

Osage Nation Human Resources Department



Employee Handbook 2017

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Introduction

The Osage Nation Employee Handbook provides the policies and procedures for managing and developing staff that provides support to the Osage Nation Executive Branch and provide services to the Osage People. This handbook establishes uniform employment practices throughout the Osage Nation in the achievement of the desired goals and objectives of the Nation.

The Osage Nation Human Resources (HR) Director will keep policies current and relevant. Therefore, from time to time it will be necessary to modify and amend some sections of the handbook, or to add new procedures, subject to approval by the Principal Chief of the Osage Nation.

Osage law is referenced in this handbook. The employee is encouraged to read these laws in their entirety as only portions of the laws are represented in this handbook.

These policies and procedures apply to **All** merited employees of the Osage Nation Executive Branch and shall not be construed to be an employment contract. Osage Nation employees are public employees. As such, they possess no private rights in a job. Osage Nation employees shall be given the honour and respect due a public employee who serve the Osage people.

MISSION

MISSION OF THE OSAGE NATION EXECUTIVE BRANCH

To improve the lives of all Osage people in a sustainable way through cultural preservation, improved health, educational excellence, increased employment and business opportunities, and the creation of a safe and progressive environment in which to live and work.

MISSION OF THE OSAGE NATION HUMAN RESOURCES DEPARTMENT

To support the goals of the Osage Nation by providing services that promote a work environment characterized by fair treatment of staff, open communications, personal accountability, trust and mutual respect. We will seek and provide solutions to workplace issues, which supports and optimizes the operating principles of the Osage Nation.

OSAGE NATION PAY FOR PERFORMANCE ACT

The Osage Nation Pay for Performance Act, 19 ONC §3 *et seq.* is required under the Osage Constitution.

The Osage Nation Pay for Performance Act states in part:

- The Osage Nation Congress finds that Article VI, Section 22 of the Osage Nation Constitution mandates that the Osage Nation Congress establish a system under which the merit principle will govern the employment of persons by the Osage Nation.
- The Osage Nation Congress finds that Article VI, Section 22 of the Osage Nation Constitution mandates that the Osage Nation Congress shall include, within the merit principle system, a grievance procedure, which must be exhausted before seeking review in the Trial Court.
- The Osage Nation Congress finds that Article VI, Section 22 of the Osage Nation Constitution mandates that the Osage Nation Congress shall establish laws that define and limit nepotism in Osage Nation government and Osage Nation Enterprise Employment.
- The Osage Nation Congress declares that it is the purpose of this act to assure that the Osage Nation government shall have a modern, performance oriented system of personnel administration, which shall:
 - Establish fairness, accountability, and high quality government services as the primary goals of Osage Nation managers and employees and remove politics from the process of evaluating and rewarding employee performance;
 - Establish impartial and comprehensive procedures for resolving employee conflicts and grievances;
 - Establish adequate infrastructure within the Osage Nation government to insure the efficient administration of the merit system;
 - Establish programs to support the health and welfare of Osage Nation employees and their families;
 - Establish ongoing and consistent training for Osage Nation managers and employees to execute and maintain the Osage Merit System and its components;
 - Establish a compensation system that rewards personal achievement as well as program performance.

This handbook will provide Executive Branch policies and approved procedures for implementing and adhering to the Osage Nation Pay for Performance Act.

It is the policy of the Osage Nation Executive Branch that:

The employees of the Osage Nation are among the Nation's most valuable resources. These are the individuals that provide direct services to the Osage People. The Osage Executive Branch has the responsibility of ensuring that our employees work in an environment that promotes fairness, creativity, motivation, hard work, respect, and kindness, and places a high value on public service.

Excellence merits reward. It is the opinion of the Executive Branch that the intent of the Pay for Performance Act is to provide incentives to Osage Nation employees to excel in their respective positions and continually strive to improve both their individual performance as well as the overall performance of their Departments and Divisions. Rewards will be earned.

ORGANIZATIONAL CHARTS

Each department within the Osage Nation government is required to keep an up-to-date organizational chart. The most current official organizational chart, approved through Executive Order by the Principal Chief, can be found in the HR Department.

You should become familiar with the organizational charts.

OSAGE PREFERENCE

On March 29, 2011 the Osage Nation Congress passed 19 ONC §1 *et seq.* titled the Osage Preference in Employment Law.

According to this law preference shall be afforded to a member of the Osage Nation whether the appointment involves initial hiring, reinstatement, transfer, reassignment or promotion provided other qualifications are equal.

The law also states that should any member of the Osage Nation be qualified for any initial hiring, reinstatement, transfer, reassignment or promotion, the Osage Nation employer must find a compelling reason for not selecting the qualified member of the Osage Nation and shall file a report on such finding with the HR Department. The report shall be considered confidential and a protected record under Osage law.

Any violation of this law shall be referred to the Osage Nation Attorney General who may bring a civil action in the Osage Nation Trial Court requesting a civil fine against any person(s) or entity(ies) which the Attorney General believes has not followed Osage preference in employment.

Policy

It is the policy of the Osage Nation Executive Branch that:

The Osage Nation is an equal opportunity employer and shall not discriminate based on an individual's sex, race, religion, national origin, pregnancy, age, marital status, sexual orientation or disability. It is our goal to employ Osage Nation members whenever possible.

The Nation will exercise Osage preference in employment, prioritized as follows:

- Member of the Osage Nation
- Spouse or Parent of an Osage Nation member
- Native American tribal member

Osage preference priority shall be afforded to an applicant who meets the minimum necessary qualifications. Thereafter the employment opportunity shall be open to any other candidate who meets the minimum necessary qualifications of the position. If no candidate for an employment opportunity meets the minimum necessary qualifications, then preference shall be given to those persons who are capable of being trained to the minimum necessary qualifications for the position by applying Osage Nation preference priority.

Osage preference shall be used to recruit, hire, train, recall, reassign, promote and layoff employees of the Nation. This policy's application is the determining factor when two (2) or more individuals have suitable job qualifications; the individual having preferential standing shall be afforded the employment opportunity. The HR Department is responsible for monitoring the preference policy. Disciplinary action will occur for supervisors who do not adhere to this policy.

Procedure for Selection Using Osage Preference

- Osage preference priorities and minimum qualifications will determine which applications will be forwarded to hiring managers and/or supervisors for review.
- Applications that are categorized under subsequent priorities of Osage preference will not be forwarded unless a compelling reason disqualifies the applicant(s) of the preceding priority.

- Disabled Veteran Osage Member
- Veteran Osage Member
- Osage Member
- Disabled Veteran who is a parent/spouse of an Osage Member
- Veteran who is a parent/spouse of an Osage Member
- Parent/spouse of an Osage Member
- Disabled Veteran Native American
- Veteran Native American
- Native American
- Disabled Veteran
- Veteran
- If there are no applicants who are eligible for either Osage Preference or Veteran's Preference then applications will be submitted for review prioritized as follows:
 - Applicants who exceed the minimum qualifications
 - Applicants who meet minimum qualifications
- If there are no applicants who are eligible for either Osage Preference or Veteran's Preference, and there are no applicants who exceed or meet minimum job requirements the position may be readvertised OR those applicants who are eligible for Osage Preference may be forwarded for interview to determine if the supervisor believes they are capable of being trained in a reasonable amount of time to meet the minimum qualifications.

Procedure for Verification of Membership

- Applicants will complete and sign a membership verification form to submit to the HR Department along with the application for employment if they are choosing to be considered for Preference either as a member of the Osage Nation or the Parent/Spouse of an Osage of a member of the Osage Nation.
- The HR Department has one business day to deliver the verification form to the Osage Nation Membership/CDIB Department by Confidential Inter-Office mail.
- The CDIB membership office has two (2) business days to verify the membership status of the applicant and return the form to the HR Department.
- The applicant will not be notified by phone or mail with results of the verification.

Procedure for Reporting Non-Compliance

- Reports of non-compliance Osage Preference and/or Veterans Preference may only be filed by an applicant for the position in question and must be initiated within twenty-one (21) business days of the filling of the position.
- All reports of non-compliance with the Osage Preference and Veterans Preference policies and procedures will begin with the Osage Nation HR Department staff.
 - Non-compliance with the Osage Preference Policy may result in a fine if it is determined that non-compliance with the policy was also non-compliance with Osage Law.
 - After filing a report of non-compliance with Osage or Veterans Preference Policy, the HR Department must acknowledge receipt of the report to the sender within two business days.
 - The Osage Nation HR Department has five business days, after receipt of report, to investigate the allegation of non-compliance.
 - The HR Director has ten business days, after receipt of report, to respond to the sender with the findings of the investigation.

- If non-compliance was determined the HR staff will initiate the appropriate disciplinary action against the offender or refer to the Osage Nation Attorney General for legal action.
- If non-compliance was determined, the position will be immediately readvertised and the hiring process will begin again.
- After filing a report of non-compliance by HR Department, Constituent Services must acknowledge receipt of the report to the sender within two business days.
- The Osage Nation Constituent Services Department has five business days, after receipt of report, to investigate the allegation of non-compliance.
- The Constituent Services Director has eight business days, after receipt of report, to respond to the sender and the Chief of Staff of the Osage Nation with the findings of the investigation.
- If non-compliance was determined the Chief of Staff will initiate the appropriate disciplinary action against the offender or refer the case to the Attorney General for legal action.
- If the Chief of Staff determines that the violation influenced the outcome of the hiring decision, the position will immediately be readvertised and the hiring process will begin again.
- If Chief of Staff determines that the violation did not influence the outcome of the hiring decision, the position will not be readvertised and a letter, stating such, will be sent to the applicant within one business day from the Constituent Services Department.

VETERAN PREFERENCE

The purpose of this policy is to provide preference to qualified Veteran applicants, who are suitable for employment, in filling vacancies within the Osage Nation government.

The intent of this policy is to provide maximum opportunity to hire, train and promote veteran applicants to the greatest extent possible. The exercise of Veteran's Preference shall take place when a Veteran applicant meets the minimum qualifications, can perform the required position standards, and is suited for the position.

Eligibility for preference shall be evidenced by a form DD-214 issued by the discharging military organization.

Policy

It is the policy of the Osage Nation Executive Branch that:

The Nation will exercise Osage preference in employment, prioritized as follows:

- Disabled Veteran who is an Osage Nation member
- Veteran who is an Osage Nation member
- Disabled Veteran who is a spouse or parent of an Osage Nation member
- Veteran who is a spouse or parent of an Osage Nation member
- Disabled Veteran who is a Native American tribal member
- Veteran who is a Native American tribal member
- Disabled non-Native American Veteran
- Non-Native American Veteran

Procedure for Verifying Status

- The applicant must furnish the HR Department with a valid form DD-214, along with a completed job application for Veteran's preference to be considered.
- To verify Disabled Veteran status, the applicant must furnish a copy of his/her V.A. Award Letter or a copy of his/her V.A. Health Card.

Procedure for Reporting Non-Compliance

- Reports of non-compliance with Osage Preference and/or Veterans Preference may only be filed by an applicant for the position in question and must be initiated within ten business days of the filling of the position.
- All reports of non-compliance with the Osage Preference and Veterans Preference policies and procedures will begin with the Osage Nation HR Department staff.
 - Non-compliance with the Osage Preference Policy may result in a fine if it is determined that non-compliance with the policy was also non-compliance with Osage Law.
 - After filing a report of non-compliance with Osage or Veterans Preference Policy, the HR Department must acknowledge receipt of the report to the sender within two business days.
 - The Osage Nation HR Department has five business days, after receipt of report, to investigate the allegation of non-compliance.
 - The HR Director has ten business days, after receipt of report, to respond to the sender with the findings of the investigation.

- If non-compliance was determined the HR staff will initiate the appropriate disciplinary action against the offender or refer to the Osage Nation Attorney General for legal action.
- If non-compliance was determined, the position will be immediately readvertised and the hiring process will begin again.

HIRING

The Osage Nation is the largest employer on the Osage Reservation (Osage County), approaching 2,000 employees, including our gaming and enterprise employees. For this reason the Nation has a responsibility to provide fair and transparent employment practices both through the hiring process and throughout the careers of our Osage Nation employees.

Policy

It is the policy of the Osage Nation Executive Branch that:

New hire and rehired employees shall serve an introductory probationary period of ninety (90) calendar days. During an introductory probationary period, an employee is not eligible for personal time off and other benefits paid for or sponsored by the Nation unless otherwise specified. An exception to this restriction is the taking of bereavement leave and supervisor approved education leave (see Leave Policy).

No introductory probationary employees shall be promoted, demoted, transferred, or be temporarily reassigned during an introductory probationary period, nor do they have the right to grieve.

Each new employee shall receive three (3) employee performance evaluations during their introductory probationary period by their immediate supervisor. The supervisor will meet with the employee and complete an evaluation form once at thirty (30) days, once at sixty (60) days and again at ninety (90) days and submit to Human Resources without possibility of receipt of a merit bonus.

The following will be grounds for ineligibility for employment with the Osage Nation:

- A felony conviction within the past five years.
- A current arrest warrant(s).
- A conviction for any crime of any degree involving moral turpitude within the last five years.
- Omitted or provided false information on the application for employment with the Osage Nation.
- Be a registered sex-offender or be required to register as a sex-offender in any jurisdiction.

*Some federal funding agency requirements may supersede this policy in regard to eligibility for employment.

Procedure for Drafting & Approving Job Descriptions

- The HR Compensation Analyst will meet with supervisory personnel regarding the job responsibilities and required qualifications for the vacant position.
- Final drafts of job descriptions will be forwarded to the Director of Operations, Health and Wellness Division Leader, or the Board and Commission of approving chain of command for final approval.

Procedure for Requisitioning a Position

- Supervisory personnel will contact the HR Department.
- Supervisory personnel will submit an approved job description with a personnel requisition to the HR Department.

- Supervisory personnel are responsible for obtaining all signatures on the personnel requisition before submitting to the HR Department.
- Signatures include:
 - Department Director (when applicable)
 - Division Leader (when applicable)
 - Controller
 - Director of Operations

Procedure for Advertising Positions

- All entry level positions will be advertised for 10 business days.
- All management, professional or specialist positions will be advertised for 15 business days to allow for a response from local and national paid advertisements.
- If a position must be filled sooner than the closing date of advertisement, it will be classified as a “Temporary Emergency Hire” so that the job may be advertised and filled in accordance with policy.
 - A temporary emergency hire is the selection and placement of an individual without an open recruitment into a temporary, non-executive position.
- If external advertising space does not permit a full job description, a link to the Osage Nation website page with the job description must be included in the advertisement.
- A link to the online application must be included in the advertisement.
- A note alerting applicants of Osage preference and Veterans preference must be present in the advertisement.
- Closing date of job announcement must be present in the advertisement.
- Pay rate for the job may be included in the advertisement.
- All applications must be received by the HR Department in order to be considered.
- All applications must be sorted to determine those applicants that fail to meet job qualifications, those that meet minimum qualifications, and those that exceed minimum qualifications.
- Location of the position must be listed in the advertisement.
- Department/Division for the position may be listed in the advertisement.
- Jobs must be advertised on the Osage Nation website, with the Osage News, in at least one national Native American Publication, and in any appropriate local media outlets. For those requiring a larger search, other publications/websites services will be specified by the hiring manager.

Procedure for Applicants with a Criminal Background

- In order to be eligible for employment with the Osage Nation the applicant must voluntarily disclose to the HR Department all past felony convictions, any conviction of any crime of any degree involving moral turpitude, and any past or present requirement to register as a sex-offender.
- Should the applicant not voluntarily disclose the required information, the applicant shall be ineligible for employment with the Osage Nation.
- The Hearing Officer or appointee will make a determination on eligibility of employment based on information received which may include a separate interview with the applicant.
- The decision of the Hearing Officer will be final.

Procedure for Selecting Applicants for Interview

- After a position advertisement closes, the Osage Nation HR Department must provide the hiring supervisory personnel with those applications, which are approved for interview within five business days.
- Applicants will be classified as internal or external. Internal applicants include all current full-time, part-time and temporary employees of the Osage Nation.
- Approved internal applications will be forwarded to the hiring personnel based on the following criteria:
 - Osage Preference
 - Veterans Preference
 - Qualification
 - Osage Academy Diplomas
- If there is no successful internal candidate, then approved external applications will be forwarded to the hiring personnel based on the following criteria:
 - Osage Preference
 - Veterans Preference
 - Qualifications
 - Osage Academy Diplomas
- HR will provide a cover sheet with all applicants approved for interview containing:
 - Name of applicants
 - Osage/Veterans Preference status
 - Level of education
 - Experience
 - Whether the applicant is an internal, new, or re-hire
- If there are more than ten applicants for any one position, supervisory personnel may choose the top seven applicants for interview and communicate the choices to HR.
- Supervisory personnel must respond to HR within three business days with requested date and time to interview.
- HR will call the references of the applicant selected.
- Interviews must be scheduled within fifteen (15) business days of the job announcement closing, even if the interviews cannot take place within that time.

Procedure for Interviewing

- The interview panel shall consist of the immediate supervisor of the position to be filled, the department director, or next level management, and a HR staff member.
- If the position to be filled is a director position, the interview panel shall consist of appropriate supervisory personnel, the Director of Operations and a member of the HR staff.
- HR will create interview packets which will contain:
 - Individual's employment application
 - Copy of the job description
 - Interview Ranking sheets (to be completed by each interviewer)
 - Schedule of interviews
 - Employee Selection Checklist
 - OSBI request form (information to be obtained in interview)
 - New Hire Form (Status Change Form if there is an internal applicant)

Procedure for Hiring

- After all interviews have been completed, the hiring manager has two business days to make a selection and initiate paperwork.
 - New hire form
 - OSBI request
- Upon receipt of OSBI results, the hiring manager has two business days to acquire all necessary signatures and return all paperwork to the HR Department.
- Necessary signatures must be acquired in order. HR will not accept new hire paperwork without all requisite signatures.
 - Department Director (when applicable)
 - Division Leader (when applicable)
 - Controller
 - Director of Operations
 - HR
- After all new hire paperwork has been turned in Osage Nation HR staff will call the successful applicant and make offer of employment.
- Once an offer of employment has been made, the successful candidate has two business days to either accept or decline the offer even if he/she cannot begin employment within that time frame.

