

APRIL 2008 CROW TRIBAL LEGISLATURE REGULAR SESSION

LEGISLATIVE RESOLUTION NO. LR08-06

**INTRODUCED BY: SENATOR OLIVER HALF JR. CHAIRMAN OF THE CROW
TRIBAL LEGISLATURE PERSONNEL SUB-COMMITTEE**

**LEGISLATIVE RESOLUTION OF THE CROW TRIBAL LEGISLATURE
ENTITLED: "APPROVING AND ADOPTING PERSONNEL PRACTICES AND
POLICY MANUAL."**

WHEREAS, the Crow Tribal Legislature is authorized to adopt resolutions, regulations and guidelines for the governance of the Crow Tribe of Indians, pursuant to Article V, Section 2(a) of the Constitution and Bylaws of the Crow Tribe of Indians, approved by the Secretary of the Interior on July 14th 2001; and

WHEREAS, the Crow Tribal Legislature implemented and approved a Personnel Subcommittee on January 7th 2008 in the Crow Tribal Legislative Quarterly Session.

WHEREAS, although the subcommittee has been established, appropriate By-Laws are promulgated to govern the powers and authorities of such subcommittee; and

WHEREAS, the Crow Tribal Legislature finds it to be in the best interest of the Crow Tribal Legislature to approve and adopt Personnel Practices and Policy Manual for the Crow Tribal Legislative Branch.

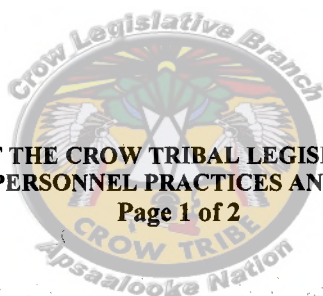
**BE IT ENACTED BY THE LEGISLATURE OF THE CROW TRIBAL
GOVERNMENT:**

THAT, the Crow Tribal Legislature hereby approves and adopts the Personnel Practices and Policy Manual of the Crow Tribal Legislature, attached as Exhibit A.

FURTHER, the Crow Tribal Legislature shall abide by the Personnel Practices and Policy Manual.

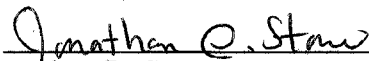
FURTHER, the Crow Tribal Legislature provides that the Personnel Practices and Policy Manual may be amended from time to time by Legislative Resolution, approved by majority vote of the Crow Tribal Legislature.

FINALLY, the Crow Tribal Legislature directs that the attached Personnel Practices and Policy Manual shall be effective upon approval by majority vote of the Crow Tribal Legislature.

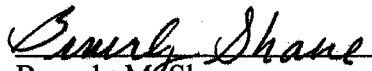


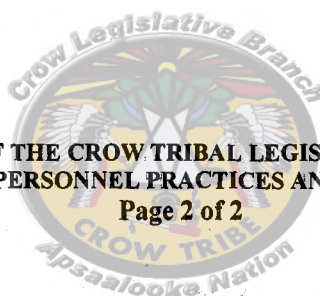
CERTIFICATION

I hereby certify that this Legislative Resolution "APPROVING AND ADOPTING PERSONNEL PRACTICES AND POLICY MANUAL" was duly approved by the Crow Tribal Legislature with a vote of 13 in favor, 4 against, 1 abstained and that a quorum was present on this 8TH day of April, 2008.


Jonathan D. Stone
Speaker of the House

Attest:


Beverly M. Shane
Secretary of the House



LR- "Personnel Practices and Policy Manual"

Bill or Resolution Number LR08-06 Introduced by Senator Oliver Half, Jr. Date of Vote 4/8/2008

<u>Representative:</u>	<u>Yes</u>	<u>No</u>	<u>Abstained</u>
L. Plain Bull, Sr.	<u> </u>	<u>✓</u>	<u> </u>
C. Goes Ahead	<u> </u>	<u>✓</u>	<u> </u>
O. Costa	<u> </u>	<u> </u>	<u>✓</u>
V. Crooked Arm	<u>✓</u>	<u> </u>	<u> </u>
M. Not Afraid	<u>✓</u>	<u> </u>	<u> </u>
P. Alden, Jr.	<u>✓</u>	<u> </u>	<u> </u>
B. House	<u>✓</u>	<u> </u>	<u> </u>
E. Fighter, Sr.	<u>✓</u>	<u> </u>	<u> </u>
C.J. Stewart	<u>✓</u>	<u> </u>	<u> </u>
L. Hogan	<u> </u>	<u>✓</u>	<u> </u>
S. Fitzpatrick, Jr.	<u> </u>	<u>✓</u>	<u> </u>
O. Half, Jr.	<u>✓</u>	<u> </u>	<u> </u>
M. Covers Up, Sr.	<u>✓</u>	<u> </u>	<u> </u>
R. Old Crow, Sr.	<u>✓</u>	<u> </u>	<u> </u>
W. Plainfeather	<u>✓</u>	<u> </u>	<u> </u>
D. Wilson	<u>✓</u>	<u> </u>	<u> </u>
B. Shane <i>Secretary of the House</i>	<u>✓</u>	<u> </u>	<u> </u>
J.D. Stone, Sr. <i>Speaker of the House</i>	<u>✓</u>	<u> </u>	<u> </u>
Totals:	<u>13</u>	<u>4</u>	<u>1</u>

Result of Vote:

Passed

Not Passed

Tabled

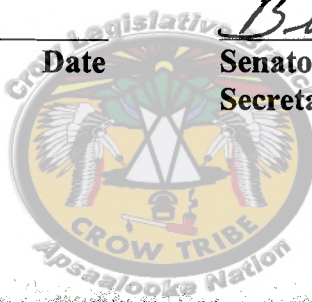
Veto-Override

Jonathan D. Stone
 Senator Jonathan D. Stone
 Speaker of the House

Date

Beverly M. Shane
 Senator Beverly M. Shane
 Secretary of the House

Date



Crow Tribal Legislative Branch Personnel Practices and Policy Manual

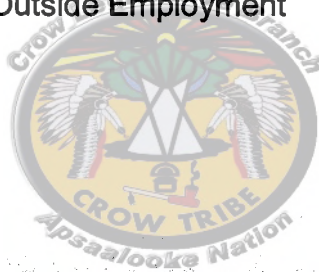
Table of Contents

Definitions	Page
Abandonment of Position	1
Allocations	1
Appeal	1
Application Forms	1
Appointment	1
Assignment to acting status	1
Bench Mark Positions	1
Class	2
Classification and Compensation Plan	2
Conflict of Interest	2
Compensatory Time	2
Demotion	2
Discharge or Dismissal	2
Disciplinary Action	2
Leave with out Pay	2
Effective Date	2
Employee	3
Employment Date	3
Employee Relations	3
Equal Pay for Equal Work	3
Examination	3
Exempt Employees	3
Extended Immediate Family	3
Grievance	3
Immediate Family	3
Improper Conduct	4
Incapacities	4
Increment	4
Insubordination	4
Job Freeze	4
Just Cause	4
Lay-Off	4
Level of Difficulty	4
Misuse of Funds	5
Misuse of Facilities/Property	5
Neglect of Duty	5
Non-Exempt Employees	5
Compensatory Time	5
Performance Evaluation (Appraisals)	5



Definitions	Page
Permanent Part-Time Employees	5
Personnel Action	5
Policy	5
Position	5
Position Description	6
Position Evaluation	6
Probationary Period	6
Reclassification	6
Reassignment	6
Recruitment	6
Reduction-In-Force	6
Regulation	6
Reinstatement	6
Removal	6
Reprimand, Written	6
Series or Classes	7
Sexual Harassment	7
Special Assignment	7
Supervisor	7
Suspension	7
Tardy	7
Temporary Employees	7
Test	7
Transfer	8

Chapter	Index	Subject	Page
1		Introduction	8
1	1.1	General Statement of Policy	8
1	1.2	Elected Officials	8
1	1.3	Administrative Officers Responsibilities	9
1	1.4	Speaker&Secretary Responsibilities (absence)	9
2		Code of Ethics	9
2	2.1	General	9
2	2.2	Courtesy and Consideration of Others	10
2	2.3	Harassment of Employees	10
2	2.4	Use of Tribal Property for Personal Reasons	10
2	2.5	Improper Use of Tribal Funds	10
2	2.6	Gambling	10
2	2.7	Use of Alcoholic Beverages and Drugs	10
2	2.8	Outside Employment	10



Chapter	Index	Subject	Page
2	2.9	Restriction on Political Activity	11
3		General Employment Practices	11
3	3.1	Equal Employment Opportunity (EEO)	11
3	3.2	Sexual Harassment	11
3	3.3	Other Employment Policies	12
3	3.4	Unlawful Actions	12
3	3.5	Drug Free Workplace Policy	12
3	3.6	Work Hours	13
4		Hiring Process	13
4	4.1	Application, Qualifications & Certification	13
4	4.2	Interviewing, Screening and Testing	14
4	4.3	Disqualification of Applicants	14
4	4.4	Appointments	14
4	4.5	Personnel Action Form	15
4	4.6	Notice of Employment	15
4	4.7	Classes of Employment	15
4	4.8	Probation Period for New Employees	15
5		Personnel Record and Employee Orientation	16
5	5.1	Overview	16
5	5.2	Other Personnel Records	16
5	5.3	Employee Records	17
5	5.4	Record Keeping and Reporting	17
5	5.5	Employee Orientation	18
6		Promotion	19
6	6.1	Overview	19
6	6.2	Promotion Procedures	19
7		Discipline	19
7	7.1	Overview	19
7	7.2	Examples of Infractions	20
7	7.3	List of Infractions	20
8		Employee Performance Appraisal	22
8	8.1	Overview	22
8	8.2	Procedures for Performance Appraisal	22
9		Leave Benefits	23
9	9.1	Overview	23



Chapter	Index	Subject	Page
9	9.2	Annual Leave	23
9	9.3	Sick Leave	24
9	9.4	Military Leave	24
9	9.5	Bereavement Leave	25
9	9.6	Administrative Leave	25
9	9.7	Maternity Leave	25
9	9.8	Leave Without Pay	25
9	9.9	Compensatory Leave	25
9	9.10	Jury Duty and Witness Leave	25
9	9.11	Voting Leave	25
9	9.12	Extended Sick Leave	25
9	9.13	Family Leave	25
9	9.14	Sick Leave Donation	26
10		Other Employee Benefits	26
10	10.1	Holidays	26
10	10.2	Employer and Employee Insurance Benefits	26
11		Employee Assistance	26
11	11.0	Overview	26
11	11.1	Voluntary Assistance	26
11	11.2	Supervisor Recommended	26
12		Separations	27
12	12.1	Overview	27
12	12.2	General Policies of Separation	28
13	13.1	General Compensation Policies	28
13	13.2	Early Releases	29
13	13.2	Salary and Wage Schedule and Grades	29
13	13.4	Pay Steps and Increases	29
13	13.5	Pay Plan	29
14		Employee Safety and Health	30
14	14.1	Overview	30
14	14.2	Maintenance of Work Areas	30
14	14.3	Personal Property	31
14	14.4	Tribal Property	31
14	14.5	Parking	31



Definitions

Overview

Standard terminology is used throughout the personnel system to eliminate the possibility of misinterpreting policies and to provide consistent treatment on personnel decisions.

