

KARUK TRIBE HOUSING AUTHORITY

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Chapter 15 Personnel Policy Manual

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**** This Amended Manual Supersedes All Other Versions ****

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SECTION 1 GENERAL POLICY STATEMENTS

1.1.0 Origin and Delegation of Authority

The origin of authority on personnel matters is the Tribal Council. The Executive Director is delegated the responsibility to advise the Board of Commissioners of necessary revisions to the Personnel Policies and to interpret these Personnel Policies as required. The Executive Director is delegated authority to implement these policies.

SECTION 2 POSITION CLASSIFICATIONS, CATEGORIES AND SPECIFICATIONS

The accrual of benefits is determined by the classification of the employee and not the hours worked in a particular week.

2.1.0 Position Classifications

Employment at the Karuk Tribe Housing Authority (KTHA) is employment at-will. Employment at-will means that an employee may resign at any time with or without advance notice to the KTHA, or with or without “cause”. Likewise, the KTHA may terminate any employee at any time with or without advance notice and with or without “cause”. Except for the Board of Commissioners, no manager, supervisor or representative of the KTHA has any authority to enter into any agreement for employment for any specific period of time or to make any agreement contrary to employment at-will.

Employees at the Karuk Tribe Housing Authority are classified as exempt or nonexempt and full-time, part-time, temporary, or seasonal.

Exempt Employees. Exempt employees are regular employees whose job assignments meet the federal requirements for overtime exemption as specified in Section 13(a)(1) of the Fair Labor Standards Act. Exempt employees are compensated on a salary basis and are not eligible for overtime pay. Your supervisor will inform you if your status is exempt. Exempt employees may have job assignments that require full or part-time work. Following the completion of the initiation period, full-time exempt employees are eligible for all employee benefits described in this Manual. Following the completion of the initiation period, part-time exempt employees are eligible for some, but not all, employee benefits described in this Manual.

Nonexempt Employees. Nonexempt employees are regular employees subject to federal overtime regulations, and will be compensated for overtime hours worked in accordance with the law as specified in Section 13(a)(1) of the Fair Labor Standards Act. Nonexempt employees must comply with the policies regarding overtime work.

Full-Time Nonexempt Employees. Full-time nonexempt employees are regular employees who are normally scheduled to work and who do work a schedule of 40 hours per week. Following the completion of the initiation period, full-time nonexempt employees are eligible for all employee benefits described in this Manual.

Part-Time Nonexempt Employees. Part-time nonexempt employees are regular employees who are scheduled to and do work less than 40 hours per week. Part-time nonexempt employees may be assigned a work schedule in advance or may work on an as-needed basis. Part-time nonexempt employees are eligible for employee benefits based on the number of hours they are assigned to work each week. This is based on their Notice of Appointment at time of hire or later Personnel Action Notice; it will not vary each week.

Part Time Under 20 Hours Per Week. Employees working less than 20 hours per week will not be eligible for any employee benefits.

Part Time 20 or More Hours Per Week. Employees working 20 or more hours per week will be entitled to annual and sick leave benefits on a pro-rated basis according to the number of hours they are scheduled to and do work. These employees will not be eligible for Group Insurance or Retirement Benefits.

Part Time 30 or More Hours Per Week. Employees working 30 or more hours per week will be eligible for Group Insurance and Retirement Benefits according to the plan document requirements. These employees will be entitled to annual and sick leave benefits on a pro-rated basis according to the number of hours they are scheduled to and do work.

Annual Leave Accruals for Employees

Classification	% of Leave Accruals	Hours/Year (1-3 yrs of consecutive service)	Hours/Year (4-5 yrs of consecutive service)	Hours/Year (6+ yrs of consecutive service)	Hours/Year (10+ yrs of consecutive service)
40	100	120	160	200	240
30 to 39	80	96	128	160	192
21 to 29	60	72	96	120	144
20	50	60	80	100	120

Annual Leave Accruals for Telework/Remote Employees

Classification	% of Leave Accruals	Hours/Year (1-3 yrs of consecutive service)	Hours/Year (4-5 yrs of consecutive service)	Hours/Year (6+ yrs of consecutive service)
40	100	80	120	160
30 to 39	80	64	96	128
21 to 29	60	48	72	96
20	50	40	60	80

Sick Leave Accruals for Employees (including Telework/Remote)

Classification	% of Leave Accruals	Hours Earned Per Year
40	100	96
30 to 39	80	76.80
21 to 29	60	57.60

Temporary Employees. Temporary employees are employees who are employed by the KTHA for short-term assignments. Short-term assignments will generally be periods of three months or less. Temporary employees are not eligible for employee benefits and may be classified as exempt or nonexempt on the basis of job duties and compensation.

Seasonal Employees. Seasonal employees are employees who are employed by the KTHA for short-term assignments in excess of three months. Their work will generally coincide with field seasons for various projects. Seasonal employees are not eligible for employee benefits and may be classified as

exempt or nonexempt on the basis of job duties and compensation. Seasonal employees will be laid off during the “offseason” and re-hired when projects commence each year.

Individuals working through an employment agency (leased employees, etc.) and those working as independent contractors are not considered employees of the KTHA and are not entitled to any employment benefits provided by the KTHA except as specifically provided in this Manual. If you have any questions about your classification, you should check with your supervisor.

Telework Employee Accrual of Benefits. Employees that work under a hybrid-remote work agreement will accrue annual and sick leave benefits at a reduced rate to reflect the additional flexibility and cost savings associated with working from home.

On-Call Employees. On-call employees are employees who are employed by KTHA for short-term assignments. Short-term assignments will generally be periods of three months or more. On-call employees are not eligible for employee benefits or sick and annual leave and may be classified as exempt or nonexempt on the basis of job duties and compensation. On-call employees will be laid off when no work is available and rehired when projects commence each year.

Internal Transfer

Employees that transfer employment within the entities of the Karuk Tribe (excluding Rain Rock Casino) without a gap in employment will accrue leave at the same accrual rate earned in their most recent position. Should the employee transition into a different job classification (full-time, part-time, temporary, and/or seasonal) the employee’s accrual rate will be based on the classification set in new position.

2.2.0 Initiation Period

The first 180 days of continuous employment at the KTHA during which you learn your responsibilities and get acquainted with your fellow employees is considered an initiation period. During this time you will have a chance to decide whether you are and will be happy with your job, and your supervisor will have the opportunity to determine whether you are adapting to your new work. Within 30 days of completion of your initiation period, you will be given a written performance review addressing your strengths and weaknesses.

If the KTHA decides you should continue to be employed, you will be advised of any improvements expected from you. You will be given the opportunity to express any recommendations that you have to improve the efficiency of the KTHA. Completion of the initiation period does not entitle you to remain employed by the KTHA. Both you and KTHA are free, at any time, with or without advance notice, and with or without “cause”, to end the employment relationship and your compensation. During the initiation period you are not entitled to use any accrued employee benefits including but not limited to sick, vacation or compensatory time. However, you may access the Tribe’s open-door policy during the initiation period in order to raise any issues, concerns or suggestions you may have regarding your employment relationship with the KTHA. Additionally, in accordance with the sick leave policy you are eligible to utilize sick leave as it is earned during your initiation period. During the initiation period, employees are ineligible for business travel and training opportunities, unless approved by the Board of Commissioners, to allow them to focus entirely on on-site training and adjusting to their new role.

Employees that have successfully completed their initiation period and are transferring employment between the entities of the Tribe without a gap in employment will not be required to have an additional waiting period to use their annual leave. However, waiting periods for specific benefits such as health care and retirement may have specific waiting periods as determined by the industries governing such

benefits. As in any other newly hired position, the first 180 days of employment in the new position will still be considered an initiation period as described above.