Procedure for Reporting a Non-Osage Hire

- Should a non-Osage be selected for a position, an Osage Preference Report must be completed by the hiring manager and submitted with the New Hire paperwork through the signature process.
- The Osage preference Report must include:
 - Justification for selecting the successful applicant
 - A list of Osages who met the minimum qualifications and the compelling reason why each was not selected for employment
- The Osage Preference Report must state if there were no Osages who met the minimum qualifications
- The Osage Preference Report will be a part of the Non-Osage's personnel file and shall be a protected record under Osage Law.

Procedure for Reporting a Violation

- If an applicant believes hiring policies and/or procedures (other than Osage Preference or Veterans Preference) have not been followed by a hiring manager, he/she may file a report with the HR department.
 - After filing a report of non-compliance by a hiring manager, the HR Department must acknowledge receipt of the report to the sender within two business days.
 - The Osage Nation HR Department has five business days, after receipt of report, to investigate the allegation of non-compliance.
 - The HR Director has eight business days, after receipt of report, to respond to the sender with the findings of the investigation.
 - If non-compliance was determined the HR staff will initiate the appropriate disciplinary (or legal) action against the offender.
 - If the HR Director determines that the violation influenced the outcome of the hiring decision, the position will immediately be readvertised and the hiring process will begin again.

- If the HR Director determines that the violation did not influence the outcome of the hiring decision, the position will not be readvertised and a letter, stating such, will be sent to the applicant within one business day.
- If an applicant believes that the Osage Nation HR Department is in violation with these policies, he/she may file a report with the Osage Nation Constituent Services Department.
 - After filing a report of non-compliance by HR Department, Constituent Services must acknowledge receipt of the report to the sender within two business days.
 - The Osage Nation Constituent Services Department has five business days, after receipt of report, to investigate the allegation of non-compliance.
 - The Constituent Services Director has eight business days, after receipt of report, to respond to the sender and the Chief of Staff of the Osage Nation with the findings of the investigation.
 - If non-compliance was determined the Chief of Staff will initiate the appropriate disciplinary action against the offender or refer the case to the Attorney General for legal action.
 - If the Chief of Staff determines that the violation influenced the outcome of the hiring decision, the position will immediately be readvertised and the hiring process will begin again.
 - If Chief of Staff determines that the violation did not influence the outcome of the hiring decision, the position will not be readvertised and a letter, stating such, will be sent to the applicant within one business day from the Constituent Services Department.

REHIRING FORMER EMPLOYEES

The Osage Nation now has an Employee Assistance Program (EAP) in place that will work with those individuals who have been terminated in order to aid them in gaining eligibility for rehire within six months of a termination.

In order to become eligible for rehire, a former employee must complete the required course(s) with the EAP, receive a positive recommendation from that program, and receive a positive recommendation from the HR Department after a review of the former employee's employment history.

Policy

It is the policy of the Osage Nation Executive Branch

Former employees of the Nation who resigned in good standing and are rehired within six (6) months into the same position in the same department will be assigned the same rate of pay and a new annual performance evaluation date shall be established.

Former employees that are rehired into any other position within six (6) months will be assigned a pay rate in the same manner as a new hire. A new annual performance review date shall be established and the employee must complete a ninety (90) day introductory probationary period without possibility of a merit bonus.

Terminated employees or employees who resigned without good standing shall be treated as a new hire with the exception that the employee must satisfactorily complete a program with the EAP and receive a recommendation from that program for rehire.

New hire and rehired employees shall serve an introductory probationary period of ninety (90) days, unless waived by the Director of Operations. During an introductory probationary period, an employee is not eligible for personal time off, and other benefits paid for or sponsored by the Nation unless otherwise specified. An exception to this restriction is the taking of bereavement leave and official paid holidays by Osage Nation employees.

The probationary employee may not grieve, except in matters pertaining to prohibited discrimination or harassment.

No probationary employees shall be promoted, demoted, transferred, or be temporarily reassigned during a probationary period, unless approved by the Director of Operations.

At the completion of an initial or performance probationary period, an employee shall receive an employee performance evaluation without possibility of receipt of a merit bonus.

New employees who have completed the initial ninety (90) day initial probationary period are eligible for all benefits enjoyed as a regular employee.

Procedure for Rehiring Employees in Good-Standing

- The procedure for rehiring a former employee who left the Nation in good standing will be the same as a new hire.

Procedure for Rehiring Employees not in Good-Standing

- Employees who were either involuntarily terminated or who left the Nation, otherwise, not in good standing must receive a letter of approval for rehire from the EAP prior to consideration of their application(s).
- After receipt of a letter of approval from the EAP, the HR Department will include the letter in the former employee's personnel file.
- After receipt of a letter of approval from the EAP, former employees who did not leave the Nation in good standing will be processed as any applicant who left the Nation in good standing.

NEPOTISM

According to the Osage Nation Pay for Performance Act and the Osage Nation Ethics Law, no Osage Nation official or employee shall directly appoint to any employment position with the Osage Nation or directly supervise any person or persons related by consanguinity (blood relative) or affinity (spouse/partner/co-habitant) within the second degree (spouse; any child by birth or legal adoption; any current spouse of a child; any parent; any parent's current spouse; any current or former stepchild; any stepparent; any grandchild or grandchild's spouse; any grandparent or grandparent's spouse; any sibling, whether full or half-blood, or a sibling's spouse; spouse's child or spouse's parent; spouse's grandchild or spouse's grandparent; and spouse's sibling) of said Osage Nation official or public employee. Assignment of such persons to duties, positions, governmental offices or other entities shall in all instances be made in strict compliance with the current provisions of this handbook.

Any employee or appointment found to be in violation of this section shall be reported to the appropriate head of the branch to which the alleged violator is appointed or employed, and if not corrected shall be referred to the Prosecutor for appropriate action.

Policy

It is the policy of the Osage Nation Executive Branch that:

No employee may hold a job over which a member of his/her family to the second degree exercises supervisory authority.

Any violation of the nepotism provision, mandates that the supervisor or Director of HR must cure the violation within three (3) work days or obtain the resignation of or terminate the person(s) violating the nepotism law.

Procedure for Curing a Violation

- Should an employee be considered for a transfer or promotion to a position that would be in violation of this policy, and then Osage and Veteran Preference will dictate the course of action.
- When possible, the relative will report to another supervisor within the department.
- If the employee being considered for a transfer or promotion to a position that is the only supervisory position of the department then:
 - If the employee being promoted or transferred does not have preference, but the relative does, then the employee will not be moved into the supervisory position.
 - If the employee who is being promoted/transferred does have preference, but the relative does not, then the employee will be promoted to the supervisory position and the relative will be moved laterally within the Nation.
 - If both the employee being promoted or transferred and the relative have preference, then the relative will be transferred laterally within in the Nation.
- If there are no open positions for the relative to move laterally within the Nation, then seniority will factor into the decision.

Procedure to Avoid Violations

- All applicants for employment with the Osage Nation must list, on the application, all relatives to the second degree by blood or affinity.

- HR staff will compare the list of relatives provided by the applicant with the name listed as immediate supervisor on the job description.
- If a potential violation exists, HR will notify the applicant, and that application not forwarded for interview.

EMPLOYMENT CLASSIFICATIONS

According to the Osage Nation Pay for Performance Act (ONCA 10-85), all persons receiving compensation for work performed for or on behalf of the Osage Nation shall be classified in accordance with the Osage Nation Constitution, Osage law and the rules, regulations, and policies of Osage Nation employment, including whether such classification is subject to the Osage Nation Pay for Performance Compensation System.

The Principal Chief, the Assistant Principal Chief, the Chief Justice of the Osage Nation Supreme Court, all Justices and Judges subject to retention, and the Osage Nation Congress shall be classified as elected officials of the Nation and are not subject to the Pay for Performance Compensation System.

Executive staff appointed by the Principal Chief to fulfil certain desired functions attendant to running the Office of the Principal Chief, shall be classified as “Executive staff appointee” not subject to the Pay for Performance Compensation System.

Any employee appointed under an appointment and confirmation process required by the Osage Constitution and/or law will upon confirmation be categorized by the HR Department, and afforded the rights of grievance and other entitlements and responsibilities set forth in the rules, regulations, and policies of employment.

Persons appointed to boards, commissions, task forces, authorities and other Osage Nation entities shall be classified as exempt appointed officers.

All other Executive, Congressional, and Judicial employees are to be categorized as provided by Osage Nation law and by the rules and regulations of the Osage Nation HR Department, and afforded the rights of grievance and other entitlements and responsibilities set forth in this employee handbook. The following is a list of classification for those employees, please refer to “Benefits” section for information covering employee benefits:

- **Regular full-time employees:** Employees who work at least forty (40) hours per week and who maintain continuous regular employment status. All regular full-time employees must complete a ninety (90) day introductory probationary period.
- **Regular part-time employees:** Employees who work less than thirty (30) hours per week and maintain regular part-time status.
- **Temporary full-time (seasonal) employees:** Employees whose service is intended to be of limited duration (seasonal, Human Resources Temporary Worker or emergency hire) but who work forty (40) hours per week. Temporary full-time employees shall not be employed longer than six (6) months.
- **Temporary part-time (seasonal) employees:** Employees whose service is intended to be of limited duration (seasonal, Human Resources Temporary Worker or emergency hire) but work less than thirty (30) hours per week.

- **Interim placement:** Current Osage Nation employees who are asked to serve temporarily in another role. Interim employees shall be paid at the rate of pay for the position being filled and shall not serve in the interim for longer than six (6) months.
- **Professional contractors:** Are not considered employees of the Nation and must have compensation set forth in a written contract signed by the appropriate government official and filed with the HR Department.
- **Exempt Employee:** Regular full-time employees who serve at a supervisory level or above with an annual salary greater than or equal to \$50,000. Must have sufficient exercise of independent judgment and discretion to be exempt.
- **Non-Exempt Employee:** All non-supervisory employees and/or all employees who earn a salary less than \$50,000.

COMPENSATION

According to ONC 19 §3-106, The Osage Nation Workforce Pay for Performance Act, officials elected to public office within the Osage Nation by the people of the Osage Nation; Judges or Justices in the Judicial Branch subject to retention by a vote of the people fall under this classification. Compensation for elected officials is set in accordance with the Osage Constitution and Osage law. Elected officials are entitled to compensation in conformity with the Osage Constitution and Osage law, which includes wages, expenses, and participation in the benefit package available to regular full time employees at its actual cost or its monetary equivalent at the discretion of the official.

Persons appointed by the Principal Chief to the Executive Branch staff to the Office of the Chiefs pursuant to Article VII, Section 15 of the Osage Constitution and shall have a salary range set by the Principal Chief in accordance with ONCA 10-85. Executive staff appointments are exempt employees not subject to the Pay for Performance Compensation System, and are not entitled to bonuses unless specifically authorized. All Executive Staff appointments are eligible for benefits immediately upon appointment and wage appropriation and include wages, participation in the benefit package available to regular full-time employees at its actual cost or its monetary equivalent at the discretion of the appointee, retirement funds match as it is available to regular full-time employees, and an annual bonus upon appropriation at the discretion of the Principal Chief.

Boards, commissions, task forces, authorities, and other Osage Nation appointed officials should be compensated in accordance with Osage law and are not subject to the Pay for Performance Compensation System.

Regular full-time employees are eligible for all employee benefits on the first of the month following hire date. All regular full-time employees must complete a ninety (90) day introductory probationary period.

Regular part-time employees are not eligible for any benefits.

Temporary full-time employees are not eligible for any benefits and shall not be employed longer than six (6) months.

Temporary part-time employees are not eligible for any benefits, PTO, or annual paid holidays.

Professional contractors must have compensation set forth in a written contract signed by the appropriate government official and filed with the HR Department. Persons in this category are not eligible for employee benefits, PTO, or paid holidays.

Only regular full-time employees are subject to the Pay for Performance Compensation System.

On October 1, 2011 the Osage Nation Congress passed the Fair Minimum Wage Act, which established a fair minimum wage for the government employees of the Osage Nation. This wage does not apply to interns and work-study programs. This wage applies to any initial employment probationary period.

All overtime must be pre-approved by the supervisor. Overtime may be paid only within appropriated funding levels.

Overtime compensation for a given period will not be paid if the employee has any paid (not including holiday leave pay) or unpaid leave during that pay period. An employee is limited to a maximum of forty (40) hours of paid compensation during a workweek in which an employee has taken any paid (not including holiday leave pay) or unpaid leave.

Overtime will not be offered to all non-exempt employees but rather only to specific positions within the Osage Nation government and only with the approval of the employee's immediate supervisor.

Policy

It is the policy of the Executive Branch that:

No employee shall be paid less than the minimum wage set by the Osage Nation Congress.

Unauthorized leave or unexcused absence will not be compensated in any form.

The Nation may periodically revise pay rates or ranges resulting from studies of prevailing wages and other influential considerations. The HR Director shall promulgate a standardized schedule to determine benchmarks for merit wage increases.

To be eligible for merit increases, non-exempt employees must not have any categorical rating of unacceptable or need improvement on their annual performance evaluation.

The percentage of a merit increase will be determined in accordance with the Nation's classification and compensation plan and the availability of funds.

An employee who has not received a scheduled annual performance review evaluation may be eligible to receive a merit increase.

Regular employees upon transfer or reclassification shall carry over their PTO, unless prohibited by law or federal/state program guidelines.

Procedure for Keeping and Forwarding Time Cards

- Time cards are to be kept, and time entered, by the employee named on the time card.
- Those employees without computer access, who have another employee enter their time, must report to the payroll clerk, in writing, who will be entering their payroll information and that they approve.
- When possible, leave requests should be made at ten days in advance. Leave requests entered into the Employee Web Services (EWS) system become part of the time sheet document accessed by the payroll clerk.
- It is the supervisor's responsibility to check EWS at least once each day to approve or deny leave requests.
- Leave requests that must be made after an absence must be completed the day the employee returns to work for approval by the supervisor.
- Approvals on all time sheets are due by noon on the Monday of the pay week in order to be processed for payday that Friday.
- The payroll clerk will proof the timesheets and contact supervisors to make corrections if necessary.

- Supervisors must have all corrections submitted by noon on the Tuesday of the pay week. Approved time sheets not received and corrections made, if any, not received by this deadline will not be processed until the following week.
- Leave adjustments for a prior pay period must be submitted by the employee's supervisor in writing (email) and include:
 - Employee name
 - Number of hours taken
 - Type of leave (PTO or Leave without Pay)
- Leave without Pay requests must be submitted to the payroll clerk with all required signatures.

BENEFITS

Policy

It is the policy of the Osage Nation Executive Branch that:

All full-time employees are eligible for certain benefits which may include, but not be limited to: health insurance, personal time off, dental insurance, life insurance, and retirement plans.

All full-time employees are eligible for benefits effective the 1st day of the month following (60) days of full-time employment except that Executive Staff members and Executive appointees may be eligible for some benefits immediately upon hire.

All Executive Staff appointments are eligible for benefits immediately upon appointment and wage appropriation and include wages, participation in the benefits package available to regular full-time employees at its actual cost or its monetary equivalent at the discretion of the appointee. All Executive Staff appointments are eligible to participate in the Osage Nation 401k Plan based on meeting the requirements outlined in the plan document and their original hire date with the Osage Nation.

Human Resources will administer all benefit programs for the Osage Nation employees and Executive appointees and will inform employees of their benefit eligibility and the procedures they must follow to enrol.

Employees hired as part-time or temporary status but has converted to full-time will become eligible for benefits after (60) days of full-time employment. Human Resources will notify the employee, who must make any benefit elections.

Employees who transfer from the Osage Casino will become eligible for benefits based on their original hire date with the Osage Casino. If, there is a break in employment for over 30 days then the employee will be eligible for benefits the 1st day following (60) days of full-time employment. Transfers from the Osage Casino will be able to transfer tenor for years served to count towards Personal Time Off (PTO) at the Osage Nation.

Employees who lose health, dental and vision insurance coverage because of a change from full-time status will be offered the opportunity to continue coverage under COBRA rules. Human Resource will notify the employee of their continuation rights. The employee is responsible for payment of premiums (both the employee contribution and the Osage Nation contribution) if continuation is elected.

Employees will be eligible to participate in the Osage Nation 401k retirement plan based on meeting the requirements outlined in the plan document and their original hire date with the Osage Nation.

Employees that lose benefit eligibility and then regain it by a change to eligibility status will have the benefits reinstated in accordance with benefit plan documents.

FLEX SCHEDULE

Policy

It is the policy of the Osage Nation Executive Branch that:

Due to the varying nature of Osage Nation Business and service needs, no single work schedule can be established for all employees. Department Directors upon consultation with and approval of the Director of Operations will determine operational days and hours of work, or the modification thereof. General work hours for the Executive Branch and its Divisions, Departments, and Programs are Monday – Friday, 8:00 a.m. to 4:30 p.m., unless altered by Executive Order.

Work schedules will be established for each employee by supervisory personnel who may change schedules based on the needs and requirements of work operations. Supervisory personnel may also require an employee to work an unscheduled day. This shall be treated as a modified work schedule and not be subject to overtime compensation but will receive compensatory time.

Flex schedules are available to Osage Nation employees upon approval of their Department Director to ensure that each Department has adequate staffing at all times during regular business hours.

Employees are required to report to their designated work locations at the prescribed time and manner work is to commence. Tardiness, unexcused absence or failure to report as required may result in disciplinary action.

In the event an employee cannot report to work as scheduled, the employee must notify supervisory personnel at least one-hour prior the scheduled work shift.

In all cases of an employee's absence or tardiness, the employee shall provide supervisory personnel with a valid reason for the absence and, if applicable, the probable duration of the absence.

Excessive absenteeism, which renders an employee unavailable for work will be evaluated on a case-by-case basis to determine the merits of disciplinary action or termination.