Abandonment of Position:

When an employee is on docking of pay for more than five working days, his/her employment is automatically terminated.

(See table of Penalties in Chapter Eight)

Allocations:

The assignment of an individual position to an appropriate class on the basis of kind of work duties and the responsibilities of the position.

Appeal:

A formal procedure whereby an employee may contest a personnel action against the employee. The procedure is intended to safeguard an employee's interest and employment and to protect an employee against arbitrary acts by a supervisor.

Application Forms:

Documents completed by persons seeking employment. The forms require information about the applicant's qualifications for the position for which he/she is applying.

Appointment:

The process of selecting a person and assigning him/her to a position.

Assignment to acting status:

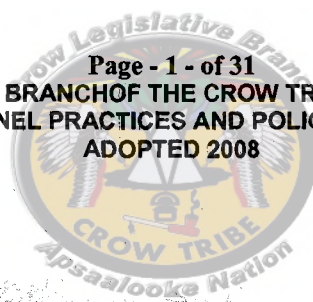
The authorized designation of an employee to serve in an acting capacity for a given position.

Body

The Term Used for the Legislative Branch (Body)

Bench Mark Positions:

A benchmark position is used as a frame of reference in the valuation of other positions. Such a position is usually occupied by two or more employees and is considered to be a key or typically position within the organization.



Class:

All positions sufficiently similar to (1) kind and subject matter of work, (2) level of difficulty and responsibility and (3) qualification requirements to warrant similar treatment in personnel and pay administration.

Classification and Compensation Plan:

This represents and equitable way of establishing pay ranges with reference to the relative worth of positions to the Tribe and to the prevailing rates of pay for comparable work in surrounding areas.

Conflict of Interest:

No rewards, favors, gifts, or other form of remuneration in addition to regular compensation shall be received by any employee for the performance of his duties from persons or organizations receiving benefits unless written authorization is received from the Tribal Chairman.

Compensatory Time:

This represents the procedure whereby an employee is given equal time off for the number of excess hours worked aside from regular prescribed working hours. Compensatory time may be provided only to employees exempt from the Fair Labor Standards Act.

Demotion:

A disciplinary action resulting in the movement of an employee from a position to a subordinate position or position having less responsibility.

Discharge or Dismissal:

The termination of employment due to disciplinary cause.

Disciplinary Action:

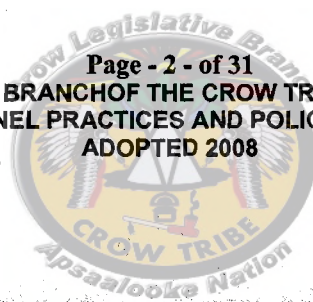
An oral warning, written reprimand, suspension, demotion, or dismissal taken for cause by the appropriate authority.

Leave without Pay:

This is when an employee does not report to work and has not obtained the prior approval of his/her supervisor. This may include failure of the employee to return from authorized leave.

Effective Date:

Any official personnel action such as beginning of payroll, probationary status, discharge, leave, etc.



Employee:

A person occupying a position, or a person who is on authorized leave of absence.

Entered on Duty:

The date on which an employee commences performance of duties and is placed on the payroll.

Employee Relations:

The manner of dealing with fellow human beings. Although this term may cover the entire field of personnel management, its use is generally restricted to the contracts which take place between the supervisor and individual employees.

Equal Pay For Equal Work:

An underlying principle of job classification. The slogan refers to quality of work.

Examination:

A means of measuring, in a practical and suitable manner, the qualification and fitness of applicants for employment in specific positions in the organization.

Exempt Employees:

Employees who are exempt from minimum wage, overtime, and timecard provisions of the fair labor standards act. The executive, administrative, professional and supervisor employees do not receive overtime pay.

Extended Immediate Family:

Husband- Wife, Mother-Father, Son-Daughter, Daughter-in-Law, Brothers – Sisters, Sisters-in-law – Brother-in-Law, aunt Uncle and Grandfather – Grandmother. See Also the definition of immediate family.

Flow Chart

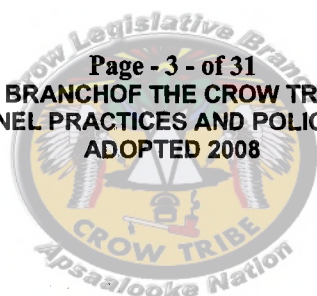
Chain of Command

Grievance:

The initial phase of the employee appeals process whereby and employee is given an opportunity to contest a personnel action against the employee.

Immediate Family:

Husband – Husband-Wife, Mother-Father, Son-Daughter, Daughter-in-Law, Brothers-Sisters, Son-in-Law, Brother-in-Law, Sister-in-Law. See also the definition of extended immediate family.



Improper conduct:

This is conduct sufficiently notorious to bring the individual concerned or the Tribe into public disgrace or disrespect and impair the Tribes ability to provide services to the community.

Incapacities:

This is defined as meaning inability or lack of fitness to discharge the required duty as a result of insufficiency, incapacity or disability. Examples of such inabilities are:

1. Failure on the part of a supervisor to communicate with or relate to an employee under the supervisors direction to such and extent that the program for which he is responsible is seriously impaired.
2. Lack of adequate command of an area of specialization.
3. Repeated failure to perform duties prescribed by law or by the Tribe.
4. Physical disability.

Increment:

A salary increase provided for in certain pay plans. Generally based upon time in grade and excellence or work performance. Also know as "periodic increase," in-grade promotion," "within-grade increase," or "step increase".

Insubordination:

This is defined as meaning an intentional refusal to obey a direct order which is responsible in nature and given by a supervisor with proper authority. This may also include a knowing violation or refusal to observe a properly adopted policy of the Tribe.

Job Freeze:

This is the maintenance of personnel status quo. It may have the effect of stopping promotions, reclassification or the hiring of new personnel.

Just Cause:

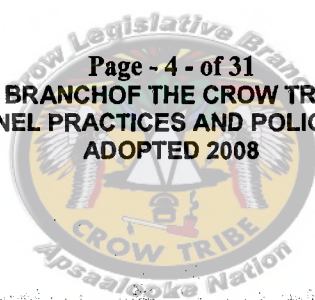
A personnel action taken on basis of fact; reasonable, well founded, and justified.

Lay-Off

This is separation of an employee because of lack of work or funds or other reasons not related to fault, delinquency, or misconduct on the part of the employee.

Level of difficulty:

A classification term used to indicate the relative level, skills, duties and responsibilities required by the position.



Misuse of Funds

Using funds for anything other than what is authorized by Tribal Policy.

Misuse of facilities/property

Property entrusted in an employee's care which is lost or damaged as a result of negligence or abuse.

Neglect of Duty: Failure to perform the duties appropriate to the position or office involved and/or damaged as a result of negligence or abuse.

Non-Exempt Employees:

Employees who are not exempt from minimum wage, over-time, and time card provisions of the Fair Labor Standards Act.

These employees receive overtime pay for work over forty (40) hours per week at a rate of 1 and ½ time normal salary.

Compensatory Time

This represents the time an employee is directed and authorized the work in excess of the normal work week and is paid at the rate of "time and one half" for hours in excess of normal working hours.

Performance Evaluation (Appraisal):

This is the process of formal performance rating and informal day-to-day evaluation of employees.

Permanent Part-Time Employees:

Those Employees who work less than the customary number of full-time hours weekly (40), but in no event less than 10 hours, and who maintain continuous regular employment status.

Personnel Action

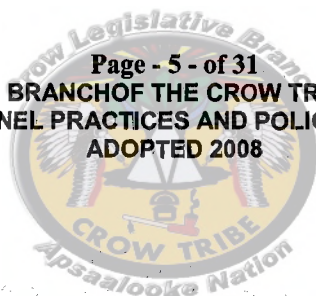
The process of appointing, removing or making other personnel changes such as; transfer, promotion, demotion, reallocation. Resignation, suspension, Placement on leave, or salary adjustments.

Policy:

A course or line of action adopted and pursued by the Legislative Branch.

Position:

A group of current duties and responsibilities assigned or delegated by appropriate authority and requiring the full-time or part-time employment of one person.



Position Description:

The written description of a position, including the title, a statement of the nature of the work, example of duties, and factor analysis of the position. (also known as Job Description).

Position Evaluation:

This is the process of determining the classifications, rating, or value of an individual job in relation to the other jobs in an organization. Comparison of a job to another position.

Probationary Period:

Trial Period which provides the final and indispensable test of actual performance on the job, which no preliminary testing methods can approach in validity.

Reclassification:

The assignment of a position to a class different from the one previously assigned.

Reassignment:

The change of an employee, while serving continuously within the same organization, from one position to another.

Recruitment:

The process of attracting a supply of qualified, eligible applicants for employment in the organization.

Reduction-In-Force

(abbreviated RIF): Separation of an employee from his/her position, required by the organization because of abolition of the position.

Regulation:

A rule or order, as for conduct, prescribed by authority. A governing direction or law.

Reinstatement:

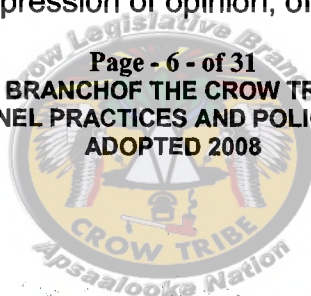
Noncompetitive reemployment authorized on the basis of an appointee's previous service.

