) Telephony Department
 - (iv) Lighthouse – to be on alert, if needed.
 - (v) Finance/Payroll
- (e) Human Resources, upon completion of the discharge procedure, shall send the Exit Interview to Payroll (attached to Personnel Action Request).
- (f) Any person convicted of embezzlement and/or theft, from **any organization**, shall not be eligible for hire/rehire.

Title 3. Lay-off

- (a) Lay-off shall be defined as an action taken when a filled position is eliminated due to inadequate funding, reorganization, and other causes.
- (b) All employees are subject to lay-off from employment.
- (c) Management shall attempt to notify all personnel affected by lay-off ten (10) days in advance; however, where such notification is not possible, management shall notify the affected personnel as quickly as possible.

The procedure for Lay-off shall be:

- (1) Upon notification that a lay-off shall occur, Personnel Services shall prepare and issue to management for their

signatures a notification of lay-off for distribution to the affected personnel citing the reason.

- (d) Employees in lay-off status shall be eligible for the transfer process and shall receive the same consideration when applying for a transfer as current employees (See this section, Chapter D, Title 1).
- (e) While in lay-off status an employee's health insurance shall remain in effect for ninety (90) days. However, the employee must still pay the monthly premium for any dependent insurance coverage.

Title 4. Reduction in Force

- (a) Reduction in Force shall be defined as an action taken when a person is displaced from his/her position due to inadequate funding, reclassification, and other causes which are of no fault of the employee.
- (b) An employee who is displaced as a result of reduction in force may be reassigned to a position at a lower salary grade. An employee who is displaced as a result of reduction in force also may be placed on lay-off status.
- (c) All employees are subject to a reduction in force.
- (d) Management shall attempt to notify all personnel affected by a reduction in force at least ten (10) days in advance; however, where such notification is not possible, management shall notify the affected personnel as quickly as possible.
- (e) When reductions in force or lay-offs affect a large portion of the workforce, the Muscogee (Creek) Nation will comply with the Worker Adjustment and Retraining Notification Act only if and to the extent that it is applicable to the Muscogee (Creek) Nation and to the action being taken by the Nation.

Title 5. Recall

- (a) When a work unit is informed that positions in lay-off status shall be reactivated, that department shall notify Personnel Services.
- (b) All employees shall be eligible for recall to the last position held for ninety (90) days from the effective date of lay-off.

The procedure for recall is as follows:

- (1) Upon notification by an affected department(s) that a position shall be reactivated, Personnel Services shall issue a notification of recall by certified mail, return receipt requested to the qualified employee of record who last held the position.

- (c) Employees notified for recall shall report for work no later than fourteen (14) calendar days after notification; failure to report is a forfeit of their right to the position.
- (d) Upon failure of a recalled employee to exercise his right, the position in question shall be treated as a vacant position and treated accordingly.

Chapter F. Disciplinary Action

Title 1. Standards

- (a) The Muscogee (Creek) Nation strives to serve its citizens in an efficient and timely manner. To achieve this goal it is necessary to establish standards of conduct which are understood by and communicated to all employees.
- (b) The ability of each employee to be aware of the standards necessary for productive governmental functioning is crucial to maintaining an efficient workplace. This in turn enables the Muscogee (Creek) Nation to better serve its citizens.
- (c) Disciplinary action is sometimes necessary to ensure adherence to the high standard of conduct expected of Muscogee (Creek) Nation employees. The form of the disciplinary action may vary according to several factors including, but not limited to, the seriousness of the action, any prior disciplinary actions in an employee's history, and length of service. Whenever disciplinary action is invoked it is with the understanding that the purpose of disciplinary action is to instruct rather than punish.
- (d) The acts listed below are not meant to be inclusive but are given as guidelines for personal conduct. Taking part in the listed conduct or other actions detrimental to the functioning of the Muscogee (Creek) Nation shall be grounds for disciplinary action. Such action may include a verbal warning, written reprimand, probation, demotion, suspension, or discharge.
 - (1) Unauthorized absence from the workstation or worksite.
 - (2) Tardiness.
 - (3) Violations of Leave policies.
 - (4) Loafing, wasting time or sleeping on duty.
 - (5) Use of disrespectful language toward any Muscogee (Creek) Nation employee.

- (6) Violation of a safety rule or the performance of unsafe work practices.
- (7) Embezzlement or unauthorized possession of, use of, loss of, or damage to government property or the property of others.
- (8) Conviction in a federal, state, or tribal court, on charges brought during the time of employment, which could bring embarrassment, distrust, or discredit to the Muscogee (Creek) Nation.
- (9) Uses or authorizes use of a tribal owned or leased vehicle for other than official purposes.
- (10) Damage to tribal government property or the property of others.
- (11) Theft of tribal government property.
- (12) Conversion of government funds to personal use.
- (13) Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury to another or engaging in dangerous horse play.
- (14) Engaging in disrespectful, negative, or unprofessional conduct toward any Muscogee (Creek) Nation employee.
- (15) Using, possessing, or selling illegal drugs on or off duty.
- (16) Deliberate misrepresentation, falsification, misstatement, exaggeration, or concealment of material fact in connection with any investigation, record, report or document originating from employment or work with the Muscogee (Creek) Nation.
- (17) Serious or repeated violations of traffic regulations while operating a tribal owned vehicle or vehicle leased for official business.
- (18) Soliciting or accepting directly or indirectly any gift, gratuity, favor, entertainment, food, or other item of monetary value, from an individual or entity which has or is seeking business with the tribe and is seeking to unduly influence the employee in the performance of their duties.
- (19) Discourteous conduct toward the public.
- (20) Failure or inability to perform duties of the position in which employed.

- (21) Violation of any administrative policy.
- (22) Any employee engaging in conduct, action and/or behavior detrimental to self, other MCN employees, and/or general public, while on duty and/or on tribal property at any time, shall be subject to disciplinary action. Supervisors, Managers and Directors shall be responsible for all work ethics, all employee personal conduct, and shall encourage and promote professionalism at all times during work schedules and assignments and while on tribal property.

Title 2. Types of Disciplinary Action

- (a) A verbal warning is defined as an admonishment given to an employee when that employee commits or is about to commit an act that is contrary to the standards expected of Muscogee (Creek) Nation employees. It is usually given only for minor infractions. The issuance of a verbal warning is at the sole discretion of the supervisor.
- (b) Probation is defined as being subjected to especially close supervision for a specific time period. The commission of any act during the probationary period which is contrary to the standards expected of Muscogee (Creek) Nation employees, however minor, may lead to further disciplinary action. A probationary period shall last at least thirty (30) calendar days but not more than ninety (90) calendar days.
- (c) Demotion is defined as being reduced in grade and may include the loss of pay and/or authority.
- (d) Suspension is defined as barring or denying an individual their status as an employee for a specific time period. Suspension may occur with or without pay. Suspension with pay is usually given only for investigatory purposes. Suspension without pay shall affect any benefits based on hours or pay periods worked. A suspension period may last from three (3) days up to ninety (90) days.
- (e) Discharge is defined as an involuntary severing of employment status and the loss of all benefits and pay associated with that employment.

Title 3. Progressive Discipline

- (a) The Muscogee (Creek) Nation progressive discipline policy is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues.
- (b) The steps of the progressive discipline policy are outlined below. The Muscogee (Creek) Nation reserves the right to administer the

corrective action it deems appropriate depending on the facts of each situation and the nature of the offense.

- (1) **Step One: Counseling and Verbal Warning** – The immediate supervisor shall meet with the employee to bring attention to the existing performance, conduct, or attendance issues. The supervisor shall discuss with the employee the nature of the problem or violation of Muscogee (Creek) Nation policies and procedures. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or to resolve the problem.

The supervisor shall prepare written documentation of the verbal counseling. At the end of the conference, the employee shall sign the Disciplinary Action Form. The supervisor shall inform the employee that by signing the form, the employee is not admitting guilt, but is indicating the employee has been officially notified of the action being taken. The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be forwarded to Human Resources, within five (5) days of the date the document was administered, to be placed in the permanent employee file.

- (2) **Step Two: Written Warning** – In the event that the behaviors documented in the verbal counseling are not corrected, the supervisor shall issue a written warning. A written warning involves more formal documentation of the performance, conduct, or attendance issues and consequences.

The immediate supervisor and Department Manager shall meet with the employee and review any additional incidents or information about the performance, conduct, or attendance issues, as well as any prior relevant corrective action plans. Management shall outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations on the Disciplinary Action Form.

The supervisor shall inform the employee that by signing the employee is not admitting guilt, but is indicating the employee has been officially notified of the action being taken. The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be forwarded to Human Resources, within five (5) days of the date the document was administered, to be placed in the permanent employee file.

- (3) **Step Three: Final Written Warning** – If performance does not improve, a final written warning shall be administered to

The employee. The immediate supervisor, Department Manager, and Director/Secretary shall meet with the employee and review any previous verbal counsel and written warnings. Management shall outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations on the Disciplinary Action Form.

The supervisor shall inform the employee that by signing the employee is not admitting guilt, but is indicating the employee has been officially notified of the action being taken. The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be forwarded to Human Resources, within five (5) days of the date the document was administered, to be placed in the permanent employee file.

Title 4. Procedure for Implementing Probation, Suspension, Demotion, or Discharge

- (a) If the problem persists, the supervisor shall consult with Human Resources to determine the appropriate action. Management must obtain the concurrence of Human Resources *prior* to any action resulting in probation, suspension, demotion, or discharge. Failure to consult with Human Resources may result in disciplinary action.
- (b) A Disciplinary Action Form shall be completed by the supervisor. Special attention shall be given to specific reasons for issuing the disciplinary action, including the occurrence date of the act in question, the date when the Disciplinary Action Form is completed, and the type of disciplinary action being invoked against the affected employee.
- (c) The supervisor shall then notify the affected employee and conduct an immediate conference, along with the Department Manager and Director/Secretary. The supervisor shall inform the employee of the specific reasons for the taking of the disciplinary action. The supervisor shall also explain the penalties carried by the type of disciplinary action being invoked.
- (d) At the end of the conference the employee shall sign the Disciplinary Action Form. The supervisor shall inform the employee that by signing the employee is not admitting guilt but is indicating the employee has been officially notified of the action being taken. If the employee refuses to sign or is unavailable, the supervisor shall so note on the form. The Disciplinary Action Form shall be signed by the immediate supervisor, Department Manager, and Director/Secretary.
- (e) The supervisor shall retain a copy of the Disciplinary Action Form. A copy shall be given to the employee and a copy shall be

forwarded to Human Resources, within five (5) days of the date the document was administered, to be placed in the permanent employee file.

- (f) If the disciplinary action invoked involves modification, suspension or loss of benefits or pay, Human Resources shall notify the appropriate work unit(s).

Chapter G. Grievance Process

Title 1. Standards

- (a) It is the policy of the Muscogee (Creek) Nation to ensure that all employees have access to a process whereby their grievances can be heard in a safe and fair atmosphere. The Muscogee (Creek) Nation recognizes the importance of open communication in resolving disputes. Therefore, a procedure is provided in which complaints shall receive full and fair consideration. When an employee feels they have been treated unfairly or that an unsatisfactory condition exists, they should bring it to the attention of the Muscogee (Creek) Nation through the grievance procedure provided.
- (b) No matter shall be considered a grievance until it is filed at the second step of the grievance Procedure. A grievance must be filed within thirty (30) calendar days after the occurrence of the event or after the employee should have become aware of the occurrence of the event.
- (c) All time limits set forth in the grievance procedure shall be strictly observed, but may be extended by the mutual consent of both parties. If the employee fails to pursue the grievance within the established time limits, the grievance shall be considered resolved by the last answer given from management. If management fails to respond within the established time limits, the employee may proceed to the next step of the grievance procedure.
- (d) A special procedure has been established for complaints of sexual harassment (See this section, Chapter H).

Title 2. Procedure

- (a) *Step One.* The employee shall discuss the grievance with their immediate supervisor. Informal discussion with the immediate supervisor is encouraged as the first step. However, if the employee does not believe a discussion with the supervisor is appropriate, the employee may proceed directly to *Step Two*.
- (b) *Step Two.* If the grievance is not resolved in step one the employee shall submit the grievance on a Grievance Form (See Appendix) to the major department head (attachments to the form

may be made if necessary). The major department head shall investigate the complaint and deliver a response on the Grievance Form (attachments may be made if necessary) to the employee within three (3) calendar days after the meeting with the employee.

- (c) *Step Three.* If the grievance is not resolved in step two, the employee may submit the grievance on a Grievance Form to Personnel Services within four (4) calendar days after receipt of the answer from the major department head (attachments to the form may be made if necessary). Within five (5) calendar days after receipt of the grievance, the Personnel Manager or his/her designee shall complete a review of the grievance. The review may include meeting with the employee, representatives of department management, or other involved parties.
- (d) *Step Four.* Within three (3) calendar days of the review, the Personnel Services representative shall issue in writing his/her finding of fact and recommended resolution. Personnel Services shall send a copy to the employee using certified mail, return receipt requested and forward a copy to the Office of Administration - Executive Director.
- (e) *Step Five.* If the grievance is not resolved in *Step Four*, the employee may submit the grievance in writing to the Grievance Appeals Committee through the Office of Personnel Services within four (4) calendar days after the recommended resolution is received or refused. The Grievance Appeals Committee shall conduct a hearing concerning the grievance within five (5) calendar days of receipt of the grievance. The Grievance Appeals Committee shall issue a written decision within three (3) calendar days of the hearing. Personnel Services shall send a copy of the committee's decision to the employee using certified mail, return receipt requested. The decision of the Grievance Appeals Committee is final and is not appealable.

The Grievance Appeals Committee hearing shall include the following:

- (1) Written materials submitted by the Personnel Manager and the grievant.
 - (2) Testimony by the grievant and any witnesses for such willing to appear.
 - (3) Testimony by a representative of the Muscogee (Creek) Nation and any witnesses for such willing to appear.
 - (4) Questions from the Grievance Appeals Committee.
- (f) The grievance process is for active employees of Muscogee (Creek) Nation. Muscogee (Creek) Nation is an At-Will employer;

therefore employees **cannot** file a grievance once they have been discharged or have resigned.

Title 3. Exceptions to Grievance Procedure

- (a) Whenever the grievance concerns a suspension without pay, the grievant may proceed directly to *Step Three* of the grievance procedure.
- (b) Grievances involving employees of any independent agency/commission must be filed with that agency/commission.
- (c) Any person employed under Workforce Investment Grants who is still dissatisfied with final decision after completing all outlined grievance procedures can write and request additional review from:

Athena Brown, Division Chief Indian
& Native American Programs
Department of Labor
200 Constitution Avenue, N. W.
Washington, D.C. 20210

Title 4. Grievance Appeals Committee

- (a) The Grievance Appeals Committee is a three member board consisting of:
 - (1) A Director or Agency head, who shall be designated the Chairperson of the committee;
 - (2) A Manager within a separate department or agency from that of the Chairperson; and,
 - (3) A non-supervisory employee from a department or agency separate from that of the other members.
- (b) Members of the Grievance Appeals Committee shall be appointed by the Principal Chief.
- (c) A new Grievance Appeals Committee shall be seated for each different grievance.

Exceptions:

- (1) If one grievant or class of grievant has presented multiple grievances the same committee may hear all the grievances.
- (2) A Director or Agency head may sit on up to three (3) consecutive Grievance Appeals Committees.
- (d) A Director or Manager shall not sit on a Grievance Appeals Committee in which the grievant is under their direct or indirect

supervision. This stipulation shall not be excepted unless onerous circumstances are present.

- (e) A Director or Manager shall not sit on a Grievance Appeals Committee in which they are the subject of the grievance.

Title 5. Employee Protection Act

The Muscogee (Creek) Nation Employee Protection Act, NCA 95-07, is an ordinance of the Nation prohibiting retaliation against employees for certain protected actions, and creates the Muscogee (Creek) Nation Employee Protection Commission. All employees upon date of hire shall be given a copy of this act for their own review.