An employee who is absent from his/her assigned work location may be considered absent without authorized leave and as having abandoned his/her employment. The employee may be automatically terminated, unless the employee can provide the Nation with acceptable and verifiable evidence of extenuating circumstances justifying the absence(s).

Procedure for Requesting a Flex Schedule

- Employees may request a flex schedule by filling out a request form and submitting it to their immediate supervisor.
- Employees will be notified of approval or denial within ten (10) business days after submitting the request for approval through the chain of command.
- If approved, the employee may not change schedules again for at least three months.

- Approved flex schedules will be forwarded to the payroll clerk and HR by the employee's supervisor.

LEAVE POLICY

Policy

It is the policy of the Osage Nation Executive Branch that:

Personal time off

Personal Time off (PTO) can be used for vacation, illness, or personal business.

Based on months of service, all full-time employees will earn PTO based on the following schedule:

<u>Years of Employment</u>	<u>PTO Hrs. Earned/Pay Period</u>	<u>Max allowed in Leave Bank</u>
< 3 years	6 hours	260 hours
3-10 years	8 hours	260 hours
10> years	10 hours	260 hours

- After reaching 260 hours in a leave bank, accruals will cease until the balance is reduced. It is the employee's responsibility to ensure that he/she does not lose PTO.
- Upon separation of employment, employees will be paid for hours held in their Leave Bank, unless that separation occurs within the first 90 days of full time employment. Part-time employees who transition to full-time status shall be paid, upon separation of employment, the assets for the hours in their Leave Bank only if the separation occurs after 90 consecutive days of full-time employment, regardless of the number of days the individual was employed in part-time status.
- All payments for PTO are treated as taxable income.
- PTO is paid at the employee's normal rate of pay, excluding overtime. PTO must be taken in at least quarter-hour (1/4 hour) increments.
- Whenever possible, employees should schedule absences with their supervisor at least 1 week in advance. Requests for PTO may be denied by supervisors due to insufficient notice or a PTO conflict with other office staff.
- PTO may also be used for scheduled or unscheduled absences from work due to illness or injury. Employees who have used all of their PTO will not be paid for any time they do not work and must be approved through HR as Leave Without Pay.

PTO time will not be used to calculate overtime or comp time compensation. Any leave of absence will not be considered hours worked for the purpose of performing Overtime calculations.

Employees do not accumulate PTO during unpaid leaves of absence including FMLA Leave, unless on Worker's Compensation.

Full-time employees begin accruing PTO immediately upon hire, however, employees shall not be permitted to use PTO until after they have completed the required 90 day initial probationary period.

Part-time employees who change to full-time status shall not use PTO until completing 90 days of full-time status.

Full-time employees who have completed 90 consecutive days as full-time employees and then subsequently change to part-time status shall be paid their accrued PTO upon losing full time status and shall cease accruing PTO on the date of status change.

Employees who have exhausted all PTO and are not in a protected status due to FMLA, Workers Compensation, or on an approved Personal Leave of Absence may be dismissed from employment for any unapproved absence.

PTO will be granted on a first-come, first-served basis. PTO requests from more than one employee in the same program or department will be granted to the senior most employees first. Exceptions may be made in emergency situations.

Administrative Leave

Administrative leave status or normal work curtailment may be granted to employees by the Principal Chief of the Osage Nation.

If employee has taken PTO and Administrative Leave is granted PTO time may be adjusted to reflect Administrative Leave.

Education Leave

Workforce development is a priority of the Executive Branch. For this reason, each Osage Nation employee is eligible to receive six hours, each week, of education leave in order to pursue continued education.

Because education leave is a benefit of working for the Nation, it is important that conditions be placed on that leave in order to further the goals of the Nation. Employees seeking education leave must:

- Have a course of study that will benefit the Nation's programs, departments, divisions, or special projects.
- Submit an Education Leave Form, a class schedule on school letterhead and a copy of previous semester's grades to the immediate supervisor for each semester. Leave will not be approved without a current schedule and grade report/transcript on file.
- Seeking education leave must maintain a Grade Point Average (GPA) of no less than 3.0 in order to be approved for education leave.
- Within five (5) business days, the immediate supervisor will approve or deny the request for leave.
- Once the request has been approved or denied, the immediate supervisor will forward the paperwork to Human Resources for verification.
- Human Resources after verification will send the request back to the Supervisor. The Supervisor will meet with the employee and let them know the request has been approved or denied and will cite the reasons for the denial to the employee.

(See "Educational Assistance and Training" on page 65 for required trainings and continued credits.)

Bereavement Leave

All employees, including initial probationary employees, are eligible for paid funeral leave.

A half (1/2) day of unpaid leave will be allowed for attendance at funerals of extended family relatives or community members. An employee may use other earned or accrued leave if requested and approved by the employee's immediate supervisor.

Funeral leave will be granted to employees for leave with pay for a maximum not to exceed four (4) calendar days (32 hours) following the death in the immediate family: spouse, cohabitant, (biological, adopted, foster and step) parents, grandparents, children, grandchildren, and siblings.

Funeral leave will be granted to employees for leave with pay for a maximum, not to exceed, two (2) days (16 hours) following the death of an extended family member including aunts, uncles, nieces, nephews and first cousins. Employees may apply to take leave advising his/her supervisor of the duration of his/her absence.

The Osage People honour their veterans. Paid funeral leave will be granted to American Legion and Auxiliary members who are asked to honour Osage veterans with military rites.

To preserve the Nation's culture, as mandated in the Osage Constitution, funeral leave for Osage Tribal Member employees with traditional responsibilities may occasionally require leave from their place of employment when obligated to be a "worker" at the funeral of another member of the Osage Nation. Funeral leave will be granted to employees for leave with pay for a maximum, not to exceed, four (4) calendar days (32 hours) when requested by the family of the deceased to serve in a traditional capacity at the funeral of another Osage Tribal member. Non-Osage spouses/parents are also eligible for this leave when requested by the Osage family of the deceased to participate in a traditional capacity at the funeral.

In-Lon-Schka

Enrolled members of the Osage Nation may request time off to attend In-Lon-Schka and committee events.

The time off for In-Lon-Schka will be leave without pay, unless the employee requests personal time off or the employee is on a committee. The employee must request leave at least fourteen (14) days in advance.

Supervisors shall comply with this policy to accommodate requests for time off in compliance with this policy. Additional staffing and training necessary to support all In-Lon-Schka leave requests shall be made available in the event that multiple requests from the same work area may be accommodated.

If an employee's scheduled time off for In-Lon-Schka or committee event(s) violates this policy by their absenteeism upon the event, then the employee shall not be eligible to request time off for a period of ninety (90) days. For a second similar violation of this policy, the employee shall not be eligible to request time off for a period of 180 days.

Native American Church

An enrolled member of the Osage Nation who has scheduled and attended a Native American Church meeting can claim paid leave only for the days that event actually occurred. Should the enrolled member of the Osage Nation participate all night, he/she can claim unpaid leave for one (1) day following the all night ceremony, or has the option to use PTO.

If an employee violates this policy by scheduling time off for a Native American Church meeting and not attending, then the employee shall not be eligible to request time off for a period of ninety (90) days. For a second similar violation of this policy, the employee shall not be eligible to request time off for a period of 180 days.

Family Medical Leave

It is the policy of the Nation to provide leaves of absence to employees for compelling family and medical reasons as defined in the Family and Medical Leave Act (29 U.S.C. § 2601).

Eligible Employees

An employee is eligible for FMLA leave if he or she has worked for the Osage Nation for at least one year and at least 1250 hours during the previous (12) months.

Situations Qualifying for Family Medical Leave

- Birth of a child of the employee, and or to care for such child.
- Placement of a child into the employee's family by adoption or by foster care arrangement.
- In order to care for the employee's spouse, child or parent who has a serious health condition.
- A serious health condition which renders the employee unable to perform the functions of his or her position.

Employee's Responsibilities

An employee seeking FMLA should contact HR. FMLA leave request forms will be provided by HR upon request. If an employee notifies their supervisor of the need for FMLA leave, the supervisor shall immediately contact HR concerning the employee's need.

Certification by a healthcare provider is required for approval of FMLA leave and Originals documents must be submitted to HR office.

If the leave is foreseeable, the employee must submit a request for leave to the Human Resources Office at least thirty (30) calendar days in advance before the FMLA leave commences. If the thirty (30) days advance request is not practicable, the employee must notify Human Resources as soon as possible.

The medical certification may be required to be provided within (15) calendar days after Human Resources request.

The employee may be required to provide Human Resources with subsequent recertification of medical conditions every thirty (30) days, if family and medical leave is taken for serious health conditions. The employee will be responsible for expenses incurred for certification.

Failure of an employee to properly request FMLA leave, or submit recertification may result in a loss or delay of protection and/or benefits under the Act.

Employees are prohibited from working for any other employer while on FMLA leave. Should it be determined by Human Resources that an employee is working for another employer while on FMLA leave, such employee shall be deemed to have voluntarily resigned.

Employees who fraudulently obtain or use a family or medical leave will be subject to disciplinary action as stated in the Osage Nation Conduct and Professional Standards.

Supervisor's Responsibility

If Employee does not expressly request FMLA leave, the supervisor must inquire regarding the possibility of FMLA leave qualifications.

Supervisor must direct the employee to the HR office for further instruction on FMLA leave.

Human Resources' Responsibilities

Human Resources must review and approve all requests for FMLA leave, and provide each employee with a notice that details the employee's rights and obligations under FMLA

Medical documentation submitted with requests for Family Medical Leave forms must be strictly maintained in Human Resources.

FMLA Provisions

The method for determining the twelve- month period is a “rolling” (12 month) period measured backward from the date an employee uses FMLA leave. This method shall apply in all cases of family and medical leave.

Entitlement for FMLA leave for birth or placement for adoption or foster care expires at the end of the twelve-week (12 –week) period beginning on the date of birth or placement.

The balance of any FMLA leave available but not taken for this purpose will be forfeited, however, each employee may use the remainder of his/her FMLA leave for other allowable reasons.

Spouses who both work for the Osage Nation may only take a combined total of twelve (12) weeks of FMLA leave during any twelve-month (12) period when leave is for the birth of a child or to care for a newborn, for the placement of a child with the employee for adoption or foster care, to care for the employee’s parent with a serious health condition.

The Osage Nation may require, at our expense, a second opinion by a health care provider designated or approved by Human Resources who is not employed by the Osage Nation on a regular basis.

Retroactive designation must be made within two (2) business days of the employee’s return to work. Unless an employee timely requests the designation, the employee may not assert FMLA protection for the absence.

Intermittent or Reduced Leave Schedule

An eligible employee may take FMLA leave on an intermittent or reduced leave schedule basis due to a serious health condition. In the case of FMLA leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted unless the Director of Human Resources grants approval.

If planned intermittent FMLA is approved, it is the employee’s responsibility to work with his/her supervisor in order coordinate such planned leaves in advance. The Osage Nation reserves the right to temporarily transfer an employee who takes FMLA leave on an intermittent or reduced leave schedule to an alternative position (with equivalent pay and benefits) in order to better accommodate the employee’s schedule.

Employees who are approved for intermittent leave must continue to comply with the Osage Nation’s regular attendance policy to report their absences. Employees must notify their supervisor when they are using their intermittent FMLA leave before the start of their shift or that absence may not be counted as FMLA leave.

Pay Status

FMLA leave is generally considered unpaid leave. However, an employee will be required to use available accrued Personal Paid Time Off (PTO) while on FMLA leave; such leaves must run concurrently, and no exceptions shall be made to this policy. Any period during the FMLA leave, after which available PTO is exhausted, will continue as unpaid periods and will apply toward the twelve-week (12-week) provision of the Family and Medical Leave Act. While on unpaid FMLA leave, the employee shall not accrue PTO.

Health Benefits

During FMLA leave, an employee may continue dependent health benefits under the same conditions as though the employee was not on leave. If the employee uses accrued PTO while on FMLA leave, the employee’s contributions for dependent health benefits will be automatically deducted from the

employee's pay check. If the employee is on unpaid leave the employee must contact Human Resources to arrange to pay for benefits.

Integration with Other Leave

FMLA leave runs concurrently with other types of paid leave. When an employee incurs a work-related illness or injury, which qualifies as a serious medical condition, the work-related leave of absence will be applied toward the employee's family and medical leave entitlement. Because Workers' Compensation absence is paid leave, the provision for substitution of the employee's accrued PTO for unpaid family medical leave is not applicable.

When Leave Ends

Employees must bring a work release form from their doctor to the Human Resources office before they can return to work.

An eligible employee returning to work from FMLA leave has the right to return to the same or equivalent job on the same shift and at the same or geographically proximate work site.

If the employee cannot perform an essential function of his or her job because of a physical or mental condition (including the continuation of a serious health condition), the employee is deemed inactive and entitlement to job restoration and continued leave ceases.

If the employee on FMLA leave is subject to layoff or a reduction in force, the employee's right to reinstatement shall be subject to the Human Resources Policies and Procedures.

If an employee is under any type of disciplinary track upon taking leave, the length of that employee's disciplinary track time will be tolled during the leave, and the time will begin to run upon the employee's return to work after the leave.

Failure to Return to Work

If the employee advised the Human Resources Department that he or she does not intend to return to work, the employment relationship is deemed terminated, and the employee's entitlement to restoration, continued leave, and benefits cease.

If an employee fails to return to work after the twelve (12) weeks of family medical leave is exhausted, the employee is deemed to have voluntarily resigned.

Employee Entitlement to Service member Leave

Service member FMLA provides eligible employees unpaid leave for any one, or for a combination, of the following reasons:

A "qualifying exigency" arising out of a covered family member's active duty or call to active duty in the Armed Forces in support of a contingency plan; and /or

To care for a covered family member who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that such injury or illness may render the family member unfit to perform duties of the member's office, grade, rank, or rating, or who is undergoing medical treatment, recuperation, or therapy for serious injury or illness that occurred while on active duty any time during the five (5) years preceding the date of treatment.

Duration of Service member FMLA

When Leave is due to a Qualifying Exigency, An eligible employee may take up to 12 work weeks of leave during any 12-month period.

When Leave is to care for an injured or ill service member an eligible employee may take up 26 work weeks of leave during a single 12-month period to care for the service member. Leave to care for an injured or ill service member, when combined with other FMLA-qualifying leave, may not exceed 26 weeks in a single twelve (12) month period.

Service member FMLA runs concurrently with other leave entitlements provided under tribal or other applicable law.

Maternity/Paternity Leave

Medical documentation may be requested by the Human Resources office.

Maternity

Eighty (80) hours of paid Maternity Leave shall be provided to the maternal birthing parent on condition the employee has completed their initial 90 day introductory period.

Paternity

Sixteen (16) hours of paid Paternity Leave for the paternal parent shall be provided to the paternal parent on condition the employee has completed their 90 day introductory period.

Military Leave

An employee who enters active duty in a branch of the U.S. Armed Forces or is a member of the Reserve Components of the U.S. Armed Forces who attends annual training, active duty for training, or is called to active duty will be granted military leave.

To be entitled to military leave an employee must present official orders requiring attendance for a period of training or other active duty as a member of the Armed Forces.

An employee may opt not to use military leave and instead use accrued personal time off.

Military leave is further classified as paid supplemental military leave, unpaid military leave, or unpaid military leave of absence.

Employees on any type of Military leave will not accrue PTO during leave.

Paid supplemental military leave is defined as:

- The amount of pay necessary, when added to the military pay received for that day, to bring the employee to his/her full wage/salary for that day.
- Fifteen (15) days of paid supplemental military leave will be granted annually to an employee who is a member of a Reserve Component or who enlists for active service.
- For Reserve Component members this leave may be used for Annual Training, Active Duty for Training and other active duty (called to active duty or mobilized) verified by published military orders.
- Inactive Duty Training (weekend training) as a member of the National Guard or Reserve does not qualify for paid supplemental military leave.
- A day of paid supplemental military leave may only be used for a regular scheduled work day.
- The use of the fifteen (15) days is not limited to a single period, but may be used incrementally as long as the employee presents official military orders.
- Paid supplemental military leave will be paid once the employee has presented documentation of military pay to the payroll department.
- Supervisor is responsible for entering employee's military leave on the time sheets to payroll for record keeping.

- Employee will not accrue PTO during Paid supplemental military leave.

Unpaid military leave

- Applies only to those employees who are eligible for paid supplemental military leave and decline to take either personal time off or paid supplemental military leave.
- It may only be used for 15 days or less.

This leave would apply to an employee who's military pay exceeds his/her wage/salary.

Supervisor is responsible for entering employee's Unpaid military leave on the time sheets to payroll for record keeping.

- Employee will not accrue PTO during Unpaid military leave.

Unpaid military leave of absence

Will be granted to an employee for extended periods (beyond 15 days) of active duty supported by published official military orders.

The following periods of active duty qualify for unpaid military leave of absence:

- An employee who is inducted into or enlists in an Active Component of the Armed Forces of the United States.
- An employee who is a member of the Reserve Components attending any of the following duty:
 - Initial entry training
 - Active Duty for Training
 - Called to federal active duty by the President of the United States during a national emergency
 - Called to active duty by the Governor during a state emergency
- Supervisors are responsible for entering employee's unpaid military Leave of Absence on the time sheets to payroll for record keeping.
- Employee will not accrue PTO during Unpaid military leave of absence.
- Employees returning to work are entitled to the same seniority, status, and pay they would have received had they not entered military service.
- Employees returning from military service may not be terminated from re-employment except for cause during their first year of re-employment.

Jury or Witness Duty Leave

- Employees are to notify their supervisors promptly upon receipt of a jury summons and subsequent notice of selection to serve as a juror.
- An employee selected to provide this community service will receive his/her regular rate of pay for normal hours worked, up to a maximum of 10 workdays, provided the employee submits evidence of the summons and selection notice.
- Employees will be allowed to retain any mileage and other compensation paid by the court.
- Employees will receive paid leave for the time required to provide testimony in work related litigation or court proceedings.
- Employees are to notify their supervisor immediately upon receipt of a job related subpoena.

Leave without Pay

Leave without pay must be approved through Human Resources

Leave for Elected Officials

- According to the Compensation Policy on page 23 of this handbook, "Unauthorized leave or unexcused absence will not be compensated in any form".