2.3.0 Fill-in Position

Employees who fill in for absent positions shall receive a \$2.00 per hour increase while working in the fill-in position.

SECTION 3 GENERAL CONSIDERATIONS

3.1.0 General Considerations

In accordance with 24 C.F.R. 1000.48, it is the policy of the KTHA to give preference in training and employment to qualified Indians to the full extent provided for and permitted by applicable federal law to meet the needs and objectives of the KTHA. To the extent it does not conflict with KTHA's Indian preference policies, KTHA will make employment-related decisions, including but not limited to hiring, firing, appointment, promotion, demotion, disciplinary action, or wage modification consistent with federal laws.

3.2.0 Nepotism

Individuals may not apply for positions in which their supervisor would be an immediate family member.

3.3.0 Immediate Family

For the purposes of this Personnel Policy Manual immediate family is defined as the following: Spouse, Co-Habitant, Significant Other, Common Law Spouse, Domestic Partner, Parents, Siblings, Children, Grandparents, Grandchildren, Father-in-Law, Mother-in-Law, Son-in-Law, Daughter-in-Law, Step-Parents and Step-Children.

3.4.0 Employment of Council Members

Tribal Council Members are not eligible for employment within the Tribal organization, including any of its subsidiary corporations as it may pose a conflict of interest to have an employee on the Tribal Council. Employees of the KTHA may run for the Tribal Council, but if elected, must resign their position in accordance with Resolution 92-R-28, approved May 11, 1992. This exclusion does not apply to paid positions on the Tribal Council, which are currently Chairperson and Vice-Chairperson, as they are employees of the Tribe.

SECTION 4 PAYROLL

4.1.0 Pay Periods

Pay periods for all employees shall be biweekly. Pay checks will be issued no later than 5:00 PM the Wednesday following the close of the pay period. Variations to the foregoing shall be approved by the Executive Director.

- 4.1.1 Employees, upon departure for leave, may submit a written request for approval to the Executive Director, and with approval receive their paychecks in the event a pay-period ends during their absence.
- 4.1.2 Upon departure from employment, employees shall receive their final paychecks within 72 hours, which paychecks shall liquidate all outstanding advances or other financial obligations to the KTHA.
- 4.1.3 When an individual separates by involuntary termination, the final paycheck must be prepared within 24 hours.

4.2.0 Workday/Workweek

The standard full-time workday is eight hours, and the standard full-time workweek is forty hours, beginning on Thursday at 12:01 AM and ending on Wednesday at 12:00 midnight.

- 4.2.1 Standard office hours are 8 AM to 5 PM, Monday through Friday, with lunch from 12 PM to 1 PM, closed for designated holidays. Variances from this schedule will exist.
- 4.2.2 All employees are allowed two fifteen minute paid breaks each day, one in the morning and one in the afternoon. Breaks are to be taken at times mutually beneficial to the employee and the department in which they work. Breaks may not be accumulated or combined with lunch breaks.
- 4.2.3 The standard lunch period is 12 PM to 1 PM. All non-exempt (hourly) employees are required to take *at least a 30 minute* unpaid lunch break each workday.
- 4.2.4 Individual staff variations may be allowed with prior, written approval of your Supervisor to accommodate personal or departmental needs (ex; working four ten hour days instead of five eight hour days). Department-wide variations will require Executive Director review and approval.

4.3.0 Timekeeping

All employees are to be classified as either Exempt (Salaried) or Non-Exempt (Hourly) based on job duties and pay rate in accordance with Section 13(a)(1) of the Fair Labor Standards Act. Classification as an Exempt employee is not required; Supervisors may choose to classify staff as Non-Exempt, in such instances overtime worked, with prior approval, must be paid for hours worked in excess of 40 per week for all Non-Exempt employees.

Timekeeping procedures for Non Exempt (Hourly) staff shall be as follows:

- 4.3.1 All Non Exempt staff shall complete and submit a timesheet each pay period. The timesheet shall be signed by both the employee and Supervisor prior to submission for processing. The timesheet shall include all days for the pay period. Hours shall be documented as they are worked. For example, if an employee misses hours on Monday, and then works additional hours on Tuesday to make up for them, the timesheet shall reflect the hours as they were actually worked.
- 4.3.2 Leave slips shall be submitted to the Supervisor for approval for all hours not worked. This includes sick, annual, bereavement, and leave without pay. Approved leave slips shall be submitted along with the timesheet for the pay period in which the hours occur.
- 4.3.3 Non exempt staff are required to obtain prior approval from their Supervisor for overtime hours to be worked. Failure to request prior approval will result in disciplinary action. All hours worked in excess of forty per week will be compensated at one and a half times the regular rate. Holidays, annual leave, sick leave, bereavement, and administrative leave are not hours worked.
- 4.3.4 Comp/Flex time is not allowable, all variables in non exempt staff schedules shall occur within the Thursday through Wednesday work week.
- 4.3.5 Non exempt staff who travel or attend training on non-work days (weekends/holidays) will be compensated their regular hourly rate for actual time spent traveling or in training up to a maximum of eight (8) hours per day.

- 4.3.6 Non exempt staff who serve on Tribal Committees shall take annual leave for any meetings (including committee related travel/training) that require their attendance during their regularly scheduled workday. With their Supervisor's prior approval, a flexible schedule may be allowed during the same workweek in lieu of taking annual leave.

Timekeeping procedures for Exempt (Salaried) staff shall be as follows:

- 4.3.7 Exempt staff are required to work the hours necessary to accomplish their job duties. That will often mean working hours in excess of forty in a week. Exempt staff will not be compensated for hours worked beyond forty in a week under any circumstances.
- 4.3.8 Exempt staff are required to report to their office location for at least a portion of the day in order to be compensated. An exempt employee may work from an alternate office location on occasion due to meetings, project work, or unforeseen weather events. Exempt employees shall not be docked for partial day absences if they have reported to work or are in travel status. Exceptions beyond these shall only be granted with prior approval from the Board of Commissioners.
- 4.3.9 Exempt staff are not required to submit timesheets each pay period; they are required to submit leave slips for full day absences for sick and annual leave regardless of the number of hours worked in that week. Prior approval for annual leave from the Supervisor is required.
- 4.3.10 Exempt staff who are required to travel on a non-work day (weekends/holidays) shall be allowed to take an alternate day off in exchange for that time within the same pay period.
- 4.3.11 Exempt staff who serve on Tribal Committees shall not be paid a stipend for meetings (including committee related travel/training) that take place during their regularly scheduled workday unless they are taking annual leave during that time. With their Supervisor's prior approval, a flexible schedule may be allowed during the same workweek in lieu of taking annual leave. Exempt staff are eligible to receive stipends for meetings that take place outside of their regularly scheduled workday.

4.4.0 Payroll Deductions

Only the deductions required by law or authorized by the employee are to be made from payroll checks of employees. Such deductions are, but not limited to the following:

- 4.4.1 Federal Income (Withholding) Tax
- 4.4.2 State Income (Withholding) Tax
- 4.4.3 Federal Insurance Contributions Act (FICA) - if applicable.
- 4.4.4 State Disability Insurance
- 4.4.5 Group Insurance Premium(s)
- 4.4.6 Wage Garnishments of (two or more garnishments by the KTHA in a year may result in a disciplinary action).
- 4.4.7 Other voluntary deductions must be specifically approved in writing by the Executive Director.