Chapter H. Sexual Harassment

Title 1. Standards

- (a) The Muscogee (Creek) Nation is committed to provide all employees with a work environment free of sexual harassment. Sexual harassment in any form is unacceptable. Any employee involved in sexual harassment shall be subject to disciplinary action, including discharge.
- (b) To promote this policy, the Muscogee (Creek) Nation provides a mechanism to hear and resolve alleged cases of sexual harassment. Individuals subjected to sexual harassment are encouraged to use the sexual harassment complaint procedure.
- (c) When management is informed of possible sexual harassment, it is their duty to investigate the matter and put an end to any unwelcome behavior.
- (d) Sexual harassment is defined as any unwelcome comment, gesture, request, or physical contact of a sexual nature when:
 - (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - (2) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual; or
 - (3) Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Title 2. Sexual Harassment Complaint Procedure

- (a) *Step One.* An employee who feels they are being subjected to sexual harassment should document specific information regarding occurrence. Dates, times, places, specific types of harassment, and names of any witnesses should be included in the

documentation. The employee is encouraged to let the harasser know that his/her actions are not welcomed.

- (b) *Step Two.* If the harassment continues, the employee shall submit a written complaint on a Sexual Harassment Complaint Form (See Appendix) to their major department head (attachments to the form may be made if necessary). The major department head shall investigate the complaint and respond in writing within three (3) calendar days. If the employee feels the need to verbalize their complaint to someone of their same sex, an individual shall be provided. If the employee feels that submitting a complaint to their Major Department Head would be non-productive, *Step Three* may be omitted. However, before the complaint is accepted in *Step Four*, the Personnel Services representative shall confer with the employee as to the employee's reasons for omitting *Step Three*.
- (c) *Step Three.* If the complaint was not resolved in *Step Two*, the employee may submit the complaint on a Sexual Harassment Complaint Form (attachments to the form may be made if necessary) to Personnel Services within four (4) calendar days after receipt of the answer from the major department head. Within five (5) calendar days after receipt of the complaint, the Personnel Manager or his/her designee shall review the complaint. The review may include meeting with the employee, representatives of department management, or other involved parties.
- (d) *Step Four.* Within three (3) calendar days of the review, the Personnel Services representative shall issue in writing his/her finding of fact and recommended resolution. Personnel Services shall send a copy to the employee using certified mail, return receipt requested and forward a copy to the Office of Administration – Executive Director.
- (e) *Step Five.* If the complaint is not resolved in *Step Four*, the employee may submit the complaint in writing to the Grievance Appeals Committee (as defined in Chapter G, Title 4) through the Office of Personnel Services within four (4) calendar days after the recommended resolution is received or refused. The Grievance Appeals Committee shall conduct a hearing concerning the complaint within five (5) calendar days of receipt of the complaint. The Grievance Appeals Committee shall issue a written decision within three (3) calendar days of the hearing. Personnel Services shall send a copy of the committee's decision to the employee using certified mail, return receipt requested. The decision of the Grievance Appeals Committee is final and is not appealable.

The Grievance Appeals Committee hearing shall include the following:

- (1) Written materials submitted by the Personnel Manager and the grievant.
 - (2) Testimony by the grievant and any witnesses for such willing to appear.
 - (3) Testimony by a representative of the Muscogee (Creek) Nation and any witnesses for such willing to appear.
 - (4) Questions from the Grievance Appeals Committee.
- (f) The time frames allowed for the investigation of such complaints may be extended upon management approval.

Title 3. Exception to Complaint Procedure

- (a) Grievances involving employees of any independent agency/commission must be filed with that agency/commission.

Chapter I. Safety and Work Environment

Title 1. General Policy

- (a) The Muscogee (Creek) Nation shall make every effort to provide working conditions that are as healthy and safe as feasible. Employees are expected to be equally conscientious about workplace safety, including proper work methods, reporting potential hazards and decreasing known hazards. In order to reach a high level of safety each employee must cooperate with the safety policy to ensure that public and work areas are free of hazardous conditions.

Title 2. Responsibility

- (a) Risk Management shall be responsible for administering, developing, and maintaining safety standards and procedures for the Muscogee (Creek) Nation. Safety standards shall reflect applicable federal regulations. Managers and employees shall be encouraged to exceed the recommended standards in order to create a safe and healthful working environment.

Title 3. Development

- (a) Risk Management shall issue to Personnel Services periodic regulations setting forth minimum standards which must be followed in all work areas of Muscogee (Creek) Nation.
- (b) Regulations issued under (a) above shall be binding on all personnel. Any appeal of a safety regulation must be presented in writing with a complete explanation of the reason(s) for appeal to

the Personnel Manager within three (3) working days of the issuance of the regulation. The Personnel Manager shall issue a written response to the appeal within five (5) working days. If the response does not resolve the matter, a written appeal can be made within three (3) working days to the Office of Administration – Executive Director. The decision of the Executive Director shall be issued within three (3) working days and shall be final. During the appeals process the regulation in question shall be enforced except by the mutual consent of the Personnel Manager, Executive Director, and the appellant.

- (c) Failure to comply with a safety regulation shall be grounds for discharge, suspension, probation, or demotion.
- (d) Upon receipt of a written request Personnel Services shall issue a written interpretation of any regulation issued under this Title, part (a), within ten (10) days.
- (e) Personnel Services shall be responsible for maintaining a master file of safety regulations and interpretations.

Title 4. Education

- (a) Risk Management shall develop, arrange, and conduct educational seminars on safety regulations and practices.
- (b) Courses shall be held at least annually for management personnel in order to update their knowledge of the safety regulations of the Muscogee (Creek) Nation.
- (c) Courses shall be held periodically for employees in order to promote greater awareness of safe work practices. It is the desire of the Muscogee (Creek) Nation that each employee attends at least one seminar per year.
- (d) Attendance of courses described in this Title, parts (b) and (c) shall be mandatory conditions of employment. Failure to participate in required safety seminars shall be grounds for disciplinary action.

Title 5. Visitors in the Workplace

- (a) The Muscogee (Creek) Nation welcomes the visits of family and friends of employees as an educational tool concerning tribal government.
- (b) Due to safety and confidentiality concerns, however, the following policy is adopted:
 - (1) Employee parents shall not provide child care at their workstation.

- (2) Visitors shall not be allowed to operate any equipment. An exception is the use of telephones may be allowed for local telephone calls lasting no more than three (3) minutes.
 - (3) Visitors should limit time spent at employee workstations.
 - (4) Supervisors are responsible for enforcing this policy.
 - (5) Violation of this policy is grounds for disciplinary action.
- (c) An employee shall immediately report to his/her supervisor any incident/accident involving himself/herself or a visitor while on Muscogee (Creek) Nation premises, which he/she has been involved in, observed, or alerted to. The supervisor shall complete an Incident/Accident Report (See Appendix). This report should describe the circumstances of the accident, the condition of the person involved, and suggestions as to how similar accidents might be avoided. This report must be received by Risk Management within twenty-four (24) hours of incident.

Title 6. Smoking Policy

- (a) The use of tobacco (including smokeless tobacco) is prohibited in all Muscogee (Creek) Nation buildings and individual offices. The use of tobacco is allowed only in designated areas.
- (b) Personnel Services shall develop a non-smoking program which will be offered periodically.

Title 7. Accidents

- (a) Risk Management shall be responsible for receiving and investigating Incident/Accident Reports pertaining to Muscogee (Creek) Nation personnel or property. A copy of the report shall be submitted to Personnel Services within twenty-four (24) hours of the incident/accident.
- (b) Any employee involved in an incident/accident while at work, and on tribal business, which involves tribal property, or a tribal vehicle, shall immediately report the incident/accident to their immediate supervisor.
- (c) Any employee who suffers an on-the-job injury shall report the injury regardless of degree, immediately to their supervisor.
- (d) It is the supervisor's responsibility to complete an Incident/Accident Report as issued under this Chapter, Title 5, part (c).
- (e) All incidents/accidents concerning Muscogee (Creek) Nation property or an incident/accident concerning any person which occurs on Muscogee (Creek) Nation property also must be immediately reported to the Lighthorse office.

- (1) Failure to report an injury or to file an Incident/Accident Report shall be grounds for discharge, suspension, demotion, or probation.
- (2) The Incident/Accident Report should describe the circumstances of the incident/accident, the condition of the employee, and suggestions as to how similar future incidents/accidents might be avoided.

Title 8. Property Loss or Damage

- (a) Any property loss or damage shall be reported immediately to the Lighthorse office. An Incident/Accident Report shall be completed by Lighthorse and a copy submitted to Risk Management.

Chapter J. Drug and Alcohol Policy

It is the policy of the Muscogee (Creek) Nation that the consumption of illegal drugs and the abuse of legal drugs while in the work place and intoxication by illegal drugs and the abuse of legal drugs when at work represent a violation of the law and may also represent a threat to personal and public safety and property. Abuse and use of such substances can grossly diminish the productivity and reliability of employees thereby violating a public trust placed in public employees. Therefore, such behavior shall not be tolerated and the Muscogee (Creek) Nation shall administer a program to educate employees about the hazards of drug abuse and to eliminate drug abuse amount by employees.

Title 1. Standards

- (a) Illegal drugs or intoxicating substances are those classified or scheduled drugs for which a criminal penalty can be incurred for use, sale or distribution. Ingesting legal substances as inhalants, propellants, or volatile substances, for their intoxicating effects are included.
- (b) Legal drugs can include alcohol plus prescription medication which has not been prescribed for the employee, or has not been prescribed for the amount obtained by the employee, or is not being used at the dosage prescribed for the employee and has an intoxicating and/or potentially addicting effect.
- (c) It shall be required as a condition of employment that an employee shall notify their supervisor in writing of any criminal drug statute conviction, no later than five days after such conviction.
- (d) Each job candidate is required to submit to a pre-employment drug test and any person beginning employment after the official issue date of this Personnel Policies and Procedures Manual may be subject to random drug testing. Any candidate who fails a drug test shall be withdrawn from employment consideration.

- (e) Drug tests may be administered to Muscogee (Creek) Nation employees by urinalysis test and results used as a basis for disciplinary action when there is reasonable individualized suspicion of intoxication by legal or illegal drugs.
- (f) Any employee found to have violated the drug and alcohol policy shall be subject to disciplinary action by the Muscogee (Creek) Nation even when the violation has not resulted in a criminal conviction.
- (g) As an alternative to disciplinary action, the Muscogee (Creek) Nation may require satisfactory participation in a drug abuse assistance or rehabilitation program as a condition to continued employment.
- (h) Peyote is excepted from the prohibition against drugs when used by Native American church members of one-quarter (1/4) blood or more off the job for ceremonial purposes where peyote is a sacrament or aid to worship.

Title 2. Definitions

- (a) Workplace – Muscogee (Creek) Nation owned or controlled property or the site for performance of work.
- (b) Controlled Substance – Cocaine, marijuana, opiates, amphetamines, and any other substance designated a “controlled substance” in schedules I through IV of Section 202 of the Controlled Substances Act (21 U.S.C. §812).
- (c) Criminal Drug Statute – A federal or non-federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.
- (d) Conviction – A finding of guilt (including judicial acceptance of a plea of nolo contendere) or imposition of a sentence, or both, by judicial body determining violations of federal or non-federal criminal drug statutes.
- (e) Project Director – The individual having administrative supervision over a project resulting from a federal grant or contract.
- (f) Employee – Shall include all administrative and professional staff, classified staff, student trainees, and management personnel of the Muscogee (Creek) Nation and any independent agency, or division of the Nation.

Title 3. Program

In support of anti-drug abuse legislation passed by the National Council, it is the policy of the Muscogee (Creek) Nation to establish and maintain appropriate compliance by:

- (a) Publishing and distributing to all employees a written statement regarding this controlled substance prohibition in the workplace, with descriptions of disciplinary actions which may be taken against employees for violation of such prohibition.
- (b) Establishing a drug-free awareness program.
- (c) Notifying the contracting or granting agency within ten (10) days of receiving notice of an employee's criminal drug statute conviction for a violation occurring in the workplace.
- (d) Imposing appropriate administrative disciplinary action on, or requiring the satisfactory participation in drug abuse assistance or rehabilitation program by, any employee who is so convicted or who has otherwise violated this policy.
- (e) Making a good-faith continuous effort to maintain a drug-free workplace through the implementation of the requirements set forth in the Drug-Free Workplace Act.
- (f) Prohibiting the use, possession, manufacture, distribution or dispensation of any illegal drug, narcotic, or controlled substance while on the job or tribal property.

Title 4. Procedures

- (a) A copy of the written statement referenced in Title 3, subpart (a) of this Chapter, regarding the controlled substance prohibition in the workplace shall be disseminated to all current employees, posted in the workplace of each division of the Nation and given to each new employee.
- (b) The project director shall have the responsibility of explaining this policy to employees working on a federal contract/grant.
- (c) An employee shall notify the project director, or in the absence of a project director, his/her immediate supervisor or other supervisory administrator, of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (d) The project director shall notify the Department of Grants and Contracts Administration (GCA) of an employee's criminal drug statute conviction for a violation occurring in the workplace. The GCA shall notify the federal contracting or granting agency of such conviction within ten (10) days of the notice under paragraph (c) or otherwise receiving actual notice of such conviction. The project director's notification shall be made in a timely manner so that GCA may comply with the time requirement set forth herein.

Title 5. Suspensions and Disciplinary Actions

- (a) An employee found at any time to have violated the drug-free workplace policy may be disciplined by the Muscogee (Creek) Nation even when the violation has not resulted in a criminal conviction. Employees may also be temporarily suspended if such is deemed necessary to protect the best interest and safety of the tribe, its components and participants. Further, employees alleged to have violated this prohibition shall be subject to disciplinary action including, but not limited to: termination of employment, referral for prosecution, and/or completion, at individual's expense, of an appropriate rehabilitation program. As an alternative to disciplinary action, the Muscogee (Creek) Nation may require satisfactory participation in drug abuse assistance or rehabilitation program as a condition to continued employment. The drug abuse assistance/rehabilitation shall be one that has been previously approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency.
- (b) In determining whether a violation of the drug-free workplace policy has occurred and disciplinary action is to be imposed as a result of such violation, relevant provisions of the Personnel Policies and Procedures Manual shall be followed.
- (c) One of the actions set forth in part (a) of this Title (i.e., discipline or satisfactory participation in a drug abuse assistance/rehabilitation program) shall be taken within thirty (30) days of receiving notice from an employee of a conviction as provided for in this Chapter, Title 1, part (c).
- (d) Failure of an employee to report his/her criminal drug statute conviction for a violation in the workplace within five (5) days of the conviction is grounds for dismissal of that employee.
- (e) For staff employees, approved and established leave policies shall be followed for the purposes of such treatment and rehabilitation.
- (f) Where necessary because of convictions and incarceration, decisions relative to suspension, dismissal or the granting of leave for treatment shall be determined individually.

Title 6. External Sanctions

Federal law provides for a variety of legal sanctions for the unlawful possession and distribution of illicit drugs. These sanctions include, but are not limited to, incarceration and monetary fines.

Title 7. Counseling and Rehabilitation Sources – Employee Assistance Program

- (a) The Muscogee (Creek) Nation Employee Assistance Program operated by Personnel Services may be contacted for preliminary

counsel and advice regarding chemical dependency problems and referral to approved chemical dependence treatment agencies.

- (b) There are several programs in the community or nearby that provide rehabilitation and counseling assistance to drug victims. Employees may obtain a listing of these programs from Personnel Services. Seeking help from, or being referred to or from these services is confidential, and shall not, alone, result in disciplinary action.

Title 8. Investigations

- (a) All investigations of drug and alcohol abuse or misuse shall be under the direction of the Personnel Manager. Methods of investigations into suspected violations of this act may include, but are not limited to, urinalysis drug testing to detect the presence of drugs or alcohol, and inspections or searches.
- (b) All employees shall abide by the terms of the Muscogee (Creek) Nation drug policy as a condition of employment and cooperate fully in investigation of suspected violations of this policy.