- For this reason, PTO or unpaid leave must be taken for regularly scheduled meetings attended in the employee's capacity as an elected official with adequate notice to immediate supervisors (see PTO section of this policy).
- Due to the nature of the work of our elected officials, immediate supervisors must approve leave requests for all regularly scheduled meetings of our elected officials regardless of other factors such as staff shortages.
- Failure to notify immediate supervisors, in the form of a leave request, will result in a determination of unauthorized leave with the possibility of disciplinary action.
- In addition to leave requests for regularly scheduled meetings, elected officials who also occupy regular, full time jobs with the Nation may, from time to time, receive phone calls regarding matters outside the scope of their regular employment or be asked to do work during regular business hours which is outside the scope of their regular employment.
- In these instances, the elected officials who are also regular full time employees of the Nation must track that time, deduct it from his/her time sheet at the end of each week, and fill out appropriate leave requests to be signed by his/her supervisor.

HOLIDAYS

Policy

It is the policy of the Osage Nation Executive Branch that:

All employees are eligible to observe the following recognized holidays:

New Year's Eve (noon)

New Year's Day

Martin Luther King Day

President's Day

Sovereignty Day

Good Friday

Memorial Day

Independence Holiday

Labor Day

Osage Day (Columbus Day)

Veterans Day

Thanksgiving Holiday

Christmas Eve & Christmas Day

CONDUCT AND PROFESSIONAL STANDARDS

On September 30, 2008, the Osage Nation Ethics Law (15 O.N.C. § 6) was passed by the Osage Congress as required by the Osage Constitution. This law was intended to establish clear parameters of acceptable standards of conduct by government officials, employees and those who do business with the Osage Nation and to require accountability of elected, appointed and assigned Osage Nation officials and employees in exercising the authority vested with them as a matter of public trust, and to provide a process for adjudication of ethical violations and penalties as a result thereof.

Osage Nation officials and employees shall avoid even the appearance of impropriety in the performance of their duties. Osage Nation officials and employees shall refrain from abusive conduct, personal charges, or affronts upon the character, motives, or intents of other Osage Nation officials, employees or Osage citizens.

Osage Nation officials and employees shall not hinder or obstruct the proper administration of the Osage Nation government or businesses in the administration of their duties.

Osage Nation officials and employees shall further comply at all times with all applicable laws of the Osage Nation with respect to their conduct, in the performance of the duties of their respective office, and in their employment.

Employees are encouraged to become familiar with this law in its entirety.

Policy

It is the policy of the Osage Nation Executive Branch that:

Employees are responsible for adhering to all Osage Nation laws, policies, rules, directives, and procedures enacted and established by the Nation or appropriate Executive staff.

Employees who engage in, or are associated with illegal or unethical conduct, the nature of which adversely affects the Osage Nation, or their ability to carry out their employment responsibilities, will be subject to disciplinary action, including termination.

Information about the Osage Nation, its customers, clients, suppliers, or employees shall not be disclosed or divulged to anyone other than persons who have a right to know, or are authorized to receive such information.

The Nation reserves the right to deny services and entry onto the Nation's property to members of the public, visitors, and employees who are physically and/or verbally abusive or disruptive of services and operations. The Nation additionally reserves the right to deny entry onto Tribal properties or access to services to all employees and/or members of the public who may be under the influence of alcohol, controlled substances, and/or illegal drugs.

The following employee acts, activities, or behavior are considered unacceptable conduct:

- Improper or unauthorized use of paid or unpaid leave.
- Being absent without authorized leave or repeated unauthorized late arrival or early departure from work.
- Wilful or negligent violation of Osage law, policies & procedures, or related directives.

- Refusal to accept reasonable and proper assignments or failure to carry out a direct order from a superior, except where the order is illegal or the employee's safety may reasonably be jeopardized by the order.
- Soliciting or accepting gifts or compensation in exchange for influence, contracts
- Engaging in a conflict of interest activity.
- Conduct that discredits the employee or the Nation, or wilful misrepresentation of the Nation. An employee may not present himself/herself as a representative of the Nation, or communicate with the news media on behalf of the Osage Nation unless authorized or directed in writing by the Principal Chief or his/her delegated representative(s).
- Knowingly falsifying, removing, or the destruction of information related to employment, payroll, or work-related records or reports.
- Soliciting outside work for personal gain during business hours; engaging in off-duty employment for any business under contract with the Osage Nation; participating in any off-duty employment that adversely affects the employee's performance of work for the Nation; and engaging in unauthorized off-duty employment.
- Conduct that interferes with the management of Osage Nation Operations.
- Violation of or neglecting safety rules, or contributing to hazardous conditions.
- Unauthorized removal, negligent, or improper use of any Osage Nation property, equipment, or funds or that of its clients, customers, or agents. This includes private use, use that creates an unreasonable risk of damage to property, and embezzlement or conversion for personal use of the Nation's funds or property.
- Physical altercations or creating a disturbance among fellow employees that would result in an adverse effect on morale, productivity, and/or the maintenance of proper discipline (wrestling, rough housing, and horse play).
- Participating in a strike, work stoppage, slow down, sickout, or other job action.
- Making false, malicious, or unfounded statements against co-workers, supervisors, subordinates, government officials, or the Osage Nation, which tend to damage the reputation or undermine the authority of the Osage Nation.
- Conducting personal business during work time.
- Inefficiency, incompetency, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
- Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
- Employees may not engage in coercion, nor be subject to coercive tactics that constitute a deprivation of legally protected rights.
- Offering or accepting political rewards as consideration for the political support of any candidate for public or Osage Nation office. Upon proof of such reward, disciplinary action will be taken, which may result in termination.
- Driving under the influence of alcohol or drugs while on duty or the suspension of driver's license where job duties require driving.
- Bringing infants or other dependents to work for the purpose of providing them care and supervision.
- Use of office telephones for personal purposes. Personal calls should be kept to a minimum and long distance calls may be subject to reimbursement.
- Participating in, planning, or assisting in any illegal or unlawful activity, which affects the day-to-day operations of the Osage Nation.
- Unauthorized release of confidential information or official records.
- Misuse of authority or position for personal gain.

- Any other actions considered inappropriate, or detrimental to employee work environment.
- Taking employee personnel matters to any public forum.
- See **Disciplinary Action Policy**.

Procedure for Reporting a Conflict of Interest

- Conflicts of interest may be reported to HR, the Whistle-blower Hotline, Constituent Services, or directly to the Attorney General.
- If referred to the AG, the procedure will be the same as for an ethics violation.

Procedure for Reporting an Ethics Violation (Employee)

- Ethics violation(s) by an employee may be reported to Constituent Services or HR.
- HR will determine if the ethics violation(s) should result in a disciplinary action or if the case should be referred to the Attorney General (AG) for possible legal action.
- If referred to the AG, please see the procedure below.

Procedure for Reporting an Ethics Violation (Elected Official)

- In order to evaluate and process a complaint against an Osage Nation Elected or Appointed Official, the complainant must complete the Ethics Complaint Form. The form is available from the Attorney General's office or website (<http://www.osagenation-nsn.gov/what-we-do/attorney-general>).
- Provide a written explanation of the exact nature of your complaint, including relevant dates and times.
- Provide sufficient identifiers so that we may contact you and any witnesses.
- Our investigation will be based on facts or circumstances, **not conjecture or speculation**.
- When providing documentation, please send copies only. All documents received, whether originals or copies, become property of the Attorney General and are subject to future destruction.
- All complaints may be made confidentially.
- Time is of the essence. Although there is no formal time limitation for filing a complaint, evidence and recollection fade with time – which hinders an investigation.
- The Attorney General follows a three-stage process upon receiving a completed Ethics Complaint Form.
- The first stage is a determination of whether the allegations of the complaint are legally sufficient, that is, whether the complaint indicates a possible violation of any law over which the Attorney General has jurisdiction and that the complainant has standing.
- If the complaint is found to be legally insufficient, the Attorney General will order that the complaint be dismissed without investigation.
- If the complaint is found to be legally sufficient, the Attorney General or its investigative staff will begin an investigation.
- The second stage of the Attorney General's proceedings involves this investigation of the complaint and a decision by the Attorney General of whether there is probable cause to believe that there has been a violation the ethics law. If the Attorney General finds that there is no probable cause to believe that there has been a violation of the ethics law, the complaint will be dismissed.
- The third stage requires that the Attorney General decide whether the law actually was violated and, if so, what course of action should be taken.

- The Attorney General may file the case in the Osage Nation Trial Court for a determination on the merits.
- It is the responsibility of the Trial Court to order appropriate penalties as set forth in the Ethics Law.

DISCIPLINARY ACTIONS

Policy

It is the policy of the Osage Nation Executive Branch that:

Depending on the nature of the circumstances of an incident, discipline will normally be progressive and should abide a reasonable relationship to the violation. The severity of the policy violation will determine the level of disciplinary action, taking the following guidelines into consideration:

- The seriousness of the infraction including actual or potential harm to other employees, company assets or company business.
- The employee's past record including previous disciplinary actions.
- Other circumstances surrounding the issue that help management arrive at a decision that is best for the business and employees at the Nation.

Disciplinary Action outcomes will be based on employment standards rather than solely criminal standards. Supervisors imposing discipline shall afford due process to the employee prior to suspending or terminating any employee.

Prior to the final termination of an employee during the execution of the disciplinary procedure, the employee will be "suspended pending termination". Once suspended pending termination, the employee's offense will be reviewed by the appropriate department director, Human Resources staff, and Director of Operations. Final determination of the employee's status will be determined following that review.

Verbal Corrective Action/Verbal Counseling

A verbal corrective action may be an appropriate form of corrective action to issue when you have reason to believe an employee may not be aware of the policy violation, procedure violation, etc. or when the violation may be a (minor) first occurrence. (i.e. an employee is in their first 90 days.) Employees will be given a defined time frame in which to complete an improvement plan to correct the deficiency or problem behavior. Under no circumstances will an improvement plan for a formal verbal notice take longer than fifteen (15) business days to complete.

Written Corrective Action

A written corrective action may be a minimum appropriate form of corrective action to issue when an employee has previously been verbally counselled on a policy/procedure violation and continue to incur similar violations or when the violation is serious. (i.e. a repeated failure to comply with a procedure or policy, a quality complaint traceable to their work).

- Employees will be given a defined time frame in which to complete an improvement plan to correct the deficiency or problem behavior. Under no circumstances will an improvement plan for a written warning notice take longer than ninety (90) days to complete.
- Employees not satisfactorily completing an improvement plan may be terminated or demoted.

Final Written Corrective Action

A final written corrective action may be an appropriate form of corrective action to issue when written corrective actions have been previously issued, re-training has been provided or when the violation is a major incident (i.e. harassment of a co-worker, major rule violation).

- Employees will be given a defined time frame in which to complete an improvement plan to correct the deficiency or problem behavior. Under no circumstances will an improvement plan for a written warning notice take longer than ninety (90) days to complete.
- Employees not satisfactorily completing an improvement plan may be terminated or demoted.

Suspension

A suspension may be an appropriate form of corrective action when final written corrective actions have been previously issued, an employee has been involved in a disruptive or threatening altercation with a co-worker has been seriously insubordinate, etc.

- Under no circumstances will a suspension exceed ten (10) working days, except where an investigation is warranted. If an investigation is warranted, a suspension may last for the duration of the investigation.
- It may be necessary to restrict an employee immediately from performing duties at the work site. These circumstances usually involve potential danger to the employee, co-workers or the public, or the employee's inability to discharge assigned duties satisfactorily.
- In no event will the use of paid time be allowed during a period of suspension without pay. Should a paid holiday occur during a period of suspension without pay, the suspension period shall be extended by the number of holidays occurring during the suspension period.

Early Dismissal

An early dismissal may be an appropriate form of corrective action where there is a need to investigate circumstances further, threatening or belligerent behavior is exhibited, etc.

Termination

See section on Employee Separation.

Procedure for Written Corrective Action (Initial and Final)

- Supervisor will fill out the Written Warning Notice form.
 - Date of infraction
 - Date of counselling
 - Improvement plan
 - Time to complete improvement plan
 - Dates of probation status
 - Supervisor's signature
 - Employee's signature
- Employee must sign the form to indicate receipt of notice/counselling. Signature does not indicate admission of guilt. Failure to sign the form could be construed as insubordination and does not invalidate the disciplinary action.
- Supervisor retains a copy of the form and files the original with HR.

- Supervisor will provide employee with a copy of the form.

Procedure for Suspension

- Once the employee is suspended, the supervisor taking the action to suspend an employee will immediately notify the Director of HR and prepare a written statement of action taken and the reasons for such action.
- All suspensions will be without pay. Health and other benefits will remain in effect during the term of the suspension.
- The Director of HR will prepare, together with the supervisor, the statement of charges and document any supporting evidence.
- The Director of HR will contact the Attorney General of the Osage Nation to decide if an investigation is warranted.
- As soon as possible after the initial action, the Director of HR will prepare written notification to the affected employee.
- In case of a suspension, pending the outcome of the investigation, if the investigation is dropped, the employee will receive retro pay.

Procedure to Request Removal of Disciplinary Action

- If one year has elapsed since a disciplinary action with no other disciplinary actions within that time, the employee may request his/her supervisor notify HR to remove the disciplinary action from the employee's personnel file.
- The employee's supervisor has ten (10) business days to approve or deny the request.
- If request is approved, the employee's supervisor has ten (10) business days to notify HR to remove the personnel action from the employee's file.
- HR will notify the employee within ten (10) business days that the disciplinary action has been removed.

EMPLOYEE SEPARATION

Policy

It is the policy of the Osage Nation Executive Branch that:

An employee's involuntary separation from employment, to save a layoff, ends the employment relationship between employer and employee.

An employee voluntarily wishing to leave employment with the Osage Nation in good standing must file a written resignation with the immediate supervisor at least two (2) weeks prior to the effective date, stating specific reason(s) for the resignation. The employee's resignation shall be promptly forwarded through the HR Director.

An employee may be subject to layoff for reasons including, but not limited to; lack of funds or work, elimination of position, or reorganization.

Whenever it becomes necessary to reduce the work force through layoffs, the Nation will endeavour to provide affected employees with at least ten (10) working days' notice. The Nation may provide two weeks' severance pay in lieu of ten working days prior to notice layoff.

Employees shall be afforded the opportunity to apply for a voluntary layoff, when a layoff plan is instituted.

When a layoff is to be implemented, the Director of Operations will prepare a layoff plan. The plan will identify the number of positions by classification and identify incumbents to be laid off through the consideration of both ability and/or seniority in the position, with consideration of Osage preference.

Each job within the layoff plan shall be coded as "essential" or "non-essential" in furthering the department's mission statement and services provided by that Department. Each layoff plan must evaluate which positions within the department affected by a layoff will benefit the Nation, the department and provide actual services and advance the mission and purpose of the department.

The Department Director shall notify the HR Director of the intended action at least fifteen (15) calendar days before the effective date and provide a statement whether or not the employee gave satisfactory service.

The names of employees who are laid off or continue employment in a lower position will be placed on a recall list giving the position held at the time of layoff. The recall list will be maintained for a period of six (6) months from the effective date of the layoff.

When a vacancy occurs in a position on the recall list, persons appearing on the list will be offered employment in an inverse order of their layoff dates (earliest to most recent), prior to considering other persons for employment, with consideration of Osage preference.

An employee that is recalled to the same position within six (6) months will be assigned a new annual performance review date.

Final compensation shall be inclusive, up to the hour and date of separation of hours worked and all forms of accrued but unused time deemed compensable. Deductions will be made against any compensation such as any mandatory or voluntary deductions, including legally authorized offset against pay.

Separated employees will receive their final pay checks on the day that pay checks are normally distributed minus any outstanding employee loan balance.

In the event of an employee's death, the employee's beneficiary as shown in personnel records shall be entitled to receive the employee's final pay check, except where the beneficiary is a minor, in which case the Nation may hold the employee's final pay check until a legal recipient can be identified by the Nation.

Any property issued to the employee by the Nation must be returned before or at the time of the final pay check. Otherwise, the Nation will withhold the final pay check and other reimbursements until the property is returned or replaced.

A supervisor may request to provide two (2) week severance pay, in lieu of retaining the services of an employee for the two (2) week period upon receipt of advance notice of resignation or the Nation may provide two (2) weeks' severance pay in lieu of a two (2) week dismissal notice, provided that;

- The employee is not on probation,
- The employee leaves in good standing, and
- The HR Director authorizes the Osage Nation Accounting Department to disburse.

Employees who are terminated as a result of misconduct for violation of law or work rules, or while on probation, are not eligible to receive severance pay.

Procedure for Voluntary Termination

- Employee will submit a resignation, in writing, stating specific reasons for leaving to his/her immediate supervisor.
- Supervisor will immediately notify the HR Department and forward original resignation letter.
- The HR Department will contact the employee within three (3) business days and schedule an exit interview.
 - In order to remain in good standing with the Nation the employee must comply with the scheduled exit interview.
- The employee's immediate supervisor will forward an inventory list to the HR Department detailing all Osage Nation property issued.
- The employee's immediate supervisor will collect all Osage Nation issued property from the employee on their final day of employment with the Nation. If any property is not returned, the employee's final pay check will be held until property is returned in good condition.
- A copy of the employee's exit interview will be forwarded to the Director of Operations. The original will be filed in the employee's personnel file.