4.5.0 Payroll Advances

Payroll advances must be approved by the Executive Director. The employee must have sufficient funds earned to cover the full amount of the advance.

4.6.0 Employee Expenses

Employees incurring authorized expenses shall be reimbursed pursuant to policies set forth in the Travel and Vehicle Use Policy Manual. Such reimbursable employee expenses may include, but are not limited to:

- 4.6.1 Authorized travel expenses, as so stated in the Travel and Vehicle Use Policy Manual.
- 4.6.2 Membership in community and professional groups, when the employee's participation is primarily for the benefit of the KTHA in the achievement of its goals. Such expenses are subject to the prior approval of the Supervisor.
- 4.6.3 Purchases of supplies and/or materials necessary to fulfill the employee's job duties for the Tribe.

4.7.0 Voluntary Terminations of Employment

- 4.7.1 Employees may at any time terminate their employment voluntarily.
- 4.7.2 If you decide to leave your employment with the KTHA, we ask that you give us at least two weeks written notice. This will give us the opportunity to make the necessary adjustments in our operation.

4.8.0 Compensation

- 4.8.1 Starting salaries for all employees shall be based on many factors including, but not limited to the following items:
 - a. Salary range established on the position description;
 - b. Salaries for similar positions in the same category;
 - c. No employee shall receive less than Federal minimum wage; and
 - d. Qualifications of the employee for the position.
- 4.8.2 Annual evaluations of regular employees may result in recommendations for salary increases. Factors such as performance, longevity, increased responsibility, and budget availability shall be considered in recommendations for salary increases.
- 4.8.3 The Executive Director must certify that sufficient funds are available to cover the cost of salary increases and associated benefit costs to ensure that no budgetary or service deficiency will be created by the increase.
- 4.8.4 Annual Cost of Living Adjustments (COLA) shall be reviewed by the KTHA Board of Commissioners during budget preparations for availability of funds and must be approved by the Board of Commissioners.
- 4.8.5 Employees approved for telework or remote work arrangements shall receive Cost of Living Adjustment (COLA) increases at fifty percent (50%) of the rates approved by Tribal Council for onsite employees.

- 4.8.6 Merit increases may be proposed for employees and will be initiated in the first full pay period after July 1 each year.
- 4.8.7 Merit increases for employees are capped at the maximum amounts established by the Board of Commissioners.

SECTION 5 EMPLOYEE BENEFITS

5.1.0 Associated Payroll

- 5.1.1 State Unemployment and Disability Insurance: The KTHA contributes at a predetermined rate, a percentage of the employee's gross salary for State Unemployment Insurance. The employee contributes the required rate for State Disability Insurance.
- 5.1.2 Workmen's Compensation: The KTHA shall maintain such insurance as to provide coverage for employee Workmen's Compensation related injuries at no cost to the employees.
- 5.1.3 Federal Insurance Contributions Act (FICA): Employees shall contribute the required rates as provided by the Act. Provided however, the KTHA will be subject to exemptions as provided by Tribal government and nonprofit corporation provisions and law.

5.2.0 Group Insurance

KTHA provides limited health, dental, life, and vision coverage for all eligible employees.

KTHA has defined the following periods to comply with the Affordable Care Act's Shared Responsibility Provisions:

- 5.2.1 **Standard Measurement Period:** A Standard Measurement Period is a designated period of time used to determine if ongoing employees are full time. An ongoing employee is someone who has been employed for at least on full Standard Measurement Period. The Standard Measurement Period adopted by the KTHA is the twelve month period beginning October 1 of the previous year through September 30 of the current year. If a part time employee averages 30 or more hours per week during this period, they will be eligible for healthcare benefits beginning December 1 which is the start of the next plan year.
- 5.2.2 **Administrative Period:** An Administrative Period is the time an employer may use to determine eligibility for, and offer, and implement healthcare coverage. The Administrative Period adopted by the KTHA is October 1 through November 30 of the current year.
- 5.2.3 **Stability Period:** The Stability Period is a designated period of time in which the employer must offer healthcare coverage to full-time employees or face penalties. The Stability Period adopted by the KTHA is December 1 through November 30, or the following plan year.

5.3.0 Retirement Plan and Tax Deferred Annuity.

Employees of the KTHA may voluntarily participate in any approved retirement plan and any tax deferred annuity programs as provided by the KTHA or otherwise. The benefits shall be subject to provisions set forth in Employee Deductions (Section 4.4.0).

5.4.0 Holidays

The KTHA observes the legal holidays recognized herein or any such day proclaimed by the Chairperson or the President of the United States, with the exception of President's Day and Columbus Day.

Those holidays falling on a Saturday will be observed on the Friday preceding; those holidays falling on a Sunday will be observed on the following Monday. Holidays so recognized are:

New Year's Day
Martin Luther King Jr.'s Birthday
ka'timiin káruk supáah (Friday prior to Memorial Day; in honor of the Center of the World,
where Karuks come from)
Memorial Day
Juneteenth
Independence Day
Labor Day
Native American Day (4th Friday in Sept.)
Veteran's Day
Thanksgiving Day (and Friday after)
Christmas Eve
Christmas Day (or equivalent religious holiday)
New Year's Eve Day
Personal Holiday (on or within three months after Birthday)

5.4.1 All regular employees shall be paid their regular rate for the hours regularly scheduled on such holiday.

5.4.2 The personal holiday must be used on or within three months after the birthday.

5.5.0 Travel Advances

A Travel Advance may be given to an employee conducting KTHA Business. If the advance is not liquidated within 10 days of return from a trip and no adequate reason for the delay is provided, the KTHA will take appropriate action to recover the funds including appropriate deduction from employee wages and/or civil litigation. No further advances will be issued to employees or other individuals who fail to properly liquidate advances. Employees will be given reimbursement for actual expenses only, verified by receipt.

5.6.0 Exercise Policy

The Karuk Tribe Housing Authority recognizes that employees that are physically fit, active and in good health are an asset to the organization. The KTHA has established a mechanism that allows employees to exercise during work hours.

5.6.1 Employees, with the approval of their supervisor, may exercise 30 minutes per day or up to a total of 150 minutes per week, during business hours. This option is available to all full time employees.

5.6.2 When scheduling their exercise activities, employees will not exercise at home and arrive late, or leave their work location at the end of the day early to exercise at home. Employees may schedule exercise activities to coincide with normal break or lunch periods.

5.6.3 Employees will schedule exercise times that do not interfere with the operations of their department. If a conflict arises between the needs of the KTHA and the employee's exercise schedule, the employee will defer to the needs of the organization.

- 5.6.4 If employees have any doubts about beginning an exercise program, they should consult their health care provider.

SECTION 6 LEAVE

Leave is defined as any authorized absence, with or without pay, during regularly scheduled work hours which are approved by the Supervisor or designated staff. Absence Without Leave (AWOL), by definition, is an unauthorized absence and is subject to disciplinary action. Leave shall be granted in accordance with these rules on the personal request of the employee.

The KTHA may grant leaves of absence to employees in certain circumstances. It is important to request any leave in writing as far in advance as possible, to keep in touch with your Supervisor or in case the Supervisor is unavailable, the Executive Assistant during your leave, and to give prompt notice if there is any change in your return date. If your leave expires and you have not contacted your Supervisor or in case the Supervisor is unavailable, the Executive Assistant, it will be assumed that you do not plan to return and you have terminated your employment. If you are unwilling or unable to return to work at the conclusion of any leave, your employment may be terminated.

This Manual contains only a summary of the leaves that may be available. Some types of leave have detailed requirements regarding eligibility, duration, and benefits. You should contact the Executive Assistant prior to taking any leave for information about leave requirements and to make sure you understand the requirements and ramifications of any leave.