Title 9. Special Provisions

- (a) Unlawful involvement with drugs or narcotics while on the job or off is not acceptable because it can affect the job performance as well as the sensitivity of our tribal citizens.
- (b) The use, possession, manufacture, distribution, or dispensation of illegal drugs, narcotics or controlled substances while on the job or off is considered a violation of this policy and is grounds for disciplinary action up to and including discharge.
- (c) Tribal employees shall not be permitted to report to work or perform their duties after having ingested illegal drugs and while under the influence thereof.
- (d) Drugs which are illegal under federal, state or local laws include, but are not limited to, marijuana, heroin, hashish, cocaine, hallucinogens, and depressants and stimulants not prescribed for current personal treatment by an accredited physician.
- (e) The use of controlled medication or over-the-counter drugs as part of a prescribed medical treatment program is naturally not grounds for corrective action, but it may be important for supervision to know such is occurring in order to determine job assignments. Any employee undergoing prescribed medical treatment with a controlled medication that could impair his/her physical or mental operational faculties shall immediately report this treatment to his/her supervisor.

- (f) The use of alcohol on the job or tribal premises is prohibited, and use of alcohol off the job that adversely affects an employee's job performance is not acceptable.

Title 10. Drug Testing

- (a) An employee shall be requested to submit to a urinalysis drug/alcohol screening test when there is reasonable individualized suspicion to believe that employee is intoxicated by drugs or alcohol. These tests shall be initiated by the Personnel Manager within the Executive Branch as deemed necessary on an individual basis.
- (b) Additionally, drug/alcohol testing may be requested following certain serious accidents as determined by the responsible major department head or manager.
- (c) Refusal to participate in a drug/alcohol test where there is reasonable individualized suspicion or after an accident causing personal injury or property damage or a positive analytical test result indicating illegal drug use shall result in disciplinary action up to and including discharge.
- (d) Each job candidate may be required to submit to a pre-employment drug test and any person beginning employment after the official issue date of this Personnel Policies and Procedures Manual may be subject to random drug testing. Any candidate who fails a drug test shall be withdrawn from employment consideration. Any employee who produces a positive analytical test result indicating illegal drug use shall be subject to disciplinary action up to and including discharge.

Chapter K. Travel

Title 1. Purpose

The purpose of this policy is to provide an administrative framework that shall ensure the proper management of those activities associated with official travel for the Muscogee (Creek) Nation (the Nation). These activities include Standards, General Responsibility and Authority, Transportation, Local Transportation, Lodging and Per Diem (M&IE), Travel Request and Authorization, Approval, Travel Agenda, Travel Advances, Travel Expense Reports, Expense Reimbursement, Third Party Reimbursements, Non-employee Travel, and Conduct.

Title 2. Standards

- (a) The standards for approved travel are established based upon policies set forth in the following Titles 3 through 15, the Federal Travel Regulations (FTR) contained in 41 CFR Subtitle F, OMB Circular A-87 and auditing standards.

- (b) The Nation's Travel Policy shall not be less restrictive than the FTR.
- (c) Allowable travel events that are not covered by the policies set forth below shall fall under the guidelines of the FTR.
- (d) The standard of prudence requires that travelers exercise the same care in incurring expenses and accomplishing a travel objective that a "prudent person" would exercise, and the travel is "reasonable and necessary" and within the scope of paragraph (e) of this title. **Excessive costs, circuitous routes, delays, luxury accommodations, added cost for personal preferences which are unnecessary or unjustified in the performance of official business are not considered acceptable.**
- (e) Travel shall be generally authorized for the following purposes:
 - (1) Performance of official tribal business;
 - (2) Request by an external funding agency;
 - (3) Agency required meeting or training;
 - (4) Employee educational/training purposes; and
 - (5) Program development.

Title 3. General Responsibility and Authority

- (a) Management shall adhere to the following policies. Any deviation from these policies shall be secured in writing and signed by the appropriate management giving justification for any such deviation(s).
 - (1) Management shall ensure that the projected travel is authorized by considering contract or program objectives, resolutions, directives, program staffing, etc., and that the minimum number of persons essential to the accomplishment of the travel objective shall be placed on travel status.
 - (2) Management shall ensure that all transportation and lodging costs are the most economical use of all tribal resources, including time, funds and personnel for the Nation. Management shall ensure the most economical mode of transportation and lodging is used, which shall include the consideration of time spent in travel status.
 - (3) Management shall be responsible for informing the traveler of all requirements, review and follow up of all documents for Travel Authorizations and Travel Expense Reports.

- (4) In the event of employee termination, Management shall cooperate with the tribal Travel Coordinator to ensure that all outstanding travel is cleared before issuance of final payroll checks.
 - (5) Insofar as is practical, management shall schedule travel for occurrence during the employee's normal working hours (See this Chapter, Title 9, part (f)).
 - (6) Administration shall provide for a centralized agent for purposes of air travel reservations and tickets.
- (b) The traveler shall adhere to the policies stated herein. Any deviation shall be stated in writing on the Travel Authorization form or by letter of justification with approval of the appropriate management personnel. The traveler shall further ensure that:
- (1) No cost will be incurred against the Nation for any unauthorized person or persons accompanying the traveler. Added costs for extra person(s) occupying rooms, taxis, etc., shall be the sole responsibility of the traveler.
 - (2) Any travel cost reimbursements, stipends, honorariums and gratuities will be paid to the Nation, and shall be used to offset costs of the charged program.

Exception:

In the event that the traveler is not on travel status, i.e. on Annual Leave, Personal Leave or Leave Without Pay, such reimbursements, stipends, honorariums and gratuities may be retained by the traveler.

Title 4. Transportation

- (a) Transportation for purposes of travel for official business shall be incurred by the mode most cost effective and timely for the Nation. Authorized modes of transportation shall include (in order of preference) commercial airlines, tribal vehicle, or privately owned vehicle (POV). Rental vehicles may also be approved for ground travel (local transportation) as provided in paragraph (e) below. Other modes of transportation may be approved dependent upon emergency situations when life, health, tribal status or sovereignty may be at risk. Such situations will be evaluated on a case by case basis.
- (b) Travel by commercial airline is the preferred mode of transportation for all out-of-state travel, and must be used whenever possible and reasonable. This mode of travel provides the Nation with the least exposure to liability. Authorization is based upon the following:
 - (1) Management shall ensure that travel is planned in advance in order to take advantage of lowest cost pricing for airline

tickets. Travelers must be aware of any special requirements involved with special pricing to ensure that only necessary costs are incurred.

- (2) Coach class or commuter accommodations are required for all tribal travel. **First class travel is prohibited** except in the event that Administration has determined that purpose of such is necessary to the sovereignty and future of the Nation, or in the event that coach class space is unavailable within a reasonable time to accomplish the purpose of the travel. First class travel may be permitted for health reasons with a written statement from the traveler's physician.
 - (3) Costs for charter aircraft are not allowable except in cases of extreme emergencies and no other means of travel is available or expedient. Costs for charter aircraft must be justified and approved by the Principal Chief.
 - (4) Frequent flyer miles earned by employees traveling on official tribal business **must be used for tribal business**. Accumulated benefits are to be used to purchase tickets for official business. Accumulated benefits cannot be used for upgrades to first class, personal purposes, or to pay for companion air fare.
 - (5) The traveler is responsible for contacting the tribally designated travel agent to obtain ticket pricing and schedules. However, tickets will not be purchased until confirmed by the Nation's Travel Coordinator.
 - (6) The Nation's Travel Coordinator shall, upon receipt of an approved Travel Authorization request issue a Travel Authorization number, confirm the travel with the designated travel agent and make arrangement for the delivery of the tickets. No tickets will be issued by the travel agent without a Travel Authorization number.
- (c) Tribal vehicles or GSA vehicles may be used on in-state travel status when prior approval is obtained through Administration. Use of a tribal vehicle facilitates in-state travel or travel to bordering states where commercial air flights are not available. Travelers are encouraged to use tribal fuel cards when possible. In the event that a fuel card is not available to the program, fuel and vehicle expenses will be reimbursed at actual costs. The traveler must provide detailed invoices or receipts for all reimbursement requests.

Tribal insurance does not permit the transporting of non-employees in tribal vehicles.

- (d) Personally owned vehicles (POV) may be used with prior approval under the following guidelines:

- (1) Use of a POV facilitates in-state travel or travel to bordering states where commercial air travel or a tribal vehicle is not available. For out-of-state travel, the use of a POV must be most advantageous to the Nation when considering cost, liability and travel time involved.
- (2) Traveler must have prior approval of the appropriate management.
- (3) The rate of mileage reimbursement for use of a POV under all circumstances shall be consistent with rates established by the IRS and/or policy established by the Nation. Reimbursement rates will be conditioned by the FTR:
 - a) Full reimbursement if no tribal vehicle is available for use by the traveler;
 - b) Partial reimbursement of \$0.285/mile if a tribal vehicle is available but traveler uses POV as personal choice;
 - c) Partial reimbursement of \$0.105/mile if there is no prior approval for use of POV.

(These rates may change to be consistent with the FTR.)

- (4) Total amount of the reimbursement for POV mileage and cost for added lodging, per diem, etc., shall in no situation exceed the lesser of the calculation of the above defined mileage rates of the cost of advance coach class (or government rate if applicable to program) airline ticket.
 - (5) The traveler must submit a flight itinerary with the Travel Authorization form, quoting advance coach class airfare to establish the most economical reimbursable rate (See paragraph (4) above).
- (e) Ground transportation expenses may be incurred while on travel status. Modes of ground travel include, but are not limited to, rental vehicles or taxi cabs, and are permissible under the following guidelines:
- (1) Use of a rental vehicle shall require justification and will be permitted only with prior approval, and must be cost effective to the Nation when compared to other available means of local transportation. The traveler is responsible for determining if shuttle transportation is provided to and from the airport by the hotel or agency.
 - (2) Use of a taxi or rental vehicle shall be restricted to official business including, but not limited to, transport between air terminal and lodging sites, and transport between lodging and meeting sites.

- (3) Use of a taxi or rental vehicle is permissible for the purpose of obtaining meals when such amenities are either cost prohibitive at, or are not provided by, the approved lodging site.
- (4) Use of a taxi or rental vehicle for purposes of entertainment is strictly prohibited as such use incurs added costs to the Nation.
- (5) Rental vehicles shall be limited to mid-size and compact vehicles only. Large size sedans, vans/SUVs are allowable only if the number of authorized traveler's in the party can justify such. A minimum number of drivers sufficient to the purpose of the travel shall be designated on the vehicle rental agreement.
- (6) The traveler will not be reimbursed for the cost of insurance coverage, since the Nation is self-insured. This insurance is provided as long as the driver is an employee of the Nation, and on official business. Coverage as provided by the rental agent is to be waived by the traveler.
- (7) Drop-off charges will require justification, and will not be reimbursed if such charges were not specifically required for the purpose of the travel.
- (8) Any cost incurred by the traveler for additional charges (mileage, etc.) which are not directly within the purpose of the travel will not be reimbursed by the Nation, but will be at the traveler's expense.

Title 5. Local Transportation

- (a) Use of a POV is limited to direct routing from the employee's home or workstation to a temporary workstation or meeting and return to work or home. Use of a POV is limited to the following:
 - (1) Use of a tribal/GSA vehicle is not available.
 - (2) Mileage reimbursement is limited to the difference between the employee's normal mileage to and from work, and the total mileage required, i.e. if an employee normally drives twenty (20) miles to work, and twenty (20) miles home, reimbursement for mileage to a TDY (temporary duty or business travel) or meeting would be paid only if the round trip to work, TDY, and back to work or home exceeded the forty (40) miles.
 - (3) Employees will not be reimbursed for miles driven which do not specifically meet the requirements of the job.

- (4) Reimbursements for mileage will be processed with a properly detailed Mileage Voucher (See Appendix) and Activity Sheet (See Appendix).
- (5) Receipts for costs of parking (except valet parking) and toll fees may be submitted on the Mileage Voucher for reimbursement.

Title 6. Lodging and Per Diem (M&IE)

- (a) Lodging shall be approved within the guidelines of the FTR/CONUS for travel purposes when the destination is at a distance from the employee's residence or work station which will not permit an economical return or when the period of time will require temporary lodging, normally in excess of seventy-five (75) miles and for more than twelve (12) hours.
 - (1) The traveler must determine if the rates offered by the lodging facilities are allowable in accordance with the FTR/CONUS. In the event the destination is not specifically listed by CONUS, rates established for towns/cities within the same county will be utilized. In the event that the destination city or boundary city/county is not listed by CONUS, the CONUS standard rate will be utilized. CONUS is set by lodging rates at 2 and 3 star establishments. **The traveler is responsible for finding the most economical lodging.**
 - (2) The traveler is responsible for making his/her own lodging reservations. The reservation must be in the name of the traveler. The traveler is further responsible for ensuring that reservations are cancelled, if so required, within the period allowed by the hotel so that no costs for cancelled travel become the expense of the Nation.
 - (3) The traveler will be responsible for excessive costs for lodging as a result of personal preference, or failure on the part of the traveler to obtain all information with regard to escalating room rates.
 - (4) Each traveler is required to obtain a detailed room bill upon checking out of the hotel. A receipt for cash advance payment and/or "express checkout" does not constitute a detailed room bill. Only original receipts/invoices (not faxes or photocopies) are acceptable. The traveler should request a "zero receipt" at the time of checkout.
 - (5) Room sharing for more than one person on authorized travel will be allowable when and where practical. However, the reservation must be made in the name of all persons sharing the room, and the traveler's reimbursement will be limited to one-half (approved rate divided by the number of authorized

travelers sharing the room) of the approved rate. The name of each traveler must appear on the detailed room bill. Each traveler is required to pay his proportionate share of the cost of lodging.

- (6) In the event of travel for the purpose of official business (not including certain training/workshops/seminars) should available room rates exceed the rate allowable by CONUS, such rates shall not exceed 200% of CONUS. Such rates require prior approval and a letter of justification. Such rates must be included and documented in the estimated cost applied for on the Travel Authorization form.
 - (7) Lodging rates for conferences which are not required by any government agency, or not required to maintain tribal status, will be limited to not more than 125% of CONUS. The FTR defines training, workshops and seminars as conferences for the purpose of establishing allowable lodging rates. [FTR Amendment 89] This includes but is not limited to third party vendor workshops.
- (b) Per Diem is provided for the purpose of meals and incidental expenses incurred by the employee during travel status, as provided for under the guidelines of the FTR/CONUS and the policies herein stated:
- (1) Per Diem will not be paid for travel periods under twelve (12) hours.
 - (2) The allowable rate is established as in (a) (1) above and is calculated as follows:

When travel is:		Per Diem Allowance:
More than 12 hrs, less than 24		Max of 75% of applicable M&IE
24 hrs or more w/lodging	Day of departure*	Max of 75% of applicable M&IE
	At TDY or destination	100% of applicable M&IE
	Day of return*	Max of 75% of applicable M&IE

*Travel time for application of per diem is established as the time the traveler leaves his/her residence or workstation and makes full return to his/her residence or workstation.

First and last day per diem is limited to 75% (three quarters) and must extend into the beginning and ending quarter by no less than one (1) hour.

- (3) When meals and/or lodging are provided to the traveler without charge or are at a nominal cost, an appropriate deduction shall be made from the authorized per diem rate per the FTR. Snacks and/or continental breakfasts provided by commercial airlines, hotels or by hosting entities are not deducted from allowable per diem.

The traveler shall be reimbursed for any provided meal deduction made only with proof of such meal being purchased elsewhere and a memo of justification.

- (4) Per Diem will not exceed one day prior and/or one day after scheduled meetings.
- (c) Travelers selecting to travel by use of tribal vehicle or POV are entitled to lodging and per diem costs consistent with and not to exceed costs for a similar trip by commercial airlines.

Title 7. Travel Request and Authorization

- (a) All requests for travel shall be prepared on the Travel Authorization form prior to travel. All supporting documents pertaining to the requested travel must be attached to the Travel Authorization. Approval of travel on the Travel Authorization form facilitates the encumbrance of funds to prevent unauthorized expenditures. Unapproved travel will not be reimbursed. In the event of an emergency, only the Executive Director or the Principal Chief may approve a Travel Authorization after the fact.
- (b) The Travel Authorization form and instructions for completion are provided to traveling employees by the Office of the Controller.
- (c) A Travel Authorization number (TA No.) will be issued by the Nation's Travel Coordinator. Air carrier agents will not issue tickets without a TA No.
- (d) Required registration fees will be indicated on, and paid from, the Travel Authorization form. However, such fees may be accomplished by a Purchase Requisition in instances where travel status is not involved.
- (e) Travelers will be responsible for excess costs and additional expenses incurred due to personal preference and convenience when such costs are not convenient or necessary to the Nation.
- (f) No Travel Authorizations will be processed for those travelers with outstanding travel advances or Travel Expense Reports which have not been submitted as required by tribal policy (See this Chapter, Title 10, part (c)).
- (g) Costs for travel for official business not covered by the issuance of a travel advance shall be reimbursed upon submission of a travel

expense report. Excess advance monies are due at the time of submission of the approved Travel Expense Report.