Procedure for Involuntary Termination

- When the involuntary termination of an Osage Nation employee becomes imminent, his/her direct supervisor will immediately contact the HR Director, or his/her designee, to consider the following:

- Osage Nation policy & procedure
 - Osage law
 - Employee's disciplinary action history
 - Employee Assistance Program history
 - Severity of infraction (or series of infractions)
- The employee's Division Leader (if applicable) and the Director of Operations will be notified prior to termination by the Director of HR for a verbal concurrence.
- When possible, the employee will be told in person of the termination by his/her immediate supervisor with a HR representative present.
- When possible all documents requiring the employee's signature, checklist of issued Osage Nation property, and other HR information and documents will be presented to the employee at the time of termination. When this is not possible, the above list will be prepared and available to the employee within one (1) business day following the termination.
- When possible all Osage Nation property issued to the employee will be collected at the time of termination. When not possible, Osage Nation issued property will be collected by the terminated employee's immediate supervisor within two (2) business days.
- The value of Osage Nation issued property that has not been returned to the Nation within two (2) business days will be deducted from the final pay check of the terminated employee.
- IT will be contacted immediately following termination and access to all of the Nation's computers will be denied within ten (10) minutes of termination.
- Terminated employees will be accompanied to their workstations by a representative from the HR Department while removing personal effects.
- Status change forms will gain required signatures, in order, through the chain of command.
 - HR Director
 - Immediate Supervisor
 - Department Director
 - Division Leader
 - Director of Operations

EMPLOYEE DUE PROCESS PROCEDURE

ONCA 11-118 states:

- *“All Osage Nation government employees shall have the right to due process before the employee may be terminated from employment.”*
- *“Every employee faced with termination is entitled to a hearing that includes the right to confront witnesses, the right to present evidence, the right to have adequate representation, either an attorney or non-legal counsel, and the right to an impartial decision maker.”*

Policy

It is the policy of the Osage Nation Executive Branch that:

In cases where a termination is imminent, supervisory personnel will meet with the employee and inform them of the upcoming termination as well as their right to appeal the decision regarding the upcoming termination. Should the employee wish to invoke their right to due process before termination, they may request a hearing through the HR director. The termination will not be carried out until the conclusion of the hearing and a decision by the Hearing Officer to uphold the decision to terminate.

For the purposes of this policy the term “employee” means a full-time merited employee.

Employees facing possible termination may be suspended pending the outcome of the termination hearing. Retro pay will be awarded should the decision to terminate be overturned by the Hearing Officer.

Termination hearings will be decided by a Hearing Officer who will preside over the proceedings and make a final determination. The party requesting the hearing may have legal counsel present for the proceeding

Notification of Termination

At the time an employee is notified of a decision to terminate, the employee shall be advised of his/her right to a hearing.

Proceedings of the Hearing Officer

The Hearing Officer’s responsibilities and obligations include, but are not limited to the following:

- The proceedings are confidential.
- The proceedings will be tape recorded.
- The Hearing Officer may ask questions of either party and request additional evidence at any time.
- The Hearing Officer may instruct the parties that sufficient information has been heard to make a ruling, or that the information is not relevant. Aside from relevancy issues, formal rules of evidence do not apply.
- The Hearing Officer has the authority to extend/waive time limitations if it is believed that information offered is relevant and probative of the issues presented as defined below.
- The Hearing Officer shall be responsible to make all relevant determinations throughout the meeting. In making these determinations, the Hearing Officer shall consider whether the proposed evidence (either witness testimony or

documentary evidence) relates to the disciplinary action and whether it will affect the Hearing Officer's ruling. Only witnesses who have had direct involvement in the incident leading to the termination will be allowed to participate and all questions should directly relate to said termination.

- The Hearing Officer may ask questions of HR staff relating to employment policies & procedures.

Scope of Authority

The decision of the Hearing Officer shall direct a remedy or remedies consistent with the finding of the hearing subject to the following considerations and limitations:

- Employees bear the burden of proof to show, by a preponderance of the evidence that they have wrongfully been subject to an imminent decision to terminate.
- Equitable relief may be entered by the Hearing Officer, to be enforced by the HR Director, as follows:
 - The employee may receive retro pay, in compensation, for suspension period.
 - Any reference to improper or overturned decisions to terminate may be removed from the employee's personnel file or a notice that such action was overturned will be clearly noted on the record of such action, such that it cannot be held against the employee for future references.
 - The Hearing Officer shall not issue any remedy that is inconsistent with the laws of the Osage Nation or as expressly provided for in this policy.

Employee Rights

Employees have the right to be represented by legal counsel or advocate at their own expense, including the right to hear the charges, evidence and witnesses against him/her, and the right to cross-examine.

It is a violation of this policy for any employee of the Osage Nation to interfere with, threaten, coerce, restrain, discharge, or otherwise take action against any employee or other person because he/she has filed a complaint, gave or will give testimony, or otherwise appeared in a termination hearing.

Retaliation or punishment of an employee seeking resolution by using established or prescribed procedures is strictly prohibited.

Procedure for Requesting a Termination Hearing

- The employee will fill out a Request for Hearing Form and return to HR within five (5) business days of notification of the decision to terminate.
- At the time the employee requests a hearing, they must inform HR if they are to be represented by an attorney. If so, the attorney must also file for an appearance with HR within five (5) days of the date the employee requested a hearing. Failure to request a hearing within this time frame will result in the forfeiture of a hearing.
- Ten (10) days prior to the hearing, the employee and supervisor shall each provide the HR department with a list of witnesses they intend to call at the hearing. They shall also present copies of any documentary evidence that they would like to submit to the Hearing Officer.
- Both parties may amend or supplement their original witness list and/or submit additional documentary evidence within five (5) days after receiving the other party's list of witnesses and evidence.

- Failure to abide by any of the above time requirements will prohibit the non-compliant party from introducing documentary evidence or presenting witnesses to the Hearing Officer. For the purposes of this procedure, “days” shall be calculated using business days.
- The Hearing Officer will review records submitted prior to appearance by the employee and supervisor to present their cases.
- HR staff shall appear and be available to advise all participants with regard to policy & procedure.
- The supervisor or his/her representative shall present to the Hearing Officer the reasons why management believes that the decision to terminate should be upheld. The supervisor or representative may call witnesses at this time. This presentation shall not exceed two hours without the Hearing Officer’s permission.
- When the supervisor’s presentation has concluded, the employee shall present to the Hearing Officer the reasons why he/she believes that the decision to terminate should not be upheld. The employee may call witnesses at this time. This presentation shall not exceed two hours without the Hearing Officer’s permission.
- Both parties shall have the right to ask questions of any witnesses.
- The Hearing Officer may ask questions of either party and may call for any additional information as deemed necessary in reaching a decision. If it requires information that is not readily available, the Hearing Officer may accept in to the record such additional information or choose to suspend the meeting and reconvene when the information is available.
- After both parties have made their presentations, and if the Hearing Officer has no additional questions, then both parties shall have the opportunity to make brief and concise final comments not to exceed fifteen (15) minutes.
- At the conclusion of the presentation of testimony and evidence, the Hearing Officer will privately deliberate and make a decision within five (5) business days.
- No record of the deliberation will be made.
- The decision of the Hearing Officer shall describe the facts of the case and determine whether the facts support a violation of Osage Nation policy & procedure, Federal or Tribal Law, or funding agency regulation.

HARRASSMENT

Policy

It is the policy of the Osage Nation Executive Branch that:

All employees of the Osage Nation are valuable team members that allow the Osage Nation government to carry out the work of the Osage People. It is important that each Osage Nation employee have a positive work environment where they are free to contribute, in a meaningful way, for the ultimate benefit of the Osage People. For this reason, harassment of any kind will not be tolerated.

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

Some examples of harassment include but are not limited to:

- Threatening, humiliating, or intimidating actions or language.
- Work interference — sabotage — which prevents work from getting done.

No employee shall be subject to retaliation or retribution for reporting harassment. Retaliation or retribution is strictly prohibited.

Sexual Harassment

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

No employee shall be subjected to unsolicited and/or unwelcome sexual overtures or conduct, either verbal or physical.

Sexual harassment will be treated as misconduct with appropriate disciplinary sanctions, up to and including termination.

No employee shall be subject to retaliation or retribution for reporting sexual harassment. Retaliation or retribution is strictly prohibited.

An employee who believes that he/she has been subjected to harassment, unwelcome sexual conduct or that there exists an objectively hostile work environment has a duty to report the situation. Such report shall be made directly to the HR Department.

All reports, including both formal and informal, of sexual and other harassment will be promptly, actively, and confidentially investigated by the HR Department.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes prohibited sexual harassment when at least one of the following criteria is met:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's right to receive services.

- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision.
- Submission to or rejection of such conduct by an individual is used as the basis for decision regarding provision of services.
- Examples of prohibited conduct include, but are not limited to:
 - Unwelcome sexually suggestive comments or sounds.
 - Unwelcome sexual flirtation.
 - Unwelcome touching.
 - Unwelcome advances or propositions.
 - Unwelcome jokes of a sexual nature.
 - Unwelcome slurs and other verbal, graphic, or physical conduct relating to an individual's gender.
 - Any display of sexually explicit pictures, greeting cards, articles, books, magazines, photos, or cartoons.

The authoring, forwarding, viewing or sending of graphic nudity, obscene, or pornographic material and the use of obscenity or profanity is strictly prohibited by the Nation's Internet Usage Policy.

Where an investigation concludes that an employee has committed an act of sexual harassment, that employee must attend Employee Assistance Counselling, disciplined by a minimum of three (3) days suspension, and may be subject to further disciplinary action up to and including termination.

Providing false information in the course of a sexual harassment investigation is grounds for disciplinary action, up to and including termination.

A supervisor's failure to adequately respond to a sexual harassment matter or failure to discipline an employee for sexual harassment will result in disciplinary action. That supervisor must attend EAP counseling, disciplined by a minimum three (3) day suspension, and may be subject to further disciplinary action up to and including termination.

WHISTLEBLOWER PROTECTION

On June 13, 2008, the Osage Nation Whistle-blower Act (15 ONC §9 *et seq.*) was passed by the Osage Congress to protect the employees of the Osage Nation.

The Osage Nation Congress finds that it is in the best interest of the Osage Nation to learn of legal or regulatory violations by elected officials or employees of the Osage Nation as soon as they occur.

The Osage Nation further finds that employees who possess knowledge of regulatory violations should not be punished or subjected to ridicule for reporting such violations to the Osage Nation.

An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment because:

- The employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of any federal, state or Osage Nation law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official;
- The employee is requested by a public body or office to participate in an investigation, hearing, inquiry;
- The employee refuses an employer's order to perform an action that the employee has an objective basis in fact to believe violates any Osage Nation, state or federal law or rule or regulation adopted pursuant to law, and the employee informs the employer that the order is being refused for that reason;

The disclosures protected pursuant to this section do not authorize the disclosure of data otherwise protected by law.

The protections afforded to employees or those acting on behalf of employees shall extend to members of the employee's extended family who are also employees of the Osage Nation or its instrumentalities.

The identity of any employee making a report to a governmental body or law enforcement official shall remain confidential if:

- The employee would not have provided the information without an assurance that the employee's identity would remain private, because of a concern that the employer would commit an action prohibited this Act or that the employee would be subject to some other form of retaliation; or
- The Tribal agency, federal agency, or Osage Nation instrumentality reasonably believes that the employee would not have provided the data because of that concern.

If the disclosure is necessary for prosecution, the identity of the employee may be disclosed but the employee shall be informed prior to the disclosure.

This section does not permit an employee to make statements or disclosures knowing that they are false or that they are in reckless disregard of the truth. Protections of this Act shall not extend to false statements or accusations if they are proved to be false.

Policy

It is the policy of the Osage Nation Executive Branch that:

Employees of the Osage Nation have an obligation to report a violation or suspected violation of any federal, state or Osage Nation law or rule adopted pursuant to law to an employer or to any governmental body or law enforcement official. The Whistle-blower Hotline is one avenue to make those reports.

Those making reports to the Hotline should expect action from the Executive Branch within a reasonable amount of time if the Whistle-blower Committee deems a report to have merit. For this reason the Executive Branch of the Osage Nation has instituted deadlines for action, through policy, for those reports made on an office, department, program, or employee of the Executive Branch of the Osage Nation.

Procedure for Reporting to the Whistle-blower Hotline

- Employees, constituents, vendors, contractors, or anyone working with the Osage Nation, on any level, may report a legal or ethical violation of any kind against an employee, department, program or elected/appointed official of the Osage Nation using the Whistle Blower Hotline.
- The Whistle Blower Hotline may be contacted by:
 - Calling **1-855-OUR-OSAGE**
 - Emailing osage@myeccho.org
 - Mailing **Osage
2250 East Devon Ave., Ste. 341
De Plaines, IL 60018**
- The Whistle Blower Committee strongly encourages those making reports to remain anonymous.
- My Eccho is a third party administrator located near Chicago, IL that receives all calls, transcribes the calls, and sends an alert to the Office of Fiscal Performance Review (OFPR).
- When an alert is received OFPR will contact each member of the Whistle Blower Committee within one (1) business day to schedule a meeting.
- The Whistle Blower Committee will meet within ten (10) business days of receiving the alert from the hotline.
- If the complaint is found to have merit by the committee, the anonymous complaint is forwarded to the direct supervisor that would be responsible for resolving the issue.
- The supervisor charged with resolving the issue will send a report back to the Whistle Blower Committee detailing the resolution and the time line, if any, involved in implementing the resolution within ten business days of contact by the Committee.
- Violations of this policy or procedure will result in disciplinary action.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program will offer confidential, accessible service to Osage Nation Employees and their families experiencing personal problems, addictions, or emotional difficulties. Employee participation in the EAP shall be voluntary unless otherwise required by policy, judicial order, or law.

Services offered by the EAP include, but are not limited to, follow-up services to assist the employee in returning to work after treatment and training sessions for supervisors on handling work-related problems that may be related to substance abuse or other personal and/or health-related problems.

Policy

It is the policy of the Osage Nation Executive Branch that:

The Executive Branch of the Osage Nation believes in supporting and promoting its employees to build a better and stronger Osage Nation. For this reason, the EAP will be available to employees on a voluntary basis or to employees deemed to be “at risk” for disciplinary action or termination by their immediate supervisor. Additionally, those employees who have been terminated will be eligible for services through the EAP which will allow them to re-apply for employment with the Nation within three months of completion of the program should they receive a positive recommendation from the EAP.

The Osage Nation EAP is collaboration between the Osage Nation HR Department and the Osage Nation Counseling Department. These two entities have agreed that a holistic approach to building and improving the Osage Nation workforce will benefit not only the Osage Nation but also Osage families, and the communities located on the Osage Reservation.

EAP can assist you and your family with many serious life issues including:

- Difficult period in your relationships with others.
- Stress arising from marital difficulties, separation, or divorce.
- Pressures associated with work or career.
- A need for information about financial or legal resources in your community.
- Family turmoil associated with a troubled child or adolescent.
- Illness or death of someone close.
- The use of alcohol or drugs to resolve issues.
- A need for guidance with a child’s school problem.
- Legal problems or questions about your legal rights.
- A need for resource information for childcare, elder care, and other referral needs.

More information is available through HR or your supervisor.

Those employees requesting voluntary EAP services are not required to complete an individual service plan as a condition of employment. Individual service plans, however, may change during the course of EAP services as determined by the EAP team.

Those employees at risk of termination must receive a referral to the EAP from their supervisors with their disciplinary action form. Refusal to comply with EAP recommended

services or to complete recommended services will result in immediate termination of employment.

Employees completing required EAP services must receive a positive recommendation from the EAP in order to remain employed.

Procedure for Obtaining Voluntary EAP Services

- Deliver completed form to HR's EAP representative.
- HR will schedule an assessment within three (3) business days.
- Employee will report to the TASC program (either through the front or back entrance) and will work with the certified/licensed counsellor to take assessment. The assessment should take approximately two hours to complete.
- TASC will have three (3) business days to determine services needed and the priority of each service needed. On the third day, EAP will schedule a meeting with the EAP team and the employee to go over results of the assessment as well as to schedule services.
- HR's EAP representative will work with the employee's supervisor to ensure PTO is approved (if available) for the employee.
- Voluntary EAP services do not have to be completed in order to maintain employment status.

Procedure for Obtaining Required EAP Services

- Supervisors will deliver a completed Supervisor EAP referral to HR's EAP representative.
- HR's EAP representative will attach any current disciplinary action forms to the referral and schedule a meeting with the EAP team.
- HR's EAP representative will meet with the employee to explain the program and the procedures involved in required EAP services.
- HR will schedule an assessment within three (3) business days of receipt of the Supervisor's EAP referral.
- Employee will report to the TASC program (either through the front or back entrance) and will work with the certified/licensed counsellor to take assessment. The assessment should take approximately two hours to complete.
- TASC will have three (3) business days to determine services needed and the priority of each service needed. On the third day, HR's EAP representative will schedule a meeting with the EAP team and the employee to go over results of the assessment as well as to schedule services.
- HR's EAP representative will work with the employee's supervisor to ensure PTO is approved (if available) for the employee.
- EAP will provide to the employee's supervisor a weekly progress report on the employee.

EMPLOYEE WELLNESS PROGRAM

The Osage Nation Pay for Performance Act (19 ONC § 3-104 (G)) states the following:

“In order to improve the well-being of Osage Nation employees, leading to enhanced productivity, lower absenteeism and a happier, healthier workforce, and Employee Wellness Program is hereby established. The Osage Nation shall require that all employees be eligible to participate in the Employee Wellness Program. The Employee Wellness Program shall be administered by the Office of HR in coordination with health and wellness professionals. The program will offer services to Osage Nation employees and immediate family members, including but not limited to: health assessments and screening for various medical conditions, incentives for regular exercise, smoking cessation classes, and education regarding healthy lifestyles and choices.”

Policy

It is the policy of the Osage Nation Executive Branch that:

The health and wellbeing of our employees’ means improved creativity, productivity, morale, and efficiencies. This all translates into improved services for the Osage people. In building a healthy workforce we are, by extension, building healthy communities on the Osage Reservation.

The Employee Wellness Program (EWP) allows Osage Nation employees to take forty-five (45) minutes, five (5) times per week for individual wellness initiatives. Osage Nation Health, Fitness and Wellness Division departments collaborate to create monthly schedules of services available to employees to aid them in making healthy lifestyle choices.

Required EAP services during work hours will be considered EWP time.

Procedure for EWP Time Approval

- Request EWP time from immediate supervisor for approval.
- Specify activity to be attended.
- Request sign-in sheet for time and date of attendance in EWP activity to submit to immediate supervisor weekly. The immediate supervisor shall submit a copy to HR.