It is understood that you will not obtain other employment (other than military duty pay) or apply for unemployment insurance while you are on a leave of absence. Acceptance of other employment (non-military) while on leave will be treated as a voluntary resignation from employment with the KTHA.

6.1.0 Annual Leave

Annual leave credit for regular staff members shall be computed on the basis of consecutive employment at Three (3) weeks per year for the first three years (4.62 hours per pay period), four(4) weeks after three years (6.15 hours per pay period) and five(5) weeks after five (5) years (7.69 hours per pay period), and six (6) weeks after ten (10) years (9.23 hours per pay period).

Annual leave credit for telework/remote staff members shall be computed on the basis of consecutive employment at two (2) weeks per year for the first three (3) years (3.08 hours per pay period), three (3) weeks after three (3) years (4.62 hours per pay period), and four (4) weeks after five (5) years (6.15 hours per pay period). Employees who are laid off in good standing and return to work within one year, shall accrue at the rate they were receiving when laid off. Special provisions for annual leave are:

Employees who are laid off in good standing and return to work within one year, shall accrue at the rate they were receiving when laid off. Special provisions for annual leave are:

- 6.1.1 Employees may accrue annual leave from date of employment, but no annual leave shall be taken during the standard initiation period.
- 6.1.2 When a recognized holiday occurs during annual leave, except terminal vacation (vacation from which an employee will not return to work such as prior to retirement or separation), the holiday is not considered a day of annual leave.
- 6.1.3 Annual leave for employees is in the best interest of staff members. Full annual leave credits should be used annually. No employee may be compensated beyond 240 hours of accrued annual leave upon separation from employment. No employee may accrue more than 240 hours vacation.

- 6.1.4 Annual leave must be approved by the Supervisor and shall be taken at a time mutually convenient to the employer and employee. Any conflict in requested annual leave shall be resolved on the basis of seniority.
- 6.1.5 Advance payment for salary due during the vacation period may be drawn by the employee prior to departure upon submission of request for same to the Executive Director.
- 6.1.6 Although it is in the best interest of the employee and the organization that annual leave be used for vacation to allow for rest and rejuvenation, it is understood that unexpected situations may arise prohibiting the use of leave in a timely manner, or that emergencies may occur. For these reasons, annual leave credits may be cashed-in with the prior approval of your Supervisor and the Executive Director. Staff will have at least three business days to process such requests and employees will not be allowed to request a liquidation that would lower their available balance below eight (8) hours.
- 6.1.7 With Supervisor approval all Employees will be allowed to participate in Karuk tribal ceremonies and will be compensated their regular rate for their regularly scheduled hours for a maximum of seven (7) work days per year. Employees will be required to use their Sick Leave, Annual Leave, or LWOP for any additional days. All approvals or denials from an employee's Supervisor must be in advance with a Leave Slip, or leave will not be authorized.
- 6.1.8 In the event that a regular employee of KTHA seasonally becomes eligible for Davis Bacon wages, all annual leave benefits that employee is entitled to shall be paid directly to them in wages and their accruals will temporarily cease until they return to their regular wage rate.
- 6.1.9 In the event that an employee of KTHA accepts a position with another tribal entity, they must cash-out all annual leave upon their final payroll with the departing entity. Annual leave will not at any time be transferable between entities of the Karuk Tribe.

6.2.0 Sick Leave

Paid sick leave is accrued at the rate of one (1) working day per service month (3.70 hours per pay period) up to a maximum of 480 hours. A certificate from a registered practicing physician may be required before sick leave is authorized and one must be submitted for any sick leave in excess of three (3) consecutive days, if required by the Supervisor.

- 6.2.1 Employees may accrue sick leave from date of employment, sick leave is available for use as it is accrued without any waiting period.
- 6.2.2 Earned sick leave with pay shall be granted to employees who are unable to render service because of sickness, disability or quarantine whether incurred in performance of duty or otherwise.
- 6.2.3 Employees unable to report to work shall notify their Supervisor no later than the first hour of the regular work period; failure to do so may result in forfeiture of sick leave with pay.
- 6.2.4 Sick leave may be granted to employees who become ill while on vacation provided satisfactory proof of such illness is submitted. When a holiday occurs during paid sick leave, the holiday is not considered a day of sick leave.

- 6.2.5 Sick leave may be used in the instance of illness in the immediate family of the employee requiring his/her presence.
- 6.2.6 Sick leave credits will not be paid to employees upon separation under any circumstances.
- 6.2.7 Abuse of sick leave privileges will be investigated and confirmation by a doctor may be required by and subject to the review and approval of the Supervisor.
- 6.2.8 In the event that an employee of KTHA accepts a position with another tribal entity, all accrued sick leave will be transferable to the new employer within the Karuk Tribe (except Rain Rock Casino). All employment transfers to or from the Head Start program are exempt from this policy and should comply with applicable requirements.
- 6.2.9 Sick Leave Cash-Out Policy. Employees will have the opportunity to cash out sick leave one time per Fiscal Year (October 1-September 30) during one of two open periods, either the month of May or the month of November. Eligible cash out amounts shall be based on the employee's accrued sick leave balance as outlined below.

Accrued Sick Leave Balance	Maximum Cash-Out
400+ Hours	80 Hours
300+ Hours	60 Hours
200+ Hours	40 Hours
100+ Hours	20 Hours

6.3.0 Special Leave

- 6.3.1 The KTHA will assist employees to become increasingly proficient in their job by providing relevant training. A training plan will be part of each employee's end of initiation and annual performance appraisal. All training will be related to Career Development and Training needs as stated in the training portion of the Performance Appraisal form.
- 6.3.2 Job related training or education may be 100 percent advanced and/or reimbursed with approval of the Executive Director. Documentation of satisfactory completion must be provided and reimbursement will only occur if the employee is still employed by the KTHA. Advances and/or Reimbursements may include expenses such as tuition, registration fees, books, or other required course materials. Such training/education must be given prior approval in writing by the employee's Supervisor in order to be advanced and/or reimbursed.
- 6.3.3 Jury Duty or Subpoena: Upon application, an employee shall be granted leave of absence if called for jury duty or witness duty (Subpoena) for the Federal Government, Tribal Government, a State or political subdivision thereof, or in their official capacity as an employee. Any employee so called is continued at full pay less fees paid to jurors by the court. This includes employees in their initiation period. A copy of the notice must be submitted to Payroll. KTHA vehicles may not be used unless appearing on behalf of KTHA. Mileage payments from the Court may be retained if the employee utilized their privately owned vehicle. If a Tribal vehicle was used, mileage payments received must be turned over to KTHA.

6.4.0 Administrative Leave/Office Closures

- 6.4.1 Administrative Leave and Office Closures may only be authorized by the Executive Director or Board of Commissioners.

- 6.4.2 In the event the Tribal Offices are closed for Administrative Leave (snow days, annual staff trip, coordinated staff events) as authorized by the Executive Director or Board of Commissioners, regular employees shall be paid their regular rate for the hours regularly scheduled on such day. If employees choose not to attend the event the offices have been closed for, they can either work, or use their accrued annual leave
- 6.4.3 With recommendation of the Supervisor, the Executive Director may grant employees paid administrative leave for time spent attending funeral services for close friends and family who are not covered under bereavement leave as immediate family. Employees will be paid their regularly scheduled rate for such hours.
- 6.4.4 Weather related office closures will only be authorized by the Executive Director or Board of Commissioners under one or more of the following conditions:
- a. Loss of power or water at your office location of more than one two (2) hours;
 - b. Road closures (that are officially declared by road conditions) preventing staff from getting to/from their office location.
 - c. Administrative Leave for a weather closure will only be authorized under these conditions for regular employees for their regular rate for the hours regularly scheduled during such closure. Employees may request annual leave if they have other reasons that impact their ability to report to work.