Removal-

Separation of an employee for cause based upon personal misconduct.

Reprimand, Written:

A formal determination or expression of opinion, of the local government.



Series or Classes

One or more classes or positions, which are similar as to specialized type of work being performed, but difference in grade or salary range.

Sexual Harassment:

Infringement on an employee's right to work in an environment free from sexual pressure of any kind. Pressure can come from a person of either sex against a person of the opposite or same sex and from peers as well as supervisors. This conduct includes:

1. Unwelcome sexual flirtations, advances, or propositions;
2. verbal abuse of sexual nature;
3. Sexual degrading words used to describe and individual employee;
4. Graphics verbal comments about an individual employee's body; and
5. The display in the work place of sexual suggestive objects or pictures.

Special Assignment:

The authorized assignment of an employee to special duties for a temporary period. A special assignment may include the temporary transfer of an employee but shall not include promotion or change of pay for the period of the assignment.

Supervisor:

An individual with the authority to assign, direct, and review the work of a subordinate.

Suspension:

For disciplinary purposes, placing an employee in on-pay, non/duty status.

Tardy:

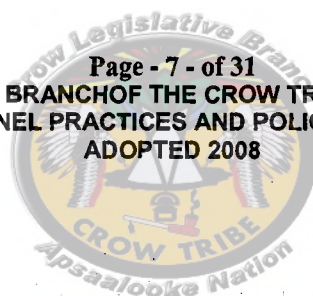
A term used to identify a situation where an employee is late reporting for work for three times during any pay period.

Temporary Employees:

Those employees who do not maintain continuous regular employment status. Temporary employees are not eligible for any employee benefits.

Test:

An oral, written, or performance measurement of ability. A type of examination.



Transfer:

The movement of an employee from one position to another position of the same class or of another class having the same maximum pay rate for which the employee meets the qualifications requirements.

**LEGISLATIVE BRANCH
OF THE
CROW TRIBE OF INDIANS
PERSONNEL PRACTICES AND POLICY MANUAL
ADOPTED 2008**

**CHAPTER ONE
INTRODUCTION**

1.1 General Statement of Policy

The Legislative Branch adopted this Personnel Management System to meet its own management needs and to comply with all applicable rules and regulations of Federal and State awarding agencies.

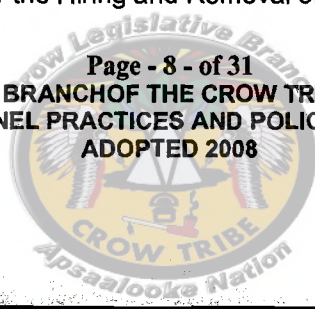
It is the policy of the Legislative Branch to comply with all Federal and Tribal Laws and Ordinances as they apply to all potential and current employees of the Legislative Branch. The Legislative Branch is an Affirmative Action, Drug Free Workplace, and Equal Employment Opportunity Employer. The Legislative Branch affirms that it does not discriminate in its employment policies on the basis of race, sex, color, national origin, age, religion, marital, or parental status, creed, ex-offender status, political ideas, and physical or mental disabilities. This policy does not preclude discrimination based on bona fide occupational qualifications, an operational necessity, or other recognized legal exceptions.

It is the policy of the Legislative Branch to be free of discriminatory practices in all matters related but not limited to recruiting, hiring, training, compensation, benefits, promotions, transfers, layoffs, recall from layoffs, termination, educational opportunities, facilities use, and participation in all Tribally sponsored activities and programs.

The Personnel System is a compilation of personnel policies, which have been developed through constantly changing employer requirements for the Tribe and Legislative Branch. This system is designed as a communication tool for managers and supervisors. It offers a uniform approach to administration for personnel policies, and thereby is intended to reduce difficulties which might arise from unwritten or inconsistent policy, or lack of proper communications. The purpose of this system is to provide comprehensive personnel policies; as well as to provide procedures governing personnel management for all employees of the Legislative Branch, regardless of the type of appointment (permanent, part-time and contract services, etc.). As such, this system is designed for and applies to only the Legislative Branch use.

1.2 Elected Officials

The Legislative Branch has eighteen (18) elected officials, within the Body is one Speaker of the House and one Secretary of the House. The Legislative Branch membership by majority vote has final authority and responsibility for the Hiring and Removal of employees and for contract



services personnel. All revisions to the Personnel Management System require approval by the Legislative Body by majority consensus.

1.3 Administrative Officer's Responsibilities

1. Policies kept current; The AO shall be responsible for ensuring that the system is kept up to date and shall advise the Speaker of any proposed changes or interpretation of the policies contained in the system.
2. Distribution of Manuals; The AO shall maintain copies of the Personnel Management System for reference use by all employees and contract personnel.
3. Controls of Manuals; The manuals are Legislative Branch property and are assigned to positions and not the incumbent employee. Upon termination, each employee shall return the manual to the AO. It is the responsibility of the AO to collect all such manuals.
4. Policy Interpretation; The AO shall assist all employees and contract personnel in the interpretation of personnel policies contained in this system.
5. Management Duties; The Speaker and Secretary is responsible for all administrative responsibilities necessary to support the Legislative Body in fulfilling daily office activities and for proper procedures for Hiring process.

1.4 Speaker and Secretary (during absence of Speaker) Responsibilities

1. The following items are the responsibility of the Speaker and Secretary during Speakers' absence in regards to the Legislative Branch employees and contract personnel daily activities, policies and hiring practices;
 - a. Oversees the daily staff responsibilities
 - b. Personnel policies are adhered to
 - c. Designated to approve the hiring of personnel, with approval of Legislative Body and required signature authority on Personnel Action Forms
 - d. Address any personnel complaints, comments or issues, recommendations from the Personnel Committee, Revenue Committee and Ethics Committee, concerning personnel policies and procedures
 - e. Approve notices for position vacancies

Chapter Two Code of Ethics

2.1 General

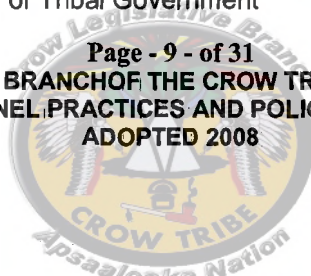
All employees of the Legislative Branch must conform to high standards of ethical conduct. Employees are judged not only by official actions and conduct, but also by personal activities which are work related. The Legislative Branch relies on employees to be representatives to perform Legislative Branch business properly, to protect Legislative Branch interests, and to meet the high ethical standards of public service.

The Code of Ethics applies to all full-time, part-time and contract personnel of the Legislative Branch, and including consultants and committee members.

Employees and elected officials all share the responsibility for ensuring the high standards of ethical conduct are maintained within the Legislative Branch. Employees are required to become familiar with the Code of Ethics and to exercise judgment to avoid misconduct and conflict of interest situations.

The employees shall;

1. Be courteous and helpful to the members of the community and persons dealing with the Legislative Branch or other branch of Tribal Government



2. Dress in a manner appropriate to the position of employment;
3. Observe job requirements and position in a professional manner
4. Observe the proper chain of supervision (flow chart) in employment related matters
5. Follow Legislative Branch policies and procedures
6. Perform duties in compliance with all applicable laws and regulations

2.2 Courtesy and Consideration of Others

Employees of the Legislative Branch must demonstrate courtesy, consideration, and promptness in dealing with the public while carrying out official responsibilities. Of equal importance is the requirement that courtesy is shown in day-to-day interaction with co-workers. Action which deny the dignity of individuals or conduct which is disrespectful to others must be avoided. Malicious gossip, hearsay, confrontations, and lack of cooperation in work environment, is not acceptable behavior.

2.3 Harassment of Employee

Office personnel and delegated supervisors are responsible for ensuring that the workplace is free from any form of harassment. This includes harassment on the basis of race, color, religion, sex, national origin, handicapping condition, or age. Harassment on the basis of sex includes sexual harassment, which is defined as "deliberate, unsolicited verbal comment, gestures, or physical contact of a sexual nature which is unwelcome". If problems of harassment do occur, delegated supervisors must take corrective actions by recognizing the problem and reporting the incident to the Speaker or Secretary during Speaker's absence. The Speaker may refer the employee to counseling and take necessary disciplinary action against the harasser or recommend for termination of employment.

2.4 Use of Tribal Property for Personal Reasons

Employees have a positive duty to protect Tribal property and to obey all rules and regulations regarding its use. Employees cannot directly or indirectly use or allow the use of Tribal property for other than officially approved activities.

2.5 Improper Use of Tribal Funds

Employees cannot improperly use official travel, payroll and other vouchers and documents on which Tribal/Legislative Branch payments are based. In addition, employees cannot take or fail to account for funds with which the employee is entrusted in an official position or take other Tribal/Legislative Branch funds for personal use.

2.6 Gambling

Employees are not allowed to participate in any gambling activity during working hours.

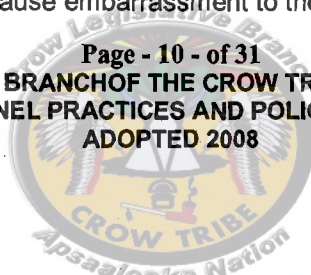
2.7 Use of Alcoholic Beverages and Drugs

The Legislative Branch prohibits use of alcoholic beverages, or the possession, distribution, or use of narcotics or dangerous drugs on Tribal/Legislative Branch property and while on duty. This includes while being in a Tribal/Legislative Branch vehicle. The Legislative Branch shall be a drug free workplace.

2.8 Outside Employment

Employees can engage in outside employment, with or without compensation, only if it will not adversely affect the performance of duties and will not reflect discredit to the Legislative Branch. Such work may include civic, charitable, religious, and community undertakings. Employees will not be given approval to participate in outside employment which:

1. Tends to impair the mental or physical capacity to perform duties and responsibilities in an efficient manner;
2. Is likely to result in criticism or cause embarrassment to the Legislative Branch;



3. Creates a real or apparent conflict of interest; or,
 4. Takes time and attention during official work hours
- All outside employment requires approval by the Speaker, prior to accepting employment.

2.9 Restriction on Political Activity

Employees have the right to vote and to express opinions on political subjects and candidates. Generally, employees are prohibited from taking an active part in political management or political campaigns or using official authority or influence to interfere with an election or affect its results during working hours.