EDUCATIONAL ASSISTANCE AND TRAINING

Policy

It is the policy of the Osage Nation Executive Branch that:

Employees may request leave with pay for no more than six (6) hours per week for attending educational courses/classes.

Requests for educational leave shall be made at least 30 days before class/course starting date. Tuition reimbursement is permissible and granted at the discretion of the Division Leader or supervisor based upon factors including length of service, quality of performance and availability of funds. Reimbursement will be contingent upon successful completion of a class/course with a grade point average of 3.0 or better, in pertinence to the employee's position/department, and availability of funding. Reimbursement is only limited to tuition and for only the classes/courses approved by the employee's division leader. Reimbursement of educational costs will not exceed six (6) credits per semester. All final grade transcripts will be provided before reimbursement is made.

All professional staff are responsible for meeting Professional Continuing Education Credits mandated by the Nation or funding agency to keep licensure and other professional certifications current. Reimbursable costs may include tuition, professional dues, registration fees, textbooks, class supplies, time, travel, lodging and meals.

INCLEMENT WEATHER

Policy

It is the policy of the Osage Nation Executive Branch that:

All Osage Nation employees are required to register a means of contact with the Osage Nation Emergency Management Program (ONEM). ONEM works within the Osage Nation Police Department (ONPD) who patrols the entire Osage Reservation and is aware of road conditions earlier than most Osage Nation employees.

Once registered, employees of the Nation will receive notifications from ONEM regarding:

- Road Closings
- Nation Closing
- Weather Advisories
- Emergency Evacuations

If an employee is unable to receive a notification via cell phone, home computer, or landline, the Executive team will have a recording on 918-287-5555 stating our offices are closed.

For information on registering with ONEM please contact Osage Nation HR.

PERFORMANCE RECOGNITION

According to the Osage Nation Pay for Performance Act, performance recognition shall be comprised of financial and non-financial forms of performance recognition.

Recipients of a financial recognition award shall be determined by a majority vote of the designated team within each branch of government and administered through the HR Department. Financial recognition awards shall consist of a separate payment to the recipient, which shall not become part of the recipient's base wage.

Non-financial performance recognition shall consist of any form of employee recognition, which is primarily a non-cash award such as, but not limited to, public or private recognition or ceremonies additional paid time off, or other similar awards. Recipients of this award shall be determined by a majority vote of the designated team of managers within each branch of government and be administered according to the terms and conditions of the procedures and policies created to implement such by the appropriate branch of government and administered by the HR Department.

Policy

It is the policy of the Osage Nation Executive Branch that:

Annual performance evaluations are an important part of the Osage Nation, allowing those employees who have performed above and beyond expected standards to be rewarded by the Nation for their service. These evaluations allow the Nation to continually improve the quality of services provided to the Osage people and the work environment of the Osage Nation employees.

Supervisors shall be responsible for the completion of an annual evaluation up to ten (10) days prior to the employee's Annual Review Date. The employee's annual review date is the employee's date of hire.

An employee who has not received an annual evaluation within thirty (30) days after his/her scheduled annual review date may be eligible to receive a merit bonus, not to surpass the maximum rate of the bonus, if the following criteria have been met:

- The employee has had no disciplinary action placed in his/her personnel file since the previous evaluation date.
- The employee has not had a formal complaint filed with Constituent Services.
- The employee's previous evaluation met the criteria for a merit bonus. If the employee has not received an evaluation since working with the Nation, assuming the employment has been continuous, it will automatically be assumed that the employee has met the evaluation criteria to receive a merit bonus.
- The employee is not currently on a temporary reassignment, any type of leave of absence, layoff or other event that would affect the employee's annual review date.
- The Nation has not imposed any temporary across-the-board payroll restrictions that would suspend merit bonuses for all employees.

If the above criteria are met, the necessary documentation will be generated, signed and processed by the HR Department and the Employee Protection Council granting the employee a merit bonus.

For the first violation, without good cause, the non-elected/non-appointed supervisors failing to complete a performance evaluation shall be placed on probation and shall be required to

take corrective action within ten (10) calendar days of the violation and probation. If the violation has not been corrected within ten (10) calendar days or if there is a subsequent violation, without good cause, within thirty (30) calendar days, the supervisor shall be terminated from the position. If a second violation occurs after the 30 calendar days have lapsed, the supervisor may be demoted or, alternatively, be subject to the same terms as if it had been a first violation.

Procedure on Annual Evaluations (non-management employees)

- Supervisors must schedule annual evaluation within ten days of the employees annual hire date.
- Employee being evaluated will submit to evaluating supervisor, within five (5) business days of scheduled evaluation, the employee input portion of the evaluation.
- Each employee will receive a face-to-face, one-on-one interview with their immediate supervisor to discuss the evaluation, any improvement plans needed, goals, and concerns.
- Immediate supervisor will move the evaluation up the chain of command for approval and any required modifications.
- Immediate supervisor will enter the numerical evaluation information into a pre-approved format that will automatically calculate the employee's annual bonus.
- Employee will be notified of final evaluation score and bonus amount within three (3) business days of DO approval.
- Bonus forms will be sent to the Accounting Department within fifteen (15) business days of evaluation for processing if there are no disputes by the employee as to the results of the evaluation.
- Employees have five (5) business days to dispute outcomes through notification to the Employee Protection Council.

Procedure on Annual Evaluations (management level employees)

- Supervisors must schedule annual evaluation within ten days of the management employees annual hire date.
- Supervisors must alert employees, under the supervision of the management employee, of the date of the evaluation and request bottom-up evaluations no less than three (3) business days prior to the evaluation date.
- The management employee being evaluated will submit to evaluating supervisor, within five (5) business days of scheduled evaluation, the employee input portion of the evaluation.
- Each management employee will receive a face-to-face, one-on-one interview with their immediate supervisor to discuss the evaluation, any improvement plans needed, goals, and concerns.
- Immediate supervisor will move the evaluation up the chain of command for approval and any required modifications.
- Immediate supervisor will enter the numerical evaluation information into a pre-approved format that will automatically calculate the management employee's annual bonus.
- Management employee will be notified of final evaluation score and bonus amount within three (3) business days of DO approval.

- Bonus forms will be sent to the Accounting Department within fifteen (15) business days of evaluation for processing if there are no disputes by the management employee as to the results of the evaluation.
- Management employees have five (5) business days to dispute outcomes.

EMPLOYEE PROTECTION COUNCIL

According to the Osage Nation Pay for Performance Act, the Employee Protection Council is designed to protect employees in disputes concerning the performance assessment process. The Council will not preside over disputes regarding policies & procedures. Decisions by the EPC regarding performance assessment disputes shall constitute final administrative action on the dispute.

The Council shall have the authority to provide an independent review of performance assessment upon formal request by the employee who is the subject of the assessment. Upon review, the Council shall make a recommendation to the designated team of managers within the appropriate branch of government regarding re-assessment of the employee's performance.

The Council shall be elected by written nomination and majority vote of the Osage Nation employees and be comprised of five (5) elected members from the employee base and the HR Director to manage the process. The Council shall consist of three (3) non-management-level employees and two (2) management-level employees.

All members shall be voting members, except the HR Director, who shall serve as an *ex-officio* member of the Council and shall not vote unless to break a tie.

Terms of the five (5) initial members of the Council will be staggered – two (2) serving three (3) year terms and three (3) serving two (2) year terms. Subsequent elected Council members will serve in two (2) year terms. Orientation and training are required of all Council members.

Policy

It is the policy of the Osage Nation Executive Branch that:

Each employee evaluated should have the right to dispute results of that evaluation to a trained and objective group of their peers. For this reason, it is imperative that our Employee Protection Council is properly trained in a host of skills, abilities, regulations, policies, and laws so that both the Nation and its employees receive a fair and impartial decision.

Procedure on EPC Elections

- Requests for EPC nominations will be emailed to all eligible employees ten (10) business days prior to election date.
- Nominations will be formatted for voting and sent out to all eligible employees within three (3) business days of the election date.
- Votes will be counted and results made public within two (2) business days of election date.

Procedure on modifying awards

- EPC will schedule a meeting within five (5) business days of receiving notification of dispute.
- EPC will notify the employee and his/her immediate supervisor of the meeting date immediately. Both parties should have ten (10) days' notice of meeting date.
- Each party will submit any documentation supporting their position in the dispute to the EPC within five days of the meeting date.

- Each party will have the opportunity to speak to the EPC during the meeting for no more than one (1) hour. EPC members may ask questions of either party and may request additional information.
- EPC may deliberate for no more than (3) business days after meeting adjournment and will render a decision in writing to both parties.
- Any modifications in award will be entered, by the HR Director, into the employee's evaluation and sent to the Accounting Department for processing within three (3) business days of ECP decision.

PROMOTIONS & TRANSFERS

Policy

It is the policy of the Osage Nation Executive Branch

The Osage Nation Executive Branch believes in rewarding and retaining talented employees to serve the needs of the Osage people and their government. For this reason, current employees may be promoted and/or transferred when they meet the qualifications for the position or can be trained to meet the qualifications within a reasonable period of time through mentoring and the creation of a career path by their superiors.

Those employees who have been promoted, demoted, or laterally transferred into a different position, recalled into a different position, and rehired employees must serve a Performance Probationary Period of 30 days.

Promotion:

Promotion refers to the advancement of an employee from one position to that of a higher-pay scale and responsibilities **within** the same department.

Promotion Procedures for an Employee:

The director can promote within, without advertising, as long as all staff members are made aware of the vacant position and given consideration. The employee must meet the following criteria:

- Must submit an online application or updated resume to Human Resources.
- Completed 90 day introductory period in current position.
- Promotions will be based on performance evaluations and minimum qualifications of the position.
- Internal, Osage and Veteran Preference applies to all promotions.

Promotion Procedures - Director's Responsibility:

- If two or more applicants are being considered for a promotion, the director will coordinate with Human Resources on scheduling interviews.
- If applicant(s) are not qualified, the director will follow the advertisement procedures outlined in the employee handbook.
- If a selection is made, the director must prepare and submit the following requirements to Human Resources:
 - a. Approved promotion
 - b. Osage Preference Report (*if applicable*)

The effective date for the promotion will begin at the **beginning of a new pay period**.

Transfers:

The permanent lateral movement of a staff member from one position to another position (advertised) within the organization.

Employees may be transferred laterally for a variety of purposes, including professional development, career advancement, and conflict resolution.

Internal refers to current Osage Nation employees, Work/Professional Development programs, and Temp Programs within the Osage Nation.

Internal Transfer:

To be considered for an internal transfer, the employee must meet the following criteria:

- Must submit an online application or updated resume to Human Resources.
- **Osage Nation employees:** must have completed 90 day introductory period in current position.
- **Work/Professional Development programs:** must have completed program placement requirements; or been evaluated/recommended by Work/Professional development program.
- **Temporary Employees/HR temp employees:** must have completed job assignment.
- Internal transfer will be based on performance evaluations and minimum qualifications of the position.
- Internal, Osage and Veteran Preference applies to all transfers.

An internal applicant's desire to apply for a vacant position within the Osage Nation will not jeopardize his/her current position or future opportunities.

The internal applicant must have approval from his/her supervisor for scheduled interviews during working hours.

An internal applicant's time shall not be docked, or charged to his/her PTO (Paid Time Off) for job interviews **within** the Osage Nation.

Temporary Transfers without Advertisement:

The following transfers may occur within the same department or outside of the department without advertisement:

- **Temporary Transfer** – a temporary transfer into a position for a brief period of time, not to exceed 6 months. (i.e.: shortage in staff; location change, re-organization, etc.)
- **Temporary Transfer (Interim):** If an employee is placed in an interim status and is required to assume significant responsibilities for an extended period of time may be entitled to a temporary salary increase upon approval from the director; and or the Director of Operations.

Administrative Transfer:

An Administrative Transfer will be considered when it is determined to be in the best interest of the Osage Nation, or for better utilization of the employee's skills and abilities. The transfer of an employee may be made without the position being advertised; and after the Executive branch and/or appropriate division has approved the proposed action.

The effective date for the promotion will begin at the **beginning of a new pay period.**

Internal, Osage/Veteran Preference applies to all transfers.

Demotion:

Demotion refers to a reduction to a pay or position with decreased duties and responsibilities. As such, demotions may be proposed for a number of different reasons, including:

- Poor employee performance
- Disciplinary actions
- Position elimination or organizational restructuring
- Employee-desired reduction in responsibility
- Demotion action taken as opposed to termination

Employee's demotion will be taken case by case depending on his/her circumstances.

Demotion Procedures – Director's Responsibility:

It will be the director's responsibility to submit the proposed action to the Director of Operations and/or appropriate division for final approval/denial.

Upon approval, the following will apply:

- 1) The transition plan must be discussed with the employee by the director.
- 2) Submit the following requirements to Human Resources:
 - a. Demotion approval
 - b. Supporting documentation

The effective date for the demotion will begin at the **beginning of a new pay period**; or **immediately** upon approval from Director of Operations and/or appropriate division.

TIME CALCULATION

On April 11, 2011, Osage Nation Time Calculation Act (ONCA 11-28) was passed by the Osage Nation Congress. The purpose of this act was to accomplish efficiency and ensure the Nation's branches, departments, programs, boards, commissions, and entities adhere to uniform deadlines and procedures for calculating time periods, where not otherwise prescribed by the Osage Nation Constitution and laws. This law contains the procedure to be used.

Policy

It is the policy of the Osage Nation Executive Branch that:

The procedure for time calculations will be used by all Osage Nation government divisions, departments and programs when calculating deadlines, not only contained in Osage Law but also in the policies and procedures of entities of the Osage Nation Executive Branch in an effort to ensure efficiency.

Procedure for Calculating Due Dates

Where not otherwise specifically provided, whenever the Osage Constitution or law requires an act to be accomplished within a set number of days the following rules for calculating the time shall apply:

- When the time is less than eleven (11) days, the day after the receipt or commencement of the action shall be Day One. Saturdays, Sundays, holidays observed by the Osage Nation government and other days when the official recipient's offices are not open for business until at least 4:30 pm shall not be included in the calculation of the period of time.
- When the time is more than eleven (11) days, the day after the receipt or commencement of the action shall be Day One. Saturdays, Sundays, holidays observed by the Osage Nation government and other days when the official recipient's offices are not open for business until at least 4:30 p.m. shall be included in the calculation of the period of time, unless it falls on the final day of the calculation of the period of time.
- The final day shall be included in the calculation of the period of time and end at 4:30 p.m. unless the final day falls on a Saturday, Sunday, holiday observed by the Osage Nation government or any other day when the official recipient's offices are not open for business until at least 4:30 p.m., in which event the period of time runs until 4:30 p.m. of the next day which is not a Saturday, Sunday, holiday observed by the Osage Nation government or any other day when the official recipient's offices are not open for business until at least 4:30 p.m.
- Each entity that is charged with accepting documents subject to time receipt shall ensure that a representative or designee is available during the business hours of the normal operating business days of the Osage Nation government to receive documents until 4:30 p.m. unless unforeseen circumstances or bad weather does not permit.

SPEAK WHAT'S ON YOUR MIND

On April 17, 2009 the Osage Congress passed 15 ONC §10 *et seq.* which was titled the Speak What's on Your Mind Act. This law and corresponding portions of this Handbook do not apply to Minerals Council, Gaming Commission or Gaming Enterprise Board employees.

The Osage Nation government shall not make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech or the press, or the right of the people peaceably to assemble and to petition for redress of grievances.

All official delegates of the Osage Nation shall accurately represent the official policies and positions of the Osage Nation government to the best of their abilities. When called upon to provide their own individual opinions or positions, all such delegates shall state explicitly that such information is not representative of the position of any administrative body within the Osage Nation government and shall not allow such an interference to occur.

Notwithstanding the provisions of any Osage Nation ethics code requiring Osage Nation employees to refrain from abusive conduct, personal charges, or verbal affronts upon the character, motives or intents of other officials and Osage citizens, no policy or practice of the Osage Nation government shall:

- Abridge or impair the right of employees of the Osage Nation to express their personal opinions, provided that when called upon to do so an employee shall state explicitly that such information is not representative of the position of any administrative body;
- Abridge or impair the right of an employee to freely express a political opinion, provided that expression is made when not acting in their official capacity;
- Limit in any way the right of free association with any group or individual;
- Limit the free expression of ideas and thoughts when not acting in their official capacity;

No policy or practice of Osage Nation government shall allow for the punishment, demotion, reprimand or any other retaliation against an employee for exercising the rights guaranteed by the Osage Nation Constitution and affirmed by this Act.

- The prohibitions contained in this Act shall not be interpreted to absolve an employee of their duty to fulfil the responsibilities of their position, and to do so in a manner consistent with the goals and objectives set forth by their superiors.
- The prohibitions contained in this Act shall not be interpreted to absolve an employee of their duty to protect confidential information and documents of the Osage Nation when entrusted with them in their capacity as an employee.

Due process in the Osage Nation courts shall be provided to any employee of the Osage Nation whose rights of free speech or association are abridged in violation of this Act. The Osage Nation courts are granted jurisdiction over employment actions involving freedom of speech and freedom of association after administrative remedies are exhausted.

Policy

It is the policy of the Osage Nation Executive that:

The Osage Nation Executive Branch encourages Osage citizens and the employees of the Nation to fully participate in the governmental processes of the Nation. The rights of freedom of speech and association will be protected within the Nation as long as they do not impede the rights of another or occur during business hours. No employee may represent the Nation, or give the impression that they represent the Nation, without the express permission of the Principal Chief, the Speaker of the Congress, or the Chief Justice of the Osage Nation Supreme Court.

Procedure for Reporting a Violation

- A written report must be submitted to HR within ten (10) days of violation.
- HR will open an investigation within three (3) business days into the allegation.
- If the allegation is found to have no merit, the investigation will be dropped.
- If the allegation is found to have merit, HR may issue a disciplinary action, up to and including termination.
- Cases may be referred to the AG for prosecution.