- (h) When the cost of the travel is to be reimbursed by a third party, appropriate documentation supporting such reimbursement is to be submitted with the Travel Authorization request (See this Chapter, Title 13).
- (i) The Nation will not incur costs or be billed for the costs of an employee's personal travel or for the cost of relatives or companions who accompany employees.

Title 8. Approval

- (a) All approvals shall conform with this Chapter, Titles 1, 2, and 3.
- (b) The procedure for approval shall be as follows:
 - (1) The traveler shall forward the Travel Authorization and all supporting documentation to the appropriate manager for approval.
 - (2) The approving authority shall determine the appropriateness and necessity of the request, compliance with travel policy, sign for approval and forward the TA to the appropriate Director and/or Controller for processing. If the travel is disapproved, the approving authority must inform the individual requesting the travel.

Title 9. Travel Agenda

- (a) Management shall ensure that the agenda shall be in accordance with the approved purpose and objectives stated for travel, and must be within the scope of the program and specific job duties of the requesting employee.
- (b) The Travel Authorization for out-of-state travel shall not exceed one (1) day prior to scheduled meetings or training and one (1) day after such meetings or training. The "one day before" or "one day after" shall not apply to in-state travel without prior justification and approval of Administration.
- (c) Copies of announcements, agendas, schedules and training offerings, or other documents establishing costs shall be submitted with the Travel Authorization form.
- (d) Copies of the flight schedule or justifications for use of a tribal vehicle or POV shall be submitted with the Travel Authorization form.
- (e) The traveler is required to return to work at the completion of the travel status when the trip ends during the normal work day, and if

the return time so permits; otherwise, the traveler will be considered to be on leave.

- (f) Travel during off-hours will not be eligible for Comp Time or Overtime. However, in the event that travel is required during an official holiday, the employee may be given a day off in lieu of the missed holiday with approval of Administration.

Title 10. Travel Advances

- (a) Travel advances, where direct payments are made to other parties for conference fees, tuition, registration, etc., shall be made within the scope of allowable advances.
- (b) Items of travel which are based on estimated allowable cost shall be eligible for travel advances. The travel advances issued will be at 90% of the total estimated cost of travel, excluding fees and airfare.
- (c) No travel advance will be issued to employees with existing travel advances outstanding more than five (5) working days after the travel has occurred or with existing debt to the Nation if such indebtedness is the result of travel.
- (d) Travel advances will not be issued when overnight stay is not required.
- (e) Travel advances are for tribal business only and cannot be used for personal purposes.
- (f) No travel advance will be issued when the Travel Authorization is received after the last available check run date for such advance. Full reimbursement will be made upon submission of an approved Travel Expense Report.
- (g) When travel is canceled, the traveler is required to return all monies advanced immediately.

Title 11. Travel Expense Reports

- (a) The Office of the Controller shall provide a Travel Expense Report form (See Appendix), complete with instructions. In the event that a Travel Expense Report is not submitted within the guidelines of this title, paragraphs (a) (1), (2), and (3), the employee will be notified of the delinquency. Further delinquency will result in the **full amount of the travel advance** being deducted from the payroll immediately following the due date of the Travel Expense Report. Inability to comply due to illness or added travel status must be documented and approved by the Executive Director or Principal Chief.
 - (1) Travel Expense Reports are due within five (5) working days of the last day of travel.

- (2) All original receipts including airline passenger receipts, detailed hotel room bill, receipts for toll roads, parking, taxi fare, etc., are to be attached to the Travel Expense Report.

Ticketless Airfare: The traveler will be required to obtain a receipt stub at the respective ticketing counter prior to departure.

- (3) All undersized receipts (i.e. tolls, taxi fare, fuel, parking, etc.) must be taped to a blank sheet of paper (8 ½ x 11). This sheet shall include the traveler's name and Travel Authorization number.
 - (4) When travel is for training purposes, a copy of a "Certificate of Completion" for such training will be submitted with the Travel Expense Report.
- (b) A narrative report, signed by the traveler, as well as any training documents obtained as a result of the travel may be required by the program manager.
 - (c) All training materials and other handouts become the property of the sponsoring program.

Title 12. Expense Reimbursement

- (a) Reimbursement for travel shall be in accordance with standards identified within this policy.
- (b) Failure by the traveler to submit original receipts will cause a delay in reimbursement and can cause the expense to be disallowed.
- (c) Receipts are not required for per diem expenditures for meals and incidental expenses (M&IE) unless the employee is on "Actual Cost Reimbursement" travel status (See this Title, part (g)) or for reimbursement of meal deductions as noted in Title 6, part (b) (3). Per Diem for M&IE is calculated based on guidelines established within the Federal Travel Regulations (FTR) and modified for tribal purposes.
- (d) In the event allowable costs exceed the amount of any travel advance, the traveler will be reimbursed by tribal check on the next scheduled check run after acceptance of the Travel Expense Report and supporting documentation.
- (e) In the event that any issued travel advance exceeds the allowable costs of the travel, the traveler is required to deposit the balance owed to the Nation with the Tribal Cashier upon return from the trip. Failure to reimburse the Nation within five (5) days will result in a notice from the accounting department. Failure to reimburse within ten (10) days will result in a payroll deduction during the next pay period. **After three (3) payroll deductions, the traveler will no longer be eligible for travel advances.**

- (f) Other legitimate costs associated with the travel shall be reimbursed at full cost upon approval by management, provided appropriate documentation is submitted with the Travel Expense Report. Such allowable costs include, but are not limited to:
 - (1) Conference/meeting room rentals
 - (2) Reproduction/copying costs
 - (3) Fax/postage costs
 - (4) Phone calls (limited to one personal call per day; personal calls are to be reasonable in cost to the tribe)
 - (5) Costs for audio-visual rentals
 - (6) Parking and toll fees (the tribe does not reimburse costs for valet parking)
- (g) Actual Cost Reimbursement may be made by request of the traveler by so noting the Travel Authorization form prior to approval. Actual cost reimbursement may be selected for lodging only and/or M&IE and will be based upon:
 - (1) In the event that lodging costs cannot be held to 200% of the CONUS, and the purpose of the travel is for official business of the Nation, the traveler may request actual cost reimbursement not to exceed 300% of CONUS. Certain third party workshops and seminars may not be considered official business (See this Chapter, Title 6, part (a) (7)).
 - (2) Actual cost of meals and incidentals in areas where such services are not available to the traveler at normal or reasonable rates.
 - (3) Advances will be made based upon actual lodging costs and/or CONUS approved per diem rates.
 - (4) Actual cost reimbursement requires the submission of receipts for all costs incurred during the travel.

Title 13. Third Party Reimbursements

- (a) When travel is to be reimbursed by a third party, a Travel Authorization is still required. The Travel Authorization shall be so noted and documentation supporting the reimbursement is to be submitted with the Travel Authorization. Costs of the travel will be covered by the Nation under the policies set forth above, including advances, pending receipt of cost reimbursements from the hosting agency.
- (b) The traveler is responsible for submission of reimbursement request to the hosting agency and will further ensure that all

reimbursements are to be made payable to the Muscogee (Creek) Nation. A copy of the reimbursement request and copies of detailed receipts will be forwarded to the tribal Travel Coordinator along with a Travel Expense Report. In the event that reimbursements are made directly to the traveler, the traveler will be required to repay the travel advance. In the event that the hosting agency does not fully cover the cost of the travel, cost will be borne by the tribal program based upon allowable costs. Such reimbursements made by the hosting agency may result in an IRS Form 1099 to be shown as taxable income to the traveler at the end of the year.

Title 14. Non-employee Travel

- (a) On occasion, travel may be required for persons who are not employees but rather represent parent committees, boards, etc.
- (b) Travel will be approved contingent upon justification and prior approval of the appropriate management. Travel must be within the scope and purpose of the program and the purpose of the committee or board member.
- (c) Non-employee travel shall be subject to all policies stated above. Sponsoring programs are responsible for informing the traveler of all requirements, and for review and follow-up of all travel documents.

Title 15. Conduct

- (a) Employees on travel status for the purpose of official business or training are representatives of the Nation.
- (b) Conduct while on travel status shall be governed by policies stated in the Personnel Services Administration Policies and Procedures Manual, §403, Chapter C, Title 1 and Title 12.
- (c) Violations of these policies shall result in appropriate disciplinary actions and cause the traveler to be ineligible for travel status until such time as the ineligible status is lifted by the Administration.

Chapter L. Employee Organizations

- (a) The Muscogee (Creek) Nation recognizes the utility of employee associations and their positive potential.
- (b) No employee group shall be officially recognized until their group's constitution/by-laws have been granted written approval by the Principal Chief.

Chapter M. Dress Code

Title 1. Personal Appearance

- (a) It is the policy of the Muscogee (Creek) Nation that each employee's dress, grooming and personal hygiene should be appropriate to the employee's current work situations.
 - (1) Employees are expected at all times to present and portray a professional businesslike image to all clients and visitors of the Muscogee (Creek) Nation. Favorable personal appearance is an ongoing requirement of employment with the Muscogee (Creek) Nation. Extreme deviations from conventional or personal grooming and hygiene standards are not permitted.
 - a) Flexibility may be allowed during extreme weather conditions at the discretion of the Manager.
 - (2) Employees are expected to dress in a manner that is standard business attire. Shorts, t-shirts, tank tops, sweatpants, inappropriate footwear and similar items of casual attire are not permitted as they do not display a businesslike appearance.
 - a) No rubber shoes (beach flip flops, flip flops, rubber garden shoes/Crocs/Clogs, shower shoes or rubber slides). Dress sandals that are heeled or flat are acceptable.
 - b) Attire that is too revealing is inappropriate for the office. For example, low-cut necklines that show excessive cleavage, short skirts or low-rise jeans/pants. Undergarments should not be visible.
 - c) T-shirts or clothing with derogatory statements, pictures or logos will not be allowed.
 - d) Employees may wear jeans on Fridays (or last day of workweek) if not scheduled for meetings of importance where they will be representing Muscogee (Creek) Nation.
 - (3) Hair should be clean, combed and neatly trimmed or arranged. All sideburns, moustaches and beards should be kept neatly trimmed.
 - (4) Certain Tribal employees may be required to meet special dress, grooming and/or hygiene standards depending on the nature of the job and meeting all safety requirements.

- a) At the discretion of the manager, some departments may require their employees to have a less strict dress code, based on the nature of their job, or for specific tasks. For example, GSA, Food Distribution, and Children & Family Services.
- (b) Any tribal employee who does not adhere to all standards set forth in this policy will be required to take corrective action to alleviate the problem, which may include but is not limited to leaving the tribal worksite. Any work time missed due to failure to comply with policy may result in the use of Annual Leave, Leave Without Pay or reprimand.
- (c) Enforcement of this policy will be the responsibility of the Department Supervisor/Managers and Division Director. Failure to enforce said policy may result in disciplinary action.

Chapter N. Internet and Email Usage

Internet and email access is intended for business related purposes, such as communicating with citizens, suppliers, and colleagues, researching relevant topics and obtaining useful tribal business information.

A Monitoring and Reporting system has been installed at Muscogee (Creek) Nation in order to track each employee as to web sites visited, duration of time spent on the internet and quantity of email processed. Policing employees will be the responsibility of the Supervisors, Managers, and/or Directors.

Muscogee (Creek) Nation has a right to monitor any and all aspects of their computer systems including, but not limited to: sites or news groups visited by employees, instant messaging, chat groups, material downloaded or uploaded by employees, and email sent or received by employees. **No user should have any expectation of privacy in any message, file, image or data created, sent, retrieved or received by use of the Muscogee (Creek) Nation's equipment and/or access.** Such monitoring may occur at any time, without notice, and without the employee's permission. (In addition, electronic records may be subject to the Freedom of Information Act (FOIA) and, therefore, available for public distribution.)

Any employee who does not follow the Internet and Email Usage policy will be subject to disciplinary action, up to and including discharge, as shown in §403, Chapter F.

Any Supervisor, Manager or Director who fails to uphold this policy will be subject to disciplinary action, up to and including discharge.

Title 1. Internet Policy Provisions

- (a) World Wide Web access from Muscogee (Creek) Nation is filtered by third-party software in the following categories: adult content, nudity, sex, gambling, chat lines, instant messaging and games. If an employee wants to report a particular web page that they feel should fall into one of these categories, they can call the I.T.

Department. If an employee is being blocked from a site that they need access to in doing their job, the department manager can send a request to the I.T. Manager.

- (b) Employees may not download or distribute pirated software or data.
- (c) Employees may not download software or files from the internet except those that will be used to serve Muscogee (Creek) Nation.
- (d) Employees may not use the internet for private and/or commercial financial gain, advertising or solicitation purposes.
- (e) Employees are prohibited from buying and/or selling merchandise online, for personal use or gain. This includes, but is not limited to, sites such as eBay and Craigslist.
- (f) Employees may not do personal online banking or pay personal bills online.
- (g) Employees may not stream media from any internet site, unless it is directly related to Muscogee (Creek) Nation tribal business. This includes, but is not limited to, internet radio, internet television, and music videos.
- (h) Employees may not play any type of games on their computer. This includes, but is not limited to, internet games and locally installed games.
- (i) Social networking sites are prohibited. This includes, but is not limited to: myspace.com, facebook.com, twitter.com, Adultfriendfinder.com, classmates.com, and hi5.com.
- (j) The following types of sites are prohibited: pornographic material, nudity, sexual, gambling, chat lines, instant messaging, games and personal dating.

Title 2. Email Policy Provisions

- (a) The conduct of employees using Muscogee (Creek) Nation email accounts may be perceived as reflecting on the character and professionalism of the Tribe. When engaging in such conduct, whether for personal or official purposes, employees are expected to do so in a responsible and professional manner. Email is intended solely for the use of tribal business.
- (b) Employees may not send chain letters, jokes, video links or pictures unrelated to MCN business.
- (c) Employees may not send material that would be considered inappropriate, offensive or disrespectful to others.
- (d) The receipt of any prohibited material should be immediately deleted.

- (e) There will be no personal email accounts set up on MCN computers and outside personal email cannot be accessed.
- (f) Not all employees need an email account. Directors and Managers must choose from their departments who should be set up with an MCN email account. Managers must submit in writing the reasons why their employee needs an email account to the I.T. Department for review.

§ 404. WAGE & SALARY

Chapter A. Wage and Salary Administration Policy

Title 1. Purpose

The policies, clarifications and procedures described in this section have been consolidated to provide management with an information source on salary administration for all wage and salaried personnel. The availability of this information will provide management with an operating tool wherein employees can be rewarded and motivated on a systematic and realistic basis and consequently increase the efficiency of their operations and the overall performance of the tribal government.

Title 2. Application and Statement of Compensation Policy

This policy on wage and salary administration shall apply to all personnel under the control of the Executive Branch of the government of the Muscogee (Creek) Nation and those agencies, divisions and/or organizations which are subject to the authority of the Executive Branch of the Muscogee (Creek) Nation. The General Compensation Policy is as follows:

- (a) To establish wage and salary ranges that reflect the monetary value to the tribal government of individual jobs, as determined by the formal system of continuing job descriptions, job evaluation and review, considering the duties and degree of responsibility of each job.
- (b) To establish and maintain justifiable and realistic monetary differentials between job levels.
- (c) To ensure that, for comparable jobs, salary and benefits are equal to or better than average wage and salary and benefits offered by other employers providing similar employment.
- (d) To adjust wage and salary ranges when shifting economic and competitive factors, determined by periodic local and national surveys, warrant.
- (e) To encourage superior performance by adjusting wage and salary rates of each employee on the basis of his or her individual performance as determined by a systematic program of performance appraisal.
- (f) To ensure that compensation is not influenced by race, color, religion, sex, age, or national origin.
- (g) To publish the objectives and policy upon which the compensation program is based and to provide information to employees about

the wage and salary structure and administration as it affects them individually.