Chapter Three

General Employment Practices

3.1 Equal Employment Opportunity (EEO)

It is the policy of the Legislative Branch to provide EEO by complying with Title VII of the Civil Rights Act of 1964 (P.L. 83-352), as amended by the EEO Act of 1972.

Title VII is the basic Federal Law expressing national policy prohibit discrimination on the basis of race, color, national origin, religion or sex, in all aspects of employment, by all employers, with 15 or more employees. Title VII was extended to cover Federal, State, and Local public, employers and educational institutions by the EEO Act of 1972.

Discrimination on the basis of age, sex or physical disability is prohibited except where specific age, sex or physical requirements constitute a necessary occupational qualification for proper and efficient administration.

Title VII prohibits any practices or procedures which limit or adversely affect employment opportunities on the basis cited above, including: advertising, recruitment referrals, testing, hiring, assignment, transfer, promotion, training, apprenticeship, disciplinary action, layoff and recall, termination, compensation, benefits and all other terms, conditions and privileges for employment.

The Act also prohibits any reprisals or adverse action against an individual or group of individuals because they have opposed discriminatory practices, participated or assisted in any way in a change, investigation or proceeding brought under its provisions.

As an Indian Organization, the Legislative Branch, also complies with the intent of the United States Congress as outlined in the terms of the "Indian Employment Preference Policy" and "Equal Employment Opportunity"

The Indian Employment Preference Policy of the Legislative Branch is that hiring preference shall be given to full-time or part-time Tribal employees possessing the necessary qualifications for the vacant position, with first consideration given to these employees working in the department where the vacancy exists, and that first hiring preference given to qualified enrolled members of the Crow Tribe.

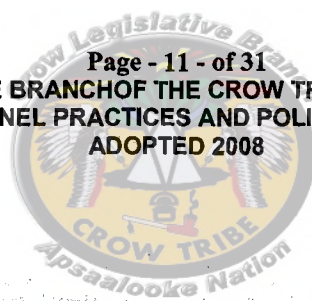
The Speaker is responsible for equal employment opportunity programs for the Legislative Branch and is responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity.

3.2 Sexual Harassment

It is the policy of the Legislative Branch to prohibit sexual harassment of its employees in any workplace or work related environment by any person in any form.

Harassment on the basis of sex is a violation of Section 703 of Title VII. Unwelcome sexual advances, request for sexual favors, and other verbal or physical contact harassment when;

1. Submission to such conduct is made either explicitly a term or condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or



3. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, is prohibited. Any employee who believes that he or she has been subjected to sexual harassment should report the alleged act immediately to the Speaker/Secretary/or AO. The Speaker will make every effort to insure that complaints of sexual harassment are resolved promptly and effectively. If the employee is not satisfied with the decision of the Speaker, he or she should file a grievance in accordance with the Grievance Procedures established by the Personnel Committee. Any Legislative Branch official/personnel/agent/ or other employees who is found to have engaged in sexual harassment of another employee will be subject to appropriate sanctions depending on circumstances up to and including termination.

3.3 Other Employment Policies

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or are otherwise subjected to discrimination under any program or activity for which the Legislative Branch receives or enjoys benefit from Federal Financial Assistance. If an applicant or employee believes that they have been unfairly discriminated against, they should request a review of all pertinent details of the cause as further described in this manual.

The Legislative Branch complies with the provisions of various federally financed Indian programs regarding Indian Employment Preference and the Indian Preference Act of {1834} in the appointment of interpreters or other persons employed for the benefit of Indians. A preference in employment shall be given to persons of Indian Descent as outlined in Section 04.100. In recruiting, screening, and appointing applicants, the Legislative Branch shall give preference to enrolled members of the Crow Tribe.

3.4 Unlawful Actions

Employees are prohibited from participating in, planning, or otherwise assisting in any unlawful action in connection with the performance of their duties.

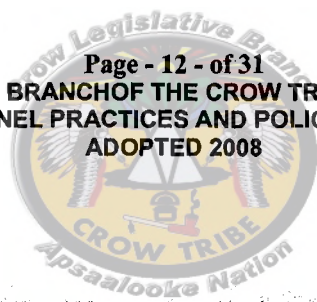
3.5 Drug Free Workplace Policy

The Crow Tribe of Indians desires to have a drug free workplace for all employees. To that end, the Tribe has established this Drug Free Workplace Policy for all employees, and has been adopted and approved with the passage of this Personnel Policy of the Legislative Branch.

The manufacturing, distribution, dispensing, possession or use of illegal drugs and controlled substances in the workplace create dangers to all employees in the workplace. The effects and side effects of illegal drugs and controlled substances can lead to serious injury, and even death for innocent employees, visitors, and others. The use of illegal drugs and controlled substances also leads to excessive costs and waste of materials due to poor quality of workmanship. The use of illegal drugs and controlled substances in any workplace of the Tribe is strictly forbidden.

All illegal drugs and controlled substances are strictly forbidden on Tribal Property. Any employee reporting to work, or remaining in the workplace under the influence of alcohol, or other controlled substances or illegal drugs shall be immediately reported to the Speaker. Possession of illegal drugs or substances on Legislative Branch property shall be immediately reported to the Speaker.

After completing an investigation of an alleged complaint against an employee of the Legislative Branch, the Speaker shall permit the employee to submit evidence within reasonable time limits as to the falsity of the allegations, and also any proposed recommendations regarding the appropriated discipline of the employee including the following;



1. rehabilitative possibilities
2. available counseling
3. probation
4. demotion
5. suspension
6. other disciplinary action
7. termination

The Speaker shall make the decision and shall provide a copy in writing to the employee. The employee shall have the opportunity to appear before an appeals board, pursuant to the Grievance Procedures established by the Personnel Committee.

Legislative Branch personnel shall inform the Speaker within five (5) days of any conviction for the manufacture, distribution, dispensing, possession, or use of a controlled substances in the workplace. Within ten (10) days of receipt from the employee, the Speaker shall inform any Federal funding agency which provides funds for the salary of the employee, of the conviction; and shall within (30) days recommend proper disciplinary action to be initiated.

3.6 Work Hours

Normal work hours are from 8:00 AM to 5:00 PM, with one hour for lunch break. The AO may recommend to the Speaker a change in the work hours for any employee to improve the effective and efficient utilization of manpower. Such changes in work hours require seven (7) days advance notice to any employee affected by the change and require the written approval of the Speaker.

NOTE: Next Item(s) is reserved by the Body until at a later time.

All employees non-exempt from the Fair Labor Standards Act receive overtime pay at the rate of one and one-half times the regular rate for each hour worked in excess of forty (40) hours per week. Time taken off for vacation, sick leave, administrative leave or holidays is not to be used considered in calculating the total hours worked. If overtime is not in the budget, the supervisors need to instruct employees not to work over the forty (40) hour work week.

Eligible employees must request in writing to work overtime and receive approval in advance by the Speaker prior to working the additional hours. Budget must be considered in approving overtime.

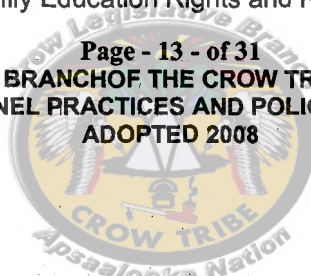
Chapter Four **Hiring Process**

4.1 Application, Qualifications and Certification

A position description must be established for the vacancy before the recruitment process is initiated. If a position description is not available, it is the responsibility of the Speaker and the Personnel Committee to establish one consistent with other descriptions in effect. The format of the description may vary with the personal preferences of the Speaker and AO. However, it must minimally include major duties and responsibilities and minimum qualifications for the position.

All established vacancy notices require the prior approval of the Speaker before advertisement for the vacancy is made. Consistent with the Legislative Branch policy on Indian Employment Preference, vacancy notices will be posted at the Tribal Offices and other reservation locations to maximize exposure of the job opening.

All applications for employment shall complete a standard application form and sign a release of information form. Such forms shall be submitted to the Speaker. With respect to information submitted by applicants in the Family Education Rights and Privacy Act of 1974 (P.L. 93-390).



The AO shall maintain and distribute updated lists of vacancies as they occur. The Legislative Branch policy is to encourage qualified employees to apply for upward classification. The filing time for vacant positions shall be a minimum of five working days. Preference is given to former employees who have been separated because of lack of work or funds, or for any other reason not related to fault, delinquency, or misconduct on the part of the employee. However, the Legislative Branch policies on Indian Preference Employment are followed. Employees who are required to have licenses or other certification requirements must present proof of the licenses or verifications to the Speaker at the time of application.

4.2 Interviewing, Screening and Testing

Part of the employment process is for the Speaker and/or Personnel Committee to complete a comprehensive background check on all applicants. This background check will include but not limited to, a determination of criminal convictions, dismissals from previous jobs due to sexual harassment, and dismissal from previous jobs due to sexual offenses. Data obtained by the Speaker in the background check will be part of the applicant's record submitted to the Personnel Committee.

Drug testing shall be required by the interviewing, screening and testing process. Qualified applicants must go through an interview process with the appropriate Legislative Branch official delegated for the interview process (Speaker or Personnel Committee). No applicants will be promised or paid any travel per diem expense relating to interviews, screening, or testing.

Any recruiting efforts shall targeted to areas with a relatively large percentage of Native American students and employees.

Upon appointment of an applicant to a regular position, the Speaker shall officially notify in writing non-selected applicants that they were considered, but not selected.

The hiring officials shall give preference to qualified enrolled Crow applicants in accordance with established policies (see rating criteria listed below).

If a position requires a test, a written or oral examination may be used to assist in selecting qualified applicants. All applicants being considered shall be given the same examination. All examinations shall be approved and implemented by the Speaker.

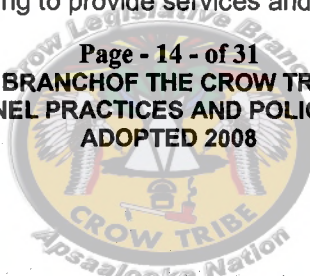
4.3 Disqualification of Applicants

Applicant may be disqualified and/or have the applications removed for the following reasons;

1. the applicant is addicted to the use of controlled substances or the habitual use of intoxicating beverages to excess
2. the applicant has made a false statement of material fact in the application
3. the applicant has previously been dismissed from any public service for delinquency, misconduct, or other similar cause
4. the applicant has failed to submit the application correctly, or within the prescribed time limit
5. the applicant has violated any provisions of the Legislative Branch Personnel Policies

4.4 Appointments

Employment with the Legislative Branch is contingent upon the availability of funds. Employment may be terminated with layoffs effective immediately in the event Revenue Committee/Speaker determines it has inadequate funding to provide services and staffing at the current levels or the



levels initially proposed or budgeted.