COMMUNICATIONS

Policy

It is the policy of the Osage Nation Executive Branch that:

The Osage Nation Executive Branch strives to provide accurate and thorough information to all branches of the Osage Nation and the Osage People. In order to achieve this goal while simultaneously protecting the Osage Nation government and its employees, the Executive Branch must put protections in place for some information. This information is referred to as “Protected Records” in Osage law.

On July 14, 2014, an Executive Directive was issued rescinding all previous communications protocols issued from the Osage Nation Executive Branch except for those mandated by Osage Law.

Article X, Section 7 of the Osage Nation Constitution states, *“All official delegates of the Osage Nation shall accurately represent the official policies and positions of the Osage Nation government to the best of their abilities. When called upon to provide their own individual opinions or position, all such delegates shall state explicitly that such information is not representative of the position of any administrative body within the Osage Nation government and shall not allow such an interference to occur.”*

The Osage Nation Speak What’s on Your Mind Act, 15 ONC §10-104(A) states, in part: *“Notwithstanding the provisions of any Osage Nation ethics code requiring Osage Nation employees to refrain from abusive conduct, personal charges, or verbal affronts upon the character, motives or intents of other officials and Osage citizens, no policy or practice of the Osage Nation government shall: abridge or impair the right of the employees of the Osage Nation to express their personal opinions, provided that when called upon to do so an employee shall state explicitly that such information is not representative of the position of any administrative body, abridge or impair the right of an employee to freely express a political opinion, provided that expression is made when not acting in their official capacity.”*

The Osage Nation Ethics Law states in 15 ONC §6-201(A): *“Osage Nation officials and employees shall avoid even the appearance of impropriety in the performance of their duties. Osage Nation officials and employees shall refrain from abusive conduct, personal charges or affronts upon the character, motives or intents of other Osage Nation officials, employees, or Osage citizens.”* And in 15 ONC §6-202(B)(6): *“In accordance with the Osage Constitution, all Osage Nation officials and employees shall avoid any action, whether or not specifically prohibited by law which could result in, or create the appearance of: disclosing proprietary information received by virtue of the office or position for personal gain or improper purpose.”*

Procedure for Making an Open Records Request

- Open records requests shall be made directly to the Office of the Chiefs using the Open Records Request form.
- Forms will be processed by the Office of the Chiefs.
- 15 ONC §8-104 defines what constitutes a protected record prior to release of information.

- The Office of the Chiefs shall respond to the request within ten (10) business days by:
 - Approving the request and providing the record(s).
 - Denying the request by providing a written explanation of why the record is protected from disclosure.
 - Notifying the requester in writing that it does not maintain the record and providing, if known, the name and address of the government entity that does maintain the record.
 - Notifying the requester, if the requested record is more than one hundred (100) pages in length or the sum of all records requested by one request are more than one hundred (100) pages, that the record(s) will be provided within twenty (20) business days from the date of the request.
 - The requester will be charged for the time taken to make the copies and for the record itself if the requested record is more than one hundred (100) pages in length.

Policy for Requests from Media

- All requests from the media must be forwarded to the Office of the Chiefs.

CELL PHONES

Policy

It is the policy of the Osage Nation Executive Branch that:

While at work, employees are expected to refrain from excessive personal use of cellular phones, computers and PDAs. Personal calls, personal instant messaging, personal text messaging, tweeting or other social media posting/commenting during the work day interferes with employee productivity and is distracting to others. Employees are expected to limit personal interactions during work time and make personal calls and/or send personal text messages, tweets or other social media posts/comments during work hours and to ensure that friends and family members are aware of this policy. The Osage Nation is not liable for the loss of personal cell phones, PDAs or other personal electronic equipment brought into the workplace.

Cell phone usage while driving is dangerous. The Osage Nation prohibits employee use of personal cellular phones or similar devices while driving on Osage Nation property, driving tribal vehicles, or conducting Osage Nation business. This prohibition includes receiving or placing calls, text messages, surfing the internet, receiving or responding to email, checking for phone messages, or any other purposes related to employment or personal activities not named here while driving.

The Osage Nation recognizes that other distractions occur while driving, however, curbing the use of cell phones while driving is one way to minimize the risk of accidents for our employees. Therefore, you are required to stop your vehicle in a safe location so that you can safely use your cell phone or similar device.

To ensure the effectiveness of meetings, employees are asked to place cell phones on vibrate mode when entering a meeting.

Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Approved Stipend for Cell Phones:

The Osage Nation does not provide cell phones to employees. The Nation does, however, provide a monthly stipend to those employees required to use personal cell phones for business purposes. Assignment of stipends must be approved through the chain of command.

The officers and staff of the Osage Nation Police Department and the Director of the Osage Nation Emergency Management Program are exempt from this policy.

Procedure for Requesting Cell Phone Stipends

- Initially, it is the responsibility of the Osage Nation employee to make a cell phone stipend request to their division leader.
- The division leader may then decide to send the written request to the Director of Operations for consideration and the final decision will be based upon a need based analysis, either approved or disapproved by the Director of Operations.

INTERNET AND SOCIAL MEDIA

Policy

It is the policy of the Osage Nation Executive Branch that:

Computer and Internet services are an employee privilege provided to enhance workplace productivity. These services must be used judiciously and professionally to ensure they support achievement of the desired goals and objectives of the Nation.

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, and network accounts providing electronic mail, are the property of the Nation. These systems are to be used for business purposes in servicing the interest of the Nation, its members, clients and customers in the course of normal operations.

Effective security is a team effort involving the participation and support of every Osage Nation employee who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly.

All employees using computers will adhere to this policy and each supervisor will enforce this policy.

Employees should be aware that the data they create while on the Nation's systems are the property of the Nation. Network administrators have access to manage any information on any network device.

Internet/Intranet/Extranet systems are the property of the Osage Nation. Employees are responsible for exercising good judgment regarding the reasonableness of personal use.

For security purposes, network maintenance, and compliance purposes, authorized individuals within the Osage Nation may monitor equipment, systems and network traffic at any time.

Misuse of the computer systems and services will be considered employee misconduct for the purposes of disciplinary action.

Posting by employees from an Osage Nation email address or Nation owned equipment to newsgroups or other social media is strictly prohibited, unless the posting is in the course of official duties.

Instant messages, email, and other electronic records created, stored, transmitted, or received using Osage Nation resources (including but not limited to IM software, email servers, computers) are primarily for business purposes consistent with the interests of the Nation, its members, clients, and customers in the course of normal operations.

The Osage Nation reserves the right to monitor the content of any record, non-record, document, instant message, or email message created, stored, transmitted or received using the Osage Nation's computers.

Employees should not expect any right to privacy when it comes to instant messages, email messages, records or non-records. The Osage Nation reserves the right to monitor the content

of any record, non-record, document, instant message, or email message created, stored, transmitted or received using Osage Nation's computers.

Personal Computers and Devices

Osage Nation employees are prohibited from using personally owned computing equipment, laptops, software, tablets, and similar devices in the workplace or for work assignments without express written consent of DO or the Office of the Chiefs. This includes laptops, cameras, flash drives (usb drives), external hard drives, ipods, ipads/tablets, and all other mass storage devices.

Security and Proprietary Information

Examples of proprietary information includes but is not limited to the Nation's financial data, enrollment information, child and family information, medical records and related information, business strategies, competitive sensitive information, research data, and such other information that may be from time to time deemed proprietary.

Proprietary information will be considered confidential and privileged pursuant to the Open Records Act.

Unless a supervisor states otherwise, all material containing proprietary information will be clearly marked "Confidential".

Material marked "Confidential" will only be distributed to other employees or outside agencies on a need-to-know basis. Users providing unauthorized access to proprietary information may be subject to employee discipline.

Passwords will be kept secure and accounts will not be shared. Authorized users are responsible for the security of their passwords and accounts and should have their own individual password.

All Nation owned unattended PCs, laptops, and workstations should be logged off or secured with a password when not in use.

Unacceptable Use

The list below is by no means exhaustive but attempts to provide a framework for activities, which falls into the category of unacceptable use. Employees may be exempt from these restrictions during the course of the legitimate job responsibilities (systems administration staff may have a need to disable the network access of a host if that host is disrupting services). Violations of any of the below restrictions or prohibitions may subject the employee to disciplinary action up to and including termination. In addition, if warranted by the actions, violations of these policies may subject the employee to legal prosecution.

- Misuse of Internet/Intranet/Extranet systems that is adverse to the interests of the Osage Nation is prohibited.
- The authoring, forwarding, viewing or sending of graphic nudity, obscene, or pornographic material and the use of obscenity or profanity is strictly prohibited.
- Internet gambling is strictly prohibited.
- The use of the Nation's system for financial gain or anything of substantial value for private benefit is strictly prohibited.
- The unapproved or unlawful release of confidential or proprietary information belonging to the Nation using Internet/Intranet/Extranet systems is strictly prohibited.

- Under no circumstances is an employee of the Osage Nation authorized to engage in any activity that is illegal under Tribal, State, or Federal Law while using Osage Nation computer equipment and systems.
- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property or similar laws or regulations, including but not limited to the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by the Osage Nation.
- Introduction of malicious programs into the network or server.
- Revealing one’s account password to others or allowing use of one’s account by others. An individual to whom an employee may not reveal one’s account password to or allow to use one’s account password includes but is not limited to:
 - Supervisors
 - Co-workers
 - Friends
 - Family members, relatives and other household members when work is being done at home.
- Using a Nation’s computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace policies or laws.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data for which the employee is not an intended recipient or logging in to a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties.
- Executing any form of network monitoring which will intercept data not intended for the employee’s host, unless this activity is a part of the employee’s normal job.
- Circumventing user authentication or security of any host, network or account.
- Unless authorized in writing by the Principal Chief, providing information about or lists of Osage Nation employees to parties outside the Osage Nation.
- Sending, forwarding, or responding to unsolicited, non-job-related email or communications for, or in support of, outside organizations that are non-charitable, commercial in nature, or otherwise unsupported by the Nation.
- Any form of harassment via email, telephone or messaging, whether through language, frequency or size of messages.
- Unauthorized use, or forging, of email header information.
- Solicitation of email for any other email address, other than that of the poster’s account, with the intent to harass or to collect replies.
- Creating or forwarding “chain letters”, “Ponzi” or other “pyramid” schemes of any type.

Procedure for Violations of this Policy

- When a violation of this policy is suspected by IS or the employee’s supervisor there will be immediate notification to IS, the employee’s supervisor, the Director of HR and the Director of Operations. In addition to terminating Intranet or Internet access, the supervisor may initiate a disciplinary action against the employee.
- If it is obvious that an employee has intentionally, frequently, and excessively misused the computing equipment or software, IS will deny or restrict all use of the abused service(s) immediately. Only in these cases may IS revoke all the abused service(s) privileges without advanced notice to the employee’s supervisor or the employee. If IS takes this action and at the determination of the employee’s supervisor it is necessary for the employee to have the use of abused service(s) to

accomplish the employee's job, the employee may be disciplined up to and including termination.

- In addition, the misuse or abuse of Tribal property, including Intranet and Internet services, may result in the denial of the service, imposition of cost for the personal use of the service, reimbursement to the Nation of wages paid to the employee while the employee was misusing the services, and disciplinary action up to and including termination.

Any violation of this policy may also result in litigation by the Nation to seek restitution from the employee for abuse and misuse of tribal property.

Procedure for Requesting Special Access

- Every computer system is allied and monitored by the Osage Nation Information Services Department. An Osage Nation employee will find that they are automatically blocked from entering any potentially corrupting, non-work related or inappropriate websites.
- When an employee encounters a website that has been blocked the computer will automatically give them the option to submit an approval request to the IS.
- Upon the request, the IS will make the decision for the approval or dismissal of the request based upon the integrity of the website requested and if the website requested follows in accordance with the Osage Nation employee's standard, work-task related or appropriate list of websites.
- The Osage Nation employee will then be sent a confirmation email and phone call from the IS stating whether or not they have been granted access to the website.
- If the Osage Nation employee's website request is denied by the IS and the employee feels the need to contest the decision then it is the employee's responsibility to provide a secondary request. The employee's secondary request shall be a statement, made via email or phone call, to the IS giving their response as to why they feel the granted access to the website would be beneficial or lie in correspondence with their workplace.

DRUG FREE WORKPLACE

Policy

It is the policy of the Osage Nation Executive Branch that:

Every reasonable attempt to help employees experiencing drug and/or alcohol abuse will be made by the Osage Nation and will make the Osage Nation stronger.

As a condition of employment all employees must abide by the terms of this policy and the procedures contained herein.

Employees are expected to report for work and remain at work in a condition, which enables them to perform their duties and tasks free from the effects of drugs or alcohol.

The possession, use, sale, purchase or distribution of illegal drugs or controlled substances, or being under the influence of alcohol or illegal drugs, or misusing prescription drugs on the Nation's premises or in the conduct of related work off-site is prohibited.

It is the responsibility of all supervisors to enforce this Drug Free Workplace Policy. Failure to enforce this policy may result in disciplinary action up to and including termination.

Employees suspected of being impaired by or being under the influence of drugs and/or alcohol shall be escorted from the work site by the employee's supervisor or security personnel to a safe and secure area. The supervisor shall immediately document the incident and initiate Reasonable Suspicion Testing.

Any breach of confidentiality by an employee or supervisor will result in disciplinary action up to and including termination or removal.

Peyote

The use, possession and/or transportation of peyote by Native American Church members in connection with the practice of a Native American Church (NAC) ceremony will not be considered a violation of this policy. The employee will not be subject to disciplinary action on the basis of such use, possession, or transportation in connection with the practices of NAC.

Legal Drugs

The use of, or being under the influence of, physician prescribed ("legal") drugs by an employee while in the workplace, or while on work related travel, is prohibited to the extent that such use or influence may, in the Nation's opinion, affect the safety of co-workers or members of the public, the employee's job performance, or the safe and efficient operation of the Nation's facilities. Failure to report to management the use of prescription or legal drugs, which by their nature may impair the employee's ability to perform his/her duties, may result in disciplinary action up to and including termination.

If management has determined that the employee does not pose a threat to his/her own safety, the safety of co-workers, and that the employee's job performance is not significantly affected by the legal drug, the employee may continue to work, even though they may be under the influence of a legal drug.

If management has determined that the employee does pose a threat to his/her own safety, the safety of co-workers, and that the employee's job performance is significantly affected by

the legal drug, the employee may be required to take a leave of absence or comply with appropriate directive as determined by management.

Any violation of this policy will subject the employee to disciplinary action, up to and including termination.

Illegal Drugs

The manufacture, possession, use, purchase, procurement, dispensation or distribution of an illegal drug or illegal controlled substance or being under the influence of same by any employee while in the workplace, on Nation premises, or in the conduct of related work off-site is prohibited. This will subject the employee to disciplinary action up to and including termination, and referral to law enforcement for prosecution.

The use of another person's legally prescribed drugs is a violation of this policy and shall constitute a positive drug test result due to the illegal procurement and use of controlled substances.

Alcohol

The consumption or influence of alcohol during work hours is prohibited and will subject the employee to disciplinary action, up to and including termination. The purchase of alcohol, even if for later off-duty consumption, while being either an operator or a passenger in any tribally owned or rented vehicle is also prohibited.

The Nation will conduct testing for alcohol where circumstances, accidents or other incidents in the workplace justify. A positive alcohol test shall be treated the same as a positive drug test. The employee's supervisor shall arrange for transportation of the employee to his/her residence upon receipt of a positive test for alcohol.

The Nation provides an Employee Assistance Program, which provides help to employees who seek assistance to help with problems.

Pre-Employment Screening and Testing

The Osage Nation will use pre-employment screening and testing practices to prevent the hiring of individuals who use illegal drugs or illegal controlled substances, or individuals mis-using legal drugs or legal controlled substances.

Applicants will be tested after an offer of employment is accepted and prior to beginning employment. Should an applicant test positive on a pre-employment test, the offer of employment will be rescinded and he/she will not be hired. Any applicant testing positive on a pre-employment test must meet the rehire requirements contained in this handbook.

Any applicant or final candidate who, after being advised that testing is a condition of employment, refuses testing for drugs and/or controlled substances, without valid medical reason, will not be hired.

Any applicant admitting to current misuse of drugs and/or controlled substances will not be employed. The applicant will be asked to sign a statement or disclosure stating that they understand the reason for non-employment with the Nation.

Random Drug Testing

All employees of the Nation shall be subject to random unannounced drug testing. Once notified, the employee will report directly for testing.

Health Division personnel shall, in most cases, arrive unannounced at the employee's work site to administer random drug and alcohol tests.

Any refusal or failure to comply with this testing, absent a valid medical reason, will result in termination of employment.

If the result of the employee's drug test is positive it is considered a violation of this policy and the employee will be subject to disciplinary action.

Reasonable Suspicion Testing

The Nation may require testing of employees suspected of being in violation of the Nation's drug and alcohol policy or where circumstances (accidents, work place incidents) indicate that drug or alcohol use may be involved based on reasonable suspicion. Refusal to consent to testing shall result in termination.

Any employee of the Nation that has direct knowledge or has reason to believe that another employee may be under the influence of alcohol and/or drugs shall report this to the HR Director. All information is confidential and will not be revealed without an Osage Nation Trial Court Order.

The Health Division Leader or designee shall review the request and either approve or deny the Reasonable Suspicion Test. If the Reasonable Suspicion test is approved, Health Division personnel shall arrive unannounced at the employee's work site to administer the random test.

Any refusal to comply with Reasonable Suspicion testing, absent a valid medical reason, will result in termination.

If the result of the employee's drug test is positive it is considered a violation of this policy and the employee will be subject to termination.

In order to limit accident and liability exposure, managers will not allow employees who are unable to perform their assigned duties due to drug or alcohol related impairment to leave the work premises without an escort.

Testing for Employees Requiring a Commercial Driver's License (CDL)

All employees that are required by job description to possess a commercial driver's license are subject to drug and alcohol testing.

If the test result of the employee's drug test is positive, the employee will be terminated from employment with the Osage Nation.

Any refusal or failure to comply with this test absent a valid medical reason will result in termination.