Title 3. Statement of Compensation Objectives

It is the objective of the Muscogee (Creek) Nation to maintain a compensation system that shall:

- (a) Attract, retain and reward qualified wage and salaried personnel at all levels of responsibility.
- (b) Reflect the degree of difficulty and responsibility of respective jobs.
- (c) Be externally competitive, internally consistent and impartial.
- (d) Motivate employees to achieve specific and overall tribal goals.
- (e) Contribute incentives for personal career growth and salary advancement on the basis of demonstrated performance.
- (f) To foster employee understanding by providing individual employees information on the salary structure and administration as it affects them.
- (g) Be a flexible and simple tool that shall help rather than hinder management in the overall salary administration of their subordinate units.
- (h) Comply with applicable law and regulations.

Title 4. Wage and Salary

- (a) Wages and salaries for any operating budget unit within the Muscogee (Creek) Nation shall be established and approved by a Member of the Cabinet for the Office of Principal Chief. A Member of the Cabinet is hereby defined as a Senior Leader who reports directly to the Principal Chief and has been identified as a member of his Cabinet.

Title 5. Position Classification

- (a) Personnel Services shall review and assign appropriate grades, titles and occupational codes for each job position. Any new assignment(s) for a job position(s) shall not be implemented until approved by a Member of the Cabinet for the Office of Principal Chief.
- (b) The assignment of appropriate grades, titles and occupational codes is contingent upon the designation of specific duties to positions by the supervisor of each position.

- (c) Positions are classified by application of Position Classification and Job Grading Standards of public and private sector employers in the service area of the Muscogee (Creek) Nation.
- (d) If changes are made in a position at any time, the supervisor must notify Personnel Services. Action then shall be taken to update the job description which may or may not result in a change in grade level and title. All job descriptions should be classified within the current five year period.
- (e) Most positions are assigned to one of the different pay grades of the established Wage Schedules. Certain jobs, such as contract personnel, may be excepted from the classification system and may be paid under different pay systems.

Title 6. Job Description

- (a) The major duties and responsibilities which management has assigned to employees are described in their official job description. If an employee believes that their job description is inaccurate, incomplete or out of date, the employee should let their supervisor know so it can be updated.
- (b) The job description tells the employee where his/her position fits into the organization and describes the official duties and responsibilities of the employee. It does not necessarily limit the employee duties. Additional or different duties may be assigned by the supervisor at any time.
- (c) Job descriptions shall be reviewed annually to determine whether the duties and responsibilities have changed.

Title 7. Management Schedule (MG)

- (a) The Management Schedule covers supervisors and management officials. This system includes grades which have a graduated pay scale set by administrative policy.
- (b) Positions classified under the Management Schedule also use employee performance as a basis for increases in base pay.

Title 8. Salaried Schedule (SG)

- (a) Employees in professional, technical or administrative capacities are paid under the salaried system. This system includes grades which have a graduated pay scale set by administrative policy.
- (b) The following nine factors are taken into consideration when assigning a grade to salaried positions covered by the Factor Evaluation System:

- (1) Knowledge required by the position
 - (2) Supervisory controls
 - (3) Guidelines available
 - (4) Complexity
 - (5) Scope and effect of work
 - (6) Personal contacts
 - (7) Purpose of contacts
 - (8) Physical demands
 - (9) Work environment
- (c) Each grade has 10 steps or pay levels, and employee advancement to the next step is determined by employee performance.
- (d) These increases become effective on the first day of the pay period following the completion of Personnel Action Request forms by Personnel Services.

Title 9. Hourly Schedule (HG)

- (a) The compensation of employees who are employed in a recognized trade, craft, other skilled mechanical occupation, an unskilled or skilled manual labor job, or in some cases a specialized professional field, is set under administrative policy in the Hourly Schedule. This system includes grades which have a graduated pay scale set by administrative policy.
- (b) Pay increases for positions classified under the Hourly Schedule are based on employee performance.

Title 10. Fair Labor Standards Act Classification

- (a) To the extent that the Fair Labor Standards Act may be applicable to Muscogee (Creek) Nation, employees may be classified as exempt or non-exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). More information concerning overtime can be found in this section, Chapter E, Title 4.

Chapter B. Wage and Salary Administration Operating Responsibility

The administration of the wage and salary programs and procedures presented in this section are dependent upon the interaction of various functional units within the tribal organizational structure. These units and their respective operating responsibility relating to the administration of wage and salaries are as follows:

Operation Unit

Responsibility

Operating Supervisors

Using the wage and salary schedules represented in this section administer the wage and salary program for subordinates on a fair and equitable basis in conjunction with operating and budget considerations not necessarily discussed in this section. Originate all appropriate forms required to achieve the desired wage and salary action.

Personnel Services

Counsel and advise management in all areas of wage and salary administration. Develop, recommend, and implement programs and/or changes adjusting salary structures and ranges, management training and development programs and procedures, salary administration policies and generally insure that tribal wage and salary administration guidelines are followed within their area of operational responsibility.

Review and approve all input documents relating to salary actions for policy or guideline compliance. Be responsible for any wage and salary administration problem area which requires remedial action through effective communication with management.

Constantly review the wage and salary program for the purpose of recommending, developing and implementing policies and/or procedures that will increase the effectiveness of the program. Maintain comprehensive wage and salary records for the purpose of supplying top level management with various data and reports at their request.

Continually counsel all levels of management in wage and salary administration techniques and policy interpretations.

Approve the Wage and Salary Guide and the Wage and Salary scales on an annual basis. Review specific areas of concern to insure fair and equitable job evaluation and technical qualification. Review the wage and salary administration program to ensure that the program is accomplishing the objectives of the tribal government. Review all exceptions to

policy, deciding whether or not said exception should be directed to the attention of the Principal Chief.

Payroll Function

Process all approved salary actions.

Principal Chief

The Principal Chief shall act as the final approving body for any salary administration exception to policy (See this section, Chapter C) as well as reviewing the overall wage and salary administration program approving or disapproving recommended changes in wage and salary administration procedure and policy.

Chapter C. Salary Administration Approval Level Determination

Title 1. Standards

- (a) The following represents the guidelines for securing approvals for within policy wage and salary actions.

Approval Level

Responsibility

Originating Supervisor

Recommend the employee for the within policy increase using the appropriate form. The origination supervisor's signature shall indicate his/her commitment that the employee's performance has justified the recommended increase. Requested salary increases shall not proceed without approval from the major department head and a Member of the Cabinet for the Office of Principal Chief.

Next Level of Supervision

Review the recommended increase with the originating supervisor determining in his/her own mind that the rationale concerning the increase is such that he/she can indicate his/her approval by signing the salary action form. The review shall include consideration of budgetary limits. Forward approved form to Personnel Services.

Personnel Services

Review the projected salary action for compliance with the wage and salary administration guidelines and to insure that all required information on the form is completed. In the event the recommendation does not conform to policy, Personnel Services shall return the recommended action for either completion or further consideration. Upon ascertaining that the recommended salary action is within policy, Personnel Services shall forward the action to the final approving body.

Principal Chief

Approval by this level of management (or his/her designee) indicates final acceptance of the recommended wage or salary action. Upon approving the action, the Principal Chief should return the form to Personnel Services who shall in turn process the salary action through the payroll office. Personnel Services shall then advise management of the affected work unit that the salary action has been approved. Personnel Services shall also inform the affected employee of the salary action.

Delegation of Authority for the Approval of Wage and Salaries: Within the organizational structure of the Muscogee (Creek) Nation, there exists Senior Leadership for the establishing and approval of wage and salaries for the various operating and budget units within the Muscogee (Creek) Nation. Therefore, the following Unit Leaders shall have the authority to establish and approve wages and salaries on any operating unit under their leadership:

- (a) Executive Director, Office of the Administration
- (b) Controller, Department of the Treasury
- (c) Attorney General, Department of Justice
- (d) Secretary, Department of Housing
- (e) Secretary, Department of Commerce
- (f) Secretary, Department of Interior Affairs
- (g) Secretary, Department of Education & Training
- (h) Secretary, Department of Community & Human Services
- (i) Secretary, Department of Health

Chapter D. Wage and Salary Administration Budget Forecast

Title 1. Preparation of Wage/Salary Planning Guide

- (a) During the second quarter of each fiscal year, each organizational unit shall prepare a Wage and Salary Increase Planning Guide for the forthcoming year. The Guide shall consist of employee identification data, employee salary history data and a section for anticipated wage/salary actions.
- (b) The Wage and Salary Planning Guide shall provide a vehicle whereby all levels of management and Personnel Services can examine the tribal wage and salary increase plans for the coming year. The planning guide shall be designed specifically for exempt and non-exempt employees. The purpose of the planning guide is to provide management with the following:
 - (1) A basis for developing and planning wage/salary expenditures for the forthcoming year which includes consideration of employees' performance, position within range and elapsed time since last increase.

- (2) Provide top level management with the opportunity to review wage/salary procedures on a specific basis thereby insuring the more effective use of dollars.
- (3) Provide a means whereby Personnel Services will have the ability to “key off” projected wage/salary actions to the appropriate supervisors.
- (4) Provide a vehicle that shall enable the tribe to ensure as uniform as possible application of the wage/salary administration program throughout the tribe.
- (5) Provide management with a means whereby they can divide their total approved compensation dollar allocations into specific increase projections and thus increase the effectiveness of the compensation dollars to which they are allotted.

Title 2. Procedure for Wage and Salary Administration Budget Forecast

- (a) In January of each year, Personnel Services shall discuss with the Office of Principal Chief and Members of the Cabinet an increase in the compensation dollars anticipated for the forthcoming year. This discussion shall include all aspects of compensation that are not part of performance such as cost of living, etc.
- (b) After arriving at a conclusion and subsequent decision as to percentage of increase in compensation dollars Personnel Services shall advise the budget office as to the percentage of increase.
- (c) The budget office shall include this percentage figure in their instructions to management for preparation of their annual operating budgets.

Chapter E. Compensation

Title 1. Wage and Salary (Employee)

- (a) Each supervisor shall maintain time and attendance requirements on all persons under his/her direct supervision; each individual shall be responsible for completing his/her Time Sheet and/or attendance document(s); the specified document(s) are Time Sheets (See Appendix).
- (b) Each individual and his/her supervisor shall sign the Time Sheet and/or attendance documents as evidence of authenticity prior to the individual receiving pay for the period covered.

- (c) All personnel who submit their Time Sheets on a prompt basis shall be paid on a bi-weekly basis on the Friday following the regular pay period.
- (d) All payroll checks and deductions shall be computed by the payroll office.
- (e) Time Sheets are source documents. The falsification of a source document may subject an individual to criminal charges. The falsification of a source document shall be grounds for immediate dismissal.
- (f) Time and attendance shall be kept on the Time Sheets according to the following codes:

Hours Worked	W
Overtime	O
Compensatory Time	C
Holiday Leave	H
Annual Leave	A
Sick Leave	S
Leave Without Pay	L
Jury Duty	J
Bereavement Leave	B
Disaster Leave	D
Military Leave	M
Inclement Weather	I
Administrative Leave	ADM
Personal Leave	P

Title 2. Completion of Time Sheets

- (a) The deadline for completed Time Sheets to be received in Personnel Services is 2:00 p.m. on Friday, with the exception of departments required to work weekends. For those departments, the due date is 10:00 a.m. on the Monday following each pay period. In case of holidays, special instructions from the Payroll office shall be distributed.
- (b) Any Time Sheet received after these deadlines shall be considered late and shall be processed accordingly. Only those Time Sheets which are correctly filled out shall be considered complete. Incomplete Time Sheets must be corrected before the appropriate deadline or they shall be considered late. While Personnel Services shall attempt to notify an employee whose Time Sheet is incomplete, it is the responsibility of the employee and his/her supervisor to ensure the employee Time Sheet is complete.
- (c) Each full-time employee shall indicate on their Time Sheet a sum of eighty (80) hours on the totals section of the Time Sheet (i.e., the

sum of hours worked and any type of leave shall be eighty). Any full-time employee Time Sheet which has a total that does not equal eighty (80) shall be considered incomplete.

- (d) Each full-time employee shall indicate on their Time Sheet a sum of eight (8) hours for each day worked. If the total of hours worked is less than eight (8) then the appropriate approved leave must be indicated. If the total of hours worked is in excess of eight (8) then the excess time should be placed in the bottom box for the appropriate day and total for such indicated in the bottom box under hours worked in the totals section. Any full-time employee Time Sheet which does not indicate eight (8) hours for each day shall be considered incomplete.
- (e) Each employee shall sign their own Time Sheet. Any Time Sheet which is not signed by the proper employee shall be considered incomplete.
- (f) Each signature on the Time Sheet shall be dated. Any Time Sheet which has signatures that are not dated shall be considered incomplete.

Title 3. Distribution

- (a) Payroll checks shall not be distributed in advance of pay day.

Title 4. Overtime Compensation

- (a) All employees who are non-exempt based on the Fair Labor Standards Act shall be given Compensatory time at a rate of one and one-half (1 ½) hours for each hour worked in excess of forty (40) hours per week. This time will be pro-rated to increments of time that are less than one hour.
- (b) A Compensatory Time Authorization form (See Appendix) shall be completed by each Supervisor authorizing Compensatory time and such authorization shall be less than eight (8) hours per any one week. Approved Compensatory time for each pay period shall be attached to the employee's Time Sheet for submission to Personnel Services.
- (c) Compensatory time eight (8) hours or more per individual per any one week shall be authorized only by the Office of Administration – Executive Director.
- (d) Employees must be allowed to use their Compensatory time during the same pay period during which it was accrued.

Exceptions:

- (1) If the compensated overtime is worked on the Thursday or Friday at the end of a pay period, the employee's supervisor has the discretion to delay the employee taking the Compensatory time until the following pay period.
 - (2) If the taking of Compensatory time may unduly impact departmental operations or public health, safety or property the employee's supervisor may decline to allow the taking of Compensatory time for that specific pay period.
- (e) Employees shall not be required to use Compensatory time during the same pay period during which it was accrued.
 - (f) All Compensatory time accrued shall be used within one hundred eighty (180) days following the pay period in which it was accrued. Any remaining Compensatory time shall be paid to the employee at the rate of one and one-half (1 ½) times their normal rate.
 - (g) Accrued Compensatory time must be exhausted prior to the granting of any Annual or Sick Leave.
 - (h) The maximum Compensatory time that may be accrued is seventy-nine and a half (79 ½) hours (fifty three (53) hours at straight time); after which overtime shall be compensated by monetary payment.

Exception:

- (1) Employees of the Lighthouse Commission may accrue a maximum of one hundred sixty-eight (168) hours (one hundred twelve (112) hours at straight time); after which overtime shall be compensated by monetary payment.
- (i) An employee whose job situation is changed (i.e., transferred, promoted, demoted or reclassified in such a way their pay rate is changed) shall use or shall be paid for any accrued Compensatory time prior to the effective date of such change.
 - (j) Compensatory time shall **not** be used in conjunction with Leave without Pay.
 - (k) The procedure for Compensatory Time shall be:
 - (1) Supervision, upon the determination that extra work hours are needed over and above the normal scheduled work hours, shall request an employee or employees to work additional hours. The request shall be in writing and shall be signed by the supervisor. A copy of the request must accompany the Compensatory Time Authorization form

delivered to Personnel Services as referenced in subpart (3) of this part.