4.5 Personnel Action Form

This is the form utilized to formally approve the employment of personnel. The PAF must be approved and signed the Speaker and proper Finance Officer, prior to entering on duty. The PAF must contain the following information;

1. employee name
2. program and position,
3. salary or wage rate
4. entered on duty date
5. fund, department and general ledger line item coding

6. signed by Speaker and Budget Officer

This form is utilized to authorize other changes in employment status (ie, transfers, wage increases/decreases, termination or layoffs, etc.).

The original form is filed within the Legislative Branch Finance Office. A copy is submitted to the payroll department. Copy is filed in employee personnel file for records.

4.6 Notice of Employment

Upon employment, the Speaker notifies the employee in writing the type of employment and terms, if any. Upon acceptance by the employee, the employee may then appear for work. If hours are worked prior to the written notice, then the employee may not receive compensation for those hours.

4.7 Classes of Employees

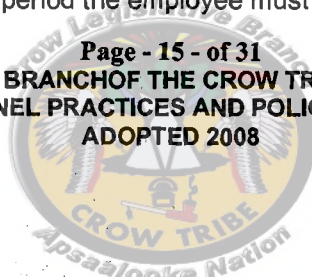
Overview

Permanent full-time appointments must be for appointments to fulfill vacancies, which occur in permanently, classified and budgeted positions.

1. permanent full-time employee; permanent full-time employee is an employee who works a full-time normal work week of forty (40) hours and whose position is not considered to be of a temporary nature. The hourly rate of pay is calculated on the basis of 2080 work hours per year.
2. permanent part-time employee; permanent part-time employee who works less than forty (40) hours per week, but at least ten hours per week, and whose position is of a permanent nature.
3. temporary full-time employee; an employee who works a full-time, normal work-week of forty (40) hours and whose position is considered to be of a temporary nature according to the terms of the funding agency award, or less than twelve months, is a temporary full-time employee.
4. temporary part-time employee; an employee who works less than the normal work-week of forty hours and whose position is of a temporary nature according to the terms of the funding agency award, or less than twelve months, is a temporary part-time employee.

4.8 Probation Period for New Employees

All new permanent full-time employees shall be subject to a three (3) month probationary period. At the completion of the probation period the employee must be hired permanently or terminated.



However, the probationary period can be extended up to an additional thirty (30) days at the discretion of the Speaker.

The probationary period shall be utilized to closely observe the performance of each employee; to identify deficiencies and to develop a training plan to correct deficiencies; and to reject an employee whose performance is unsatisfactory.

Probationary employees accrue annual and sick leave from the date of employment, but cannot use annual or sick leave until the probationary period is completed and permanent status granted. Should the probationary employee not attain permanent status, then, no annual and sick leave will accrue to that employee.

A probationary employee may be terminated at any time during the probationary period when his or her quality of work is judged insufficient to merit continuation in the position or when insufficient work is available to warrant the additional employee. The probationary employee shall not be eligible for payments for any accrued annual and/or sick leave upon termination.

A new employee that has been terminated during probation shall not have the right to appeal the grounds for his/her termination.

Chapter Five

Personnel Record and Employee Orientation

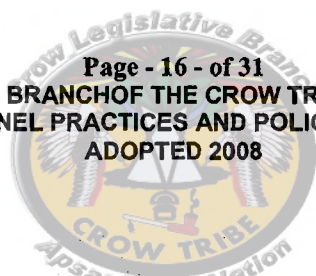
5.1 Overview

General Legislative Branch Policies regarding personnel records include the following;

1. The Speaker and AO will be responsible for maintaining centralized employee personnel files. Only the Speaker and delegated supervisor shall have access to such files and files shall not be removed from the Legislative Branch office.
2. Any employee may review his or her personnel file but may not add or remove materials. In no case shall an employee review the file of another employee.
3. Upon separation, an employee may authorize the Legislative Branch through written communication to the Speaker to release other employment related information to outside parties.
4. Personnel records on former employees shall be maintained in an inactive file for five (5) years after termination and access to those files shall be controlled by the same policies governing active employees.

5.2 Other Personnel Records

1. Applications for employment for persons not hired: copies of all applications for employment filed with the Legislative Branch shall be maintained for three years. This is to provide evidence, which may be required in order to show compliance with Federal Civil Rights Legislation.
2. Time, attendance and leave records: appropriate time and attendance records for full-time and part-time employees shall be maintained for three or five years. Records shall also be kept of annual leave and sick leave and compensatory time earned and used by the each employee. These records shall be kept with the payroll records rather than with the personnel files.



3. Disciplinary Action Records: The Speaker will dispose of all disciplinary action notices after the following length of time; Written Reprimands-three year, Suspensions-three years, Dismissals-Personnel file is destroy after seven years of termination.

4. Destruction of Personnel Files: The personnel file shall be destroyed when a folder has been in the inactive file upon seven years of the effective termination date. Cards will be maintained only listing pertinent employment information that may be needed for future verification of employment.

5.3 Employee Records

A personnel file shall be maintained for every employee, which shall include, but not limited to the following;

1. Application for employment and materials related to application (resume, official college transcripts, letters of recommendations, certification, copies for any employment correspondence including notification of employment, etc.). A background check to include a determination of criminal convictions, dismissal from previous jobs due to sexual harassment, and dismissal from previous jobs due to sexual offenses is required.

2. Personnel Action Forms.

3. Employee evaluation forms, records of all personnel appraisals, reviews and evaluations, including changes in job and income.

4. Notices of Disciplinary Actions: All records shall be maintained for all disciplinary actions such as admonitions, reprimands, probationary suspension, and other adverse personnel actions. (NOTE: disciplinary actions is reversed upon appeal, there shall be no records of charges maintained in the employee file).

5. Benefit records.

6. Other employee related data, such as W-2 and W-4 forms, letters from creditors (court order document, etc.).

7. Records of urinalysis record, and test results, if requested by the Legislative Branch.

8. Current position description.

9. If the employee is authorized to drive on program business, the employee's folder shall contain a copy of the employee's driver's license.

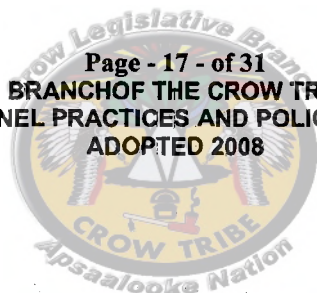
10. Training and career development plans.

11. Letters/certificates of appreciation approved and initiated by the Speaker or other officials of the Legislative Branch.

12. Group insurance and claims.

5.4 Recordkeeping and Reporting

1. Payroll shall be processed by the payroll office according to policies and procedures documented in the Financial Management System.

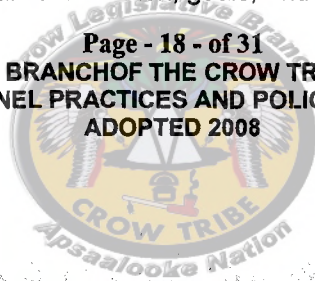


2. Employees and responsible supervisors shall sign all timesheets before forwarding to the Payroll Office for processing. It is the Speaker's responsibility to review time sheets very carefully before routing timesheets for final approval.
3. Completed employee timesheets shall be maintained on file by the Payroll Office.
4. Payroll shall not be processed unless an employment action notice and a timesheet is signed by the Speaker and submitted to the Payroll Office.
5. An employee shall not submit a timesheet unless he or she has received a notice of employment and is officially listed on the roster of employees.
6. The Speaker shall notify the Payroll Office immediately of personnel actions that affect payroll.
7. Rates of pay shall be established by the employment action notice and calculated on an hourly basis by the Payroll Office for purposes of payroll. No changes in rate may be made without preparation of a personnel action form and approved by the Body.
NOTE: This next item is reserved until a later date.
8. Payroll shall be based on hourly rates, even though the employee may be on a fixed pay basis with no overtime provision.
9. Mandatory payroll deductions are Federal Withholding Taxes, Social Security and Medicare Taxes and State of Montana Withholding Taxes, if applicable. For their benefit, employees should keep abreast of special tax exemptions and tax benefits, which are in effect.
10. Employees shall report as soon as possible to their supervisors any changes in personal status such as name, address, telephone number, marital status and number of dependents.
11. An employee's final paycheck must be issued by the next pay period the employee was laid-off, quit or discharged, or 15 days, whichever occurs first.

5.5 Employee Orientation

The employee's direct supervisor (AO/Speaker) shall be responsible for providing employee orientation. Items of discussion and clarification to be included in the orientation include the following:

1. Overview of the Legislative Branch organization structure and functions shall be explained to all new employees.
2. The employees shall be provided with a copy of the position description. The direct supervisor shall ensure that the employee understands the position duties and responsibilities, working hours, and other requirements. The signature of the employee on the job description as well as the direct supervisor is required.
3. Each new employee shall be provided with a copy of the Personnel Management System or shall be allowed time to review the copy at the AO office as needed.
4. The initial probationary period shall be explained to all new employees.
5. The direct supervisor shall introduce the employee to co-workers.
6. The direct supervisor shall explain the mission, goals, and objectives of the Legislative Branch.



Chapter Six

Promotion

6.1 Overview

In order to encourage the career advancement of experienced and competent employees, the Legislative Branch will make every effort to promote existing employees into position vacancies of greater responsibility and compensation for which they are qualified. Promotions is advancement in position within the program or department, which gives the employee more responsibility and compensation.

6.2 Promotion Procedures

1. All position vacancies shall be advertised according to the procedures outlined for advertising and recruitment.
2. Existing employees within the particular program and the Legislative Branch structure shall be given the opportunity to apply for positions which are at a higher level of responsibility and compensation.
3. In selecting an employee for a position vacancy, the Legislative Branch shall give first consideration to qualified existing employees of the program. This means that in the process of rating applicants, in the case of equal ratings among applicants, the existing employees for the program shall receive first consideration.
4. Promotions are to be based upon evaluation for past performance and the qualifications or capacity to perform duties in the position to be filled. When these factors are relatively equal for two or more employees, seniority will be considered the decisive factor.
5. No employee shall be required to accept a promotion of greater responsibility.
6. When a position becomes vacant, the Speaker may temporarily appoint an existing staff person to the position in the interest of ensuring program activities are continued until the position is permanently filled. Such appointments shall be for a specific period, not to exceed (90) ninety calendar days.