6.5.0 Bereavement Leave

Bereavement leave will be granted for a death in the immediate family. The leave will be a maximum of five (5) working days of absence with pay. Documentation may be necessary if so required by the Supervisor. A request for such leave should be submitted to the immediate Supervisor. Extensions may be granted on a case by case basis by the Supervisor and Executive Director. Any additional time granted will be charged against accrued sick leave. For the purposes of this Personnel Policy Manual immediate family is defined as the following: Spouse, Co-Habitant, Significant Other, Common Law Spouse, Domestic Partner, Parents, Siblings, Children, Grandparents, Grandchildren, Father-in-Law, Mother-in-Law, Son-in-Law, Daughter-in-Law, Step-Parents and Step-Children.

6.6.0 Karuk Family Leave (KFL)

The Karuk Tribe recognizes that an employee and/or their qualifying family members may need to be absent from work for an extended period of time for family and/or medical reasons yet have failed to complete the hours requirement for Family Medical Leave as such, KTHA may extend the Karuk Family Leave for those that have successfully completed the terms of their Initiation Period yet failed to meet the required hours for FML.

To be considered for Karuk Family Leave (KFL), you must have successfully completed your 6-month initiation period and request any leave in writing as far in advance as possible. If you have not contacted your Supervisor at the end of your scheduled leave, we will assume that you do not plan to return and you have terminated your employment. If you are unwilling or unable to return to work at the conclusion of the leave you are allowed, your employment may be terminated.

Employees Who May Take Leave

Before you may seek a leave of absence you must:

- a. Have successfully completed the terms of your initiation period, been employed by KTHA continuously for at least 6 months/180 days months; and
- b. Have worked at least 625 hours in the previous 6 months.

Reasons for Taking Leave

You may request an unpaid leave for any of the following reasons:

- a. Care for your child after birth, or after a child is placed with you for adoption or foster care within the 12 months following birth or placement; or
- b. To care for your spouse, son or daughter, or parent, who has a serious medical condition; or
- c. For your own serious medical condition which makes you unable to perform your job duties
- d. For any qualifying exigency (as defined by the Secretary of Labor) arising out of the fact that your spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation; or
- e. To care for your spouse, son, daughter, parent, or next of kin who is a covered service-member who is recovering from a serious illness or injury sustained in the line of duty on active duty.

Length of Leave Allowed

The maximum time you will be allowed to take leave, if you are eligible, is 8 weeks in a 6 month period for reasons a through d and 13 weeks in a 6-month period for reason e. This leave may not be combined with Family Medical Leave. This does not include leave time an employee is allowed because of pregnancy disability. The Tribe will use a “rolling” 6-month period measured backward from the date you begin a leave to determine how much leave time is available to you unless another calculation is required by law.

Advance Notice and Medical Certification

You may be required to provide us advance leave notice and medical certification. Your leave request may be denied or your leave delayed if these requirements are not met.

- a. You must provide us 30 days notice of your need to take leave, if you know about the need in advance, or you must notify us as soon as you can if you did not know about the need for a leave at least 30 days in advance.
- b. We require medical certification if you request leave because of your own or a family member’s serious medical condition. We may also require a second or third medical opinion regarding your own serious health condition at our expense. You are required to cooperate with us in obtaining any additional medical opinions we may require.
- c. If you require a leave because of your own medical condition, you must obtain certification from your health care provider that you are able to return to work before you report to work at the end of your leave.

Job Benefits and Protection

We will continue our contributions for your health care coverage for the duration of your leave. You must continue to make any premium payments for health care coverage for yourself or your dependents that

you are now making, if you want the coverage to continue during your leave. Employees will normally be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms when they return from leave. Your use of leave allowed by this policy will not result in the loss of any employment benefit that accrued prior to the start of your leave. However, at your option or our option, certain kinds of paid leave may be substituted for unpaid leave. Key employees may be subject to reinstatement limitations in some circumstances. You will be notified of the possible application of limitations on reinstatement at the time you request leave if you are a key employee.

Premium Cost Repayment

If you choose not to return to work from a leave allowed by this policy, you will be required to repay to us the premium amounts we paid during your leave, unless you do not return to work because of circumstances beyond your control.

Inability to Return to Work

Any tribal employee who is not able to fulfill his or her duties for any reason shall automatically be terminated after 90 days, and all benefits shall cease at that time, continuance beyond this time period is not automatic and must be specifically approved by the employee's Supervisor and the Executive Director or their designee. Supervisors are required to follow normal personnel procedures to extend the leave of absence (ex; by filing a personnel action notice to the appropriate department) (ex; fiscal or personnel).

6.7.0 Family Medical Leave

The KTHA recognizes that an employee may need to be absent from work for an extended period of time for family and/or medical reasons. Our KTHA complies with federal law provisions for family, medical and pregnancy disability leaves. The KTHA will grant these leaves to employees as required by applicable law in effect at the time the leave is granted. We intend to grant leave benefits only to the extent the law requires.

You must request any leave in writing as far in advance as possible. If you have not contacted your Supervisor at the end of your scheduled leave, we will assume that you do not plan to return and you have terminated your employment. If you are unwilling or unable to return to work at the conclusion of the leave you are allowed, your employment may be terminated.

Employees Who May Take Leave

Before you may seek a leave of absence you must:

- a. Have been employed by KTHA for at least 12 months; and
- b. Have worked at least 1,250 hours in the previous 12 months; and
- c. Work within 75 miles of 50 or more of our other employees (an employee's work site is the office to which the employee reports and from which assignments are made).

Reasons for Taking Leave

You may request an unpaid leave for any of the following reasons:

- a. To care for your child after birth, or after a child is placed with you for adoption or foster care within the 12 months following birth or placement; or
- b. To care for your spouse, son or daughter, or parent, who has a serious medical condition; or
- c. For your own serious medical condition which makes you unable to perform your job duties; or

- d. For any qualifying exigency (as defined by the Secretary of Labor) arising out of the fact that your spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation; or
- e. To care for your spouse, son, daughter, parent, or next of kin who is a covered service-member who is recovering from a serious illness or injury sustained in the line of duty on active duty.

Length of Leave Allowed

The maximum time you will be allowed to take leave, if you are eligible, is 12 weeks in a 12 month period for reasons a through d and 26 weeks in a 12 month period for reason e. This does not include leave time an employee is allowed because of pregnancy disability. The Tribe will use a “rolling” 12-month period measured backward from the date you begin a leave to determine how much leave time is available to you unless another calculation is required by law.

Advance Notice and Medical Certification

- a. You may be required to provide KTHA advance leave notice and medical certification. Your leave request may be denied or your leave delayed if these requirements are not met.
- b. You must provide KTHA 30 days notice of your need to take leave, if you know about the need in advance, or you must notify us as soon as you can if you did not know about the need for a leave at least 30 days in advance.
- c. We require medical certification if you request leave because of your own or a family member’s serious medical condition. We may also require a second or third medical opinion regarding your own serious health condition at our expense. You are required to cooperate with KTHA in obtaining any additional medical opinions we may require.
- d. If you require a leave because of your own medical condition, you must obtain certification from your health care provider that you are able to return to work before you report to work at the end of your leave.