- (2) Supervision shall complete the Compensatory Time Authorization form. This form shall state the purpose and amount of overtime work.
 - (3) Two copies of the Compensatory Time Authorization form shall be forwarded to Personnel Services immediately following its completion. Personnel Services shall log in both copies, one of which shall be retained by the supervisor. The form must be received in Personnel Services by 11:00 a.m. the workday following authorization.
 - (4) All non-exempt employees shall record Compensatory time daily on the Time Sheet and follow normal Time Sheet procedure.
 - (5) Personnel Services shall verify Compensatory time authorized and recorded on the Time Sheet.
 - (6) Unauthorized time shall be disallowed by Personnel Services and shall not be entered on the Compensatory Time Record.
 - (7) Upon separation of employment, salary for unused Compensatory time shall be paid to the employee along with his/her final paycheck.
- (l) All employees who are exempt under the Fair Labor Standards Act (29 U.S.C. §201, *et seq.*) shall not be eligible for overtime compensation.
- (1) The Fair Labor Standards Act exempts “any employee employed in a bona fide executive, administrative or professional capacity”

Title 5. Flex Time

- (a) Flex time is defined as legitimate, job related time worked in excess of the eight (8) hour work day. The earning of Flex time must be **preapproved** by immediate Supervisor, Manager, or Director. Flex time **cannot** be earned by working through lunch break or morning/afternoon breaks. Flex time can only be earned in fifteen (15) minute increments.

Example of Flex time:

7:00 a.m. = 60 minutes (1 hour) earned

7:50 a.m. = 0 minutes earned

5:16 p.m. = 15 minutes earned

- (b) Employees earning Flex time are responsible for maintaining their own log for documenting preapproval for earning, calculations, and use of Flex time. The actual Flex time earned must be documented through a time tracking system, such as a time clock.
- (c) For employees who are on-call or are required to attend meetings after hours, the Supervisor must develop a system to ensure the employee is not required to unnecessarily travel back to the office to document after hours earning of Flex time. These include, but are not limited to, Child Protection staff, Domestic Violence staff, Community Research and Development staff, and Emergency Management staff.
- (c) Flex time must be used before any other type of Leave. Flex time is non-transferrable and will not be paid out to employees, upon departmental transfer or separation of employment.

Title 6. Cell Phone Stipend

The purpose of this policy is to establish a procedure, to provide accessibility to Officials and key personnel of the Nation, through a cell phone stipend and thereby eliminate the Nation's exposure and the waiver of sovereignty.

- (a) The Muscogee (Creek) Nation shall provide a stipend to all elected officials and appointed cabinet members for the business use of a personal cell phone. This stipend is based upon the need for accessibility to key personnel within the Muscogee (Creek) Nation.
- (b) Other employees of the Muscogee (Creek) Nation shall be covered by this policy based on the following criteria:
 - (1) Attorneys, Doctors, Nurses, and other professional people on the Nation's staff.
 - (2) Program Directors/Secretaries and Managers.
 - (3) Classified employees on call 24/7, or in field locations, who are required to be accessible by phone, email, or text, to adequately perform job duties.
 - (4) Cell phones shall be purchased and maintained via a governmental plan for Caseworkers and Law Enforcement Officers; these shall be charged to the appropriate program budget.
- (c) Two levels of stipend have been identified:
 - (1) Voice only – Stipend amount shall be \$60 per month.

- (2) Voice and data – Stipend amount shall be \$85 per month (must be justified by Management).
- (d) Employees are required to sign an agreement acknowledging:
 - (1) The stipend is a partial reimbursement for business use of a personal cell phone.
 - (2) The employee will keep the phone turned on and in working order.
 - (3) The employee agrees to use services and equipment compatible to the needs of the Nation.
 - (4) The employee agrees to have the phone number published in the Nation's directories.
 - (5) The employee shall be allowed to keep current equipment and transfer to a personal plan.
 - (6) Should the employee prefer a different device, the employee may change devices at their own expense.
- (e) The stipend shall be paid biweekly as other pay and shall be included in the employee's taxable income. The rate of stipend takes into consideration the tax impact to the employee. Stipend amounts shall be reviewed annually.
- (f) Proper documentation, by Human Resources, shall be required to accomplish payment of the stipend to the employee.

Chapter F. Job Requirements

Title 1. Job Analysis

- (a) Job Analysis shall be defined as the process of gathering, analyzing and recording information concerning the duties, responsibilities and qualifications that are required of individuals performing each job.
- (b) The information provided by this process shall serve as the primary source for the construction of job descriptions.
- (c) Job analysis shall be conducted by a factor method utilizing a point system for comparison.
- (d) Factors utilized shall be:
 - (1) Mental/Education Requirements
 - (2) Skill Requirements

- (3) Experience
- (4) Physical Requirements
- (5) Responsibility
- (6) Working Conditions
- (7) Managerial Responsibility

- (e) Personnel Services shall review the job analysis methodology yearly and submit any recommendations to the Office of Administration – Executive Director.

Title 2. Job Description

- (a) A Job Description is defined as a summary of the principal duties, responsibilities, activities, and requirements needed for a specific job.
- (b) Whenever a position becomes vacant, the job description for that particular job shall be reviewed for accuracy by the immediate supervisor and Personnel Services. Whenever possible, the former job incumbent shall be a part of this review process.
- (c) Regardless of occupancy, job descriptions for each position shall be reviewed periodically to affirm accuracy.

Chapter G. Recognition and Awards Program

Title 1. Recognition for Outstanding Performance

- (a) Individual employees and work units may receive recognition for outstanding performance.
- (b) The standards for attaining the level of outstanding performance shall be established by a Recognition and Awards Committee. The Director of each of the executive departments shall designate a person from their department to serve on the Committee. Additionally, a representative from Personnel Services shall act as the chairperson of the Committee.

Title 2. Awards

- (a) The implementation of an awards system for attaining a level of outstanding performance shall be directed by the Recognition and Awards Committee.

Title 3. Salary Enhancement for Language Speaking Employees

- (a) A salary enhancement of \$0.50 (fifty cents) per hour for qualified Muscogee (Creek) Nation language speaking employees will be paid to full-time regular employees certified by the Language

Qualifying Committee. The employee must have completed the 60 day probationary period in order to receive the bonus.

- (b) The Language Qualifying Committee shall consist of fluent Muscogee speakers appointed by the Muscogee (Creek) Nation Executive Director. In the event of a tie, Muscogee (Creek) Nation Second Chief will be a voting member of the Committee. Second Chief shall also serve as a one-person Appeal official.
- (c) Employees who believe they qualify by adequately speaking the Muscogee language must file an application form with Personnel Services, which will then make the applications available to the Committee for consideration.
- (d) The Committee will create an internal policy for operation and select dates and times for testing. Results will be certified by the Muscogee Language Qualifying Committee Chairperson. The Committee will provide a certification letter to Personnel Services identifying each qualified employee eligible for receiving the \$0.50 (fifty cent) salary enhancement.
- (e) Personnel Services will maintain a list of employees qualifying, under this title, for payment of the \$0.50 (fifty cent) salary enhancement. This salary enhancement will be added to the employee's regular pay, effective the first day of the pay period following certification notification.
- (f) The Personnel Manager will submit a quarterly report to the Principal Chief listing all qualifying Muscogee Language speaking employees receiving the \$0.50 (fifty cent) salary enhancement.
- (g) Each Certified Language Speaking Employee will be listed as interpreters for their department and will be utilized as such, if and when necessary.

§ 405. BENEFITS

Chapter A. General Policy

The Benefits Policy shall be to provide an administrative framework that shall ensure the proper management of those activities associated with benefits management including leave, insurance, pension, career development and associated health and safety.

Chapter B. Benefits Cost and Rate

Title 1. Standards

- (a) A cost/benefit approach shall be the methodology utilized in determining what benefits to be included in an employee benefit package.
- (b) Considerations shall include:
 - (1) The legal requirements encountered in the employee/employer relationship;
 - (2) The basic health (physical and mental) aspects of employee and family;
 - (3) The economic security of present and future; and
 - (4) The personal growth and development of the individual employee.

Title 2. Cost, Benefits and Rate

- (a) Cost shall be compatible with the federal government and private industry.
- (b) The benefits and rate listed below are effective only for full-time employees for the 2003 Fiscal Year and are given only for illustrative purposes:

<u>Benefit</u>	<u>% Allocations</u>
F.I.C.A.	7.65
State Unemployment Insurance	0.80
Workers' Compensation	2.00
Comprehensive Health & Life	17.30
Pension	9.00
Career Development Plan	<u>0.25</u>
	37.00

- (c) All full-time Hourly, Salaried, Management and Contract classification employees shall have the full range of benefits and rate applicable as stated in this Title 2, part (b).
- (d) All part-time, and temporary Hourly, Salaried, Management and Contract classification employees shall have less than the full range of benefits and rate available. The benefits and rate listed below are effective only for the 2003 Fiscal Year and are given only for illustrative purposes:

<u>Benefit</u>	<u>% Allocations</u>
F.I.C.A.	7.65
State Unemployment Insurance	0.80
Workers' Compensation	<u>2.00</u>
	10.45

- (e) The Office of the Controller shall issue, on an annual basis, the benefits and rate effective for all full-time, part-time and temporary Hourly, Salaried, Management and Contract classification employees for that Fiscal Year.
- (f) All Contract classification employee benefits shall be negotiable and specifically listed in the employment contract.
- (g) The applicable benefits shall be applied for Elected classification personnel as required by ordinance or resolution.

Chapter C. Leave Policies

Title 1. Holiday Leave

- (a) Each employee shall be granted Holiday Leave on days observed as legal holidays.
- (b) The following days shall be observed as legal holidays:
 - (1) New Year's Day and the immediate preceding work day (if New Year's Day should fall on Saturday, then the holiday shall be observed on Friday. However, if New Year's Day should fall on Sunday, then the holiday shall be observed on Monday).
 - (2) Good Friday
 - (3) Memorial Day
 - (4) Creek Festival

- (5) Independence Day
 - (6) Labor Day
 - (7) Veterans Day
 - (8) Native American Day
 - (9) Thanksgiving Day and the day following
 - (10) Christmas Day and the immediate preceding work day (if Christmas Day should fall on Saturday, then the holiday shall be observed on Friday. However, if Christmas Day should fall on Sunday, then the holiday shall be observed on Monday).
- (c) To be eligible for Holiday Pay employees shall work the day preceding the holiday and the day after **or** shall have prior approved Leave, not to include approved Leave Without Pay.
 - (d) An employee shall be eligible to use Holiday Leave in conjunction with Medical Leave.
 - (e) Medical Leave used in conjunction with Holiday Leave shall have the express approval of the supervision and shall be limited to the day preceding or day after the holiday, the exception being wherein an employee utilizes three (3) days or more of Medical Leave including the holiday.
 - (f) No cash payments shall be made in lieu of Holiday Leave.
 - (g) The procedure for posting legal holidays shall be as follows:
 - (1) Personnel Services shall post a notice of holiday on entrances to building within the tribal complex.

Title 2. Annual Leave

- (a) Annual Leave shall be granted to all regular full-time employees based on a schedule of reward associated with the number of years of uninterrupted service by the employee.
 - (1) Employees shall be eligible for Annual Leave upon the completion of the sixty (60) day Conditional Employment period.
 - (2) Annual Leave shall be based upon pay periods completed and the number of years of uninterrupted service by the employee. Accrual rates for Annual Leave shall be as follows:

- (i) 0 to 3 months of service: No hours earned
 - (ii) 3 months up to 1 yr of service: 4 hrs per pay period (104 hrs annually or 13 days)
 - (iii) 1 yr up to 10 yrs of service: 6 hrs per pay period (156 hrs annually or 19.5 days)
 - (iv) 10 yrs of service and over: 8 hrs per pay period (208 hrs annually or 26 days)
- (b) Full time employees may carry over up to two hundred forty (240) hours of unused Annual Leave to the next fiscal year.
- (c) Annual Leave is considered a vested benefit. Upon separation of employment, salary for unused Annual Leave shall be limited to the maximum of two hundred forty (240) hours and shall be paid to the employee along with his/her final paycheck.
- (d) All Annual Leave requests shall receive approval documented on the Leave of Absence Request form and shall be requested in advance.

Exception:

This stipulation shall not apply when being used in conjunction with the Tardy policy stated in Section 403, Chapter C, Title 6 (d).

- (e) All accrued Annual Leave shall be printed on employee check stub.
- (f) Emergency Annual Leave shall be available for periods up to eight (8) hours for purposes of emergency nature; provided that said individual requesting leave shall contact Personnel Services who shall approve and issue Emergency Annual Leave Request and notify by telephone said individual's supervisor. Any individual requesting Emergency Annual Leave and who does not have accrued leave shall be counted as having taken Leave Without Pay.
- (g) The scheduling of Annual Leave shall be a management prerogative. Managers or supervisors are encouraged to maintain an Annual Leave/Vacation Schedule for each employee within their department. This will ensure each office remains adequately staffed at all times.
- (h) The approval of Annual Leave shall be a management prerogative.

The Annual Leave Request procedure shall be as follows:

- (1) An employee desiring Annual Leave shall complete a Leave of Absence Request form (See Appendix) through the employee signature line.
- (2) The specific dates shall be entered for which Annual Leave is being requested (i.e., August 11, 12, 13, or September 3, etc.). Any date which does not appear on the Leave of Absence Request form and on which the individual takes leave, that particular day shall be counted as Leave Without Pay.
- (3) The request shall be forwarded to Personnel Services who shall complete the personnel section.
- (4) The employee shall obtain the signature of his/her supervisor or Director if directed.
- (5) Distribution of the Emergency Annual Leave Request form shall be the same as the regular Annual Leave Request.

Title 3. Sick Leave

- (a) Sick Leave shall be granted to all regular full-time employees based upon pay periods completed.
 - (1) Employees shall be eligible for Sick Leave upon completion of the sixty (60) calendar day Conditional Employment period.
 - (2) Sick Leave shall be extended to each employee upon an equal basis. Each employee shall accrue four (4) hours per pay period completed.
- (b) Full time employees may carry over any unused Sick Leave to the next fiscal year. However, at no time shall an employee's accrued Sick Leave exceed one thousand forty (1040) hours.
- (c) All accrued Sick Leave shall be printed on employee check stub.
- (d) Sick Leave shall include all leave time associated with an individual's health (i.e., sickness, disability, physicals, doctor's office visits, mental health, etc.) and immediate family.
- (e) Any employee who takes three (3) or more consecutive days of Sick Leave shall, upon return to work, be asked to present a doctor's statement or other documentation to verify the employee's ability to return to work.
- (f) The request procedure shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h).

- (g) Sick Leave is not a reimbursable benefit and should not be considered as such upon separation of employment.

Transfer of Sick Leave

In the event of a continuing/extended major illness or condition, documented by an attending physician, and the employee has exhausted all available leave, A Sick Leave Donation Request form may be submitted to request additional Sick Leave on a Sick Leave Share basis. Second opinions from a physician may be required by Personnel Services in an appropriate situation.

Employees wishing to contribute (share) Sick Leave may do so, on a voluntary basis, by submitting a Sick leave Donation form to Personnel Services. Transfers shall be limited to a minimum of eight (8) hours (one workday) on each Transfer of Sick Leave.

Personnel Services shall cause records to be maintained on all Transfer of Sick Leave transactions for the employee in need and the employee contributing the Sick Leave.

Title 4. Personal Leave

- (a) Personal Leave shall be granted to all regular employees based upon a specific number of days per year.
 - (1) Employees shall be eligible for Personal Leave upon completion of the sixty (60) calendar day Conditional Employment period.
 - (2) Personal Leave shall be extended to each employee upon an equal basis. Each employee shall be given three (3) days of Personal Leave per fiscal year (prorated on completion of sixty (60) day probation date).
- (b) Personal Leave must be taken within current fiscal year. There will be no carry over for Personal Leave from year to year.
- (c) Personnel Services will track Personal Leave time usage for all employees.
- (d) Personal Leave usage shall be at the Managers, Supervisors or Deputy Director's discretion.
- (e) Personal Leave may be used for any reason with prior approval.
- (f) Upon separation of employment, salary for unused Personal Leave will be paid to the employee along with his/her final paycheck.

Title 5. Leave Without Pay

- (a) Leave Without Pay shall be considered on an individual basis by management.
- (b) Leave Without Pay shall be considered only for purposes germane to the health, safety or welfare of the individual or employer.
- (c) Management shall justify in each instance the applicability of the health, safety or welfare factor.
- (d) Any unauthorized absences shall be accounted for as unauthorized Leave Without Pay.
- (e) Leave Without Pay shall not be allowed if the employee has accumulated Annual or Sick Leave.