Chapter Seven

Discipline

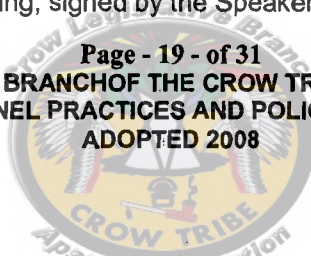
7.1 Overview

The Speaker is authorized to initiate disciplinary actions to all employees following proper procedures outlined in this manual. This includes the application of all degrees of discipline of personnel, including recommendations for removal of an employee. The Body makes the final decision to terminate/remove an employee.

Discipline shall be reasonable and applied in keeping with the significance of the employee's position and be of such nature as to not affect the Legislative Branch interest or rights.

The degree of disciplinary actions described below shall be taken where merited, depending on the circumstances and the employee's conduct. The listing of these actions is not to be construed as stages of discipline. It is not necessary to progress through lower degrees of discipline, in order to impose a more severe form of discipline.

1. Notice to Correct Deficiency; this constitutes a formal reprimand and involves a formal interview between the Speaker and the employee. The Speaker shall advise the employee of his or her deficiency and actions required to correct the deficiency and how to improve performance. Such notices shall be made in writing, signed by the Speaker and delivered to the employee. A



copy of the notice shall be placed in the employee's permanent personnel file.

2. Leave without pay; leave without pay status may be imposed where an employee is tardy, absent from duty without approval, or has attempted to use leave benefits in an inappropriate manner or in excess of the benefits available to the employee. Leave without pay status to an employee's paycheck does not prevent the imposition of additional disciplinary actions for the same infraction.

3. Suspension; suspension is a temporary separation from employment for disciplinary reasons where the cause is not sufficiently serious to merit removal. An employee may be suspended up to five days per time by the Speaker for a period not exceeding thirty days within any given fiscal year. An employee shall be notified in writing of a suspension and copy of the notice shall be placed in the employee's personnel file. Suspension may be with or without pay at the discretion of the Speaker.

4. Demotion; an employee who is demoted is assigned to a lower paying position, does not deserve dismissal, and is considered to have skills necessary to perform other duties of the Legislative Branch. The Speaker is authorized to make demotions and an employee shall be notified in writing with a copy placed in the employee's personnel file. A demoted employee may, based on performance, training or education, qualify at a later date for the duties from which he or she was demoted or other higher classes of work. A demotion requires completion of a personnel action notice wherein any changes in salary or status shall be specified.

5. Dismissal; dismissal is the most serious step of disciplinary action. The notice of dismissal may be delivered at anytime. All dismissal require formal written communication from the Speaker to the employee and require the approval of the Legislative Body.

7.2 Examples of Infractions

The following list of infractions is provided as examples of the types of activities that will result in the imposition of discipline. The imposition of disciplinary action depends upon the severity of the infraction. The list is not all inclusive. For the infractions not listed, discipline shall be recommended to the Personnel Committee by the Speaker for approval on a case by case basis. The general types of discipline that will be administered are as follows:

A= notice to correct deficiency

B= leave without pay status

C= suspension

D= demotion

E= dismissal

Other forms of discipline may also be administered.

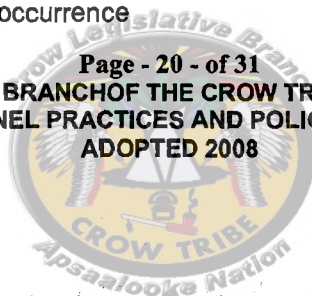
7.3 List of Infractions

1. Abandonment of position

Unauthorized absence; from work without proper leave or notification to immediate supervisor.

a. For one day in single occurrence

b. For up to three days in a single occurrence



c. For up to five days in a single occurrence

2. Conflict of interest or conversion of conversion of Legislative Branch resources for personal gain, including;

- a. Accepting compensation for services performed for personal use or gain, including;
- b. Willful theft of Tribal or Legislative Branch or Governmental property, Federal prosecution is probable.
- c. Making toll calls from the Legislative Branch or charging them to the Legislative Branch number without proper and prior arrangements for payments for them, employee may be liable for costs.
- d. Performance of personal business (correspondence, telephoning, shopping, selling, etc.) during working hours (excluding lunch hours, personal break time, etc.).
- e. Offering, accepting or soliciting or gifts or favors in an official capacity, federal prosecution possible for any offenses.
- f. Accepting or solicitation of bribe, federal prosecution probable.
- g. Unauthorized use of Tribal vehicle (if applicable).
- h. Any other use of Tribal/Legislative Branch equipment, supplies, or resources for personal gain or benefit, may be liable for cost of damage.

3. Disclosure of information of any confidential file, record, or document, without authorization of the person in charge with access to the information.

- a. Personnel files are confidential, as well as some financial records.

4. Negligence in the care of property under the employer's charge and control resulting in damage, loss or theft of such property. Employee may be liable for costs of damage.

5. Insubordination:

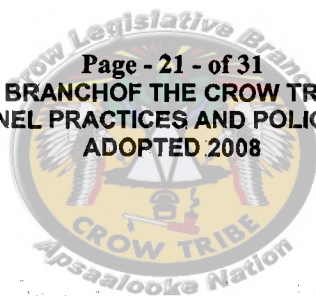
- a. Refusal to follow direct instruction of immediate supervisor or delegated supervisor.
- b. Verbal attack upon immediate supervisor or delegated supervisor to whom he or she reports, stating unwillingness to accept supervision therefore, or denying competency or authority of supervisor to perform acts clearly assigned or implied in the position description, policy manual or other instructions.
- c. Any physical assault upon any supervisor or an elected official, prosecution possible.
- d. Malicious gossip, which hinders the conduct of the Legislative Branch business or policy in an order as directed by the Speaker, whether, such gossip is communicated while on duty or off duty hours.

6. Deliberate misrepresentation of facts in relation to the Legislative Branch business:

- a. Misstatement of material facts in application for employment.
- b. Falsification, counterfeiting, or forging of any Legislative Branch form or record involving money. Prosecution is probable.
- c. Concealment, removal, mutilation, obliteration or destruction of official records or documents, except on order of the Speaker that the records and files no longer are required to be preserved. Prosecution is probable.

7. Unacceptable personal behavior while on duty, including:

- a. Physical assault of any kind upon any person on the Legislative Branch property.
- b. Malicious mischief or disorderly conduct on Legislative Branch property.
- c. Consumption of alcoholic beverage during work hours, including on lunch hour.
- d. Immediate possession of, or selling, delivering or causing to be delivered to any person, any alcoholic beverage on Legislative Branch property.
- e. Intoxication while on duty, as evidenced by breath odor, inability to function normally or slurred speech.



8. Sexual Harassment.
9. Sleeping during working hours.
10. Knowingly harboring a communicable disease that may endanger other employees (AIDS, HIV, TB, etc.).
11. Neglect of duty.
12. Substandard work performance or poor productivity.
13. Violation of safety rules, practice or procedure.
14. Failure to report an accident or personal injury in which an employee is involved while on the job.
15. Tardiness (three times per pay period).

Chapter Eight

Employee Performance Appraisal

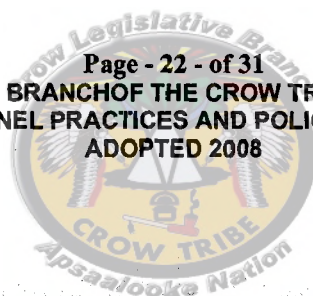
8.1 Overview

All employees of the Legislative Branch shall participate in a performance appraisal process to provide for an objective and systematic review and analysis of job performance. The goals of performance appraisals listed below.

1. Improve the employee's understanding of job responsibilities, and standards for satisfactory performance.
2. To assist the Speaker and employees in identifying areas of performance strength or weakness.
3. To recognize and provide commendation for areas of exceptional job performance.
4. To assist employees in overcoming weakness in job performance.
5. To provide a basis for wage and salary adjustment.
6. To aid management in selecting employees for promotion, transfer, training and reduction-in-force (RIF).
7. To provide objectively and fairness in the evaluation of personnel.

8.2 Procedures for Performance Appraisal

1. Performance appraisals shall include both formal and informal performance appraisal.
 - a. Informal appraisals are those conducted on a regular basis through regular contact between the immediate supervisor and the employee.
 - b. Formal performance appraisals are those conducted at regular intervals of which there is a written record.
2. The Speaker or delegated supervisor of the employee shall be responsible for conducting performance appraisals of the employee.



3. Permanent employee should be evaluated on an annual basis, at minimum, and more frequently if the Speaker determines it is in the best interest of the program.
4. The criteria for a formal written performance appraisal shall be the job.
5. The formal performance appraisal shall include an interview session between the Speaker and the employee at which time job performance is discussed.
6. A written evaluation shall be completed by the Speaker shortly after the interview session in which areas of job strength are recognized. The Speaker may elect to reward cases of exceptional job performance with a letter of commendation to the employee. This written evaluation shall also identify areas of job performance weakness. The Speaker and employee shall agree upon in writing specific measures and a time period to bring areas of weakness to acceptable performance standards.
7. The employee shall be given a written copy of the performance appraisal and shall have the opportunity to respond to areas of the evaluation with which he or she disagrees.
8. Employees shall note in writing that they have participated in the appraisal process and have been given a written copy of the appraisal.
9. A copy of all written performance appraisals shall be placed in the personnel file.

Chapter Nine

Leave Benefits

9.1 Overview

All Legislative Branch employees, regardless of funding source for the employees' compensation, receive equal treatment in leave benefits. No program can add or deduct employee benefits for any reason.

9.2 Annual Leave

1. Overview

Annual leave, may be taken by an employee when employee has given three day advance notice to the Speaker and Speaker has approved the leave.

2. Annual Leave Accrual

* Permanent, full-time employees, who have been employed by the Legislative Branch less than two years, shall earn annual leave at the rate of four hours for each two-week pay period.

* Permanent, full-time employees, who have been employed by the Legislative Branch from two to four years, shall earn annual leave at the rate of six hours for each two-week pay period.