Job Benefits and Protection

KTHA will continue our contributions for your health care coverage for the duration of your leave. You must continue to make any premium payments for health care coverage for yourself or your dependents that you are now making, if you want the coverage to continue during your leave. Employees will normally be restored to their original or equivalent position with equivalent pay, benefits, and other employment terms when they return from leave. Your use of leave allowed by this policy will not result in the loss of any employment benefit that accrued prior to the start of your leave. However, at your option or KTHA option, certain kinds of paid leave may be substituted for unpaid leave. Key employees may be subject to reinstatement limitations in some circumstances. You will be notified of the possible application of limitations on reinstatement at the time you request leave if you are a key employee.

Premium Cost Repayment

If you choose not to return to work from a leave allowed by this policy, you will be required to repay KTHA the premium amounts we paid during your leave, unless you do not return to work because of circumstances beyond your control.

Inability to Return to Work

Any tribal employee who is not able to fulfill his or her duties for any reason shall automatically be terminated after 90 days, and all benefits shall cease at that time, continuance beyond this time period is

not automatic and must be specifically approved by the employee's Supervisor and the Executive Director or his designee. Supervisors are required to follow normal personnel procedures to extend the leave of absence (ex; by filing a personnel action notice to the appropriate department) (ex; fiscal or personnel). This does not apply to employees who have taken family medical leave to care for a spouse, son, daughter, parent, or next of kin who is a covered service-member who is recovering from a serious illness or injury sustained in the line of duty while on active duty.

SECTION 7 EMPLOYEE CONDUCT

7.1.0 General Rule of Conduct

All employees shall conduct themselves in a manner that exemplifies the mission of the organization. Such conduct shall display a blend of professionalism. Failure to adhere to the standards described herein may be grounds for immediate disciplinary actions.

7.2.0 Public Statements

No employee should presume to speak for or on behalf of the KTHA or on any matter concerning the organization in public meetings or to the press without the express prior approval of the Board of Commissioners. Provided Further:

- 7.2.1 Employees so designated, shall exercise proper restraint, prudence, and accuracy in public statements, and display respect for the opinions of others.
- 7.2.2 Employees shall not presume to speak at Council or Board of Commissioners meetings without first being added to the agenda.

7.3.0 Standards of Dress

All employees of KTHA are expected to dress in a manner appropriate to their position and their scheduled tasks for the day (ex; BOC/Council Meetings, Meetings with outside agencies, Fieldwork, Courtroom appearances, travel, etc. This is to include any and all persons who do volunteer work for the Tribe.

Business casual attire shall be acceptable for all staff. This shall be construed to mean neatly dressed and professional looking. Attire shall be appropriate for office tasks, meetings, public interaction, and representing the Tribe. Denim, bearing no holes, is acceptable. Clothing should be clean and not offensive in any manner.

Casual dress will be allowed on Fridays. Shorts, spaghetti straps, and thong sandals will not be acceptable at any time in the offices.

7.4.0 Conflicts Of Interest

Situations which result in actual or even potential conflicts of interest must be avoided by all employees. Personal, social and economic relationships with competitors, suppliers, customers or co-employees which may impair an employee's ability to exercise good judgment on behalf of the KTHA, or which give the appearance of such impairment, create an actual or potential conflict of interest. Any employee involved in such a relationship must immediately and fully disclose the nature of the relationship to the Board of Commissioners so a determination can be made as to whether an actual or potential conflict exists, and if so, how to correct the situation.

In situations where an employee is processing paperwork which may directly benefit themselves or a member of their immediate family, a second signature shall be required from the KTHA Chairperson or Executive Director to avoid any appearance of a conflict of interest and to provide adequate internal

controls. Failing to obtain such authorizations may result in forfeiture and/or disciplinary action up to and including termination of employment.

7.5.0 Protection of Personal Property

The KTHA will not be responsible for the loss of any personal property of employees, regardless of the reason for the loss, except to the extent required by applicable law. Employees are advised to exercise care over all tribal and personal property at all times.

SECTION 8 EMPLOYEE ACTION

8.1.0 Performance Evaluations

Your immediate Supervisor will periodically review your performance and discuss the review with you in private. Your first performance evaluation will be made within 30 days after you complete your initiation period. After that review, your performance will be reviewed at least once a year. After that review, your performance will be reviewed once a year in June.

Your performance evaluations will include factors such as the quality and quantity of the work you perform, your knowledge of your job, your initiative, your work attitude and your attitude toward others. The performance evaluation is designed to help you become aware of the progress you are making and of the areas in which you need to improve. At the time of your evaluation you will be required to sign your Job Description, Confidentiality Statement, Harassment Policy and the Substance Abuse Control Policy and Procedure Acknowledgment.

8.2.0 Progressive Discipline

The purpose of this section is to state the KTHA position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The discipline system is not formal, and the Executive Director and Board of Commissioners may, at its sole and absolute discretion, deviate from any order of progressive disciplinary actions and utilize whatever form of discipline is deemed appropriate under the circumstances, up to and including immediate termination of employment. If terminated, the employee shall have the right to appeal the decision to TERO. KTHA's policy for discipline in no way limits or alters the at-will employment relationship.

The KTHA's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The ideal outcome of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the KTHA.

Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, implementation of a corrective action plan, or termination of employment – depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Written warnings will be placed in the employee's file and if after one year, the employee has not had any other written warnings or suspensions; they can request that the warning be removed. If additional written warnings or suspensions are issued during the year, the warnings will become a permanent record of the file.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension or corrective action plan; and, still another offense may then lead to termination of employment.

The KTHA recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or termination of employment, without going through the usual progressive discipline steps. All suspensions and terminations must be reviewed, prior to execution by the Executive Director, who retains the authority to determine whether an offense is serious enough to warrant suspension or termination without completion of the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the following list includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

- a. Falsification of employment records, employment information, or other KTHA records.
- b. Recording the work time of another employee or allowing any other employee to record your work time, or allowing falsification of any time card, either your own or another's.
- c. Theft, deliberate or careless damage of any KTHA property or the property of any employee or customer.
- d. Provoking a fight or fighting during working hours or on KTHA property.
- e. Participating in horseplay or practical jokes on KTHA time or on KTHA premises.
- f. Carrying firearms or any other dangerous weapons on KTHA premises at any time. (Law enforcement officials are exempt from this provision).
- g. Consuming, possessing, or being under the influence of alcohol and/or drugs during working hours or at any time on KTHA property.
- h. Deliberate destruction of any KTHA property or the property of any employee or customer.
- i. Insubordination, including but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- j. Unreported absence of three scheduled workdays.
- k. Unauthorized use of KTHA equipment, time, materials, facilities, or the KTHA name.
- l. Sleeping or malingering (avoiding work by pretending to be incapacitated) on the job.
- m. Failure to observe working schedules, including rest and lunch periods.
- n. Engaging in criminal conduct whether or not related to job performance.

- o. Causing, creating or participating in a disruption of any kind during working hours or on KTHA property.
- p. Soliciting other employees for membership, funds, or other similar activity in connection with any outside organization during your working time or the working time of the employee solicited. (This does not include your meal and break periods.)
- q. Distributing unauthorized literature or any written or printed material during working time or in work areas. (This does not include your meal and break periods.)
- r. Failure to timely notify your supervisor when you are unable to report to work.
- s. Failure of a nonexempt employee to obtain permission to leave work for any reason during normal working hours.
- t. Abuse of sick leave.
- u. Removing or borrowing KTHA property without prior authorization.
- v. Making or accepting excessive personal telephone calls during working hours.
- w. Failure to provide a physician's certificate when requested or required to do so.
- x. Wearing extreme, unprofessional or inappropriate styles of dress or hair while working.
- y. Making derogatory racial, ethnic, religious or sexual remarks or gestures or using profane or abusive language at any time on KTHA premises.
- z. Violation of any safety, health, security or KTHA rules.
- aa. Working overtime without authorization or refusing to work assigned overtime.
- bb. Committing a fraudulent act or a breach of trust under any circumstances.
- cc. Threatening, committing or encouraging of any act of violence in the workplace or against any employee, supplier or customer of the KTHA. Workplace violence is not a joking matter; all statements will be taken seriously.