Exception:

This stipulation shall not apply when disciplinary action is being instituted. A Disciplinary Action Form must be completed and submitted to Personnel Services.

- (f) Suspension without pay shall be recorded on the employee Time Sheet as Leave Without Pay.
- (g) Excessive Leaves Without Pay shall be grounds for dismissal.
- (h) Unauthorized Leave Without Pay within an employment year shall automatically place the employee in a probationary status.
- (i) The request procedure shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h).
- (j) In cases of unauthorized absences, the immediate supervisor shall issue a Leave Without Pay form to Personnel Services on the day following the absence. Failure to report an unauthorized absence shall subject the Supervisor to disciplinary action.

Title 6. Bereavement Leave

- (a) In the event of the death of a member of a regular or regular part-time employee's immediate family, an employee may be granted a leave of absence with pay up to a maximum of three (3) consecutive working days, one of which shall be utilized to attend the funeral of the deceased. The amount of time authorized shall be determined by the employee's unit manager and shall be allowed as the circumstances warrant.

- (b) In the event of the death of a member of a regular or regular part-time employee's extended family or a friend, an employee may be granted a leave of absence with pay for eight (8) hours per fiscal year.
- (c) Such leave shall not be charged to other types of leave but shall be in addition to those.
- (d) For the purpose of this section, an employee's immediate family is defined as a parent, spouse, child, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparents of the employee or his/her spouse, and grandchildren of the employee, or "foster" or "step" situations within these relationships.
- (e) Unit managers may require verification of death and the relationship of the deceased to the employee.
- (f) The request procedure, with the addition of part (e) of this Title, shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h).

Title 7. Jury Duty Leave

- (a) In the event of an employee being called for Jury Duty in a Court of the State of Oklahoma, Court of the Creek Nation or U.S. Federal Court, said employee shall be granted leave of absence with pay. The employee may retain monies received from the court for expenses they received while on Jury Duty.
- (b) Upon notification that an employee is to serve on Jury Duty, he/she shall notify his/her supervisor of the Jury Duty and present a copy of his/her notification.
- (c) Employees are expected to report back to their working assignment during a normal work day when their presence is not required by the court.
- (d) Any employee of the tribe or any political subdivision who is subpoenaed as a witness to testify on any matter pertaining to their employment is not entitled to receive a witness fee or reimbursement for mileage.
- (e) The request procedure, with the addition of part (b) of this Title, shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h).

Title 8. Military Duty Leave

- (a) Leaves of absence for military or reserve duty will be granted to all employees (except temporary employees). Leave will be with pay

for up to twenty (20) days per fiscal year, and the remainder of such leave will be without pay.

- (b) Your eligibility for reinstatement after your military duty or training is completed is determined in accordance with applicable federal and state laws.
- (c) The request procedure shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h), with the additional requirement for the employee to attach a copy of the military orders to the leave request form and submit these to the supervisor as soon as possible after receiving the orders.

Title 9. Disaster Leave

- (a) If an employee suffers individual or personal misfortune as a result of an event such as fire, explosion, flood or violent weather, the employee shall be granted up to three (3) days of leave of absence with pay.
- (b) Verification of the disaster may be required by the unit manager.
- (c) The request procedure, with the addition of part (b) of this Title, shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h).

Title 10. Inclement Weather Leave

- (a) If a facility of the Muscogee (Creek) Nation is closed by order of the Office of Administration – Executive Director due to inclement weather, all employees in that facility shall be granted leave of absence with pay. Inclement Weather Leave shall not be available to employees who are unable to get to work due to inclement weather in their area if tribal facilities are open.

Title 11. Administrative Leave

- (a) Upon the discretion of the Principal Chief, leave of absence with pay may be granted to employees for tribal related activity which is not covered by any other paid leave policies.
- (b) Administrative Leave may only be granted by the Principal Chief.
- (c) Personnel Services shall not process Leave of Absence Request forms specifying Administrative Leave which are not approved by the Principal Chief.
- (d) The request procedure, with the exception of part (b) of this Title, shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h).

Title 12. Miscellaneous Leave Provisions

- (a) An employee who has been suspended without pay shall not be granted Holiday Leave, Annual Leave, Sick Leave, Bereavement Leave, Career Development Programs Leave, Personal Leave, Disaster Leave, or Administrative Leave.

Chapter D. Family and Medical Leave

Title 1. Standards

- (a) Eligible employees shall be granted up to twelve (12) weeks of unpaid leave for certain family and medical reasons.
- (b) Employees are eligible if they meet **both** of the following:
 - (1) The employee must have completed one (1) year of service; and
 - (2) The employee must have worked at least 1,250 hours over the previous calendar year.
- (c) At the option of the employee or Personnel Services, an applicable type of a paid leave of absence (i.e., Annual Leave or Sick Leave) may be substituted for unpaid leave.
- (d) Subject to the additions/exceptions contained in this Chapter, the request procedure shall be identical to the Annual Leave procedure as given in this section, Chapter C, Title 2, part (h).
- (e) Exceptions to this provision may apply if certain business circumstances have changed (e.g., if the employee's position is no longer available due to a job elimination). Exceptions may also apply for certain highly compensated employees under certain conditions.

Title 2. Reasons for Taking Leave

- (a) Unpaid Family and Medical Leave shall be granted for any of the following reasons:
 - (1) To care for the employee's child after birth, or placement for adoption or foster care;
 - (2) To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
 - (3) For a serious health condition that makes the employee unable to perform the employee's job.

Title 3. Advance Notice and Certification

- (a) The employee shall be required to provide thirty (30) days advance notice when the leave is “foreseeable”.
- (b) The employee shall be required to provide medical certification to support a request for leave because of a serious health condition.
- (c) Management may require a second or third opinion (at Muscogee (Creek) Nation expense) of the medical certification.
- (d) A doctor’s statement or other documentation to verify an employee’s ability to return to work shall be required for any employee who has taken three (3) or more consecutive days of Family and Medical Leave for a personal serious health condition of the employee’s which has prevented the employee from performing his/her job.

Title 4. Job and Benefit Protection

- (a) For the duration of the Family and Medical Leave, the employee’s health insurance shall be maintained. However, the employee must still pay the monthly premiums for any dependent insurance coverage.
- (b) Upon return from Family and Medical Leave, the employee shall be restored to their original or an equivalent position with equivalent pay and benefits.
- (c) The use of Family and Medical Leave shall not result in the loss of any benefit that accrued prior to the start of the employee’s leave.
- (d) The accrual of Annual and Sick Leave shall be suspended during the use of Family and Medical Leave.

Chapter E. Insurance and Pension

Title 1. Employee Health and Medical Insurance

- (a) An employee health and medical insurance plan, which includes dental and vision, shall be offered at a reasonable cost to each regular full-time employee. Employees are eligible for the insurance plan on the first day of the month following their probation date.
- (b) Dependent coverage shall be offered on an optional basis to provide health and medical insurance for the employee’s family as determined by the insurance carrier. The cost rate shall be determined by the Principal Chief.

- (c) The election for dependent coverage shall be an employee responsibility.
- (d) Conditions of insurance coverage shall be governed by the insurance policy.
- (e) Personnel Services shall administer the health and medical insurance program.
- (f) The procedure for obtaining health and medical insurance shall be as follows:
 - (1) Any employee desiring policy information, additions, deletions, coverage, forms, etc., shall contact Personnel Services for further direction.

Title 2. Life Insurance

- (a) An employee life insurance plan shall be provided at **no cost** to each full-time regular employee on the first day of the month following their probation date.
- (b) Life insurance shall be provided in an amount equivalent to two (2) times an employee's wage or salary calculated on a per annum basis.
- (c) Conditions of the insurance coverage shall be governed by the insurance policy.
- (d) Personnel Services shall administer the Life Insurance Program.
- (e) An Accidental Death provision shall be included which is equivalent to four (4) times an employee's wage or salary calculated on a per annum basis.
- (f) The procedure for life insurance shall be as follows:
 - (1) Any employee desiring information concerning policy information, procedure forms, etc., shall contact Personnel Services.

Title 3. Disability Insurance

- (a) A Disability Insurance plan shall be provided at no cost to each full-time employee on the first day of the month following their probation date.
- (b) Disability insurance benefits shall be calculated based upon one-half (1/2) the wage or salary of the employee, computed on a biweekly basis.

- (c) Eligibility for benefits shall begin once the employee has used all available Sick Leave.
- (d) Condition of the insurance coverage shall be governed by the insurance policy.
- (e) Personnel Services shall administer the Disability Insurance Program.
- (f) The procedure for disability insurance shall be as follows:
 - (1) Any employee desiring information concerning policy information, procedures, forms, etc., shall contact Personnel Services.

Title 4. Workers' Compensation

- (a) All employees and trainees, etc., shall be insured by Workers' Compensation.
- (b) All injuries shall be filed with the appropriate accident reports as referenced in §403, Chapter I, Title 7.
- (c) Personnel Services shall administer the Workers' Compensation Insurance Program.
- (d) The procedure for Workers' Compensation shall be as follows:
 - (1) All injuries occurring during hours of work shall be reported to Personnel Services.
 - (2) All reports shall be directed to Personnel Services for processing.

Title 5. 401k Plan

- (a) A 401k Plan shall be made available for all full-time regular employees upon their hire date.
- (b) Each employee may contribute a portion of his/her salary each pay period; the maximum contributions allowed are based on annual limits set forth by the Internal Revenue Service (IRS).
- (c) As of April 1, 2012, new employees are subject to the following vesting schedule:
 - 1 year of service – 25%
 - 2 years of service – 50%
 - 3 years of service – 75%
 - 4 years of service – 100%

Exception:

Elected or Appointed Officials are not subject to the vesting schedule.

- (d) No withdrawals shall be allowed unless an employee terminates (i.e., retirement, resignation or discharge. Lay-off does not qualify as terminated status).

Exception:

Approval of a Hardship Withdrawal. The employee's contribution as well as Muscogee (Creek) Nation's contribution shall cease and the employee must wait six (6) months before re-starting contributions.

- (e) An employee may stop making contributions at any time by contacting Personnel Services.
- (f) Upon hire date, Personnel Services shall give eligible employees the necessary forms for joining the 401k Plan.

Chapter F. Career Development

Each year, a specified portion of the Career Development Program account shall be dedicated to Career Development. Upon the exhaustion of the specified amount, no further approvals for the Degree Program shall be processed for the given year.

Title 1. Purpose

Increase and encourage quality productivity and intellectual awareness. Improve the job skills of an employee. Create an interest in higher education and in seeking a college degree.

Title 2. Goal

Provide an opportunity for an employee to earn accreditation. The granting of approval shall be contingent upon whether the desired accreditation shall contribute to the employee's performance of his/her job. Accreditation may be acquired through four (4) programs: College Program, Degree Program, Professional Development Program, and the Tribal College Program.

Title 3. Approval and Eligibility

- (a) Final approval for entrance into the Degree Program shall be given by Personnel Services.

- (b) Offered to regular full-time employees of the Muscogee (Creek) Nation upon completion of ninety (90) calendar days of uninterrupted service.
- (c) If requesting to enroll in Tribal College, a Tribal College Eligibility form must be completed, with a class schedule attached, prior to enrollment.
- (d) With the exception of the Tribal College Program, a Career Development Plan Form (See Appendix) must be completed, with a class schedule attached, prior to enrollment.
- (e) With the exception of the Tribal College Program, employees may only attend classes outside of their normal work hours or as listed in each program.
- (f) Employees doing course work while at work will be subject to disciplinary actions.
- (g) Degree or courses must be job related.
- (h) Employees may use Annual Leave to attend classes after 2 p.m.; however, the employee must claim Annual Leave through 5 p.m. or the end of his/her normal work time. The Tribal College program is the exception to this rule.
- (i) To begin enrollment or obtain further information about Career Development contact Personnel Services.

Title 4. College Program

- (a) Offers college courses through a cooperative agreement between the Muscogee (Creek) Nation and other area schools. The courses offered in this program are selected through the results of needs assessment surveys of Muscogee (Creek) Nation employees.
- (b) A maximum of twelve (12) credit hours per year, beginning July 1, 2007, may be taken under this program. Reimbursement of up to \$120 per credit hour and up to \$100 per book per course may be acquired by submitting a Career Development Plan Form through the appropriate management prior to enrollment.
- (c) Employees must pay their tuition and books up front with reimbursement coming only upon the issuance of a grade report. An employee shall be reimbursed only for courses in which at least a 2.0 is obtained.

Title 5. Degree Program

- (a) Offers a process through which an employee may complete a degree program.
- (b) A maximum of twelve (12) credit hours per year, beginning July 1, 2007, may be taken under this program. Reimbursement of up to \$120 per credit hour and up to \$100 per book per course may be acquired by submitting a Career Development Plan Form through the appropriate management prior to enrollment.
 - (1) Employees must pay their tuition and books up front with reimbursement coming only upon the issuance of a grade report. An employee shall be reimbursed only for courses in which at least a 2.0 is obtained.

Title 6. Professional Degree Program

- (a) The objective of the Professional Development Program is to improve the professional skills required in a given position.
- (b) Courses eligible for inclusion under this program may include, but are not limited to, college credit and non-credit courses and other specialized seminars or workshops. However, courses taken under this program must relate specifically to the employee's current job.
- (c) Employees must pay their tuition and books up front with reimbursement coming only upon the issuance of a grade report. An employee shall be reimbursed only for courses in which at least a 2.0 is obtained.

Exception:

- (1) Reimbursement for college non-credit courses and other specialized seminars or workshops shall not require the issuance of a grade report. However, reimbursement shall be dependent upon verification of attendance.
- (2) For any college credit or non-credit courses a maximum of twelve (12) credit hours per year, beginning July 1, 2007, may be taken under this program. Reimbursement of up to \$120 per credit hour and up to \$100 per book per course may be acquired by submitting a Career Development Plan Form through the appropriate management.

Title 7. Tribal College Program

- (a) The objective of the Tribal College Program is to give employees the opportunity and encouragement to further their education.

- (b) Employees must provide a copy of at least a 2.0 grade report within two weeks from the end of the class term. If a copy is not received within this time, the employee may not be eligible for future enrollment with the Tribal College, and may be subject to a payroll deduction.
- (c) If an employee is required to have a book for class, the employee must complete a Career Development Plan Form along with a copy of a transcript or grade report and original paid receipt(s).
- (d) Employees may attend classes at 4 p.m. without claiming Annual Leave.



TR 9fi-08

Codification #33. Proclamations and Resolutions

ATRIBALRESOLUTION OFTHEMUSCOGEE NATIONAL COUNCIL ADOPTING THE POLICIES AND PROCEDURES MANUAL OF THE MUSCOGEE (CREEK) NATION

WHEREAS, The Tribal Government cummtly operates under Personnel Policies and Procedures as created and organized by the Office of the Principal Chief; and,

WHEREAS, It is the goal of this Administration to completely revise and update the Persollllel Policies and Procedures; and,

WHEREAS, The Personnel Policies and Procedures have been reviewed, analyzed, and discussed by Branches of Tribal Government.

NOW, THEREFORE BE IT RESOLVED THAT:

The Muscogee National Council hereby adopts the attached Personnel Policies and Procedures Manual of the Muscogee (Creek) Nation.

ENACTED by the Muscogee (Creek) National Council on this 28th day of September 1996.

N WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.