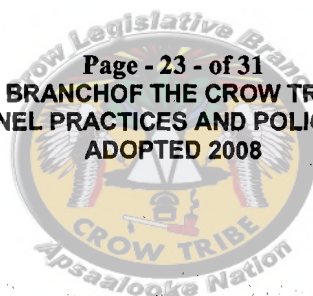
* Permanent, full-time employees, who have been employed by the Legislative Branch from four to six years, shall earn annual leave at the rate of eight hours for each two-week pay period.

Legislative Branch is reserving this part, until at a later date

* Permanent, part-time employees accrue annual leave at the rate as follows;
Less than 2 years/2 hours/two-week pay period

2 to 4 years/3 hours/two-week pay period

6 years and over/4 hours/two-week pay period



Annual leave is earned when the employee is in pay status and is earned on a pro-rate basis for the first 80 hours worked in each two-week pay period. No annual leave is earned on hours worked in excess of 80 hours in any given pay period. For permanent part-time employees, annual leave is earned when the employee is in pay status and is earned on a pro-rate basis of the first 40 hours worked in each two-week pay period. No annual leave is earned on hours worked in excess of 40 hours in any given pay period.

Elected officials will not accrue annual leave because they are on call 24 hours a day.

For the purposes of determining the amount of annual leave earned during the pay period, employed, includes employment only by the Legislative Branch, Executive Branch and the Judicial Branch of Crow Tribal Government.

A minimum of 80 hours annual leave should be taken each year, and no more than 160 hours may be carried forward from one calendar year to the next. The employee will be required to use or lose unused annual leave balance in excess of 160 hours. Employees, who accrue annual leave, are paid upon termination of employment from the Legislative Branch of Government. Temporary or Seasonal employees do not earn annual leave.

Advances on annual leave to be earned are not permitted.

No employee is permitted to buy-out or be compensated for annual leave in lieu of taking the time off, unless written approval from the Speaker through the Legislative Body.

9.3 Sick Leave

1. Overview

Sick leave is earned by an employee, notification is required to use sick leave and prior notice given to the Speaker before taking leave. Sick leave requests shall be one hour before start of tour/shift. The Speaker may require a doctor's statement at his discretion.

2. Sick Leave Accrual

Sick leave will be earned at the rate of four hours for each two-week pay period for a permanent full-time employee. Temporary or seasonal employees will not accrue sick leave.

Elected officials will not accrue sick leave because they are on call 24 hours a day.

Probationary employees will accrue sick leave but may not use sick leave during the probationary period (only during extreme circumstances, exception will be at the Speakers discretion).

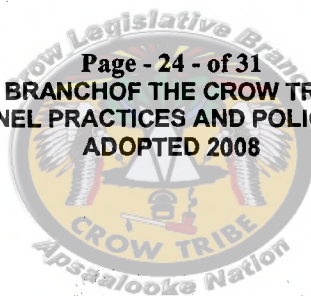
Sick leave balance accrued by employee will be carried into the next calendar year. Upon termination sick leave balance will not be paid, but the sick leave balance will be kept in the employees official record.

3. Sick Leave Uses

Sick leave may be used for the following purposes: actual illness prevents the employee from performing job duties; the employee's work attendance jeopardizes the health of others; medical or dental appointments for the employee or the employee's dependents; drug and/or alcohol counseling; and institutional treatment of alcohol and/or drug dependency and illness of a member of the immediate family that requires the employee to care for the member.

9.4 Military Leave

Leave with pay will be granted for military purposes such as reserve forces training.. Military leave, without pay will be granted for active military duty. All military leave requires the prior approval of the Speaker. Written documentation of the military leave requirement must be provided at the time of request for leave. A maximum of fifteen paid days is permitted in any fiscal year for paid military leave.



9.5 Bereavement Leave

Leave with pay up to five days will be granted related to bereavement for the immediate family and leave with pay up to three days will be granted related to bereavement for extended immediate family and friends. Limitations on total paid bereavement leave per year is determined by the Speaker on an individual basis. All bereavement leave requires approval by the Speaker. Bereavement leave does not require use of annual or sick leave.

9.6 Administrative Leave

The Speaker for purposes such as inclement weather and holiday extensions may grant administrative leave with pay. Administrative leave does not require use of annual or sick leave. Administrative leave can only be approved by the Speaker.

9.7 Maternity Leave

Maternity leave, including leave for husbands with a maternity status spouse, may be granted up to sixty days. Sick leave and annual leave may be used for maternity leave with pay. Maternity leave with pay will be granted for forty hours for one spouse. If all annual leave and sick leave has been exhausted, leave without pay may be used for the balance of the granted maternity leave.

9.8 Leave Without Pay

Leave without pay may be granted to an employee upon the prior approval of the Speaker. Leave without pay may not exceed thirty days per calendar year.

9.9 Compensatory Time

The Legislative Branch reserves the right until this manual is adopted and approved by the Body, which will require compensatory time in lieu of overtime (over-time is not budgeted) for full-time permanent employees.

9.10 Jury Duty and Witness Leave

An employee who has been subpoenaed or directed by proper authority to appear as a witness or juror for a recognized judicial system shall be granted administrative leave with full pay. Written documentation of the jury and witness requirement must be provided at the time of request for leave. Any reimbursement to the employee by a judicial system for jury or witness leave must be repaid to the proper Finance Officer or Finance Department by the employee, except for travel and meal reimbursements, which will be retained by the employee.

9.11 Voting Leave

An employee may receive up to four hours of administrative leave to vote in any election recognized by the Tribal Government, with prior notice to the Speaker during work hours.

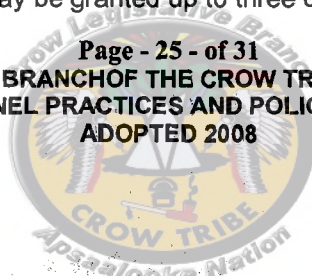
9.12 Extended Sick Leave

Extended sick leave, not to exceed 30 work-days, may be granted to permanent employees in order to maintain continuity of service in instances where unusual or unavoidable circumstances require prolonged absence of the employee to recover from a medical disability. Request for extended sick leave must be submitted to and approved by the Speaker ten days prior to the commencement of the leave. Upon return to duty, the employee will return to his or her previous position.

If extended sick leave is in excess of 30 work-days or more, the Speaker, at his or her discretion may fill the position with a temporary employee, not to exceed 120 working days.

9.13 Family Leave

Permanent, full-time employees may be granted up to three days paid family leave per calendar



year to tend to family related matters that cannot be conveniently handled other than during working hours. All family leave is approved at the discretion of the Speaker, with two day advance notice.

9.14 Sick Leave Donation

Any permanent employee may donate sick leave to another employee, provided that need is for medical related situation and the employee is in need of sick leave due to the exhaustion of sick leave benefits. Written request will be required by the employee donating the sick leave and approval shall be upon the discretion of the Speaker

Copies of written request shall be maintained by the Legislative Branch and copies given to the proper Finance Officer for the employee records concerning leave balances.

Chapter Ten **Other Employee Benefits**

10.1 Holidays

The Legislative Branch shall establish a schedule of paid holidays for the calendar year with Federally recognized holidays and Crow Tribal recognized holidays.

10.2 Employer and Employee Insurance Benefit

1. Social Security Taxes; employees are required to pay Social Security Taxes at the rate set by federal law.
2. Medicare Taxes; employees are required to pay Medicare Taxes at the rate set by federal law.
3. Unemployment Compensation; employees, full-time or part-time, permanent or temporary are covered by Unemployment Compensation Insurance as determined by the State of Montana. This coverage is offered at no cost to the employee.

Chapter Eleven **Employee Assistance**

11.0 Overview

It is policy of the Legislative Branch that if personal problems are the cause of unsatisfactory job performance, employees will receive careful consideration and an offer of assistance on no individual basis to help resolve such problems in an effective and confidential manner. The Crow Tribe recognizes alcoholism or chemical dependency as a treatable disease, and shall make provisions for employees to seek institutional treatment for such problems.

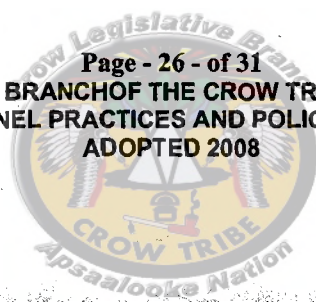
11.1 Voluntary Assistance

Employees who feel they have a problem related to alcohol or drug dependency may voluntarily seek assistance and referral to a treatment program or center.

11.2 Supervisor Recommended Assistance

In the event that institutional treatment is agreed upon in writing by the Speaker and employee, the following considerations shall be observed:

1. Employees participating in drug or alcohol treatment programs may be eligible for insurance coverage for a portion of costs at a private center, provided the employee is enrolled in a group health insurance plan.
2. If an employee is not covered by a group health insurance plan, Indian Health Service may be utilized at no cost to the employee



3. Employees participating in alcohol or drug treatment programs shall utilize accrued sick leave and annual leave if they wish to be paid for absence to seek treatment.

4. In the event that an employee has exhausted leave benefits, the Speaker may permit the employee to receive administrative leave with or without pay. This determination is to be based upon program needs and the availability of funds.

5. If the treatment is approved for an employee, the employee's position shall be available to the employee completion of treatment. However, due to the nature of some programs, it may be necessary for the Speaker to temporarily fill the position during the regular employee's absence in order to continue the deliver service (s).

6. The successful completion of alcohol or drug treatment and after care programs and subsequent adjustment of employment problems related to chemical dependency shall ensure that the employee is not subject to discrimination in job status or promotions.

Chapter Twelve

Separations

12.1 Overview

The Legislative Branch recognizes seven distinctly different forms of separation of employment initiated either by the employee or the Legislative Body and also the Speaker.

1. Removal; removal may also be termed dismissed. It is an involuntary separation of employment initiated either by the Legislative Body prior to the expiration of the employee's term of employment. The Speaker must approve and sign all dismissals.

Employee may be dismissed before the expiration of his or her contract for inefficiency in the discharge of duties, disloyalty to the interests of the Legislative Branch and for unprofessional conduct, such as malicious gossip and other situations. No Employee shall be removed or dismissed in the event of a change in elected Legislative Officials.