Off-Duty Involvement with Drugs, Alcohol and Controlled Substances

The Nation reserves the right to take disciplinary action, including termination, for an employee's off-duty involvement with drugs, alcohol, or controlled substances. Off-duty involvement includes, but is not limited to, incidents where such involvement is, in the Nation's view, damaging to the Nation's reputation or business, and /or is inconsistent with the employee's duties or image, or when off-duty behavior constitutes criminal behavior. This may include the review of criminal records for convictions with respect to drugs, alcohol, and controlled substances.

Part-Time, summer, and Intern Personnel

All part-time, summer, and intern personnel who could pose a potential for impaired or unsafe work performance shall be tested for drugs, alcohol, and/or controlled substances.

Youth Employees

All youth employees will be subject to pre-employment testing, as well as random and reasonable suspicion testing after being hired. Youth employees who test positive on the pre-employment screening will be retained as an employee on a conditional basis. As a condition of employment, youth employees testing positive will be placed on probation as outlined in this policy. Additionally, youth employees will be required to attend Employee Assistance Program/Health Division counselling. Youth employees who fail to adhere to the conditions of employment will be terminated.

Searches

The Nation reserves the right to conduct unannounced searches for illegal drugs or illegal controlled substances on the Nation's premises. Acceptance of employment with the Osage Nation constitutes consent to searches for illegal drugs or illegal controlled substances on the Nation's premises.

Reasonable search of employees and their personal property, including vehicles, may be conducted at any time in order to maintain a safe, healthy, and efficient work environment. Employees who refuse to cooperate during an authorized search will be subject to disciplinary action up to and including termination.

Should any quantity of illegal drugs, alcohol, and/or controlled substances be found as a result of a search, the Osage Nation Police Department shall locate and escort the employee to an area with restricted access to other persons. The individual will then be subject to drug and/or alcohol testing and may be subject to arrest.

Disciplinary Action

If the result of the employee's drug or alcohol test is positive, the individual will be placed on probation with the following sanctions:

- The length of the initial drug and/or alcohol probation will be one (1) year and one (1) day from the date the employee or contract service provider is served with the positive result notification.
- Employees testing positive after previously serving an initial drug and/or alcohol probation will be subject to a second probationary period of eighteen (18) months and one (1) day from the date they are served notice of the violation. A third violation will result in an automatic termination.
- Employees experiencing any interruption in employment for any non-drug policy reason before completing a drug and/or alcohol probationary period will be required to complete the probationary period upon resuming employment.

- The employee will be referred to the EAP in collaboration with TASC and will be required to follow through with any recommendations that result from that assessment. Failure to follow through with the recommendations will be considered a second offense and the employee will be terminated.
- The employee will sign a wage assignment in the amount of the total cost for the initial drug and/or alcohol probationary period. The employee serving a second drug and/or alcohol probation will sign a wage assignment in the amount of the total cost of the testing. Refusal to pay the cost of the testing shall result in termination of employment.
- The employee must sign a form allowing follow-up testing during a drug and/or alcohol probationary period. The employee will be subject to six (6) follow up tests during an initial drug and/or alcohol probation and nine (9) follow up tests during a second drug and/or alcohol probation.
- The employee will be administered a series of follow up tests until a negative test result is achieved to ensure all drugs and/or alcohol are no longer in their system from his/her initial positive test. It is a violation of this policy and the employee will be terminated should he/she test positive during his/her drug and/or alcohol probation after a base line negative test was achieved.
- Employees serving a drug and/or alcohol probation are also subject to Random and Reasonable Suspicion Drug Testing, as well as the above stated follow-up testing. Any delay in serving notification of violation is not intended to prevent the Nation from taking further actions should an individual test positive on a subsequent test before notification of a previous positive test result can be administered.
- After successfully completing a drug and/or alcohol probation period, the employee will be put back on a testing program as if he/she were a new hire.

Malicious Intent Reports

When a person habitually reports violations of this policy, by persons to whom they have malicious intent, and such reports are false, the penalty for such false reports shall be a wage assignment, based on the reports, for the total cost of the tests performed.

Employee Assistance Program

The Nation has created an Employee Assistance Program which provides referral resources and assistance to employees who may be experiencing a drug, alcohol or controlled substance problem. The purpose and practices of this policy and the EAP are not in conflict but are distinctively separate in their applications.

It is the responsibility of each employee to seek assistance from the EAP before a drug or alcohol problem leads to disciplinary action. Once a violation of this policy occurs, subsequent use of the EAP on a voluntary basis will not necessarily lessen disciplinary action.

It is the responsibility of the supervisors to counsel an employee suspected of drug or alcohol problems to voluntarily seek assistance from the EAP.

The employee's decision to voluntarily seek prior assistance from the EAP will not be used as a basis for disciplinary action and will not be used against the employee in any disciplinary proceedings. On the other hand, using the EAP will not be a defence to the imposition of disciplinary action where facts proving a violation of this policy are obtained outside of the EAP.

Rehiring

Employees who are found to be in violation of this drug and alcohol policy and are terminated may be eligible for employment with the Nation after the following are completed:

- The time period between termination and re-hiring, contingent on rehabilitation, shall be no less than six (6) months.
- The employee must furnish a discharge summary indicating successful completion of treatment from a certified Alcohol or Drug Abuse counselling facility to the Health Division Leader.
- The Health Division Leader shall certify to the HR Department the former employee's eligibility for employment.

Procedure for Testing

- The initial drug test will test for at least the following substances
 - Cannabinoids
 - Cocaine
 - Benzodiazepines
 - Opiates
 - Barbiturates
 - Amphetamines
 - Phencyclidine
 - Propoxyphene
 - Methadone
 - Methaqualone
- False negative/water diluted tests will be re-tested only one time. After the second "false negative" test the employee will pay for any subsequent testing until a determinative result can be obtained. There will be no more than forty-eight (48) hours between any tests given. After three (3) false negative tests without determinative results, the employee will be placed on suspension without pay for up to two (2) weeks until a determinative test is completed. If no determinative test is completed within two (2) weeks from the date of the first test, the employee will be terminated.
- If the employee is unable to produce an adequate specimen level in the time allotted, Health Division personnel shall notify the employee or contract service provider that he/she is responsible to obtain and submit a medical report from a Licensed Medical Doctor citing a medical reason for the employee's inability to produce a specimen. The employee must submit the report to the Health Division Leader within two (2) business days from the original date of collection.
- If an invalid or adulterated result is received by the Health Division, the result shall be considered a violation of this policy and the employee shall be subject to disciplinary action consistent with this policy.
- All initial positive tests will be confirmed with a second testing procedure to eliminate false-positive results. The initial test will be performed by Osage Nation Health Division personnel.
- Access to test results must be restricted to authorized personnel only. Test results will be secured in a locked container. Without written consent of the employee, information about the results of his/her tests shall not be released to anyone.

Procedure for Pre-Employment Testing

- Upon selection, HR personnel will coordinate with the candidate to schedule Pre-Employment Testing.
- HR personnel will furnish the candidate with the time, date, location and contact information for the Health Division staff performing the Pre-Employment Testing.

Procedure for Random Testing

- Each quarter, the HR Department will randomly select no less than 30 employees for Random Testing.
- The names, contact information and work site locations for each of the employees randomly selected for testing will be forwarded to the Health Division Leader or his/her designee.
- The Health Division Leader or his/her designee will coordinate with Health Division Staff and create a schedule for that quarter's testing.
- Those performing random testing will arrive at the employee's work site unannounced.
- Testing will be performed at the work site when possible.
- Those performing the Random Test will not give test results to the employee at the time the test is performed.

Procedure for Reasonable Suspicion Testing

- Should an employee or elected/appointed official of the Osage Nation suspect a violation of this policy, he/she shall report to the suspected employee's immediate supervisor.
- The suspected employee's supervisor will counsel him/her and request they voluntarily seek help with the EAP.
- If subsequent reports are made concerning the same suspected employee, their immediate supervisor will contact the HR Director to schedule a Reasonable Suspicion test with the Health Division. No one but Health Division personnel will be aware of the testing time and date.
- The suspected employee's immediate supervisor will notify the HR Director if he/she believes the test should occur immediately.
- The Health Division Leader will order the Reasonable Suspicion test after making a determination based on the Reasonable Suspicion Check List.

Procedure for Reporting Violations

- The Health Division Leader or designee will coordinate with the individual to report a positive drug test result directly to the employee.
- The employee will be given a verbal and written drug test result.
- An explanation will be given to the employee that in order to monitor his/her compliance with this policy, he/she will need to sign consent for Release of Information form.
- The employee will sign consent for Release of Information form allowing the Health Division Leader to contact the HR Director and the EAP Coordinator.
- The employee will report to the HR Department and sign a Condition of Employment Acknowledgement form, which outlines the conditions the employee must comply with to retain employment.
- If an employee tests positive for a second time after the appropriate follow-up testing within his/her probationary period, he/she will be terminated.

- Copies of test results, Consent of Release of Information and Condition of Employment forms will be given to the employee, to the Director of HR and to the EAP Coordinator.
- If the employee would like additional copies of the drug test result, a request must be in written form, notarized, and submitted with self-addressed stamped envelope to the HR Department.
- Any breach of confidentiality with respect to reporting drug test results will result in disciplinary action up to and including termination.

INCIDENT REPORTS

Policy

It is the policy of the Osage Nation Executive Branch that:

In an effort to maintain a safe and healthy campus/property/work environment, accidents, or incidents, that result in injury or illness and/or that occur on Osage Nation property and/or while on Osage Nation business must be reported to the appropriate personnel immediately.

This policy's requirements apply to all accidents and incidents involving Osage Nation employees (full time, part time, summer youth, interns, etc.), customers, vendors, contractors, volunteers, and visitors, which result in (or might have resulted in) personal injury or illness.

Incidents are events that cause injury or illness to a person or damage/destruction to the Nation's property. Even minor injuries such as cuts or sprains are considered incidents. If in doubt, treat a situation as if it were an incident.

The Nation's employees are responsible for:

- Following safe work practices
- Reporting any conditions considered unsafe to supervisor on duty, HR or the Director of Emergency Management
- Promptly reporting accidents/incidents to the appropriate Osage Nation official (Chief of ONPD, HR, Emergency Management, immediate supervisor)
- Maintaining CPR certifications after initial certification is obtained

Supervisory personnel (Division Leaders, Directors, Coordinators, etc.) are responsible for:

- Obtaining prompt medical treatment for the injured and securing the scene of the accident.
- Reporting the incident as soon as possible, but no later than eight hours, following the incident to HR. In the case of an incident resulting in a fatality or hospitalization, reports must be made IMMEDIATELY. Incident report forms may be found on the HR forms drive.
- Investigating incidents in areas under their supervision.
- Assuring proper employee involvement in investigations to ensure gaining input in determining cause and corrective actions.
- Correcting unsafe conditions or actions that contributed to the incident, as appropriate.
- Assuring emergency equipment (fire extinguishers, first aid kits, etc.) are present and in good working order.
- Assuring that employees understand their responsibilities and reporting requirements.

The Director of HR is responsible for:

- Maintaining a log of incidents according to OSHA/Osage Nation guidelines and regulations.
- Reviewing incident reports for root causes and appropriateness of preventative/corrective actions.
- Reporting all incidents that result in fatality or hospitalization of three or more employees to the Oklahoma OSHA office within eight (8) hours of the incident.
- Notifying the Oklahoma Bureau of Worker's Compensation of any lost time injury within thirty (30) days.

- Coordinating with the Director/Supervisor in providing temporary, light duty, or alternative work assignments, to injured employees as appropriate.
- Forwarding a copy of all incident reports received to the DO
- Assuring that new employees are aware of and understand this policy.

The DO is responsible for:

- Holding all employees, supervisors, coordinators, directors, and division leaders accountable for prompt incident reporting, investigations, and associated corrective actions as outlined in this policy.
- Reviewing all incident investigations involving medical attention or lost/restricted workdays.
- Reviewing incident reports for root causes and appropriateness of preventive and/or corrective actions.
- Forwarding a copy of all incident reports received to the Office of the Chiefs.

The Incident Investigation Team will include, but not be limited to, personnel from Emergency Management, ONPD, the Division Leader, and the Director/Supervisor of the department or site where the incident occurred.

As a preventive measure, at minimum, two staff members at every Osage Nation work site will possess a certification in CPR with the goal of eventually having all employees CPR certified. Each work site or property housing Osage Nation employees will have one functioning Automated External Defibrillator (AED) and a fully stocked first aid kit.

TRAVEL

Policy

It is the policy of the Osage Nation Executive Branch that:

Travel time in connection with approved travel will be considered compensable hours worked for employees. Employees will be compensated for actual hours worked, less usual meals and commute time.

One day travel out of town or as part of the day's work activities will be counted as hours worked, excluding the employee's usual meal period and normal travel time to and from the employee's residence and work location where the day's travel starts and/or ends at the employee's residence.

For overnight travel out of town, a non-exempt employee will be paid a minimum of eight (8) hours for each normally scheduled workday. Any work, including travel, that an employee is required to perform while traveling, other than on a normally scheduled workday, will be counted as hours worked.

Procedure for Requesting Travel

- Prepare a Travel Authorization form.
- Obtain appropriate authorization.
 - Program Director
 - Finance Officer
 - Director of Operations
- Prepare a Payroll Deduction form.
- No travel advances will be issued when overnight stay is not required.
- Overnight lodging is not allowed within 50 mile radius of the employee's residence.
- Less than first class accommodations shall be used for all air travel, unless management determines that use of more expensive accommodations are advantageous to the Osage Nation or coach class space is unavailable within a reasonable time to accomplish the mission.
- In Lieu of regular scheduled commercial airlines, travel by rail or privately owned vehicle (POV) may be permissible. However, such cost shall not exceed coach rates nor shall the per diem rate exceed the time as if the traveller had travelled in coach class on common commercial airline.
- Submit the forms along with the appropriate backup to the Accounting Department. These forms need to be submitted at least three (3) weeks in advance of the travel dates requested. Emergency travel for the Osage Nation is an exception to the three (3) week rule approved only by the DO or Office of the Chiefs.
- Items for travel, which are based on an estimated allowable cost, shall be eligible for travel advances. The travel advance issued will be 75% of the total estimated cost of travel minus flights, hotels, and rental cars.
- No travel advance will be issued to employees with existing travel advances or have not submitted a travel recap form.
- Travel advance will be processed within five (5) days before travel. Employee will be notified by email when check is ready to be picked up.

Procedure for Obtaining Recap

- Prepare a Travel Recap Form.

- This form must be submitted no more than five (5) working days after return from travel or it will be subject to a payroll deduction.
- Obtain appropriate authorization.
 - Department Director
 - Division Leader (when applicable)
 - Finance Officer
 - Director of Operations
- Reimbursement for travel expenses shall comply with current federal travel regulations.
- Submit the Travel Recap Form to the Accounting Department along with supporting documents for expenses incurred during travel.
- Travel recaps will be checked for supporting documents and then processed for reimbursement or repayment to the Osage Nation. Employee will be notified through email once their recap has been processed.

TEMPORARY EMPLOYEE POOL

Osage Nation Human Resources has created a temporary pool of employees for short-term assignments. This has been created to assist staffing needs during times when staffing may not be full or unplanned projects may occur.

Policy

Osage Nation has recognized that on occasion there may be a need to hire an employee for a short-term due to unforeseen circumstances. Osage Nation Human Resources reserves the right to determine if and when a situation may require a temporary employee.

All request forms for temporary employees must be complete and contain approval from the Department and the Human Resources Director.

Funding must be available to support temporary employment. Human Resources Temporary employees are eligible for 30 calendar days for each assignment. The Temporary program is not intended to assign temporary employees to the same department repetitively.

Temporary Employees are not eligible for employee benefits including paid holidays.

All temporary employees will be subject to pre-employment drug testing, as well as random and reasonable suspicion testing after being hired. Temporary employees who test positive on the pre-employment screening will not be eligible for employment for 6 months from date of test results. If a temporary employee tests positive while on a temporary assignment the temporary employee is subject to disciplinary action and temporary employee must complete an employee assistance program to be eligible for current and or future employment opportunities (see drug free section).

This section of the Drug Free Workplace Policy is superseded by any funding agency regulation that is in conflict with this policy.

Procedure

When the need to fill a temporary position occurs, Human Resources will assess the needs of the temporary position to be filled with either an applicant from Career Development or the Osage Nation Temporary Pool of Employees.

A completed Temporary Hire Requisition form must be received in Human Resources for review. The Human Resources Director or designee will determine if the position requested meets the qualifications and if the temporary employee will be chosen from the Osage Nation Career Development program or the Osage Nation Temporary Employee Pool. Osage Preference will apply.

The Assessment is comprised of:

- Timing of need
- Current distribution of department workload
- Impact of additional duties

- Duration of project/need

If extended time of temporary employment is needed, the approval process listed will need to be completed.

If it is determined that the position will not be filled at this time, the department will be notified and the employees within the department may be required to absorb the additional duties until the project is complete, the regular position is filled or the employee returns to work.

TOBACCO FREE PROPERTIES

On April 9, 2008, ONCR 08-04 was passed by the Osage Nation Congress requesting that the Executive Branch work to develop regulations regarding use of tobacco products on the Osage Campus, in Osage owned and leased buildings, and near building entrances of such buildings.

Policy

It is the policy of the Osage Nation Executive Branch that:

The leadership of the Osage Nation recognizes its responsibility to promote the health and well-being of Osage Nation constituents and employees and provide a healthy environment in and around the Nation's properties. For this reason the Osage Nation's government properties will be considered a smoke free area extending to all owned and leased properties of the Nation that are used by the Nation's government, including vehicles and other equipment. This policy applies to all of the Nation's employees, contractors, visitors, clients, and any others.

There are no approved smoking areas in, or around, any of the Nation's properties if the area around that property is also included as an area owned or leased by the Nation.

This policy prohibits the use of tobacco products including smokeless tobacco products, electronic smoking devices and vapor products whether or not they are considered smokeless. The use of tobacco for traditional, ceremonial purposes, however, is allowed with the permission of the Principal Chief or his/her designee.

Violations of this policy will result in disciplinary action.