During the period that employees are under a disciplinary action, employees are ineligible for merit increases as well as business travel and training opportunities, unless approved by the Board of Commissioners.

No statement in this list or elsewhere in the Personnel Policy Manual is intended to or should be taken to affect the at-will employment relationship between the KTHA and its employees or in any way to waive the Tribe's immunity from state or federal jurisdiction or in any way to consent to such jurisdiction.

8.2.1 Disciplinary Action Hearing Procedure.

Employees who are subjected to either suspension of more than 5 days or dismissal can request, in writing to the Executive Director, a hearing be held before the Board of Commissioners in accordance with procedures set forth in accordance with procedures set forth in this subsection.

- a. The Board of Commissioners shall provide the employee not less than seven (7) days prior written notice of date, time and location of the hearing.
- b. The employee shall have the following rights:
 1. The opportunity prior to the hearing to examine and copy, at his or her expense, any records, documents or regulations that relate to the decision, which he or she identifies with reasonable specificity.
 2. The right to present witnesses or documents and to make arguments in support of his or her position, and to question all witnesses testifying at the hearing.
 3. The right to a written decision based exclusively on the record made during the hearing, including the testimony of witnesses and any documents submitted during the hearing.

8.2.2 Disciplinary Action Hearing Procedure – Executive Director

The Board of Commissioners has the exclusive authority to terminate or otherwise discipline the Executive Director. All actions of the Board of Commissioners concerning the Executive Director's performance evaluation and discipline shall be conducted in a session closed to the general public. Before the Board of Commissioners may terminate the Executive Director for cause, it shall:

- a. Provide him/her with not less than 10 days prior written notice of a hearing on the proposed termination.
- b. The Notice shall be personally served on the Executive Director or it may be served by certified mail, return receipt requested, in which case it shall be deemed served 48 hours after it is delivered to the post office with proper postage and instructions. The notice shall contain all of the following:
 1. A statement of the charges or grounds for termination in sufficient detail to permit the Executive Director to prepare his/her defense.
 2. A copy of any documents the Board of Commissioners relies upon in asserting the charges or grounds for termination.
- c. The Executive Director shall have the right to be present and provide evidence in his/her defense, prior to a final determination of dismissal.

8.3.0 Terminations

In the event that the KTHA terminates an employee the Supervisor or Executive Director, shall indicate whether the employee may ever be considered for rehire, and if so when. On the terminated employee's Separation Checklist, the Supervisor or Executive Director, shall indicate one of the following: three options:

- 1) YES: Employee is eligible for rehire with no restrictions.
- 2) NO: Employee is not eligible for rehire; this includes all departments and entities of the Karuk Tribe.
- 3) CONDITIONAL: Employee is subject to rehire with conditions such as not eligible for rehire in same position/department/entity, not able to handle money, etc. OR following completion of a selected waiting period.

The Supervisor shall determine which option is appropriate through consultation with the Executive Director and indicate on the Separation Checklist which waiting period will apply to the terminated employee. The employee must be notified of the selected rehire status. The completed Separation Checklist will be placed in their personnel file. If an employee is deemed to not be eligible for rehire, that can only be overturned by appeal in person to the Board of Commissioners by the employee.

8.3.1 Layoffs

An employee may be laid off whenever it is deemed necessary. All employees are employed at will and may be terminated with or without cause and with or without notice. Seasonal layoffs may follow a separate procedure due to the temporary nature of the position.

Affected employees will be notified of impending layoffs either verbally or in writing. The notification process will identify any options the employee may have for reassignment and subsequent reemployment.

Tribal Preference, Seniority, performance and the type of appointment may be considered in the determination of any layoffs. Karuk Tribe Housing Authority reserved the right to make layoff determinations in its sole and absolute discretion and intends to follow all applicable laws in the processing of layoffs.

In the event an employee who is notified of layoff chooses to end their employment earlier than expected, that employee shall communicate this decision to the Supervisor immediately. Any employee who fails to report to work after notification of a layoff may be subject to immediate termination of the employment relationship.

SECTION 9 OPEN DOOR POLICY

9.1.0 Open Door Policy

At some time or another, you may have a suggestion, complaint or question about your job, your working conditions, treatment you are receiving, etc. We welcome your suggestions for improving the KTHA's operations. Your complaints or questions are also of concern to the KTHA. For all issues other than prohibited harassment (which is addressed in Attachment B – Harassment Policy) or terminations (which are addressed below), we ask that you take your concerns first to your immediate Supervisor, following these steps:

- a. Within seven calendar days of the occurrence, bring the situation to the attention of your immediate Supervisor, who will investigate and provide a solution or explanation.
- b. If the problem is still not resolved, you may put it in writing not more than seven calendar days after your supervisor has responded to you and present it to the Executive Director.
- c. If the problem is still not resolved, you may, not more than seven calendar days after the Executive Director has responded to you, present the problem in writing to the Board of Commissioners.

Though Employees who have workplace concerns are encouraged to raise them through the steps outlined above, employees will not be disciplined in any way for not following this procedure.

Nothing in this Open Door Policy is intended to or should be taken to limit the employment at-will relationship between you and KTHA. Either you or KTHA can terminate your employment at any time with or without "cause" and with or without advance notice.

Termination disputes shall be taken to the TERO Director not more than seven days after the termination and addressed through the TERO Commission's Grievance Procedures. ONLY termination disputes shall be addressed through the TERO Department, all other issues other than prohibited harassment (which is addressed in Attachment B – Harassment Policy) shall be addressed in the above manner.

SECTION 10 BOARD OF COMMISSIONER STIPENDS

- 10.1.1 KTHA Board of Commissioners (BOC) are not regular employees of KTHA and shall receive a stipend of four hundred dollars (\$400.00) for each regular board meeting they attend. Regular meetings are those held on regularly scheduled days and are for conducting KTHA business.
- 10.1.2 Commissioners shall receive a stipend of two hundred dollars (\$200.00) for special meetings and trainings, lasting four (4) hours or less. For special meetings, and trainings, that last more than four (4) hours, Commissioners are entitled to a stipend of four hundred dollars (\$400.00). Special meetings are not regularly scheduled meetings, and are called for conducting specific KTHA Business. Training includes conferences, in-services, and continuing education activities.
- 10.1.3 Commissioners required to travel on KTHA business will be paid mileage for their travel to meetings, and trainings. For travel days, Commissioners shall receive a stipend of one hundred dollars (\$100.00) per day when actual travel time is less than four (4) hours, and two hundred fifty dollars (\$250.00) per day when actual travel time exceeds four (4) hours, while traveling on official KTHA related business.
- 10.1.4 Commissioners involved in official KTHA interviews will receive a stipend of one hundred fifty dollars (\$150.00).
- 10.1.5 Commissioners who are also in paid Council positions are not eligible for stipends, but will receive mileage for all meetings they attend conducting official KTHA business.
- 10.1.6 Commissioners who are also employees of the Tribe or an entity of the Tribe, shall not be paid a stipend for meetings, travel or trainings during their regular workday, unless they are on annual leave during that time or work a flexible schedule that day.
- 10.1.7 Commissioners who do not attend designated business activities will be required to reimburse KTHA for any stipends paid, unless approved by a vote of the KTHA BOC.