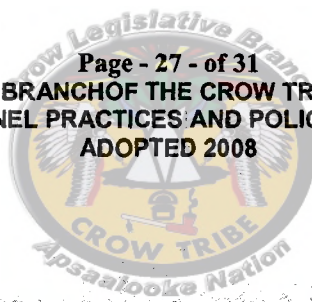
2. Suspension; suspension is an involuntary separation initiated by the Speaker for a limited period of time for disciplinary purposes. All suspensions must be recommended and approved by the Speaker at his or her discretion.

Suspensions shall be in writing and state the cause and shall be of temporary nature, not to exceed 15 work days per employee in a given fiscal year. Any employee action warranting further discipline after 15 days of suspension shall be cause for removal. However, an employee may be moved at any time for cause regardless of the days of suspension levied.

3. Resignation; resignation is a voluntary initiated by the employee and requires 10 working days notice to the Speaker. The Speaker under extenuating circumstances may consider a shorter notice.

An employee who has submitted a resignation may, at the approval of the Speaker, continue in his or her position if a written request to withdraw or amend the resignation is submitted prior to the resignation's effective date.

4. Layoff; a layoff is an involuntary separation through no fault of the employee, due to lack of funds, changes in the Crow Tribal Government, completion of temporary employment, or other such causes which, do not adversely affect the employee's eligibility for further employment. Layoffs shall be made with written notice stating cause, effective date, and any other pertinent information. Effective immediately, unless otherwise notified.



When more than one employee is affected by a layoff, the Speaker reserves sole discretion to make decisions about the determination as to which positions will be vacated. Any employee who is separated through layoffs shall be given priority and consideration for employment should vacancies occur within the position in which the employee is qualified.

5. Abandonment of Position; abandonment of position is when an employee is on docking pay for a number of days.

This form of separation is a automatic termination effective on the close of business on the fifth day of the employee of the employee's absence without further action by the Legislative Branch. As a courtesy to the employee, a notice that the position will be filled shall be sent to the employee. However, failure to receive such notice shall not prevent the termination nor bar the Legislative Branch from filling the position.

6. Furlough; an employee agrees to be laid off and hired back at a future date. Annual leave is not paid out. The employee does qualify for unemployment in most cases because they are considered job attached.

7. Other Separations; separation by death, or disability is the last forms of separation. Separation for disability due to mental or physical incapacity may be made, but only upon formal request supported by a certificate or other evidence from a licensed physician. Upon separation for death, all compensation and other benefits shall be paid to the employee's designated beneficiary(s) or estate.

12.2 General Policies of Separation

All separations should have an exit interview initiated by the Speaker.

The employee's final paycheck shall not be released until a Termination Checklist is completed and appropriated decisions made as to any outstanding employee obligations to the Speaker.

The Payroll Office shall deduct from the employee's final paycheck amounts deemed appropriate as financial obligations to the Legislative Branch and to the Tribe for property or debts owed.

The Finance Officer shall be responsible for approving deductions in the final paycheck, based upon recommendation for the Finance Department staff and the Speaker.

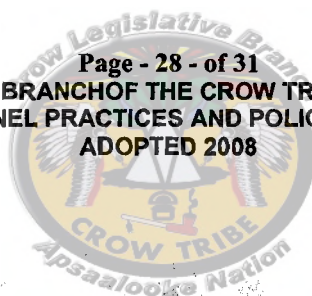
Unless authorized by the Legislative Branch, compensation shall not extend beyond the last working day.

Chapter Thirteen **Pay Practice**

13.1 General Compensation Policies

The compensation of the Legislative Branch employees shall be established by a pay grade for the position in which they are employed. The Personnel Committee and Speaker shall be responsible for the development of a uniform and equitable salary and wage plan which shall consist of minimum and maximum rates of pay for each position (s). In arriving at salary ranges, consideration shall be given to prevailing rates for comparable work by other local employers, the current cost of living, responsibility of the position and the Legislative Branch and Tribal financial condition.

An adopted salary scale and job rating shall set the pay grade for an individual position. Employees shall be paid at a rate no lower than minimum wage. A new employee shall be paid generally the minimum rate on the set pay range for his or her position. The minimum rate for each job is based upon the assumption that a new employee meets the minimum qualifications stated in the position description.



Pay periods are bi-weekly, or 26 times per year.

Wages cannot be withheld for shortages, damages or mistakes.

If an employee is paid out annual leave and then comes back to work, they will be treated as a new hire and all balances begin at 0. The 90 day probationary period applies.

If no direct deposit is available, paychecks will be issued and available for the Speaker or the Speaker shall delegate the Legislative Financial Officer to pick up the personnel paychecks.

13.2 Early Releases

Absolutely no payroll loans or pay advances. Early release will not be granted. Under certain circumstances the Speaker will use his or her discretion to approve advances and for early releases.

13.3 Salary and Wage Schedule and Grades

The Speaker and Personnel Committee shall maintain salary and wage schedules and such schedules shall be the basis for establishing the salaries and wages of all employees. The range of pay shall be sufficiently broad to cover all existing/proposed positions and within each range there shall be grades or steps of pay to provide for both advancement and the application of salary/wage standards for determining compensation of specific employees.

It is the object of the Legislative Branch to develop and maintain a consolidated salary and wage schedule as a basis for salary and payroll administration.

The salary schedule shall be the basis for calculating and employee's payroll and the payroll office shall fix an hourly rate and bi-weekly payroll based on the schedule.

13.4 Pay Steps and Increases

Advancement of pay to a higher step in the pay range for a given position shall be based upon merit in performance. An employee may be granted only two merit increase per position per budget year based on evaluations. Pay increases may be given for years of service or length of service by recommendation of the Speaker, and not to exceed adopted salary caps per positions established by the Personnel Committee, which shall be approved by the Body.

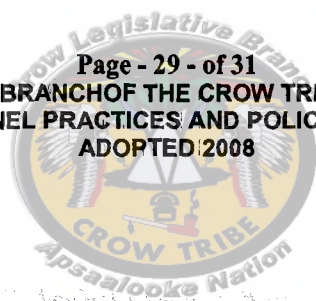
The Speaker and Personnel Committee shall, on an annual basis, evaluate the cost of living, prevailing pay rates in the State of Montana, funding levels for Tribal Operations, and other factors that may affect overall pay levels. Based on this review, the Speaker shall make recommendations to the Body regarding annual pay levels for employees.

The Speaker will approve all annual increases in pay for employees. Written notice will be given to the Personnel Committee and to the Revenue Committee for record. No salary increments will be given to temporary employees.

Pay increase may be given within the pay range upon the written approval of the Speaker. Written notice will be given to the Personnel Committee for record. Pay decreases may be given due to budgetary constraints or lack of job performance.

13.5 Pay Plan

1. Appointment to A Grade; all positions of the Legislative Branch are assigned a pay grade. The minimum rate for a Pay Grade shall be the normal hiring rate. The maximum beginning level for any employee is step four on the Pay Grade. Positions can be assigned different Pay Grade as



duties change or if directed by the Speaker.

Employee pay scale will be recommended by the Speaker and Personnel Committee and shall be approved by the Body.

EMPLOYEE PAY SCALE

2008

CATEGORY	HOURLYRATE	ANNUAL RATE
Administrative Officer		
Legal Assistant		
Finance Officer		
Custodian/Audio Technician		
Contract Services Legal Counsel salary on contract terms		
Other starting 0.00-0.00		

This pay scale will apply to all new hires. Salaries for those job descriptions not in the above categories will be determined on an individual basis with approval by the Body.

Chapter Fourteen Employee Safety and Health

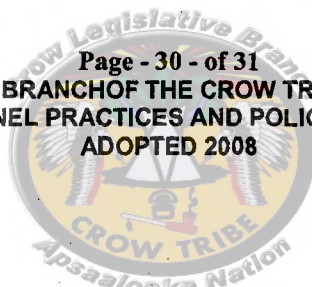
14.1 Overview

It is the policy of the Legislative Branch to provide a safe and healthful work environment for all employees. It is expected that all employees will comply with all safety and health requirements whether established by the Legislative Branch or by the Crow Tribe of Government.

1. The Speaker, delegated supervisor shall be constantly alert to protect the safety and health of employees. The Speaker's responsibilities under this policy include inspection of the work area under his or her control, familiarity with all safety and health procedures, and training of employees in matters of health and safety.
2. Responsibilities of the Speaker, or his/her delegated supervisor include the following:
 - A. assuring applicable safety and health standards are in compliance by investigating, correcting, and eliminating unsafe and unhealthful working conditions;
 - B. conducting periodic informal safety and health inspections of all work areas;
 - C. training and retraining employees, concerning safety and health related programs required by the Body;
 - D. assuring compliance with the various requirements relating to record keeping and retention of records; and
 - E. posting notices and records as may be required.
3. All observed safety and health violations and any accidents resulting in injuries to employees shall be reported immediately to the Speaker.
4. All employees are encourage to submit suggestions to the Speaker concerning safety and health matters.

14.2 Maintenance of Work Areas

1. Cluttered work areas usually are the result of poor work habits on the part of employees. It is the responsibility of each employee to ensure that his or her work area is maintained in an orderly matter at all times.
2. Smoking is not permitted in work areas



3. Non employees are not allowed in the work areas of the permanent work areas and of the Legislative chambers, unless by invitation.

4. Children are not allowed in the work areas.

14.3 Personal Property

The Legislative Branch will assist its employees in safeguarding their personal property while at work. However, the Branch cannot assume responsibility for the loss or theft of personal belongings, and employees are advised not to carry large sums of cash or other valuables with them when they come to work.

Articles of personal property found on premises will be turned into the administrative officer. Inquires regarding lost personal property should be addressed to the administrative officer. Damage to personal vehicles while on Legislative Branch business is the responsibility of the employee.

14.4 Tribal Property

Employees shall be held accountable for loss of Tribal monies or property for which they are responsible where the loss is due to negligence or carelessness.

All personnel shall be responsible for safeguarding, protecting and exercising reasonable care of Legislative Branch and Tribal property. Any loss, damage or theft of property shall be reported immediately to the Speaker.

14.5 Parking

If applicable, parking facilities for the convenience of its employees will be provided.

In the interest of safety, fire protection, and conservation of available spaces, employees are expected to observe the parking rules.

It is recommended that employees keep their car locked while in the parking areas. The Legislative Branch assumes no responsibility for any damage to, or theft of, any automobile or personal property left in the automobile in the parking area.