Handwritten signature of Wilbur Gouge
Wilbur Gouge, Speaker
National Council
Muscogee (Creek) Nation

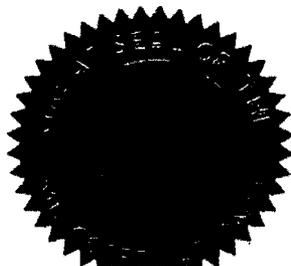
CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of twenty-six members with Twenty-four members attending this meeting on the 28th day of September 1996, and that the above is in confontny with the provisions therein adopted by a vote of 23 infavor, 1. against, Q abstentions, and that said Tribal Resolution has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

Handwritten signature of Ruthie A. Burgess
Ruthie A. Burgess, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, fJiricipal Chief of the Muscogee (Creek) Nation, hereby affix my signature this (1st) day of 1996, to the above Ordinance, TR 98--08, authorizing it to become a Tribal Resolution under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



Handwritten signature of R. Perry Beaver
R. Perry Beaver, Principal Chief
Muscogee (Creek) Nation



USCOGEE (CREEK) NATION

OFFICE OF ADMINISTRATION
P.O. BOX 580, OKMULGEE, OK 74447 (918) 756-8700

EXECUTIVE OFFICE
MANAGEMENT INFORMATION SYSTEMS
COMMUNICATION SERVICES
FINANCE - ACCOUNTING
PERSONNEL SERVICES

EXECUTIVE ORDER: 94-03

"Personnel Policies and Procedure Manual"

By virtue of the executive authority vested in me as Principal Chief by the Constitution and Laws of the Muscogee (Creek) Nation, it is hereby ordered the following policy statement be adopted until further notice:

POLICY STATEMENT

1.1 PURPOSE AND SCOPE

1.2 A. The purpose(s) of these personnel policies and procedures are to establish for the Muscogee (Creek) Nation a system to recruit, select, develop and maintain an effective and responsive work force; to provide for administrative flexibility and adequate and reasonable protection and security for those who have entered and will enter into the service of the tribe; and to provide policies and procedures for the selection, hiring, retention, advancement, career development, job classification, salary administration, discipline, discharge and other related activities, all in accordance with sound principles associated with personnel administration, and to maintain a high level of morale, motivation and productivity among tribal employees.

B. Scope

The administrative activities associated with personnel include, but are not limited to, the following:

1. Human Resource Planning, Recruitment and Selection.
2. Training and Development.
3. Compensation, Benefits and Resources.
4. Employee Relations.

2.1 POLICY

2.2 The Personnel Policies and Procedures Manual dated October 1, 2002 is hereby adopted as the current revised version and is authorized to be issued immediately.

2.3 In those cases where administrative policy conflicts with applicable external regulation or policy, external regulations agreed to in writing by the tribal government shall apply.

2.4 Any part of this Personnel and Policies Procedures Manual may be waived by the Principal Chief, who, in exercising his Constitutional Power, in the best interest of the tribal government, is privileged to certain exceptions.

3.1 POLICY MAKING ENTITY - Personnel Services Administration - Created Duties

3.2 The Office of the Administration, Personnel Services Administration, shall and has promulgated the Personnel Policies and Procedures of the Muscogee (Creek) Nation.

There is hereby created the Personnel Services Administration and the Chief Administration Officer of said office shall be the Personnel Manager who shall be experienced in the field, theory and application of personnel administration.

The Personnel Manager shall:

- A . Be responsible for the development of an efficient and effective system of personnel administration that meets the management needs of the various tribal agencies, departments, commissions and boards;
- 8. Prepare, maintain and revise a classified system of employment designed to assure the impartial consideration of applicants for employment and to protect tribal employees from arbitrary dismissal or unfair treatment;
- C. Conduct an analysis of the position classification system and the rates of pay prevailing in the executive branch with system and rates in the legislative and judicial branch, and the public and private sectors for comparable jobs and report the findings to the Principal Chief and Speaker of the National Council no later than January 1 of each year. Such analysis shall include all forms of compensation including fringe benefits;
- D. Develop a program for the recruitment of qualified persons, including the administration of valid job-related nondiscriminatory selection procedures providing for competitive examinations when practical and for reasonable selection criteria when competitive examinations are not practical;

- E. Develop and implement a reasonable and expeditious method for referral of capable candidates for vacancies, probationary periods of employment and the employment of individuals on other types of appointment as necessary;
- F. Assist tribal agencies in implementing their duties and obligations pursuant to the policies and procedures;
- G. Develop in cooperation with other entities, a training program, recruitment program and a system of performance appraisals;
- H. Establish leave and pay regulations, regulations for performance pay increases, rates for differentials, on-call pay and other types of pay incentives and salary adjustments;
- I. Prepare and submit an annual budget covering the costs of administering the personnel program;
- J. Make an annual report regarding the work of the Personnel Services Administration;
- K. Adopt and implement rules and regulations necessary to perform the duties imposed by law.

4.1 EXECUTIVE AUTHORITY

4.2 The authority in which the Personnel Policies and Procedures are adopted is contained in the Constitution of the Muscogee (Creek) Nation which gives the executive authority to the Office of the Principal Chief, however, from time to time the Legislative (National Council) may also adopt laws of the tribe which also may govern policies connected with personnel administration. In the event laws are passed by the legislature, changes or policy directives shall be issued to comply with statutory requirements.

5.00 DEFINITIONS

"Absences Without Leave" means any absence of an employee from duty without specific authorization.

"Agency" means any office, department, board, commission or institution of the tribal government.

"Allocation" of "Position Allocation" means the process of designating to which established class and individual position is assigned. A position is assigned on the basis of duties, authority, responsibilities, classification guides and other appropriate factors.

"Class" or "Class of Positions" means a unique position or a group of positions which are sufficiently similar in duties, levels of responsibility and qualification requirements as to warrant the same treatment for each position in the group in respect to titles, rates of pay, selection and other personnel process.

"Classification" means the process of placing an employee into a class.

"Classification Plan" means a schedule of wages and salaries established for the classes recognized in the classification plan so that all positions of a given class may be paid the same salary range established for the class.

"Compensation Plan" means a schedule of wages and salaries established for the classes recognized in the classification plan so that all position of a given class may be paid the same salary range established for the class.

"Demotion" means the reclassification of a classified employee form a position in a given class to a position in a lower class. The lower class will have a low grade assigned. Demotion my be voluntary or involuntary.

"Direct Reclassification" means a change in a classified employee's classification as a result of the adoption of a new and more appropriate class specification.

"Displacement" means an intr-agency in-class transfer or voluntary demotion of an employee with higher retention status to occupy a position that is vacant or already occupied by another employee with lower retention status in order for the employee with higher retention status to avoid separation as a result of reduction-in-force.

"Eligible" means a person who has met all requirements for appointment to a given class.

"Examination" means all the tests of fitness that are applied to determine eligibility of applicants for positions in any class.

"Executive Office - Executive Director" and/or "Executive Director" means Executive Office of the Principal Chief.

"FLSA" means the federal Fair Labor Standards Act.

"FLSA exempt" means employees performing work which is considered to be exempt from the overtime payment provisions of the FLSA.

"FLSA non-exempt" means employees performing work which is considered to be under the overtime payment provisions of the FLSA.

"Grade" means the pay range assigned to a class based upon the nature and complexity of the work performed.

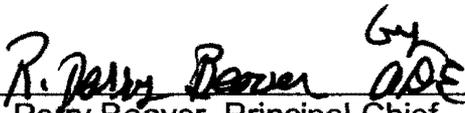
"In-class Transfer" means a reassignment of a classified employee from one position to another position in the same class in the classified service.

"Initial or Original Appointment" means the act of an agency hiring a person for a probationary period from an employment register.

6.1 DISTRIBUTION

- 6.2 Copies of this Executive Order shall be distributed to all branches of government, Independent Agencies and to Division Directors.
- 6.3 Copies of the Personnel Policies and Procedures Manual shall be distributed to all Division Directors, the Judicial Branch, appropriate Independent Agencies and to the National Council.

Directed to be Implemented by:


R. Perry Beaver, Principal Chief

7--/8 - CJ::Z
'Date

MUSCOGEE (CREEK) NATION
 FULL TIME HOURLY SCHEDULE
 Effective 10/01/2010

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
HG 6			10.1500 21,112.00	10.4500 21,736.00	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80
HG 7	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60
HG 8	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40
HG 9	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80
HG 10	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20
HG 11	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80
HG 12	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00
HG 13	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40
HG 14	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60
HG 15	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20
HG 16	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60
HG 17	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	44.4400 92,435.20	45.7700 95,201.60

APPROVED:  _____

DATE: 6-11-10

**MUSCOGEE (CREEK) NATION
PART TIME SCHEDULE
Effective 10/01/2010**

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
HG 6					10.1500 21,112.00	10.4500 21,736.00	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00
HG 7	10.1500 21,112.00	10.4500 21,736.00	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80
HG B	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60
HG 9	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20
HG 10	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20
HG 11	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80
HG 12	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20
HG 13	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20
HG 14	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60
HG 15	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60
HG 16	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20
HG 17	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00

APPROVED: _____

DATE: 6-11-10

MUSCOGEE (CREEK) NATION
 FULL TIME SCHEDULE
 Effective 10/01/2010

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
SG G			10.1500 21,112.00	10.4500 21,736.00	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80
SG 7	10.7600 22,380.80	11.0800 23,046.40	11.4100 23,732.80	11.7500 24,440.00	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60
SG 8	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40
SG 9	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80
SG 10	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20
SG 11	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80
SG 12	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00
SG 13	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40
SG 14	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60
SG 15	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20
SG 16	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60
SG 17	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	44.4400 92,435.20	45.7700 95,201.60

APPROVED: _____

DATE: 6--11-10

MUSCOGEE (CREEK) NATION
 MANAGEMENT SCHEDULE
 Effective 10/01/2010

	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
MG 1	12.1000 25,168.00	12.4600 25,916.80	12.8300 26,686.40	13.2100 27,476.80	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40
MG 2	13.6100 28,308.80	14.0200 29,161.60	14.4400 30,035.20	14.8700 30,929.60	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80
MG 3	15.3200 31,865.60	15.7800 32,822.40	16.2500 33,800.00	16.7400 34,819.20	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20
MG 4	17.2400 35,859.20	17.7600 36,940.80	18.2900 38,043.20	18.8400 39,187.20	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80
MG 5	19.4100 40,372.80	19.9900 41,579.20	20.5900 42,827.20	21.2100 44,116.80	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00
MG 6	21.8500 45,448.00	22.5100 46,820.80	23.1900 48,235.20	23.8900 49,691.20	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40
MG ?	24.6100 51,188.80	25.3500 52,728.00	26.1100 54,308.80	26.8900 55,931.20	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60
MG 8	27.7000 57,616.00	28.5300 59,342.40	29.3900 61,131.20	30.2700 62,961.60	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20
MG 9	31.1800 64,854.40	32.1200 66,809.60	33.0800 68,806.40	34.0700 70,865.60	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60
MG 10	35.0900 72,987.20	36.1400 75,171.20	37.2200 77,417.60	38.3400 79,747.20	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	44.4400 92,435.20	45.7700 95,201.60
MG 11	39.4900 82,139.20	40.6700 84,593.60	41.8900 87,131.20	43.1500 89,752.00	44.4400 92,435.20	45.7700 95,201.60	47.1400 98,051.20	48.5500 100,984.00	50.0100 104,020.80	51.5100 107,140.80
MG 12	44.4400 92,435.20	45.7700 95,201.60	47.1400 98,051.20	48.5500 100,984.00	50.0100 104,020.80	51.5100 107,140.80	53.0600 110,364.80	54.6500 113,672.00	56.2900 117,083.20	57.9800 120,598.40
MG 13	50.0100 104,020.80	51.5100 107,140.80	53.0600 110,364.80	54.6500 113,672.00	56.2900 117,083.20	57.9800 120,598.40	59.7200 124,217.60	61.5100 127,940.80	63.3600 131,788.80	65.2600 135,740.80
MG 14	56.2900 117,083.20	57.9800 120,598.40	59.7200 124,217.60	61.5100 127,940.80	63.3600 131,788.80	65.2600 135,740.80	67.2200 139,817.60	69.2400 144,019.20	71.3200 148,345.60	73.4600 152,796.80

APPROVED: _____



DATE: L.R.; .J... /'40

EMPLOYEE EVALUATION MERIT SYSTEM

Introduction. Current methods utilized to grant merit increases are neither well defined by policy, nor are they equitable, those current methods being based upon a Grade/Step system of defining pay scale with incremental increases between steps at a fixed rate. This Grade/Step system does not recognize differences in employee capability, but rather lumps all employees together.

Personnel forms do not provide for a "merit" increase, therefore, some merit increases are treated as "Promotion" when the word promotion normally indicates a movement to a higher position, a new job duty. Other merit increases are accomplished by reclassification of the job title, which usually entails a redefining of the job duties, sometimes increasing the qualification requirements for the position. Whatever method is used, the end result usually is no more than a merit increase.

The only apparent control on what increments can be awarded for merit increases exist only within the will of the Wage & Salary Committee.

A more equitable merit system would establish limits for increases, eliminate managers re-development of job descriptions every time they wanted to give an employee an increase, and would provide a more efficient and equitable method to recognize employee individuality.

MERIT/COLA SYSTEM

Plan: The "Plan" would be defined as a combination of annual cost of living adjustments and merit increases, developed along the following guidelines:

1. All increases would be timed to be effective on the first day of the Nation's fiscal year.
2. Cost of Living Adjustments (COLA) would be limited to a 1.5% increase. It would be the responsibility of the Principal Chief to determine those fiscal years when COLAs would not be awarded.
3. Merit Increases would be accomplished by an employee evaluation process which would require that all managers and supervisors complete an employee evaluation form on each employee. Failure on the part of a manager or supervisor to complete evaluations by a given date would delay increases for all personnel within that department or function. Managers and/or supervisors knowingly falsifying an evaluation would be disciplined.

Merit Increases would be limited to a maximum of 30% based upon the completed evaluation.

4. All Employee Evaluations would require signature of the Deputy Director and Executive Director, and could be subject to review by the Principal Chief
5. Once an employee has reached the maximum salary for the job description the employee would no longer be eligible for a Merit Increase. That employee would continue to receive the COLA increases.

Job Descriptions: The merit system program would eliminate the current Grade/Step system for providing increases to employees. Rather, a salary range would be defined for each job description. Most job descriptions should be standardized, i.e. a "Secretary" position should be just that and should not become specific to a particular office or program.

A job study should be performed within the job market area to determine median salary ranges for each position. Once these job descriptions are complete with salary ranges, there should no longer be a need to constantly reclassify the position just for the purpose of moving someone into a higher Grade/Step.

Evaluations: A Performance Evaluation would measure an employee by:
 Part I- Job Performance, which would require a listing and evaluating of the employees by duties contained within the employees job description, and
 Part II- Developmental Factors, which would evaluate the character and potential of the employee.

Ratings: Employees would receive a numerical rating based on the average of all ratings assigned within the evaluation form. Part I and Part II could be weighted for the purpose of the composite rating.

Merit increases would then be awarded based upon the ratings as follows:

- | | | |
|----|------------|---|
| 5 | Superior: | The level of performance during this rating period far exceed the established standards of performance or expectations. |
| 4 | Excellent: | The level of pormance during this rating period exceed the established standards of performance or expectations. |
| 3. | Good: | The level of performance during this rating period met the established standards of performance or expectations. |
| 2. | Marginal: | The level of performance during this rating period approached but did not fully meet the established standards |

of performance of expectations.

- 1 Unsatisfactory: The level of performance during this rating period fell short of the established standards of performance or expectations.
- 0 Limited: The employee has not been in the job long enough to fairly and fully evaluate performance (less than 6 months).

Increases: Increases would be based upon the average of all ratings within the following scale:

0.0 to 2.9	0.0% increase
3.0 to 3.4	1.0% increase
3.5 to 3.9	1.5% increase
4.0 to 4.4	2.0% increase
4.5 to 4.9	2.5% increase
5.0	3.0% increase

Summary: By this system, good employees could be properly rewarded for their efforts and could receive up to a total of 4.5(1.5% COLA and 3.00o Merit) increase. By the same system, marginal or new employees would be limited to receiving no more than a 1.5% (COLA) increase.

Requiring all evaluations to be in place for the start of the next fiscal year would insure that increases could be properly budgeted, which would eliminate managers manipulating their budgets in order to find the appropriate funds.

Transfers: Employees with a least one year tenure are allowed to apply for other positions as they are announced. Currently, there is no requirement for the employee to receive permission from the present supervisor for application to another position.

Development of a permission form is needed to show that the present supervisor is aware of the employee's intention to apply, and provision for comment evaluation of that employee so the prospective supervisor would know how the employee is performing in the present position.

APPROVAL

As Principal Chief of the Muscogee (Creek) Nation, I hereby approve the attached policy. This document shall replace any and all other existing Human Resources Policies and Procedures.


Principal Chief

7-16-13
Effective Date