SECTION 11 CRIMINAL HISTORY CHECKS

11.1.0 Criminal History Checks Required

All covered employers of the Karuk Tribe are hereby required to conduct criminal history checks on all current employees, volunteers and future job applicants whose duties and responsibilities will allow them regular contact with or control over children less than 18 years of age and to employ only persons who meet the standards of character necessary to establish a person's fitness to have responsibility for the safety and well-being of children less than 18 years of age. All existing employees within the group described above must receive criminal history checks.

11.2.0 Definitions

Child or **children** means any person less than 18 years of age.

Child sensitive position means any position of employment or volunteering where duties and responsibilities of the employee or volunteer allow that person regular contact with or control over children less than 18 years of age. This definition includes, but is not limited to, persons working or volunteering in the following areas: child protective services (including the investigation of child abuse and neglect reports), social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), foster care, residential care, recreational or rehabilitative programs, detention, correctional or treatment services, or any other program where an employee's or volunteer's duties bring them in regular contact with or control over children less than 18 years of age.

Covered employer means KTHA, all tribal programs and entities, and all other employers who receive grant or contract funding from KTHA, or who lease a parcel of tribally owned land that is not assigned to an individual Tribal member.

11.3.0 Investigations

A criminal history check required in this article shall be:

- a. Based on a set of the employee's or volunteer's fingerprints obtained and other identifying information obtained from the employee's or volunteer's job application;
- b. Conducted through the Federal Bureau of Investigation, (and when required for certification and/or licensing purposes, by the state criminal history repositories as well), local court systems, all applicable tribal court systems and all state and tribal sexual offender registration repositories based on the counties and states listed by the prospective employee or volunteer in the job application; and
- c. Initiated through the Human Resources Department of the Karuk Tribe or KTHA Executive Assistant.

11.4.0 Confidentiality

The results of criminal history checks shall be treated as confidential and shall be communicated only to the appropriate supervisors and/or persons involved in the hiring/retention/termination decision. In addition, covered employers may disclose this information to other tribal divisions, departments and entities when requested by another covered employer in connection to any employment or volunteer applications submitted by a potential or present employee or volunteer and in defense of any personnel-related complaint when the information is needed in an administrative or judicial proceeding.

11.5.0 Use of Investigation Results

The covered employer shall use the results of criminal history checks to aid in the determination of whether an applicant should be placed in a child sensitive position, whether a current employee/volunteer should be allowed to remain in a child sensitive position, or whether the applicant's criminal history poses a threat to the safety of the employees or volunteers working within a particular department.

Individual covered employers shall also use results of criminal history checks if a current employee or volunteer of the covered employer moves within the entity to another position (ex; through transfer, demotion, promotion, or rehire with no break in service).

11.6.0 Maintenance of Investigation Results

Each covered employer shall maintain the results of criminal background checks in a locked file cabinet located in the Human Resources Department.

11.7.0 Provisional Hiring or Approval

A covered employer may hire a person or approve a volunteer provisionally before the completion of a criminal history check if; at all times prior to receipt of the criminal history check, during which children are in the care of the provisional employee or volunteer, the provisional employee or volunteer is within the sight and under the supervision of a staff person for which a criminal history check has been completed.

11.8.0 Felony and Misdemeanor Offenses

The minimum standards of character required in this article shall be applied to ensure that none of the individuals hired for, appointed to, or allowed to volunteer for, child sensitive positions, have been found guilty of, or entered a plea of nolo contendere or guilty to:

- a. Any felonious offense under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children; or
- b. Any two or more misdemeanor offenses under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children.
- c. If the individual's criminal history reveals an offense(s) prohibited in this section, such evidence shall constitute grounds for denying employment or dismissing an employee or volunteer in any child sensitive position.
- d. Any arrest, charge or conviction of a crime that bears upon an individual's fitness to have responsibility for the safety and well-being of children including, but not limited to, crimes involving violence, offenses against public morality and decency, public intoxication, possession or sale of drugs and alcohol related offenses such as the sale to underage persons or driving while impaired, may be grounds for denying employment or dismissal of an employee or volunteer in any child sensitive position.

11.9.0 Effect of Un-disposed Charges

If an employee or volunteer is charged with an offense that falls within the offenses prohibited in Section 11.8.0, an employer will re-classify the employee or volunteer as provisionally approved meaning that; at all times prior to final disposition of the charges, the provisional employee or volunteer is within the sight and under the supervision of a staff person for which a criminal history check has been completed.

11.10.0 Employment Applications

Employment and volunteer applications for persons who are seeking to work regularly with covered employers in a child sensitive position shall contain the following question:

- a. Have you ever pled “guilty” or “no contest” to, or been convicted of a crime as an adult?

11.11.0 Mandatory Notice to Employees and Volunteers

Each employee or volunteer in any child sensitive position with a covered employer must sign the following authorization:

I authorize investigation of all statements contained on this application, and any attachments to it. I authorize KTHA to secure information about my background experience with education institutions and any relevant agencies. I authorize those parties to provide information to KTHA concerning my background and experience, and authorize a copy of this application to be provided to the TERO

Department. I release KTHA, and all parties providing information to KTHA about my background and experience, from any and all liability whatsoever arising therefrom.

I release KTHA, its officers, agents, directors, representatives, employees, attorneys and representatives from any and all claims, causes of action, judgments, liens, indebtedness, damages, obligations, losses, liabilities, or costs, which they may have, whether known or unknown, suspected or unsuspected, arising with this application for employment. I understand that this application is only valid for the position applied for at present and that the Tribe is not obligated to retain or consider this application for future openings. My signature below certifies that I understand that if I am extended an offer of employment by KTHA, my employment is contingent upon satisfactory completion of a medical examination, including a drug test, and submission of proof that I have the credentials and/or licenses necessary for the position that I am offered. I also hereby subject myself to the jurisdiction of KTHA and its governing system, including any enforcement or judicial proceedings or process that may be associated with the application for employment or any resulting employment relationship.

11.12.0 Enforcement

- a. It is the sole responsibility of every covered employer to comply with this article.
- b. Failure of a covered employer to comply with this article shall be deemed a serious violation and will result in corrective action taken against the appropriate personnel.

11.13.0 Additional Requirements

In addition to the above requirements, background checks, including criminal history, will be required for all newly hired employees (hired after 11/14/2011).

11.13.1 Criminal History Background Check

Criminal history background checks will be carried out in accordance with the procedures and standards described in Section 11 of the KTHA Personnel Policy, as well as in accordance with the NAHASDA statute at 25 U.S.C. § 4138 and the implementing regulations at 24 CFR 1000.150, .152, and .154.

11.13.2 Disqualification for Employment with KTHA

In addition to the disqualifying factors for child sensitive KTHA positions described in Section 11 of the KTHA Personnel Policy, the following factors shall also disqualify an applicant for employment with KTHA.

Applicants who have been convicted of a felony involving murder, manslaughter, rape, or assault with the intent to kill, no matter how long ago the offense or conviction took place, shall not be eligible for hire within KTHA.

Applicants who have been convicted of a felony involving burglary, assault resulting in serious bodily injury, kidnapping, theft, fraud or embezzlement, or domestic violence within the ten (10) years prior to the date of hire shall be ineligible for hire. However, persons who have completed their sentence for such conviction at least ten (10) years before the date of hire may be hired.

Submitted by,
Charlene Naef, Secretary